

# Whistleblowing Policy

# Whistleblowing Policy

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*Human Resources Department*

	
Title	Whistleblowing Policy
Aim	To outline the Housing Executive's policy for raising Whistleblowing concerns and the procedure for dealing with these concerns.
Version	Final Version for Implementation
Last reviewed	February 2015
Last updated	February 2015
Staff affected	All
Author(s)	Human Resources Policy Unit
Approved by	Board February 2013
Screened for equality impact	February 2015
Date of next review	March 2018

## Whistleblowing Policy

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## **1.0 INTRODUCTION**

- 1.1 This Policy applies to all individuals within the Housing Executive. Individuals are defined as employees, agency workers or any other individual that provides a service to the Housing Executive.
- 1.2 This Policy is intended to assist individuals who believe they have discovered malpractice or impropriety. It is not designed to question business decisions or to raise a personal grievance about terms of employment, pay or unfair treatment.
- 1.3 An important aspect of accountability and transparency is a mechanism to enable all individuals to voice concerns internally in a responsible and effective manner when they discover information which they believe shows serious malpractice, risk, abuse or wrongdoing.
- 1.4 This Policy is fundamental to the Housing Executive's professional integrity. In addition, it reinforces the value that the Housing Executive places on individuals to be honest.

## **2.0 OBJECTIVE**

- 2.1 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.
- 2.2 Individuals may be worried about raising such a concern and may think it best to keep it to themselves, perhaps feeling it potentially has nothing to do with the Housing Executive or that it is only a suspicion. You may feel that raising the matter would be disloyal to colleagues, managers or to the Housing Executive. 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.
- 2.3 The purpose of this Policy is to reassure that it is safe and acceptable to speak up. The Policy also enables you to raise your concern about suspected malpractice at an early stage and in the right way. Rather than wait for proof, the organisation would prefer you to raise the matter when it is still a concern.
- 2.4 If something is troubling you which you think the organisation should know about or investigate, please raise it through the correct routes, as detailed in Appendix 1. These Whistleblowing arrangements are to allow you to raise a concern where the interests of others or the Housing Executive are at risk.

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2.5 If you wish to make a complaint about your terms of employment, pay or unfair treatment, please use the Housing Executive's Grievance Procedures.

2.5.1 Please note the difference between a whistleblowing concern and a grievance:

- A whistleblowing concern is about a risk, malpractice or wrongdoing **that affects others**. It could be something which adversely affects other workers, the Housing Executive itself and/or the public.
- A grievance is a personal complaint about someone's own employment situation.

2.6 If your concern is about possible fraud, you may also wish to refer to the Housing Executive's Fraud Policy Statement and Fraud Response Plan which can be found on Gateway.

2.7 This Policy provides an appropriate framework to ensure that there is adequate protection for individuals who raise an issue of concern at work and/or make disclosures which are in the public interest. Such issues of concern may fall within the scope of current 'Whistleblowing' legislation or may relate to other concerns in regard to improper conduct (referred to in this Policy as 'relevant matters').

### 3.0 EXPRESSION OF CONCERN

3.1 The Whistleblowing policy does not detract from the principle that day to day concerns can be raised and resolved through normal communication between management and officers.

If an officer wants to make an expression of concern it should be raised with their line manager, or appropriate manager, who is then required to deal reasonably with an officer's concern.

3.2 Officers are encouraged to express their concerns freely within the Housing Executive on all aspects of Housing Executive activities. The expression of such concerns is welcomed and will be viewed as a contribution towards improving the services that we offer.

3.3 Recourse to expression of concern does not preclude officers from pursuing actions through the Whistleblowing policy, in order to gain protection under the Public Interest Disclosure (N. Ireland) Order 1998, as detailed under section 4.0 of the Whistleblowing policy.

