

DEPARTMENT OF ENTERPRISE, TRADE & INVESTMENT**WHISTLEBLOWING ARRANGEMENTS****14th May 2009****TO ALL DETI STAFF****Background**

1. The Public Interest Disclosure (NI) Order 1998 gives employees the right of complaint to an industrial tribunal if they report wrongdoing and as a result suffer any form of detriment. The employment implications of the Order were notified to Civil Service staff by Central Personnel Group through CSC 3/03 "Guidance on Public Interest Disclosure ("Whistleblowing") in 2003. In addition to outlining the employment protection afforded by the legislation, the CSC also highlighted that the NI Civil Service Code of Ethics required staff to report actions which they considered to be inconsistent with the provisions of the Civil Service Code. The Whistleblowing policy for the NICS has now been incorporated into the [NICS Staff Handbook \(under Standards Of Conduct\)](#), and specific DETI whistleblowing reporting arrangements currently feature in the Departmental Anti-Fraud Policy.
2. Although the general guidance is quite precise it is considered good practice for each Department to have arrangements tailored to their own structure and reporting arrangements. In this respect DETI has taken the opportunity to develop separate whistleblowing arrangements, based on a template common to the NICS and wider public sector.

Introduction

3. All of us at one time or another may have concerns about what is happening at work. However, when it is about unlawful conduct, a possible fraud or a danger to the public or the environment, or other serious malpractice, it can be difficult to know what to do.
4. You may be worried about raising such a concern and may think it best to keep it to yourself, perhaps feeling it is none of your business or that it is only a suspicion. You may feel that raising the matter would be disloyal to colleagues, managers or to the **department / agency etc.** You may decide to say something but find that you have spoken to the wrong person or raised the issue in the wrong way and are not sure what to do next.
5. The purpose of these arrangements is to reassure you that it is safe and acceptable to speak up. They also enable you to raise your concern about such malpractice at an early stage and in the right way. Rather than wait for proof, we would prefer you to raise the matter when it is still a concern.
6. If something is troubling you of which you think we should know about or look into, please let us know. If, however, you wish to make a complaint about your employment or how you have been treated, please use the NICS Grievance Procedure.
7. We have implemented these whistleblowing arrangements for you to raise any concern where the interests of others or the organisation itself are at risk.
8. If your concern is about possible fraud, you may also wish to refer to our Anti-Fraud Policy and Fraud Response Plan which can be found at <http://infonet.intranet.nigov.net/deti-bookcase/deti-fraud.htm>

9. If in doubt, raise it!

Our Assurances to you

Your safety

10. We are committed to making whistleblowing work. If you raise a genuine concern under these arrangements, you will not be at risk of losing your job or suffering any form of retribution as a result. Provided you are acting in good faith, it does not matter if you are mistaken. Of course, this assurance does not extend to someone who maliciously raises a matter they know to be untrue.

Confidentiality

11. We will not tolerate the harassment or victimisation of anyone who raises a genuine concern and with these assurances, we hope you will raise your concern openly. However, we recognise that there may be circumstances when you would prefer to speak to someone in confidence first. If this is the case, please say so at the outset. If you ask us not to disclose your identity, we will not do so without your consent unless required by law. You should understand that there may be times when we are unable to resolve a concern without revealing your identity, for example where your personal evidence is essential. In such cases, we will discuss with you whether and how the matter can best proceed.

Anonymity

12. Remember that if you do not tell us who you are, it will be much more difficult for us to look into the matter, to protect your position, or to give you feedback. Accordingly, while we will consider anonymous reports, these arrangements are not well suited to deal with concerns raised anonymously.

13.If you are unsure about raising a concern you can get independent advice from Public Concern at Work (see contact details under Independent Advice).

How to raise a concern internally

14.Please remember that you do not need to have firm evidence of malpractice before raising a concern. However we do ask that you explain as fully as you can the information or circumstances that gave rise to your concern.

Step One

15.If you have a concern about malpractice, we hope you will feel able to raise it first with your line manager or with their immediate manager. This can be done orally or in writing.

Step Two

16.If, for whatever reason, you feel that raising it with your line manager or their immediate manager is not appropriate or it has not worked, please raise the matter with your Head of Branch / Division or with one of the following*:

DETI Director of Human Resources

DETI Director / Head of Finance DETI Head of Internal Audit

DETI Establishment Officer

**Contact details of those currently in the above posts can be found in the Departmental phone book.*

17.If you want to raise the matter in confidence, please say so at the outset so that appropriate arrangements can be made.

Step Three

18. If these channels have been followed and you believe there is an ongoing risk, or you feel the matter is so serious that you cannot discuss it with any of the above, you can raise your concern directly with:

**a DETI Deputy Secretary (Grade 3) or
the Permanent Secretary**

Also, if, as a civil servant, you believe that you are being required to act in a way which conflicts with the core values and standards set out in the Civil Service Code of Ethics, or you have become aware of the actions of others which you believe conflict with the Code, you should raise the matter with one of the Department's **Director of Human Resources**.

19. Alternatively, and if your concern is about a breach of the Civil Service Code of Ethics, you may also raise your concern directly with the Civil Service Commissioners for Northern Ireland. (While it is the Commissioners' preference that issues under the Code of Ethics are raised, in the first instance, internally within the relevant Department, there may be circumstances when Commissioners would accept an appeal without this having occurred. Commissioners will examine each case on its merits.)

How we will handle the matter

20. Once you have told us of your concern, we will look into it to assess initially what action should be taken. This may involve an informal review, an internal inquiry or a more formal investigation. Where it is decided that a formal investigation is necessary the overall responsibility for the investigation will lie with a nominated "investigation officer." In any event, we will tell you who is dealing with the matter, how you can contact him or her, and whether your further

assistance may be needed. If you request, we will write to you summarising your concern and setting out how we propose to handle it.

21. When you raise the concern you may be asked how you think the matter might best be resolved. If you do have any personal interest in the matter, we do ask that you tell us at the outset. If your concern falls more properly within the Grievance Procedure we will tell you.

22. We will give you as much feedback as we properly can, and if requested, we will confirm it in writing. However, we may not be able to tell you the precise action we take where this would infringe a duty of confidence owed by us to someone else.

Independent advice

23. If you are unsure whether or how to raise a concern or you want confidential advice at any stage, you may contact your union. You may also contact the independent charity Public Concern at Work on 020 7404 6609 or by email at helpline@pcaw.co.uk. Their lawyers can talk you through your options and help you raise a concern about malpractice at work. For more information, you can visit their website at <http://www.pcaw.co.uk/>.

