

CPANI

The Commissioner
for Public Appointments
Northern Ireland

WHISTLEBLOWING ARRANGEMENTS (FOR CPA NI STAFF AND MEMBERS OF THE PUBLIC)



October 2018

Contents

Section	Title	Page
1	Introduction	3
2	Types of Whistleblowing Concern covered	3
3	Raising a Whistleblowing Concern: Members of Staff	6
4	Raising a Whistleblowing Concern: External (Members of the Public)	8
5	Handling a Whistleblowing Concern	9
6	External Disclosures	11
	Annex 1 Form to be completed when raising a Public Interest disclosure concern	12
	Annex 2 Flowchart for raising a Whistleblowing concern	14

1. Introduction

1.1 The Commissioner for Public Appointments for Northern Ireland (CPA NI) is committed to the highest possible standards of openness and accountability in the delivery of its services. The purpose of this guidance is:

- To reassure staff that they can raise genuine concerns about potential wrongdoing in confidence, through a clear internal reporting process, without putting their position at risk; and
- To provide arrangements through which anyone who is not a member of staff (for example members of the public and other external stakeholders) can raise concerns about the proper conduct of public business by CPA NI.

1.2 The sections overleaf explain the types of concerns covered by the CPA NI Whistleblowing Policy, how CPA NI staff members and members of the public can raise a concern and how these concerns will be managed by the Department.

2. Types of Whistleblowing Concern Covered

2.1 All of us at one time or another may have concerns about what is happening at work. A whistleblowing concern is about a **risk, malpractice or wrongdoing that affects others**. It could be something which adversely affects other staff, the Department and/or its sponsored bodies, and/or the public.

2.2 A simple way to establish whether your concern falls under the whistleblowing policy is to consider the nature of the concern. If the concern refers to 'others' e.g. CPA NI, other staff, clients, the wider public, then it is a whistleblowing concern. If the concern relates to you as an individual 'self' e.g. a personal grievance about terms of employment, pay, unfair treatment – this is not a whistleblowing concern. Consequently, 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. Generally a whistleblower has no self interest in the issue being raised, however each whistleblowing concern should be considered on a case by case basis to determine whether it fits within the 'whistleblowing' classification.

- 2.3 Similarly, whistleblowing does not cover complaints about the Department's performance or standards of service, for which separate procedures exist. These are set out in the CPA NI Complaints Procedure located at <https://www.publicappointmentsni.org/making-complaint>
- 2.4 A full list of the types of concern covered by the Whistleblowing arrangements is detailed in the Public Interest Disclosure (NI) Order 1998 [The Public Interest Disclosure \(Northern Ireland\) Order 1998.](#)
- 2.5 Types of whistleblowing concern could include, but are not restricted to:
- A criminal offence/unlawful act;
 - The endangering of an individual's health and safety;
 - Failing to safeguard personal and/or sensitive information;
 - Poor value for money;
 - Fraud and corruption (including bribery);
 - Maladministration (e.g. not adhering to procedures); and
 - The unauthorised use of public funds.
- 2.6 Actual examples of the types of concerns previously raised by whistleblowers, include:



2.7 It will always be assumed that concerns have been raised 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.

3. Raising a Whistleblowing Concern: Members of Staff

- 3.1 The Public Interest Disclosure (NI) Order 1998 provides protection for **employees** who raise concerns.
- 3.2 If you are a member of CPA NI staff and you have a concern, you should refer to the NICS Public Interest Disclosure (Whistleblowing) Policy [NICS Public Interest Disclosure \(Whistleblowing\) Policy](#). This is included in the NICS HR Handbook at Section 6.01 (Standards of Conduct) of Chapter 6 (Employee Relations). Sub-section 4 of Section 6.01 sets out the provision 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.
- 3.3 The NICS Policy explains that staff should usually raise concerns by talking to their line manager or someone else within the line management chain. Managers should handle concerns in accordance with CPA NI's Raising Concerns (Whistleblowing) procedures which can be found on the Department's intranet site [Guidance for Staff when handling Whistleblowing Allegations](#).
- 3.4 In raising a concern you should be aware that:
- You are not required to have formal evidence before raising a concern, only a reasonable suspicion of wrongdoing;
 - You are a witness to a potential wrongdoing and are merely relaying that information to your employer; and
 - It is the responsibility of your employer to use the information you provide to investigate the issue raised.

- 3.5 If for any reason, raising a concern with your line manager or someone else within the line management chain would be difficult you can raise the matter with The Executive Office (TEO) **Departmental Nominated Officer** as detailed below.

Anne Breen (HR Director & Departmental Nominated Officer)
NICS HR, Goodwood House
45-58 May Street, Belfast, BT1 4NN
Ext. 39715 or 02890256715
Email: anne.breen@finance-ni.gov.uk

- 3.6 The Department also has a dedicated confidential email inbox for those individuals who wish to raise a concern. The inbox is managed confidentially by the Department's Corporate Governance Branch and the address is: [Raising concerns@executiveoffice-ni.gov.uk](mailto:Raisingconcerns@executiveoffice-ni.gov.uk).
- 3.7 **Annex 1** to this guidance includes a template that should be used to raise a concern. A flow diagram is attached at **Annex 2**, summarising the process for staff raising a whistleblowing concern.
- 3.8 If you are unsure whether or how to raise a concern or you want confidential advice at any stage, you may contact the independent charity Public Concern at Work (PCaW) on 020 7404 6609 or by email at helpline@pcaw.co.uk. PCaW staff 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 www.pcaw.co.uk. Alternatively you could contact the appropriate regulator such as the Northern Ireland Audit Office or the Health and Safety Executive of Northern Ireland.