## 4.0 'WHISTLEBLOWING' LEGISLATION

4.1 Whistleblowing is when an officer reports suspected, risk, malpractice or wrongdoing in the workplace that affects others. This is called 'making a disclosure in the public interest'. The Public Interest Disclosure (N. Ireland) Order 1998 provides protection if you make a 'qualifying disclosure'. A qualifying disclosure is a disclosure of information which you believe tends to show that one or more of the following matters is either happening now, took place in the past, or is likely to happen in the future:-

- (i) a criminal offence;
- (ii) a breach of legal obligation;
- (iii) a miscarriage of justice;
- (iv) a health and safety risk, either to the public or other employees;
- (v) damage to the environment; or,
- (vi) deliberate covering up of information tending to show any of the above.

4.2 In addition to the protection afforded by the Public Interest Disclosure Order, this Whistleblowing Policy also provides protection if you make disclosures in regard to other relevant matters, indicated below:-

- (i) Any instance in which an individual believes that they are being required to act in a way which is illegal, improper or unethical.
- (ii) Any instance in which an individual believes they are being required to act in a way which may involve possible maladministration, fraud, or misuse of public funds.
- (iii) Any instance in which an individual believes that they are being required to act in a way which is otherwise inconsistent with the Staff Code of Conduct (the Staff Code).
- (iv) Any case of irregular or improper behaviour within the Housing Executive, regardless of whether or not the relevant individual has been personally involved.
- (v) Any instance in which the individual has been required to act in a way which, for that individual, raises a fundamental issue of conscience.

## 5.0 OUR ASSURANCES TO YOU

### 5.1 Employment Protection

The Housing Executive is committed to making Whistleblowing work as these arrangements are the most important sources of information to identify and address problems that disadvantage or endanger other people.

If you raise a genuine concern under these arrangements, you will not be at risk of losing your job or suffering any form of detriment as a result. Provided you are acting in good faith, it does not matter if you are mistaken.

#### **What is not protected:**

Of course, this assurance does not extend to someone who:

- Makes vexatious, baseless or repeat complaints about others;
- Maliciously raises a matter they know to be untrue;
- Releases or seeks to publicise commercially sensitive information or otherwise confidential information (such as legal advice) when the protection of such data is part of your contract of employment with the organisation.

This type of behaviour can be misconduct and such disclosures are firmly outside of the whistleblowing context.

### 5.2 Confidentiality

The Housing Executive will not tolerate the harassment or victimisation of anyone who raises a concern. Victimisation is discrimination contrary to the anti-discrimination legislation. Any complaint of harassment or victimisation will be treated seriously, and properly investigated. Victimisation may result in disciplinary action and may warrant dismissal. With these assurances you are encouraged to openly raise your concern.

However, the organisation recognises that there may be circumstances when individuals would prefer to speak to someone in confidence first. If this is the case, please advise at the outset. If you ask not to disclose your identity, we will not do so without your consent, unless required by law. Individuals should understand that there may be times when the Housing Executive is unable to resolve a concern without revealing your identity, for example, where your personal evidence is essential. In such cases, we will consult with you and, where possible, gain your consent prior to any action that could identify you.

### 5.3 Your Anonymity

The purpose of Public Interest Disclosure legislation is to encourage the open raising of concerns. However, you can make a disclosure anonymously. The Housing Executive gives a commitment that we will consider all concerns raised anonymously. However, these arrangements are not always well suited to Whistleblowing.

The Housing Executive will not take any steps to identify an individual who raises concerns on an anonymous basis. However, individuals should be aware of the disadvantages of raising concerns anonymously:

- 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;
- If you do not tell us who you are, it will be difficult to protect your position, or to give you feedback.

## 6.0 HOW TO RAISE A CONCERN INTERNALLY

6.1 Individuals may raise a concern through the routes detailed below by completing the pro-forma (Appendix 2). All concerns raised in this way will be treated as confidential.

6.2 Individuals should remember that there is no need to have firm evidence of malpractice, risk, abuse or wrongdoing before raising a concern. However, we do ask that you explain in full the information or circumstances that gave rise to your concern. If you have evidence in regard to your concern you should let your manager know at the outset.

