

## Raising Concerns Policy and Guidance

### Introduction

1. The Public Interest Disclosure (NI) Order came into force in July 1999 and offers a framework of protection against victimisation or dismissal for workers who 'raise concerns' on criminal behaviour or other wrongdoing.
2. It is important to note that the legislation offers protection to 'workers' who follow the procedures laid down in legislation, which will be outlined below in disclosing specific categories of malpractice.
3. The legislation uses the term 'workers' as this includes not only employees but also contractors providing services, agency workers and trainees on vocational and work experience schemes.

### Definition

3. The Nolan Committee on Standards in Public Life defines 'whistleblowing' as raising concerns about misconduct within an organisation or within an independent structure associated with it.
4. The NI Audit Office has also been involved in developing a Good Practice Guide, for workers and employers, which highlights the need to have an open and honest culture through the public sector, where workers have clear information on how to raise concerns (both internally and externally) and are encouraged to do so in the knowledge that they will be listened to and treated with respect, without fear of reprisal.

### Aim

5. The aim of this paper is to set out a Raising concerns policy for CITB NI following the guidance included in the Public Interest Disclosure Order and incorporating the guidance provided by the NI Audit Office and DfE Raising Concerns Branch.

### Categories of disclosure

6. Disclosure will qualify for protection if workers **genuinely and in good faith** believe that one of the following set of circumstances is occurring, has occurred or may occur within CITB NI.
  - Any unlawful act (eg theft)
  - The abuse of children and/or vulnerable adults (physical or psychological)
  - health and safety risks, either to the public or other employees
  - A miscarriage of justice
  - Damage to the environment (eg pollution)
  - The unauthorised use of public funds

- Maladministration (eg not adhering to procedures)
- Failing to safeguard personal or sensitive information (GDPR /data protection)
- Abuse of power
- Deliberate concealment of information relating to any of the above

**If in doubt raise it**

### **Type of Disclosures**

- Internal Disclosures to the employer
- Disclosures to prescribed person or body such as HSE
- Wider disclosures to PSNI or MP'S

### **Internal Disclosure to CITB NI as your Employer**

7. Disclosure should be made to the Human Resources Manager who will treat the matter with confidence. If this is inappropriate as the matter involves the HR Manager then workers should approach a Director, the Chief Executive or may in confidence also approach the Chairman of the Board.
8. Disclosures can be made verbally or in writing. In both cases the person should provide the following information to enable appropriate action to be determined:
  - The background and history of the concern, with relevant dates
  - Reason why they are concerned about the situation
  - Names of person(s) suspected of involvement if known
  - Details of possible evidence, which should be secured
9. Once notified of a concern the Human Resources Manager should:
  - Have a responsibility to ensure that concerns raised are taken seriously
  - Should investigate properly and make an objective assessment of the concern
  - Should keep the person who has made the disclosure advised of progress
  - Have a responsibility to ensure that the action necessary to resolve a concern is taken
10. Key considerations for any investigation should include
  - Ensuring investigators have the necessary skills
  - Ensuring there is no conflict of interest between the investigator and the issue being investigated
  - Having clear terms of reference
  - Setting a clear scope for the investigation and drawing up an investigation plan
  - Clarifying what evidence needs to be gathered and how it will be gathered (document search, interviews etc)

- Deciding how best to engage with the whistleblower and manage their expectations including sufficient contact
- Ensure all investigative work is clearly documented

### **External Disclosure**

11. If it is considered despite the best efforts of CITB NI that disclosure within CITB NI is inappropriate or has been unsuccessful disclosure can be made to the Partner Department through the Raising Concerns Branch by the Board Administrator. Disclosure can also be made directly to the NI Audit Office by telephoning 028 9025 1023 or email [whistleblowing@niaudit.office.gov.uk](mailto:whistleblowing@niaudit.office.gov.uk).

Once disclosure is made externally the appropriate guidance will be provided by the external body.

### **Disclosure in bad faith**

12. The policy will apply where a disclosure is made in good faith. If any disclosure is made in bad faith (for instance in order to cause disruption) or if the disclosure is made for personal gain, then such a disclosure may constitute a disciplinary offence.