

Whistleblowing

Whistleblowing is when a worker raises concerns about improper practices in their workplace. Whistleblowing can inform those who need to know about health and safety risks, potential environmental problems, fraud, corruption, cover-ups and many other problems. It is sometimes the only way that such information comes to light. If the concern is raised early enough, it can help to avoid serious damage being done.

Ofwat is the economic regulator of the water and sewerage industry in England and Wales, and expects openness, accountability and honesty throughout the water industry. Employees of water and sewerage companies sometimes contact us with concerns about working practices within their company. We take all such contacts very seriously and aim to deal with them promptly and discreetly. We recognise that raising such concerns is not always easy for an individual. This page sets out how Ofwat aims to deal with those concerns. This is not an authoritative summary of the law in this area, but a practical guide for blowing the whistle on water and sewerage companies.

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What will happen to me if I come forward?

Many employees are understandably concerned about the consequences of speaking out about their employer. The Public Interest Disclosure Act 1998 (PIDA) was created specifically to protect employees who report serious concerns to the proper authorities. If you are concerned about possible wrongdoing at work, PIDA may protect you if you raise your concerns with the relevant authorities either within your company or externally.

PIDA amends the Employment Rights Act 1996, and gives workers protection from mistreatment (such as unfair discrimination or dismissal) by their employer. PIDA also protects employees and contractors who contact the proper authorities with information which they reasonably believe tends to show one or more of the following matters is either happening now, took place in the past, or is likely to happen in the future:

- a criminal offence;
- the breach of a legal obligation;
- a miscarriage of justice (for which the proper authority is the Chief Executive of the [Criminal Cases Review Commission](#));
- a danger to the health and safety of any individual (for which the proper authority is the [Health and Safety Executive](#));
- damage to the environment (for which the proper authority is the [Environment Agency](#)); or
- deliberate covering up of information tending to show any of the above.

Any worker who approaches their employer in good faith with information on these matters qualifies for PIDA protection. PIDA also establishes a number of prescribed regulators as alternative contacts; workers who approach the prescribed regulator that they believe is responsible in good faith, with information they believe to be substantially true also qualify for protection.

You do not *need* to be certain that malpractice is occurring. PIDA protection applies if, at the time you raised your concern, you had a reasonable belief that malpractice was, was going to, or had been occurring (and that belief does not have to turn out to be correct!).

What concerns does Ofwat deal with?

PIDA gives Ofwat responsibility for whistleblowing matters relating to the water and sewerage industries in England and Wales.

If you are an employee with information or concerns about any aspect of the way your water company is operating, or any matters relating to the water or sewerage industries, you can contact us. We will treat any information sensitively and, as far as we are able, confidentially.

You should be aware that we may not be able to take action against a company in all instances. The sorts of areas where employees may have concerns include:

- breach of the Conditions of a company's Licence or Appointment (for example, failing to provide information requested by Ofwat or breaching intra-Group trading restrictions);
- breach of a company's duties under the Water Industry Act (for example where the standards of customer service set out by the Guaranteed Standards of Service (GSS) scheme have not been met);
- a criminal offence (for example, making a statement that is known to be false in a material particular in providing information under or for the purposes of any provision of the Water Industry Act); and
- anti-competitive practices.

What if I have a complaint about my water company?

Our whistleblowing procedure is for employees of, or contractors to, water and sewerage companies who decide to report concerns relating to their employer that are relevant to the functions of Ofwat.

If you are a customer with a concern, you should ordinarily contact your water company in the first instance. If you have followed the company's complaints procedure and you are still not happy, you can ask your local Consumer Council for Water ([CCWater](#)) Committee to investigate.

I'm not sure if my concern qualifies. What should I do?

Ofwat cannot provide legal advice or intervene in matters of employment relations, and has no powers to determine whether or not PIDA protection applies. If you require confidential advice on what is protected by PIDA and how best to raise your concern, you may want to contact:

- [Public Concern at Work](#) is an independent charity and a leading authority on public interest whistleblowing. They can be contacted on 020 7404 6609, or by email at helpline@pcaw.co.uk;
- a union representative; or
- a solicitor.

What information do you need?

Hard evidence - if you've got it - is clearly helpful, but it is not essential. However, we do ask that you provide us with as much detail (including specific events) as you can. This helps us to understand your concern properly, and ensures we can take the appropriate action in response.

Will I have to give my name?

We do not insist that you give us your name, but it is helpful to have it, together with other contact details, in case we need to get in touch.

If you wish to remain anonymous, we will treat you sensitively and will do all we can to protect your identity. We will only disclose your identity with your consent, or if directed to do so by a Court.

How do I contact Ofwat with my concerns?

We would encourage you first to use the whistleblowing procedures in your workplace. If there aren't any or if you don't feel able to do so (for whatever reason), contact Ofwat's enforcement team by email at whistle@ofwat.gsi.gov.uk, by telephone on 0121 625 1399, or in writing at:

Enforcement Team
Ofwat
Centre City Tower
7 Hill Street
Birmingham
B5 4UA

What happens next?

We recognise that, due to the differing circumstances of each case, it may not always be possible or appropriate to follow the same procedure in every instance. However, we would expect the investigation to follow the steps set out below:

- After receiving a communication from a whistleblower, Ofwat will endeavour to obtain full details of the allegation, as soon as possible. Where appropriate, this could involve further communication with the whistleblower, either by telephone or face-to-face meeting.
- Ofwat will consider whether Ofwat is the appropriate regulator, or whether there may be another prescribed regulator which may have an interest in the information. If so, we will aim to provide contact details for the whistleblower. The enforcement team will endeavour, where possible, to obtain the consent of the whistleblower before any information is passed on, although any decision remains at the sole discretion of Ofwat.
- When sufficient information has been gathered, Ofwat will reach a conclusion on the validity of the allegations made, and decide what, if any, action to take. If no further action is to be taken, the whistleblower will be informed where possible.

We appreciate that you will be anxious to know what has happened, and we will endeavour to keep you informed, in general terms, of any progress. However, we will not disclose confidential information without lawful authority, and legal restrictions may prevent us giving detailed feedback in most cases.

We review our approach regularly to ensure that it meets the needs of both employees raising concerns with us and Ofwat. If you have any questions about our whistleblowing policy, please contact Ofwat's enforcement team.