External disclosures

24. While we hope we have given you the reassurance you need to raise your concern internally with us, we recognise that there may be circumstances where you can properly report a concern to an outside body. In fact, we would rather you raise a matter with the appropriate regulator – such as the Northern Ireland Audit Office or the Health and Safety Executive of Northern Ireland - than not at all. Public Concern at Work (or your trade union) will be able to advise you on such an option and on the circumstances in which you may be able to contact an outside body safely.

Conclusion

25. While we cannot guarantee that we will respond to all matters in the way that you might wish, we will strive to handle the matter fairly and properly. By using these whistleblowing arrangements you will help us to achieve this.

26. This document has been developed to meet best practice and to comply with the Public Interest Disclosure (NI) Order 1998 (PIDO) which provides employment protection for whistleblowing.



Philip Angus
DETI Director of Human Resources



Trevor Cooper
DETI Director / Head of Finance

DEPARTMENT OF ENTERPRISE, TRADE & INVESTMENT**WHISTLEBLOWING ARRANGEMENTS****23 July 2012****TO ALL DETI STAFF****Background**

1. The Public Interest Disclosure (NI) Order 1998 gives employees the right of complaint to an industrial tribunal if they report wrongdoing and as a result suffer any form of detriment. The employment implications of the Order were notified to Civil Service staff by Central Personnel Group through CSC 3/03 "Guidance on Public Interest Disclosure ("Whistleblowing") in 2003. In addition to outlining the employment protection afforded by the legislation, the CSC also highlighted that the NI Civil Service Code of Ethics required staff to report actions which they considered to be inconsistent with the provisions of the Civil Service Code. The Whistleblowing policy for the NICS has now been incorporated into the [NICS Staff Handbook \(under Standards of Conduct\)](#) and specific DETI whistleblowing reporting arrangements currently feature in the Departmental Anti-Fraud Policy.
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DETI Head of Internal Audit

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Alan Lamont
DETI Director of Human Resources
and Central Support Division (Acting)

Bernie Brankin
DETI Head of Finance Division
(Acting)

GOVERNANCE BULLETIN 2

DEPARTMENT FOR THE ECONOMY

**GUIDANCE FOR STAFF INVOLVED WITH HANDLING
WHISTLEBLOWING ALLEGATIONS**

JUNE 2016

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1.0 INTRODUCTION

- 1.1 This guidance is designed to assist managers and staff who receive disclosures, made in the public interest, of wrongdoing or suspected wrongdoing. Such public interest disclosures are popularly known as “whistleblowing”.
- 1.2 A whistleblowing disclosure must be in the public interest, i.e. it must affect others such as the general public. Personal grievances or dissatisfaction in respect of employment issues are not covered by whistleblowing, unless an employee’s particular case is in the public interest.
- 1.3 The Public Interest Disclosure (NI) Order 1998 gives employees the right of complaint to an industrial tribunal if they report wrongdoing and as a result suffer any form of detriment.
- 1.4 In some cases, explaining the context of an issue to a person contemplating making a public interest disclosure may be enough to alleviate their concerns. Minor issues might be dealt with straight away by line management.
- 1.5 Where this is not possible, the following paragraphs provide managers and staff with guidance on handling disclosures made by members of DfE staff, and by members of the public and external stakeholders, including staff in Arms Length Bodies sponsored by the department.

2.0 PUBLIC INTEREST DISCLOSURES

- 2.1 As part of its commitment to good corporate governance, the Department for the Economy is keen to maintain and support all stakeholders who find themselves in a situation where they feel a public interest disclosure is required.
- 2.2 To ensure that the Department deals with such matters in a responsive, proportionate and effective way, it is necessary for staff at all levels to know

and understand what action is required when they receive a public interest disclosure. The guidance is based on the principle that the Department will not tolerate harassment, victimisation or bullying under any circumstances and that staff and stakeholders are encouraged to raise genuine concerns in the knowledge that they will not be disadvantaged as a result.

2.3 Where possible, all matters raised should be treated confidentially. This includes applying the appropriate information management standards to ensure that neither the identity of the person who has made the disclosure, or information which may prejudice any investigation, is inappropriately released. For example, any information provided should not be copied to other parties unless relevant personal details have been removed. A document may have hidden electronic 'properties' containing the authors name or other pertinent details that should be removed before documents are released to other parties.

2.4 While confidentiality should be assured if requested, a manager or a member of staff in receipt of a public interest disclosure should point out potential risks to the person raising the concern:

- Colleagues may try to guess the person's identity if they become aware that a concern has been raised; and
- As the investigation progresses, there may be a legal requirement to disclose the identity of the person raising the concern, for example, under court disclosure rules.

2.5 In broad terms there are two main types of public interest disclosures:

- Disclosures made by employees or workers in the Department (internal cases); and
- Disclosures made by employees or workers in external organisations (or their representatives) for which the Department has some degree of association and/or responsibility, or individuals in receipt of services

directly from the Department, or organisations representing stakeholders (external cases).

3.0 INTERNAL CASES: PUBLIC INTEREST DISCLOSURES MADE BY EMPLOYEES OF THE DEPARTMENT FOR THE ECONOMY

NICS Guidance

- 3.1 Current NICS guidance relating to Ethics and Whistleblowing is included in the NICS HR Handbook at Section 6.01 (Standards of Conduct) of Chapter 6 (Employee Relations). This section contains details of the NICS Code of Ethics; reporting procedures for raising issues which fall within the NICS Code of Ethics; and Public Interest Disclosure (“Whistleblowing”).
- 3.2 Sub-section 4 of Section 6.01 (Standards of Conduct) sets out the provisions of the Public Interest Disclosure (NI) Order 1998. It provides guidance on making public interest disclosures and outlines the protection available to staff who do so.

Process for Dealing with Internal Disclosures

- 3.3 Public interest disclosures received from DfE staff will be referred to the Director of HR and Central Services (HRCS). The following process will be initiated on receipt of a disclosure:
- The HRCS Director will acknowledge receipt of the disclosure (unless it has been made anonymously) and inform and update Corporate Governance, Planning and Equality Branch (see paragraph 6.3).
 - The HRCS Director will consider what action the Department should take to deal with the matter raised. (This will also apply if the concern has been raised anonymously).
 - Relevant parties will be consulted as part of the process and as much information as possible gathered to aid decision making.