### **Route One**

If you have a concern we hope you will feel able to raise it first with your line manager or with their immediate manager. This can be done in writing or verbally. In either case, the line manager will write a brief summary of the concern, which would be agreed by both parties prior to passing to the Director of Corporate Services and Functional Director.

### **Route Two**

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 Director, Assistant Director or Regional Manager.

If, for whatever reason, you are dissatisfied with the response or outcome, please raise the matter in the following order listed below:

1. Director of Corporate Services
2. Chief Executive

6.3 If the above routes have been followed and you still have concerns, or you feel the issue is inappropriate to raise with the Chief Executive, please raise the matter with the Vice Chairman.

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

6.5 When a manager receives a concern from an individual it is their responsibility to advise the Director of Corporate Services and Functional Director in a timely manner. All concerns received will be recorded through the Housing Executive's Investigation Strategy Group (ISG).

6.6 An allegation raised will be acknowledged in writing within ten working days by the appropriate manager, prior to an initial assessment.

## **7.0 HOW WE WILL HANDLE THE MATTER**

7.1 Once you have advised the organisation of your concern, it will be assessed initially to ascertain what action should be taken. This may involve an informal review, an internal inquiry or a more formal investigation. All concerns raised will be reported through the Audit Committee.

7.2 Where it is decided by a Director that a formal investigation is necessary, the overall responsibility for the investigation will lie with a nominated "*Investigation Officer*". You will be contacted in writing providing a summary of your concern and to advise you of who is dealing with the matter, how you can contact them, and whether you're further assistance is required.

7.3 The organisation will also nominate a '*Contact Officer*' who will be available to provide general advice and support to you while your concern is being investigated.

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- 7.4 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 advise at the outset. If your concern falls more appropriately within the Grievance or Harassment Procedure, you will be advised in writing.
- 7.5 The Housing Executive will keep you informed of progress and the outcome of the investigation. However, it may not be possible to tell you the precise action taken where this would infringe a duty of confidence owed by the Housing Executive to someone else.
- 7.6 If your concern is substantiated you will be informed of the outcome and the Housing Executive will take necessary, reasonable action. However if it is unsubstantiated you will be informed in writing, providing a reason for the decision.
- 7.7 If you are dissatisfied with a response or outcome through either Route it can be escalated as detailed under section 5.2 and Appendix 1.

## 8.0 INDEPENDENT ADVICE

- 8.1 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.
- 8.2 You may also contact Public Concern at Work on 020 7404 6609 or by email at [whistle@pcaw.org.uk](mailto:whistle@pcaw.org.uk). This is an independent charity that gives free, confidential legal advice. 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 [www.pcaw.org.uk](http://www.pcaw.org.uk).

