

WSUP Business Procedures

WBP802: Whistleblowing Procedures

October 2021

Whistleblowing Procedure

The purpose of this procedure is to provide safeguards to enable employees, directors and external third parties raise concerns about malpractice in connection with Water and Sanitation for the Urban Poor (WSUP). It provides a framework for genuine concerns to be raised without fear of repercussion to the individual. It also provides a mechanism to protect WSUP and its employees from uninformed or vexatious allegations.

This procedure applies to all WSUP employees and Board members. It covers situations where an individual may become concerned about malpractice at work by employees, managers and contractors acting on behalf of WSUP. These concerns may be about acts or omissions that have led, or could lead in future, to malpractice within WSUP.

This procedure draws its authority from the Business Ethics Policy, the Diversity & Inclusion Policy and the Safeguarding Policy.

1. Principles

This procedure is aimed at staff, directors and third parties working for, with or on behalf of WSUP

- Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Everyone should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of.
- Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to you.
- You will not be victimised or punished in any way for raising a matter under this procedure. This means that your continued employment, opportunities for future promotion, training or business opportunities with WSUP will not be prejudiced because you have raised a legitimate concern. Victimisation of anyone for raising a genuine disclosure will result in a disciplinary offence.
- If misconduct is discovered as a result of any investigation under this procedure, our disciplinary procedure will be used, in addition to any appropriate external measures. Maliciously making a false allegation is a disciplinary offence.
- An instruction to cover up wrongdoing is a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority, such as a manager, you should not agree to remain silent.

2. What is covered by the Whistleblowing Procedure

The United Kingdom's Public Interest Disclosure Act (PIDA) 1998 provides protection for workers who reasonably believe that they **are acting in the public interest** and where the disclosure falls into one of more of the following categories.

- A criminal offence that has, is being, or is likely to be committed
- A harm, abuse, exploitation or neglect that has, is being, or is likely to be committed
- Unauthorised or inappropriate disclosure, misuse or loss of confidential, personal and / or sensitive information
- A miscarriage of justice
- Risk or damage to the environment

- A danger to the health and safety of employees or others
- Attempts to suppress or hide information relating to wrongdoing

Furthermore, WSUP will extend this protection to employees or third parties who disclose unethical or improper conduct or conduct which breaches WSUP's policies, values or procedures, including improper use of authority.

You can report a concern about an incident that happened in the past, is happening now or that you believe is likely in the future.

As long as you hold a reasonable belief that the information is true then you will be covered by the protection set out in this policy regardless of whether you are mistaken, or the matter cannot be proved.

How to report a concern and next steps

You must as soon as possible, disclose in confidence the grounds for belief of malpractice by using the **Whistleblowing Reporting Form** available [here](#). This form is checked by the Head of People and Support and the Risk & Assurance Manager.

If it is not appropriate for these individuals to deal with your disclosure, you must contact the Chief Executive. If he or she is the subject of the complaint, you must disclose to the Chair of the Finance & Audit Committee (the "Treasurer") using the following email address FAC.Chair@wsup.com. Any disclosure should be made in writing and should include as much supporting evidence as possible. You should not attempt to talk to anyone else about the disclosure as this may prejudice any future investigation.

We will ensure that your identity then remains confidential where possible.

On receipt of the disclosure, the receipt of the concern will be acknowledged within 72 hours and an interview will be arranged within 10 working days of receipt of the disclosure.

You may be accompanied by a Trade Union representative (if applicable) or work colleague at the interview.

After the interview, the person who has received the disclosure will either:

- A) Recommend what further steps are to be taken based on the information received. Such recommendations may (without limitation) include one or more of the following:
- the matter be investigated further internally by an investigation panel, or by the Board or by external auditors or investigators appointed by the Board;
 - the matter be reported to the police;
 - the matter be subject to internal disciplinary proceedings;
 - if perpetrated by an external party, they be barred from further work with WSUP for a definite period or indefinitely.

Or

- B) Recommend no further action if they are:
- aware that the matter is already subject to legal proceedings, or has already been referred to the police or other public authority

- aware that the matter is already (or has already been) the subject of proceedings under one of WSUP's other procedures
- aware that the grounds for a concern are not substantiated by enough evidence to be able to investigate satisfied that the Discloser is acting maliciously

Any recommendations under this procedure will be made by the Chief Executive or Treasurer to the Chair of the WSUP Board. The Chair will be responsible for ensuring the implementation of any recommendations.

You will be informed of the steps taken, or if no steps are taken, the reason for this. You will be given the opportunity to seek redress by appeal to a sub-group of 3 Directors of the Board, including at least one Independent Director.

If you are not satisfied with the decision made by the appeal panel, you may report the matter to the relevant bodies. This includes:

- HM Revenue & Customs
- the Health and Safety Executive
- the Environment Agency
- the Serious Fraud Office
- the Charity Commission
- the Pensions Regulator
- the Information Commissioner
- the Financial Conduct Authority

If you are not able to report to a United Kingdom body, you can refer to national bodies instead

You may at any time disclose the matter to a professionally qualified lawyer for the purpose of taking legal advice.

Safeguards

Whilst all practical steps will be taken to protect your identity, you must accept there may, however, be circumstances in which, because of the nature of the investigation or disclosure, it will be necessary to disclose your identity.

You will not be formally identified unless you consent in writing or there are grounds to believe that you acted maliciously. In the absence of consent or grounds, you will only be formally identified if:

- this is a legal obligation
- the information, including your name, is in the public domain
- it is to a professionally qualified lawyer for the purposes of obtaining legal advice
- where it is necessary as part of a formal investigation.

All documentation (paper and electronic) filed in relation to the matter will be kept secure and any prepared documentation, as far as practicable, will not reveal your identity.

Protection against detriment for making a disclosure

No detriment will be imposed and no disciplinary action will be taken against you because of disclosure made in accordance with this procedure.

WSUP may take disciplinary action in cases where there are grounds to believe that a disclosure has been made maliciously or where external disclosure is made in breach of this procedure without reasonable grounds. Disclosing to newspaper, television, radio, social media or any other type of media is considered an external disclosure.

Reporting anonymously

It is possible for you to raise a concern anonymously if you wish to do so by using the dedicated form on community/website, which is monitored by the Head of People and Support and Risk & Assurance Manager. However, this may mean that it is difficult to investigate fully if you have not provided us with enough information and we will not be able to report the outcome of the investigation back to you.

How to report a wrongdoing if you are not an employee

If you would like to report a concern that falls on the categories listed above but you are not WSUP employee or Board Director, you can still use the reporting mechanisms described above. Although you will not legally protected under the Public Interest Disclosure Act (PIDA) 1998, WSUP will treat you as an internal whistle-blower and ensure that your concern is dealt with fairly and confidentially. Responsibility for adherence to this procedure is delegated by the WSUP Board to the CEO of WSUP.

The procedure will be reviewed and revised as necessary at regular intervals (at least every three years) in consultation with the Risk Committee of the Board.