- Depending on the nature and seriousness of the allegations raised, the HRCS Director, will consult with the Grade 3 Operational Policy (Infrastructure and Regulation) and the Grade 3 Operational Policy (Investment), to consider whether it is appropriate to draw the matter to the attention of the Northern Ireland Audit Office (NIAO), the Department of Finance and Personnel (DFP), other relevant external stakeholders, and/or the Minister. Formal notification will be made by the Grade 3 Operational Policy (Investment).
- Following consultation with the Grade 3 Operational Policy (Investment), the HRCS Director will make a formal recommendation to the Grade 3 Operational Policy (Infrastructure and Regulation) in relation to further action required, including the extent of any further investigation and responsibility for its conduct, or alternatively whether the disclosure should be redirected to the appropriate HR process e.g. Dignity at Work, Grievance Procedure, etc.
- The Grade 3, Operational Policy (Infrastructure and Regulation), will then advise the Department's Accounting Officer.
- Where appropriate the person who has made the public interest disclosure will be advised as to how the issue will be managed.
- The HRCS Director will monitor the progress of the case and will provide regular updates to the Grade 3 Operational Policy (Infrastructure and Regulation), the Grade 3 Operational Policy (Investment), the Accounting Officer and the person who has made the disclosure.

4.0 EXTERNAL CASES: PUBLIC INTEREST DISCLOSURES MADE BY PERSONS WHO ARE NOT EMPLOYEES OF THE DEPARTMENT FOR THE ECONOMY

- 4.1 A public interest disclosure may also be made by a person who is not a member of the Department for the Economy's staff. This guidance is only

concerned with disclosures that have been made in the public interest, i.e. the issue must affect others such as the general public. Issues relating to the Department's processes, performance or standards of service should be dealt with under the Department's complaints procedures and the person raising an issue should be advised accordingly.

Public Interest Disclosures Originating from or Relating to Arm's Length Bodies

- 4.2 A large part of the business of the Department is conducted through Arm's Length Bodies (ALBs) which for the purposes of this guidance include Non Departmental Public Bodies, Higher Education Institutions, Further Education Colleges, training organisations etc.
- 4.3 Directors with responsibility for ALB sponsorship should satisfy themselves that each ALB has robust governance arrangements in place for dealing with public interest disclosures. It is the responsibility of each ALB to:
- Have public interest disclosure guidance and procedures in place for staff and external stakeholders;
 - Perform periodic reviews into awareness of the procedures and confidence in the effectiveness of their application; and
 - Notify the Department without undue delay of the nature and extent of **all** "whistleblowing" allegations made directly to them.

Formal assurance on these matters should be provided as part of the six monthly assurance statement process.

Process for Dealing with ALB disclosures

4.4 When a DfE business area receives a public interest disclosure from, or relating to, an ALB, the matter should immediately be referred to the Director of the business area responsible for sponsorship of that ALB (the ALB Director). That Director will be responsible for the following:

- Acknowledging receipt of the public interest disclosure (unless it has been made anonymously) and informing and updating Corporate Governance, Planning and Equality Branch (see paragraph 6.3).
- Considering what action the Department should take in order to deal with the matter raised. This will also be the case should the concern have been raised anonymously.
- Consulting relevant parties as part of the process and gathering as much information as possible to aid decision making. The HRCS Director should be consulted in all cases where a public interest disclosure relating to an ALB includes a reference to the conduct of DfE staff.
- Depending on the nature and seriousness of the allegations raised, the ALB Director, will consult with the Grade 3 Operational Policy (Investment) and the Grade 3 to whom they report (if different), to consider whether it is appropriate to draw the matter to the attention of NIAO, DFP, other external stakeholders and/or the Minister. Formal notification will be made by the Grade 3 Operational Policy (Investment).
- To ensure consistency of approach, the ALB Director will make a formal recommendation on further action required jointly to the Grade 3 Operational Policy (Investment) and the Grade 3 to whom they report (if different). The recommendation will cover the extent of any further investigation and responsibility for its conduct. If, however, the ALB Director considers that the issue falls under another process, such as

grievance procedure or complaints procedure, the recommendation should set out the rationale for the use of an alternative mechanism.

- Following consideration at Grade 3 level, the Grade 3 to whom the ALB Director reports will advise the Department's Accounting Officer.
- Where appropriate the person who has made the public interest disclosure will be advised as to how the issue will be managed.
- The ALB Director will monitor the progress of the case and provide updates as appropriate to the Grade 3 to whom they report, the Grade 3 Operational Policy (Investment), the Accounting Officer and the person who has made the disclosure.

Process for Dealing with Public Interest Disclosures Originating from Sources Outside the Department and its ALBs

4.5 When a DfE business area receives a public interest disclosure from an outside individual or an organisation representing stakeholders the matter should immediately be referred to the Director of the business area with responsibility for the area of work to which the disclosure relates. That Director will be responsible for the following:

- Acknowledging receipt of the public interest disclosure (unless it has been made anonymously) and informing and updating Corporate Governance, Planning and Equality Branch (see paragraph 6.3).
- Considering what action the Department should take in order to deal with the matter raised. This will also be the case should the concern have been raised anonymously.
- Consulting relevant parties as part of the process and gathering as much information as possible to aid decision making. The HRCS Director should be consulted in all cases where a public interest disclosure includes a reference to the conduct of DfE staff.

- Depending on the nature and seriousness of the allegations raised, the Director of the business area, will consult with the Grade 3 Operational Policy (Investment) and the Grade 3 to whom they report (if different), to consider whether it is appropriate to draw the matter to the attention of NIAO, DFP, other external stakeholders and/or the Minister. Formal notification will be made by the Grade 3 Operational Policy (Investment).
- To ensure consistency of approach, the Director of the business area will make a formal recommendation on further action required jointly to the Grade 3 Operational Policy (Investment) and the Grade 3 to whom they report (if different). The recommendation will cover the extent of any further investigation and responsibility for its conduct. If, however, the Director of the business area considers that the issue falls under another process, such as the complaints procedure, the recommendation should set out the rationale for the use of an alternative mechanism.
- Following consideration at Grade 3 level, the Grade 3 to whom the Director of the business area reports will advise the Department's Accounting Officer.
- Where appropriate the person who has made the public interest disclosure will be advised as to how the issue will be managed.
- The Director of the business area will monitor the progress of the case and provide updates as appropriate to the Grade 3 to whom they report, the Grade 3 Operational Policy (Investment), the Accounting Officer and the person who or organisation which has made the disclosure.

