



Northern Ireland Social Care Council

Whistleblowing Policy

**FINAL
July 2011**

1 Introduction

- 1.1 The Northern Ireland Social Care Council (NISCC) is committed to achieving and sustaining high standards with regard to behaviour at work, service to the public and all our working practices. Staff are therefore expected to conduct themselves with integrity, impartiality and honesty, and in the public interest, at all times.
- 1.2 The NISCC has, as one of its core values, a commitment to openness in all of its activities and decision making processes, and wishes to foster a culture where staff feel safe to raise any concerns they may have about inappropriate behaviour at any level of the organisation. To achieve this, the NISCC encourages its staff to raise issues of genuine concern without fear of reprisal or victimisation.
- 1.3 The terms 'staff' and 'employees' in this policy apply both to those people directly employed by the NISCC, and those people associated with the NISCC by any other employment or contractual arrangement. The usual employment law restrictions on minimum lengths of service do not apply.

2 Purpose of this Policy

- 2.1 The purpose of this policy is to clearly set out the procedures which the NISCC has in place for raising concerns in the workplace, particularly where those concerns relate to unlawful conduct, financial malpractice, dangers to the public or the environment, or actions otherwise contrary to the public interest. The term for the reporting of these types of concerns is generally known as 'whistleblowing'.
- 2.2 This policy ensures that action is taken to investigate any matters of concern raised and to enable the NISCC to initiate corrective action where deemed necessary and appropriate.
- 2.3 This policy is not for use in cases where the Grievance Policy is applicable. The Whistleblowing Policy is only to be used when staff have a genuine concern which may affect the public interest.

3 The Public Interest Disclosure (Northern Ireland) Order

- 3.1 The Public Interest Disclosure (NI) Order 1998 (revised 2004) provides staff with protection against victimisation when reasonably and in good faith reporting concerns. Staff who report wrongdoing have the right to complain to an industrial tribunal if they are dismissed or suffer any other form of detriment for doing so. Although only employees can complain of unfair dismissal, other workers who are not employees can complain that they had been subjected to a detriment, for example, if their contracts were terminated because they had blown the whistle.

3.2 The Public Interest Disclosure (NI) Order does not introduce a general protection for whistleblowers in all circumstances. A qualifying disclosure is one that the worker has a reasonable belief that one of the following has been, is being or is likely to occur:

- A criminal offence
- A failure to comply with a legal obligation
- A miscarriage of justice
- The endangering of an individual's health and safety
- Damage to the environment, and
- Deliberate concealment of information tending to show any of the above.

3.3 **The legislation does not provide protection to anyone who raises issues which they know to be untrue or which are raised in a vexatious or mischievous way.**

3.4 The employee must make the disclosure in good faith and reasonably believe that the information and the allegation in it are substantially true.

3.5 Gagging clauses in employment contracts and severance agreements which conflict with the protection of the Order are void.

4 NISCC Policy Statement

4.1 The NISCC is committed to openness in all its activities and there may be occasions when staff have genuine concerns about how the NISCC is conducting its business or about what is happening within the working environment. When the concerns relate to issues which may affect the public interest, it can be difficult for staff to know what to do next. The NISCC encourages everyone to raise such issues and it is our policy that no one should be disadvantaged, lose their job or suffer any form of retribution for raising issues in good faith. It does not matter if the staff member raising the issue is mistaken provided that they acted in good faith. However, such assurances will not be extended to those who raise issues which they know to be untrue or which are raised in a vexatious or mischievous way.

5 Confidentiality

5.1 The NISCC will not tolerate the harassment or victimisation of anyone who raises a genuine concern. However, it is recognised that a staff member raising an issue may wish their identity to remain confidential. If a staff member wishes for their identity to remain anonymous, the NISCC will not disclose it without their consent. Should a situation arise where the issue may not be satisfactorily resolved without revealing the staff member's identity, e.g. because the individual's evidence is needed in court or in a disciplinary hearing, the NISCC will discuss the options with the staff member before proceeding.

6 Anonymity

- 6.1 If a staff member reports a concern anonymously, it will be much more difficult for the NISCC to investigate, to protect the staff member's position or to provide feedback. Accordingly, while anonymous reports will be considered, these arrangements are not well suited to deal with concerns raised anonymously.

7 Whistleblowing Procedure - How to raise a concern internally

- 7.1 The NISCC would expect that staff initially raise any issues internally, although the individual may not always feel that this is appropriate. Thus, there are a number of ways in which concerns may be handled.
- 7.2 It is important at the outset for the individual raising the matter to confirm whether he/she wishes it to be raised in confidence in order that the NISCC may make the appropriate arrangements.
- 7.3 **Step One:**
Concerns may be raised verbally or in writing. Staff are encouraged to raise any concerns through their line manager in the first instance.

