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| whistleblowing report 2022-23 |
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| November 2023 |

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# The reporting statutory framework

## Summary of requirements under the Public Interest Disclosure Act 1998 (PIDA)

The Water Industry Commission for Scotland (WICS) is a prescribed body under the Public Interest Disclosure Act for whistleblowing matters relating to the water and sewerage industry in Scotland.

The whistleblowing legislation under which we are a prescribed body is designed to give protection to workers from detriment from their employers because of making a protected disclosure.

## Whistleblowing reporting duty

As a public body, WICS is legally required to report on the whistleblowing disclosures we receive. Under the PIDA we must report the following information each year:

* The number of disclosures received
* The number of disclosures where further action was taken
* A summary of the action we took in relation to those disclosures
* A summary of how disclosures have impacted our ability to perform our functions and meet our objectives
* An explanation of our functions and objectives

As a prescribed body, WICS has a duty to report annually on the number of qualifying disclosures made and a summary of the action taken in respect of those. The reporting duty aims to increase transparency in the way that whistleblowing disclosures are dealt with. It is also in place to reassure whistle-blowers that their disclosures are taken seriously and handled professionally.

# Functions, objectives and powers

## WICS’s functions, objectives, and powers

WICS is the economic regulator of Scottish Water, a publicly owned business that serves millions of people and businesses across Scotland. We work for customers, communities, and the environment. The Scottish water and sewerage sector is a £1.2bn industry that improves infrastructure, creates jobs and supports livelihoods across Scotland. WICS is a small team of experts, working at the forefront of economic regulation. It’s our job to ensure that Scottish Water has the funding it needs to deliver high-quality services for today’s customers and future generations.

We do this by ensuring that Scottish Water has the funding it needs to:

* continue to deliver a flourishing and improving aquatic environment, and drinking water of which to be proud
* ensure that its assets – such as pipes and sewers – are better able to withstand future unexpected events
* make the transition it needs to achieve the ambitious target of net zero emissions by 2040.

The work that we do is wide-ranging – from benchmarking Scottish Water’s costs and challenging Scottish Water to improve its performance, to ensuring that customers’ views are at the heart of its decision making.

## The importance of whistleblowing

We take malpractice very seriously. We are committed to conducting our business with honesty and integrity and we expect others to maintain high standards too.

It doesn’t matter if an individual who raises a concern is mistaken about the concern.  It is not necessary to prove the allegation being made but the individual must reasonably believe in the content and that the disclosure is made in the public interest and that the information they have tends to show some malpractice.

As such, if an individual has a concern about a danger or illegality that has a public interest aspect to it about the supply of water and the provision of sewerage services in Scotland, they may [contact us](https://wics.scot/contact-us/contact-wics).

We are committed to ensuring that all disclosures raised will be dealt with appropriately, consistently, fairly and professionally. When we receive a whistleblowing disclosure, we assess it to determine the severity of the matter and then take whatever action might be necessary.

In addition to our requirements under PIDA, WICS has an internal whistleblowing policy which is in place to encourage and enable employees to raise concerns on a confidential basis.

# Whistleblowing disclosures

## Reporting timeframes

This report covers the period from 1 April 2022 to 31 March 2023. We also record our findings in our annual report which is published in the autumn of each year and can be found [on our website](https://wics.scot/publications/our-performance/records-management/records-management-plan).

## Confidentiality

All concerns raised are treated in confidence and every effort is made not to reveal the identity of an individual who raises a concern if that is their wish.

Although a concern may be made anonymously, we encourage individuals to put their name to their allegation whenever possible. If this is not done, it will be much more difficult for WICS to protect the individual's position or to give feedback on the outcome of investigations.

Concerns that are expressed completely anonymously are much less powerful and are more difficult to investigate. We will consider each at its discretion, considering factors such as the seriousness of the issue raised, the credibility of the concern and the likelihood of confirming the allegation from other sources.

## Summary of disclosures

During the 2022-23 period there have been **no cases** of whistleblowing brought to our attention.

For completeness, all previous whistleblowing cases can be found in the table below.

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| --- | --- | --- | --- |
| Date | Issues raised | WICS action | Outcome |
| 18/05/21  (2021-22 period) | Failings within the Ayr South treatment works team. Including allegations of:   * Bullying and harassment * Favouritism * Dishonesty * Fraud * Deception | Forwarded to Scottish Water requesting investigation. | Scottish Water initiated a fact-finding exercise into the allegations.  WICS followed up to understand outcome and actions required.  Scottish Water provided an update on 10 August 2021 which concluded no evidence found. However, discrepancies required monitoring.  Update shared with senior team within WICS, and case closed on 12 August 2021. |

# Impact of disclosures on ability to perform duties

## Learning from disclosures

To date, WICS is reporting a very low level of disclosures. Despite this, we are continuing to encourage open and honest communication from all of those who work for and alongside us.