5.0 INVESTIGATIONS

- 5.1 DfE and its ALBs carry out a wide range of work and as the scope for potential public interest disclosures is consequently also wide ranging, it is not possible to set a strict protocol for handling every disclosure.

- 5.2 It is, however, essential that in each case the action taken by the Department is proportionate, effective and timely, with accurate records being kept of actions taken and with the rationale for each course of action being clearly documented.
- 5.3 In considering the type and scope of investigation required, it will be necessary to consider the Department's Anti Fraud guidance (which includes a reference to the provisions of the Bribery Act 2010). The guidance is available at [Governance Bulletin 1](#).
- 5.4 It will be the responsibility of the relevant Director, in consultation with others as appropriate, to consider and determine the following matters:
- The nature of the issue that requires investigation;
 - Responsibility for undertaking the investigation; and
 - If and when an ALB or other external organisation should be informed that a public interest disclosure concerning its activities has been made and the outcome of any decision relating to investigation.
- 5.5 When considering who should undertake an investigation, the following options should be considered:
- DfE Internal Audit Service (IAS);
 - The ALB's internal auditors where IAS does not undertake the audit function;
 - DFP's Fraud Investigation Service;
 - Commercial Services Branch;

- Departmental staff independent of the business area to which the disclosure relates;
- The ALB's staff independent of the business area to which the disclosure relates;
- Independent external investigation;
- HR Connect;
- A combination of one or more of the above, as required.

5.6 In all cases it is important that the investigation is undertaken by people with the necessary expertise, experience and independence, and that all concerns are properly and promptly investigated whether they have been raised directly with the Department or with an ALB.

5.7 Where it is considered appropriate for the concern to be investigated by an ALB, appropriate protocols and timescales should be established. Responses should be reviewed at a senior level within the Department to ensure the investigation/review has been properly and thoroughly completed and recommendations arising are appropriate.

5.8 Where a whistleblowing disclosure relates to senior members of ALB staff or Board members, the Department should retain ownership of the investigation. Consideration should be given to the role that the ALB Board (and Audit Committee) might play in dealing with such cases.

5.9 Considerations for any investigative process should include:

- Ensuring that investigators have the necessary skills to undertake the investigation;
- Ensuring that there is no conflict of interest between the investigator and the issue being investigated (i.e. the investigator should have had no previous involvement with the issue being investigated);

- Ensuring that the investigation has clear and well defined terms of reference;
- Setting a clear scope for the investigation and drawing up a detailed investigation plan;
- Clarifying what evidence needs to be gathered and how it will be gathered (document search, interviews, securing computers, etc);
- Deciding how best to engage with the whistleblower and manage their expectations;
- Maintaining sufficiently frequent contact with the whistleblower throughout the course of the investigation; and
- Ensuring that all investigative work is clearly documented.

5.10 When assigning the investigation to the relevant investigation team, it will be necessary for the relevant Director to establish the scope of the investigation at the outset and to agree this with the relevant Grade 3.

Scoping the investigation will include:

- defining the key points to be investigated;
- identifying individuals who should be interviewed;
- stipulating that a report should be produced as a result of the investigation which sets out findings, conclusions and recommended actions;
- setting out an estimated timescale for completion and provision of updates; and
- agreeing costs, if appropriate.

- 5.11 When the investigation is complete the individual who raised the concern should be informed that the investigation has been concluded and, where appropriate, that recommendations have been made to address any issues identified. Under no circumstances whatsoever can details of disciplinary action taken or recommended against individuals be provided or discussed with the person who made the disclosure.
- 5.12 Where the disclosure relates to an ALB, and the ALB has been informed of the investigation, agreement should be reached between the Department and the ALB as to how contact with the whistleblower will be maintained throughout the course of the investigation. The views of the whistleblower should be taken into account when agreeing these arrangements.
- 5.13 In all cases employees who raise concerns should be protected and supported and should not suffer any detriment as a result of bringing forward their concerns. Appropriate and swift sanctions should be taken against employees who victimise individuals raising such concerns. It should be noted that, if an employee's confidentiality is not protected and they suffer detriment as a result, they may be able to seek redress through an Employment Tribunal.

6.0 MONITORING OF PUBLIC INTEREST DISCLOSURES BY CORPORATE GOVERNANCE, PLANNING AND EQUALITY BRANCH

- 6.1 In order to provide DfE senior management with a clear understanding of the level and impact of public interest disclosures made to the Department, a database will be created with the purpose of recording and monitoring how many disclosures are received and the action taken to address them.
- 6.2 This database will be maintained by Corporate Governance, Planning and Equality Branch and held securely. Only the Senior Management team and the relevant staff in Corporate Governance, Planning and Equality Branch will have access to the information held.

- 6.3 Upon receipt of a disclosure, each Director will be required to advise Corporate Governance, Planning and Equality Branch **immediately** by completing and submitting Section A of the Public Interest Disclosure Form attached as a template at **Annex A**. While it may not be possible to complete Section A of the form in its entirety at the outset, the Director should provide as much information regarding the allegation as possible and as a very minimum, confirm that the disclosure is within the remit of their Directorate and provide the information sought at points 1 to 6 of the form. The form must be updated when an investigator is appointed and information relating to points 7 and 8 must be provided.
- 6.4 At the conclusion of any investigation, the relevant Director should provide Corporate Governance, Planning and Equality Branch with a summary of the findings and any action taken by completing Part B of the form. The Director should also confirm in due course that the case has been closed and update the form accordingly. This information should be provided by email to Corporate.Governance@economy-ni.gov.uk.
- 6.5 Corporate Governance, Planning and Equality Branch will analyse the information captured to allow the identification of trends or business risks which may need to be addressed and to provide management with useful information on the operation of whistleblowing procedures, such as:
- the number and types of issues raised;
 - how issues raised were dealt with; and
 - the length of time taken to resolve concerns.
- 6.6 The Branch will also monitor disclosures on behalf of the Grade 3 Operational Policy (Investment) and provide annual updates to the Accounting Officer and Audit Committee.