4. Raising a Whistleblowing Concern: External (Members of the Public)

4.1 While the Public Interest Disclosure (NI) Order 1998 applies to workers (as defined in the Order) CPA NI will endeavour, as far as possible, to apply the same principles in respect of concerns raised by **non-staff members**. Concerns raised will be treated in the strictest confidence. Where concerns lead to criminal proceedings, you may also be required to give evidence in a court of law. If you are not a member of CPA NI staff (for example you are a member of the general public or an external stakeholder) you can raise your concern orally or in writing to:

<p>Commissioner for Public Appointments Annexe B Dundonald House Belfast Tel: 028 905 24820 Email: info@publicappointmentsni.org</p>	or	<p>TEO Head of Corporate Governance Room E5.18 Castle Buildings Stormont Estate Belfast Tel: 028 90520199 Email: raisingconcerns@executiveoffice-ni.gov.uk</p>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

4.2 Alternatively you can submit your concern to the TEO dedicated confidential email inbox for those individuals (staff and members of the public) who wish to raise a concern. The inbox is managed confidentially by the Department's Corporate Governance Branch and the address is: Raisingconcerns@executiveoffice-ni.gov.uk. Annex 1 to this guidance includes a template that can be used to raise a concern. A flow diagram is attached at Annex 2, summarising the process for members of the public raising a whistleblowing concern.

5. Handling a Whistleblowing Concern

5.1 Be assured that all concerns raised will be taken seriously and investigated appropriately. Information and documentation relating to your concern will be restricted in order to protect the identity of all those involved, including those against whom the concerns are made.

5.2 If your concern has not been submitted anonymously, CPA NI will:

- Formally acknowledge receipt of your concern;
- Formally notify you of who will be investigating your concern;
- Offer you the opportunity of a meeting to fully discuss the issue;
- Respect your confidentiality where this has been requested.
Confidentiality should not be breached unless required by law;
- Take steps to ensure that you have appropriate support and advice;
- Agree a timetable for feedback. If this cannot be adhered to, CPA NI will let you know;
- Provide you with as much feedback as it properly can; and
- Take appropriate and timely action against anyone who victimises you.

5.3 If you choose to raise your concern **anonymously**, 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. Disadvantages of raising a concern anonymously include:

- Detailed investigations may be more difficult, or even impossible, to progress if you choose to remain anonymous and cannot be contacted for further information;
- The information and documentation you provide may not easily be understood and may need clarification or further explanation;
- There is a chance that the documents you provide might reveal your identity;

- It may not be possible to remain anonymous throughout an in-depth investigation; and
- It may be difficult to demonstrate to a tribunal any detriment you have suffered as a result of raising a concern.

5.4 If you decide to reveal your identity to CPA NI during the process, your confidentiality will be protected, as far as possible. However, it may not always be possible to maintain confidentiality if this impedes the investigation. In such circumstances, we will consult with you in order to seek your informed consent to progress the case.

5.5 If your confidentiality is not protected, and you suffer detriment as a result, you may be able to seek recourse through an Employment Tribunal.

5.6 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.”

5.7 If your concern is about possible fraud, CPA NI will deal with it by following our Fraud Policy and Fraud Response Plan. If your concern falls more properly within the Staff Grievance Policy (or other HR Policy) or the Complaints Procedure, we will tell you.

6. External disclosures

- 6.1 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 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.

Annex 1 Whistleblowing – Form to be completed by staff or the general public when Raising a Whistleblowing Concern

Title <i>(Mr, Mrs, Ms, Other – please specify)</i>	
Name	
Address	
Telephone Number	
Email address	

Please outline full details of the alleged whistleblowing concern that you wish to raise with the Department:

Signature:

Date:

The completed form should be returned to:

For CPA NI staff

Your line manager (or their immediate line manager) or the Departmental Nominated Officer (Anne Breen) at Goodwood House
45-58 May Street, Belfast, BT1 4NN.

Email: anne.breen@finance-ni.gov.uk.

Or alternatively by email to - Raisingconcerns@executiveoffice-ni.gov.uk

For Members of the Public or external stakeholders:

Commissioner for Public
Appointments
Annexe B
Dundonald House
Belfast
Tel: 028 905 24820
Email:
info@publicappointmentsni.org

or

TEO Head of Corporate
Governance
Room E5.18
Castle Buildings
Stormont Estate
Belfast
Tel: 028 90520199
Email:
raisingconcerns@executiveoffice-ni.gov.uk

Or alternatively by email to - Raisingconcerns@executiveoffice-ni.gov.uk

ANNEX 2 - TEO WHISTLEBLOWING PROCESS FOR CONCERNS RAISED BY STAFF AND THE GENERAL PUBLIC