- 7.4 **Step Two:**
If the concern surrounds the line manager, it should be raised with the Director of Corporate Services:

Director of Corporate Services, Northern Ireland Social Care Council
Telephone: 028 9041 7600

- 7.5 **Step Three**
If the concern surrounds the Director of Corporate Services or another Director, it should be reported to the Chief Executive:

Chief Executive, Northern Ireland Social Care Council
Telephone: 028 9041 7600

- 7.6 **Step Four**
If the concern surrounds the Chief Executive, it should be reported to the Chair:

Chair, Northern Ireland Social Care Council
Telephone: 028 9041 7600

8 How the NISCC will deal with the concern

- 8.1 Once a staff member has informed the NISCC of a concern, an initial assessment will be made to indicate what action should be taken. This may involve an internal inquiry or a more formal investigation. The staff member will be advised of the name of the person investigating the matter, how he/she can be contacted and whether any further assistance may be needed.

- 8.2 The NISCC will advise the staff member if it believes that the concerns raised should be dealt with via a more appropriate context such as through the grievance or harassment policy. The staff member will also be advised in writing of progress at regular and appropriate intervals. However, the NISCC may not be able to inform the individual of the precise action taken where this would infringe a duty of confidence owed to another person.
- 8.3 Subject to the nature of a concern, the NISCC's investigation should normally be completed within 28 days.
- 8.4 In recognition that the legitimate concerns of staff may or may not be justified, it is important that the individuals who are the subject of the complaint are treated in accordance with the principles of natural justice.
- 8.5 All investigations will be carried out with the intention of establishing the facts and will not presume guilt. Wherever possible, the individual concerned will be advised of the nature of the complaint, although it may not always be possible to reveal the identity of the complainant.
- 8.6 If an individual reports a matter and is dissatisfied with the way in which it is dealt, he/she can escalate his/her concerns i.e. report the concern to the next level of management. The NISCC will deal with all concerns raised as fairly as possible and will give the individual as much information as possible about the progress being made in dealing with the issue.
- 8.7 The NISCC will support employees who raise concerns and will take all reasonable steps to ensure that they are not victimised. Victimisation of staff who invoke this policy will be viewed as extremely serious and such instances will be dealt with under the NISCC's Disciplinary Policy.

9 External Disclosures

- 9.1 The aim of this policy is to reassure and encourage staff to raise any concerns internally. However, the NISCC recognises that there may be circumstances when a staff member feels it is necessary to circumvent the process above and raise their concern directly with the Department of Health, Social Services and Public Safety (DHSSPS), the Commissioner for Complaints, the Police Service of Northern Ireland, the Equality Commission or the Comptroller and Auditor General.
- 9.2 Please refer to Appendix 1 for contact details for the above organisations.

10 Outcome of Investigations

- 10.1 If, following an investigation, it is considered that an employee has made a frivolous, vexatious or malicious complaint, the NISCC will consider whether any further action is appropriate, including disciplinary proceedings.

11 Independent Advice

- 11.1 If you are unsure about raising a concern, you can seek free independent advice from Public Concern at Work (see contact details at Appendix 1).

12 Conclusion

- 12.1 This policy has been reviewed to meet best practice and comply with the Public Interest Disclosure (NI) Order 1998 (PIDO) and in accordance with the DHSSPS circular HSS (F) 07/2009.

13 Endorsement and Review

- 13.1 This policy will be reviewed on a bi-annual basis.
- 13.2 This policy was endorsed by Council on 29 June 2011.

14 Equality

- 14.1 This policy has been screened for equality implications as required by Section 75 and Schedule 9 and of the Northern Ireland Act 1998. Equality Commission guidance states that the purpose of screening is to identify those policies which are likely to have a significant impact on equality of opportunity so that greatest resources can be devoted to these.

External Contacts

DHSSPS Fraud Hotline
08000 96 33 96

Public Concern at Work
020 7404 6609
www.pcaw.co.uk

Commissioner for Complaints
Progressive House
33 Wellington Place
Belfast
BT1 6HN
Tel: 0800 343424

Equality Commission for Northern Ireland
Equality House
7-9 Shaftsbury Square
Belfast
BT2 7DP
Tel: 028 9050 0600

Comptroller and Auditor General
NI Audit Office
106 University Street
Belfast
BT7 1EU
Tel: 028 9025 1000
Email: whistleblowing@niauditoffice.gov.uk