6.7 If you require further advice, please contact the Branch:

- by email: Corporate.Governance@economy-ni.gov.uk; or
- by telephone: 028 9052 9821

ANNEX A

Public Interest Disclosure Form

Section A: Disclosure to Completion of Investigation

1	Date disclosure received:	
2	Names of officers to whom disclosure was notified:	
3	Division / Branch to which disclosure relates or details of body (e.g. HE institution, FE college, NDPB, etc):	
4	Details of the location at which the issue subject to the disclosure occurred:	
5	Brief outline of the nature of the disclosure:	
6	Was confidentiality requested?	
7	Name of investigator assigned:	
8	Date investigator assigned:	
<p>Commence completion of Section B of this form immediately after the investigation has been concluded.</p>		

Section B: Post Investigation Action

10	Date Investigation report received:	
11	Outcome recorded:	
12	Was appropriate feedback given to the person who made the disclosure?	
13	If appropriate, provide details of the financial implications of the disclosure?	
14	Date final decision issued:	
15	Time taken to complete:	
16	Action taken to address issues arising from the disclosure:	
17	Contact details in case further information is required:	
18	Notes:	

GOVERNANCE BULLETIN 2

DEPARTMENT FOR THE ECONOMY
WHISTLEBLOWING GUIDANCE
FOR STAKEHOLDERS EXTERNAL TO THE DEPARTMENT

JUNE 2016

CONTENTS

Section

- 1. Introduction**
- 2. How to Raise a Concern**
- 3. Confidentiality and Protection**

1.0 INTRODUCTION

- 1.1 This document provides guidance for members of the public and other external stakeholders who wish to make a public interest ('whistleblowing') disclosure to the Department for the Economy.
- 1.2 This guidance does not deal with complaints about the Department's processes, performance or standards of service, for which separate procedures exist [DfE Complaints Procedure](#).
- 1.3 The Department is keen to be advised if you believe you have information in relation to any of the following issues which are occurring within the Department, its Arms Length Bodies, or any of its principal contracted suppliers:
- Unlawful conduct;
 - Abuse of public funds;
 - Potential fraud;
 - Threat to health and safety; and
 - Damage to the environment.
- 1.6 Any serious allegations or concerns raised externally by the public will be treated, where possible, in the same manner as 'whistleblowing' allegations made by staff and with the strictest confidence. However, if your allegations lead to criminal proceedings there may be an expectation that you, as a complainant, will give evidence in a court of law.
- 1.7 The Department takes all allegations of fraud and corruption very seriously and will ensure that any reports of such activity are fully investigated and appropriate action taken. If you have any such concerns it is important that you act quickly to report these, providing as much information or evidence to support your allegations.

- 1.8 If a ‘whistleblowing’ allegation is made to an Arms Length Body or to a principally contracted supplier by a member of the public or an external stakeholder, the Arms Length Body or principally contracted supplier is required to notify the Department of the nature and extent of the allegations made.

2.0 HOW TO RAISE A CONCERN

- 2.1 If you become aware of wrongdoing, malpractice, fraud or corruption, you can make a disclosure by contacting Corporate Planning, Governance and Equality Branch within the Department; telephone: 028 9052 9821 or by email: Corporate.Governance@economy-ni.gov.uk.
- 2.2 Once you have told us of your concern, the Department will review the issue to assess initially what action should be taken. This may involve an informal review, an internal inquiry or a more formal investigation. Where it is decided that a formal investigation is necessary the overall responsibility for the investigation will lie with a nominated “investigation officer.” The Department will advise you who is dealing with the matter, how he or she can be contacted, and whether your further assistance may be needed. If you request, the Department will write to you summarising your concern and setting out proposed handling arrangements. When you raise the concern you may be asked how you think the matter might best be resolved. If you do have any personal interest in the matter, we ask that you tell us at the outset.
- 2.3 We will give you as much feedback as we properly can, and if requested, we will confirm it in writing. However, we may not be able to tell you the precise action we take where this would infringe a duty of confidence owed by us to someone else.

3.0 CONFIDENTIALITY AND PROTECTION

- 3.1 The Department will not tolerate the harassment or victimisation of anyone who raises a genuine concern and we hope that this assurance you enable you to raise your concern openly. However, we recognise that there may be circumstances where you would prefer to speak to someone in confidence first. If this is the case, please say so at the outset. If you ask us not to disclose your identity, we will not do so without your consent unless required by law. You should understand that there may be times when we are unable to resolve a concern without revealing your identity, for example where your personal evidence is essential. In such cases, we will discuss with you whether and how the matter can best proceed.

GOVERNANCE BULLETIN 2

DEPARTMENT FOR THE ECONOMY

WHISTLEBLOWING GUIDANCE FOR STAFF

JUNE 2016

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- 1. Introduction**
- 2. Scope**
- 3. Public Interest Disclosure (NI) Order, 1998**
- 4. Assurances for Staff**
- 5. Whistleblowing Procedure**
- 6. How the Department will handle the matter**
- 7. Raising a concern directly with an independent outside body**
- 8. General**

1.0 **INTRODUCTION**

What is whistleblowing?

- 1.1 Whistleblowing involves a member of staff reporting certain types of wrongdoing or suspected wrongdoing. This is officially known as “making a disclosure in the public interest”. The disclosure must be in the public interest i.e. it must affect others such as the general public. The Northern Ireland Civil Service encourages staff to raise issues of concern internally to provide an opportunity to have such matters investigated and addressed as appropriate. A suspicion of wrongdoing is sufficient cause to raise a concern.
- 1.2 Personal grievances or dissatisfaction in respect of employment issues are not considered to be whistleblowing, unless a member of staff’s particular case is in the public interest.
- 1.3 It will always be assumed that issues of concern have been made in good faith unless there is evidence to the contrary. If it becomes apparent that an accusation was deliberately false, or vexatious, and not due to a misunderstanding or genuine mistake, it will be treated as a serious matter which may result in disciplinary action.

What is the difference between blowing the whistle and making a complaint?

- 1.4 When staff ‘blow the whistle’ they are raising a concern about danger, wrongdoing or illegality that affects others (e.g. taxpayers, customers, members of the public, or their employer). The individual whistleblower is usually not directly, personally affected by the danger, wrongdoing or illegality. Consequently, the whistleblower rarely has a personal interest in the outcome of any investigation into their concern - they are simply trying to alert others. For this reason, the whistleblower is not expected to prove the malpractice. He or she is a messenger raising a concern so that the Department or wider NICS can investigate and address it.
- 1.5 This is very different from an internal complaint. When someone complains, they are saying that they have personally been poorly treated. This poor

treatment could involve a breach of their individual employment rights or bullying or poor service and the complainant is seeking redress or justice for themselves. The person making the complaint therefore has a vested interest in the outcome of the complaint and, for this reason, is expected to be able to prove their case.

- 1.6 For these reasons, it is not in anyone's interests if the Department's Whistleblowing Guidance is used to pursue a personal complaint or grievance. The Department has grievance procedures for staff which are more appropriate for making routine complaints.