## 9.0 EXTERNAL DISCLOSURES

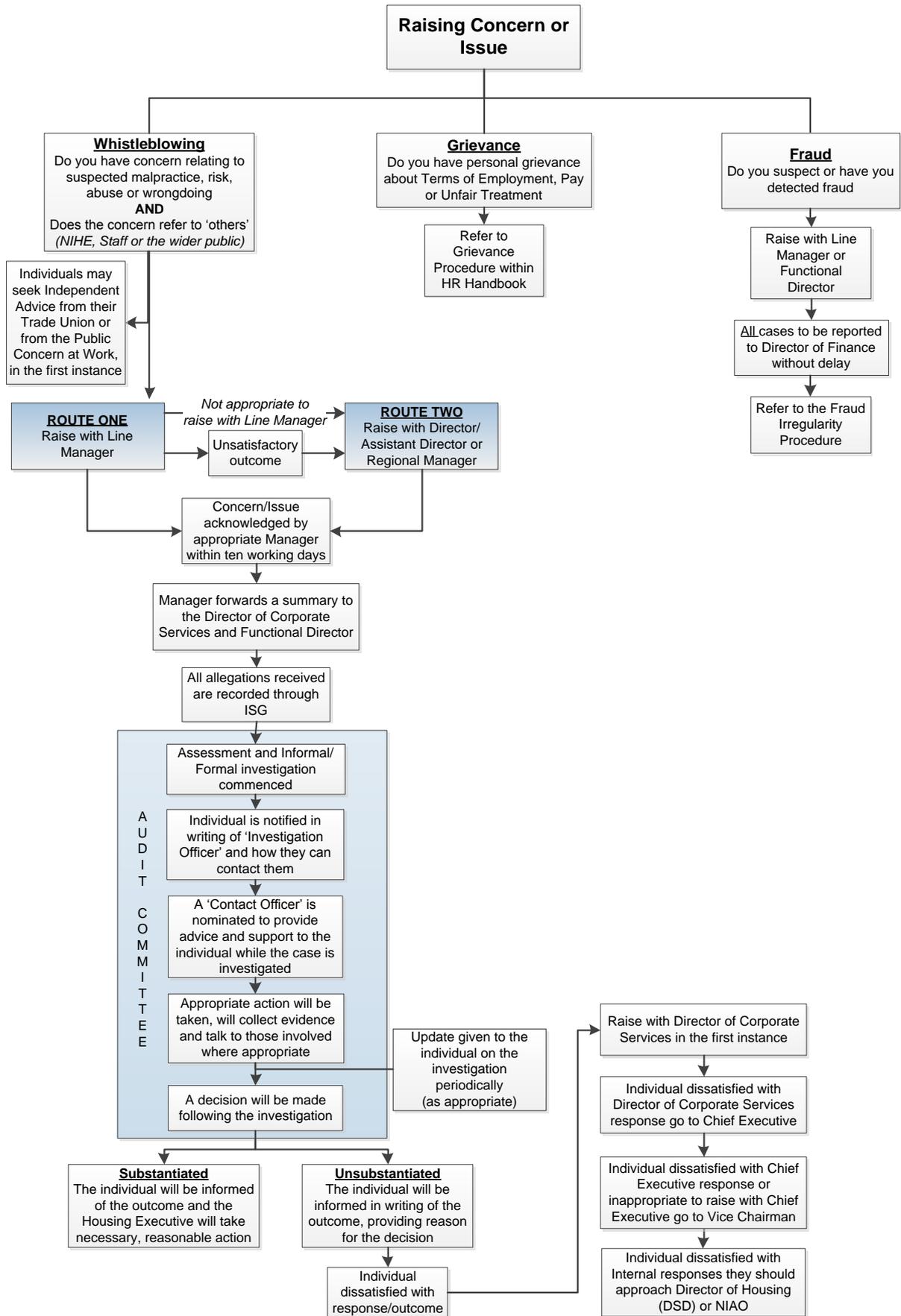
- 9.1 The Housing Executive hopes that it provides the reassurances you need, that any disclosures or concerns raised by you will be treated seriously. However, if you are dissatisfied with the Housing Executive's response, you may approach the Director of Housing in the Department for Social Development or the Northern Ireland Audit Office.

## 10.0 CONCLUSION

- 10.1 While the Housing Executive cannot guarantee a response 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 the organisation to achieve this.

Appendix 1

Whistleblowing Flow Chart



**Appendix 2**

**Whistleblowing Pro-Forma**

To:	
Date:	
<b>CONCERN AT WORK</b>	
I have a concern in regard to issues arising at my work which I believe fall within the Housing Executive's Whistleblowing Policy.	
*Signed: _____	
*Location: _____	
*Print Name: _____	
*N.B. While the Housing Executive believes it will be better able to address your concern if you identify yourself; whether you do so or not is a matter for yourself. The Housing Executive will address the matter you raise in any event.	

**You may submit additional material in relation to your concern if required.**

**Forward completed form to your Line Manager or those named in the Whistleblowing Policy.**