2.0 SCOPE

- 2.1 This guidance applies to the Department's employees including temporary and fixed term workers, and to Independent Board Members.
- 2.2 Trade Unions, professional organisations or regulatory bodies can play a valuable role in assisting individuals to raise concerns under this guidance.

Background

- 2.3 The Whistleblowing Guidance for the NICS has now been incorporated into the [NICS Staff Handbook \(under Standards of Conduct\)](#). The Northern Ireland Audit Office (NIAO) has worked alongside other UK audit authorities to issue a good practice guide "[Whistleblowing in the Public Sector: A Good Practice Guide for Workers and Employers](#)". It was issued by the Department of Finance and Personnel (DFP) under cover of [DAO \(DFP\) 02/15 "Whistleblowing Guidance"](#). Guidance can also be found on the NI Direct website regarding the [Protection of Whistleblowers](#).
- 2.4 It is considered good practice for each Department to have whistleblowing arrangements tailored to its own structure and reporting arrangements. In this respect the Department for the Economy has taken the opportunity to develop whistleblowing arrangements based on a template common to the NICS and wider public sector.

- 2.5 All of us at one time or another may have concerns about what is happening at work. However, when it is about unlawful conduct, a possible fraud or a danger to the public or the environment, or other serious malpractice, it can be difficult to know what to do.
- 2.6 You may be worried about raising such a concern and may think it best to keep it to yourself, perhaps feeling it is none of your business or that it is only a suspicion. You may feel that raising the matter would be disloyal to colleagues, managers or to the Department. You may decide to say something but find that you have spoken to the wrong person or raised the issue in the wrong way and are not sure what to do next.
- 2.7 The purpose of these arrangements is to reassure you that it is safe and acceptable to speak up. They also enable you to raise your concern about such malpractice at an early stage and in the right way. Rather than wait for proof, we would prefer you to raise the matter when it is still a concern.
- 2.8 If something is troubling you which you think we should know about or look into, please let us know.
- 2.9 We have developed these whistleblowing arrangements for you to raise any concern where the interests of others or the organisation itself are at risk. You need only have a reasonable belief that the issue has occurred in the past, present or likely to happen in the future. If your concern is about possible fraud, you should always refer to our Anti - Fraud Guidance and Fraud Response Plan which can be found at [Governance Bulletin 1](#).

3.0 PUBLIC INTEREST DISCLOSURE (NI) ORDER 1998

- 3.1 The Public Interest Disclosure (NI) Order 1998 can be accessed via the link below: <http://www.legislation.gov.uk/nisi/1998/1763>. The Order provides protection to any member of staff who makes a disclosure of information, which, in the reasonable belief of the individual making the disclosure, tends to show one or more of the following:

- that a criminal offence has been committed (e.g. fraud), is being committed or is likely to be committed;
- that a person has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject;
- that a miscarriage of justice has occurred, is occurring or is likely to occur;
- that the health & safety of any individual has been, is being or is likely to be endangered;
- that the environment has been, is being, or is at risk of being damaged; or
- that the information tending to show any matter falling within any one of the preceding sub-paragraphs has been, is being or is likely to be deliberately concealed.

3.2 The Department takes very seriously any breach in the above standards or of the NICS Code of Ethics and will instigate disciplinary action against any individual or individuals found to be in breach of the standards. It is the duty of all staff to ensure that standards are maintained and to report suspicions of fraud, corruption or failure of propriety.

3.3 The Department has produced separate guidance for managers involved with handling whistleblowing allegations. .

4.0 ASSURANCES FOR STAFF

Protection for staff

4.1 The Department's staff are protected by the Public Interest Disclosure (NI) Order 1998, if they genuinely believe that misconduct or malpractice was or is being committed and they do not have any malicious intent or personal gain for the disclosure. Therefore, where an individual officer makes an allegation in good faith and that allegation is not confirmed by an investigation, no action will be taken against that individual.

4.2 As the Department is committed to making whistleblowing work in the public interest, individual staff who raise a genuine concern under this guidance will not be at risk of losing their job/position or suffer any form of retribution as a result, except where the individual has been complicit in the commission of the offence (either by direct action or the failure to act when they become aware of the offence). So long as they have not been complicit, individuals will be protected even if the matter is found to be mistaken, provided they:

- believe on reasonable grounds that the information is accurate;
- have not made the allegation principally for the purpose of obtaining payment for personal gain; and
- have taken reasonable steps to raise the subject matter of the disclosure internally, by drawing it to the attention of the appropriate individual.

4.3 Whilst the Department encourages the submission of all genuine disclosures it will nevertheless view very seriously any false and malicious allegations made under this guidance. If an allegation is made purely for malicious intent or personal gain and the allegation has no foundation, the Department will regard such allegations as a serious disciplinary offence.

4.4 The Department, in accordance with the NICS guidance on Equal Opportunities, will not tolerate the harassment or victimisation (including informal pressures) of anyone who raises a genuine concern and will take appropriate action to protect individuals who raise a concern in good faith. With these assurances, we hope staff will raise their concerns.

Confidentiality

4.5 The Department will treat all disclosures made through its whistleblowing guidance in a confidential and sensitive manner. The identity of the individual making an allegation will be kept confidential as far as is reasonably possible and will only be disclosed with the whistleblower's consent or on direction of a Court or equivalent regulatory body. If this occurs the Department will discuss with the individual how to proceed. Any staff who believe they are being

penalised for raising a concern can make a complaint in accordance with the NICS internal complaint procedures such as, for example, a complaint under the dignity at work policy. You can also consider if you wish to make an external complaint to an Industrial Tribunal.

Anonymity

- 4.6 This guidance encourages individual staff and the general public to put their name to the allegation whenever possible as without this it can be difficult to fully investigate a matter and to corroborate facts. It makes it possible to clarify any ambiguous information or to ask for additional information to support the allegation. Moreover, the Department will be less able to give feedback on the outcomes of any action taken.
- 4.7 While there are clear disadvantages of raising concerns anonymously, all concerns will still be acted upon by the Department. In considering anonymous allegations the Department will take into account factors such as the:
- seriousness of the issues raised;
 - credibility of the concern; and
 - likelihood of confirming the allegation from attributable sources.

5.0 WHISTLEBLOWING PROCEDURE

How to raise a concern internally

- 5.1 Please remember that you do not need to have firm evidence of malpractice before raising a concern. However we do ask that you explain as fully as you can the information or circumstances that gave rise to your concern.

Step One

- 5.2 If you have a concern about malpractice, we hope you will feel able to raise it first with your line manager or with their immediate manager. This can be done orally or in writing.

Step Two

- 5.3 If, for whatever reason, you feel that raising your concern with your line manager or their immediate manager is not appropriate or if you are not satisfied with the way your concerns were dealt with, please raise the matter with your Head of Branch / Division or with one of the following

- Director of Human Resources and Central Services Division;
- Director of Finance & Commercial Services Division;
- Head of Internal Audit;
- Chair of the DfE Audit Committee; or
- An Independent Board Member.

- 5.4 If you want to raise the matter in confidence, please say so at the outset so that appropriate arrangements can be made.

Step Three

- 5.5 If these channels have been followed and you believe there is an ongoing risk, or you feel the matter is so serious that you cannot discuss it with any of the above, you can raise your concern directly with:

- A Deputy Secretary (Grade 3); or
- The Permanent Secretary.

- 5.6 Also, if, as a civil servant, you believe that you are being required to act in a way which conflicts with the core values and standards set out in the Civil Service Code of Ethics, or you have become aware of the actions of others which you believe conflict with the Code, you should raise the matter with the DfE Director of Human Resources and Central Services Division.

- 5.7 Alternatively, and if your concern is about a breach of the Civil Service Code of Ethics, you may also raise your concern directly with the Civil Service

Commissioners for Northern Ireland. (While it is the Commissioners' preference that issues under the Code of Ethics are raised, in the first instance, internally within the relevant Department, there may be circumstances when Commissioners would accept an appeal without this having occurred. Commissioners will examine each case on its merits.) You can contact the office of the Civil Service Commissioners for Northern Ireland on 028 9052 3599, by e-mail at info@nics.commissioners.org or write to the Office at Stormont House, Room 105, Stormont Estate, Belfast, BT4 3SH.

6.0 HOW THE DEPARTMENT WILL HANDLE THE MATTER

- 6.1 Once you have told us of your concern, we will look into it to assess initially what action should be taken. This may involve an informal review, an internal inquiry or a more formal investigation. Where it is decided that a formal investigation is necessary the overall responsibility for the investigation will lie with a nominated "investigation officer." In any event, the Department will advise the officer, who is dealing with the matter, how you can be contacted. If you request, we will write to you summarising your concern and setting out how we propose to handle it. You will be offered the opportunity of a meeting to fully discuss the issue, so long as you have not submitted your concern in writing anonymously.
- 6.2 When you raise the concern you may be asked how you think the matter might best be resolved. If you do have any personal interest in the matter, we do ask that you tell us at the outset. If your concern falls more properly within the Grievance Procedure we will tell you.
- 6.3 We will give you as much feedback as we properly can, and if requested, we will confirm it in writing. However, we may not be able to tell you the precise action we take where this would infringe a duty of confidence owed by us to someone else.

7.0 **RAISING A CONCERN DIRECTLY WITH AN INDEPENDENT OUTSIDE BODY**

7.1 This guidance provides an appropriate avenue within the Department for staff to raise their serious concerns however, the Department recognises that there may be circumstances where staff can properly report a concern to an outside body. In fact, the Department would rather staff raise a serious matter with the appropriate regulator – such as the Northern Ireland Audit Office or the Health and Safety Executive of Northern Ireland - than not at all.

7.2 Preferably, external notifications should be made in the first instance directly to:

The Comptroller & Auditor General
Northern Ireland Audit Office
106 University Street
Belfast
BT7 1EU
Tel: +44 (028) 9025 1000
E-mail: whistleblowing@niauditoffice.gov.uk

Note: This telephone number is a general contact number. It will be necessary to explain the nature of the concern and ask to be put through to the appropriate section and/or person. You may also find the attached link helpful: http://www.niauditoffice.gov.uk/a-to-z.htm/whistleblowing_disclsoures

7.3 If you are unsure whether or how to raise a concern or you want confidential advice at any stage, you may contact your Trade Union representative. You may also contact the independent charity Public Concern at Work on 020 7404 6609 or by email at helpline@pcaw.co.uk. Their lawyers can talk you through your options and help you raise a concern about malpractice at work. For more information, you can visit their website at <http://www.pcaw.co.uk/>.

8.0 GENERAL

Records

- 8.1 Records of serious concerns raised by staff including the outcome, will be maintained by the Department for a minimum of five years. All such records will be maintained in a confidential and secure environment.

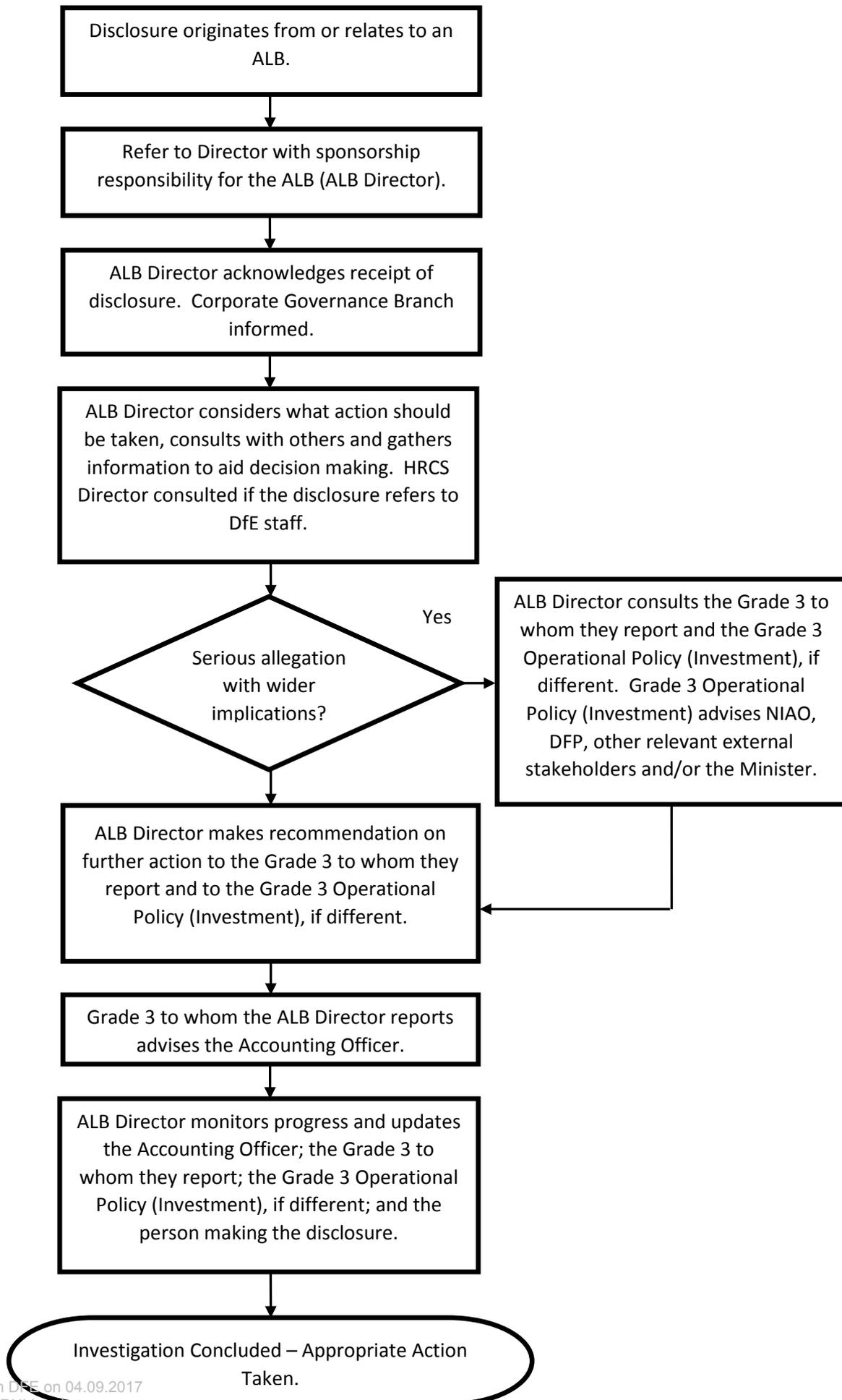
Awareness Training

- 8.2 The Department will regularly communicate to all existing members of staff and Independent Board Members the avenues open to them under this guidance and new staff will be made aware of this guidance through induction training. The guidance will also be published on the Department's intranet site.

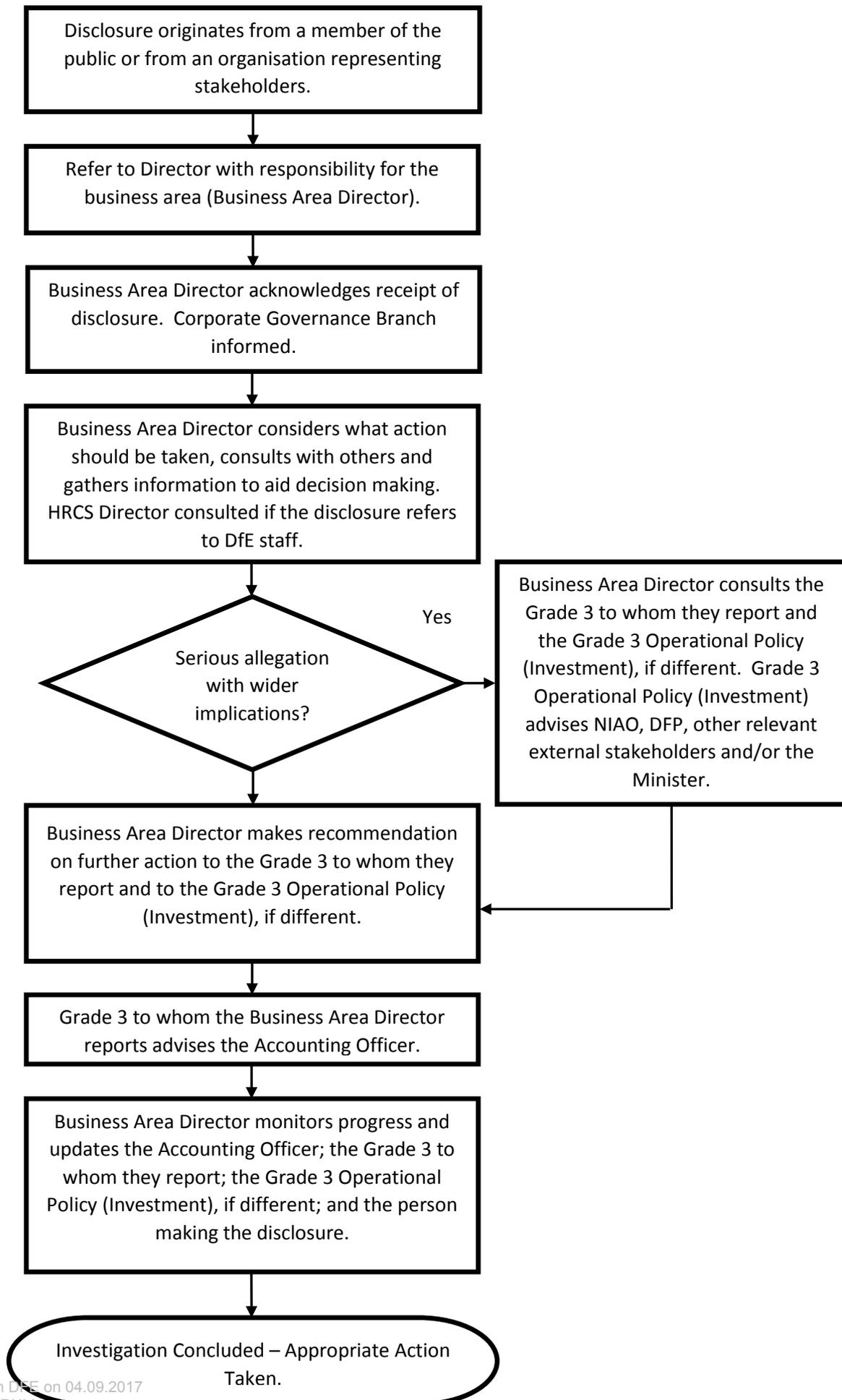
Review of this Guidance

- 8.3 This guidance will be reviewed by the Department at minimum intervals of 3 years.

WHISTLEBLOWING SCHEMATIC – DISCLOSURE ORIGINATING FROM OR RELATING TO AN ARM'S LENGTH BODY (ALB)



WHISTLEBLOWING SCHEMATIC – DISCLOSURE ORIGINATING FROM A SOURCE OUTSIDE THE DEPARTMENT AND ITS ALBs



WHISTLEBLOWING SCHEMATIC – DISCLOSURE ORIGINATING FROM DfE EMPLOYEE

