



**RAISING CONCERNS AT WORK  
(WHISTLEBLOWING) POLICY**

**May 2016**



## **1. BACKGROUND**

- 1.1 The Education Authority (EA) is committed to the highest standards of openness, probity and accountability in the delivery of its services. Whilst the EA has put in place a wide range of rules, regulations, procedures and codes of practice, malpractice may unfortunately still occur.
- 1.2 The Authority does not tolerate any such malpractice and encourages anyone who has any knowledge of such to raise their concerns.
- 1.3 The aim of this policy is to:
- ensure that all employees feel supported in speaking up in confidence and reporting matters they suspect may involve anything improper, unethical and inappropriate;
  - provide clear procedures for the reporting of such matters;
  - manage all disclosures in a timely, consistent and professional manner; and
  - provide assurance that all disclosures will be taken seriously, treated as confidential and managed without fear of victimisation.
- 1.4 If the concern relates to a possible fraud, it may be helpful to refer to the Anti-Fraud Policy and Fraud Response Plan which can be found on the intranet.

## **2. PROTECTION**

- 2.1 The law that protects the person raising the concern is the 'Public Interest Disclosure Act 1998 (PIDA)'. Individuals who raise a genuine concern under this policy 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 became aware of the offence). As long as they have not been complicit, individuals will be protected even if the matter is found to be mistaken, provided they have a reasonable belief that the issue has occurred, either in the past, the present or is likely to happen in the future.
- 2.2 The harassment or victimisation of anyone raising a concern will not be tolerated. Any individual who believes they are being penalised/victimised for raising a concern, should refer to the EA Grievance Procedures and / or report their concerns to the Staff Welfare Officer who will take the matter further.

### **3. WHAT IS MALPRACTICE, ABUSE OR WRONGDOING**

3.1 Malpractice, abuse and wrongdoing can include a variety of issues, some of which are listed below:

- any unlawful act, whether criminal (e.g. theft, bribery) or a breach of the civil law (e.g. slander or libel);
- maladministration (e.g. unjustified delay, incompetence, negligent advice);
- failure to safeguard personal and / or sensitive information and/or subsequent misuse of such information;
- health and safety risks, including risks to the public as well other employees (e.g. faulty equipment);
- abuse of children and vulnerable adults (e.g. through physical, sexual, psychological or financial abuse, exploitation or neglect);
- the unauthorised use of public funds (e.g. expenditure for improper purpose);
- fraud (e.g. concealing theft of public funds through teeming and lading);
- bribery (e.g. to solicit or receive any gift / reward as a bribe);
- breach of the Board member or employee Code of Conduct;
- abuse of power (e.g. bullying / harassment); and
- deliberate concealment of information tending to show any of the above.

3.2 This is not a comprehensive list but is intended to illustrate the sort of issues that may be raised under this policy.

### **4. RAISING CONCERNS AT WORK (WHISTLEBLOWING) OR COMPLAINANT**

4.1 If the concern raised is about a risk, malpractice or wrongdoing that affects others and could be something which adversely affects other employees, the organisation itself and / or the public, it will be considered under this policy. A grievance is a personal complaint about someone's own employment situation.

4.2 Therefore, generally, the person raising the concern has no self-interest in the issue being raised. However this distinction may not always be clear cut. If you 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 shall tell you.

## **5. RAISING A CONCERN**

### **5.1 How to Raise a Concern - Internally**

- 5.1.1 If you have a concern about malpractice, we hope you will feel able to raise it first with your line manager. This may be done orally or in writing. Those who wish to make a written statement should set out the background and history of the concern (giving relevant dates) and the reasons why they are particularly concerned about the situation. The earlier a concern is expressed the easier it will be to take action.
- 5.1.2 The Authority will not expect an individual to prove their concern is true, but it will be necessary to demonstrate to the person contacted that there are reasonable grounds for the issue to be raised.
- 5.1.3 It is reasonable for an individual to discuss concerns with a colleague as it may be helpful to raise the matter if there are two (or more) individuals present who have the same experience or concerns.
- 5.1.4 Normally concerns about malpractice, abuse or wrongdoing should be raised firstly with line managers. However, if an individual feels unable to raise the matter with their line manager, then the Head of Branch/Department is the next point of contact. If the above channels have been followed / considered and:
- an individual still has concerns; or
  - reasonably believe that they will be victimised if they raise the matter internally; or
  - believe that disclosure will result in the destruction of evidence; or
  - they feel that the matter is so serious that they cannot discuss it with their line manager or Head of Branch/Department; or
  - they consider that it is not appropriate (e.g. the individual is a contractor);

please contact any of the following:

Gavin Boyd	Chief Executive	028 9041 3175	<a href="mailto:gavin.boyd@eani.org.uk">gavin.boyd@eani.org.uk</a>
Clare Duffield	Head of HR	028 9041 3184	<a href="mailto:clare.duffield@eani.org.uk">clare.duffield@eani.org.uk</a>
Joyce Bill	Head of Finance & ICT	028 9041 3178	<a href="mailto:joyce.bill@eani.org.uk">joyce.bill@eani.org.uk</a>
Pat O'Neill	Change Director	028 9041 3170	<a href="mailto:pat.o'neill@eani.org.uk">pat.o'neill@eani.org.uk</a>
Aaron Curragh	Head of Internal Audit & Risk Assurance - Belfast	028 9056 4007	<a href="mailto:aaron.curragh@eani.org.uk">aaron.curragh@eani.org.uk</a>
Reggie Russell	Head of Internal Audit & Risk Assurance - Ballymena	028 2566 1488	<a href="mailto:reggie.russell@eani.org.uk">reggie.russell@eani.org.uk</a>
David Stanley	Head of Internal Audit & Risk Assurance - Dundonald	028 9056 6477	<a href="mailto:david.stanley@eani.org.uk">david.stanley@eani.org.uk</a>
Kenny Orr	Head of Internal Audit & Risk Assurance - Armagh and Omagh	028 3751 2238	<a href="mailto:kenny.orr@eani.org.uk">kenny.orr@eani.org.uk</a>
Edgar Jardine	Chair – Audit & Risk Assurance Committee	07770514078	<a href="mailto:edgar.jardine@btinternet.com">edgar.jardine@btinternet.com</a>

## 6.2 Confidentiality

6.2.1 We recognise that you may want to raise a concern in confidence under this policy. If you ask us to protect your identity by keeping your confidence, we will not disclose it without your consent. If the situation arises where we are unable to resolve the concern without revealing your identity (for instance because your evidence is needed in court), we will discuss this matter with you. It may also be the case that colleagues may try to guess the employee's identity if they become aware that a concern has been raised. The EA will take practical steps to try and protect the confidentiality of the person raising the concern including:

- ensuring that paper files are properly classified as confidential and that electronic files are password protected;
- ensuring the minimum number of people have access to case files; and
- being discreet about when and where any meetings are held.

## 6.3 Anonymous Disclosure

6.3.1 This policy encourages an individual to put their name to the issue of concern whenever possible as, without this, it is more difficult to investigate a matter and to corroborate facts. However, the EA will take seriously concerns raised anonymously and will carry out such investigations as deemed necessary.

It may be the case that:

- detailed investigations may be more difficult 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 a detailed investigation.

6.3.2 The Authority will also be less able to protect the individual's position or to give feedback on the outcomes of any action taken. Concerns expressed anonymously are therefore much less powerful but will be considered by the Authority.

## **7. HOW THE EA WILL HANDLE THE MATTER**

7.1 All issues raised under this policy will be documented in a central database.

The Chief Executive's Office will:

- formally acknowledge receipt of your concern;
- formally notify you who will be investigating your concern;
- offer you an opportunity of a meeting to discuss the issue, so long as you have not submitted your concern in writing anonymously. You can be accompanied by a Trade Union representative or a work colleague if required;
- respect your confidentiality where this has been requested;
- take steps to ensure that you have appropriate support and advice;
- agree a timetable for feedback. If this cannot be adhered to, we will let you know;
- provide you with as much feedback as it is possible while observing data protection regulations; and
- take appropriate and timely action against anyone who victimises you.

7.2 In circumstances where you have raised a concern and are dissatisfied with the outcome of the internal investigation, you may refer the matter of concern to an external agency, for example, the Police Service of Northern Ireland (PSNI), the Northern Ireland Audit Office (NIAO) or the Department of Education (DE).

7.3 In certain circumstances, the information may be provided to external agencies to investigate, e.g. PSNI or NIAO. We shall tell you who is handling the matter, how you can contact them and whether your further assistance will be needed. If you request, we shall write to you summarising your concern and setting out how we propose to handle it.

## **8. HOW TO RAISE THE CONCERN - EXTERNALLY**

8.1 This policy is intended to provide an appropriate avenue within the Authority to raise concerns. However, it is also possible to raise a matter externally.

8.2 The EA also encourages contact from sources external to the Authority who have concerns about the use of public funding or other issues. All such notifications will again be considered in terms of:

- the seriousness of the issues raised;
- the creditability of the concern; and
- the likelihood of confirming the allegation from attributable sources.

8.3 External notifications can be made to the following:

### **Department of Education**

Tracey McCavigan

Head of Internal Audit

Rathgael House

Balloo Road

Bangor BT19 7PR

Tel: 028 9127 9669

Email: Tracey.McCavigan@deni.gov.uk

Or alternatively

Northern Ireland Audit Office

The Comptroller and Auditor General

106 University Street

Belfast BT7 1EU

Tel: 028 9025 1100

Email: whistleblowing@niaoauditoffice.gov.uk



## **9. INDEPENDENT ADVICE**

9.1 If you are unsure whether to use this procedure or you want independent advice at any stage, you may contact your union or the independent charity, Public Concern at Work.

Public Concern at Work  
3rd Floor, Bank Chambers  
6 – 10 Borough High Street  
London  
SE1 9QQ  
Telephone 020 7404 6609  
Email: [whistle@pcaw.co.uk](mailto:whistle@pcaw.co.uk)

9.2 Their lawyers can give you free confidential advice at any stage about how to raise a concern about serious malpractice at work. For more information, you can visit their website at [www.pcaw.co.uk](http://www.pcaw.co.uk).

# FLOWCHART OF RAISING CONCERNS AT WORK PROCESS

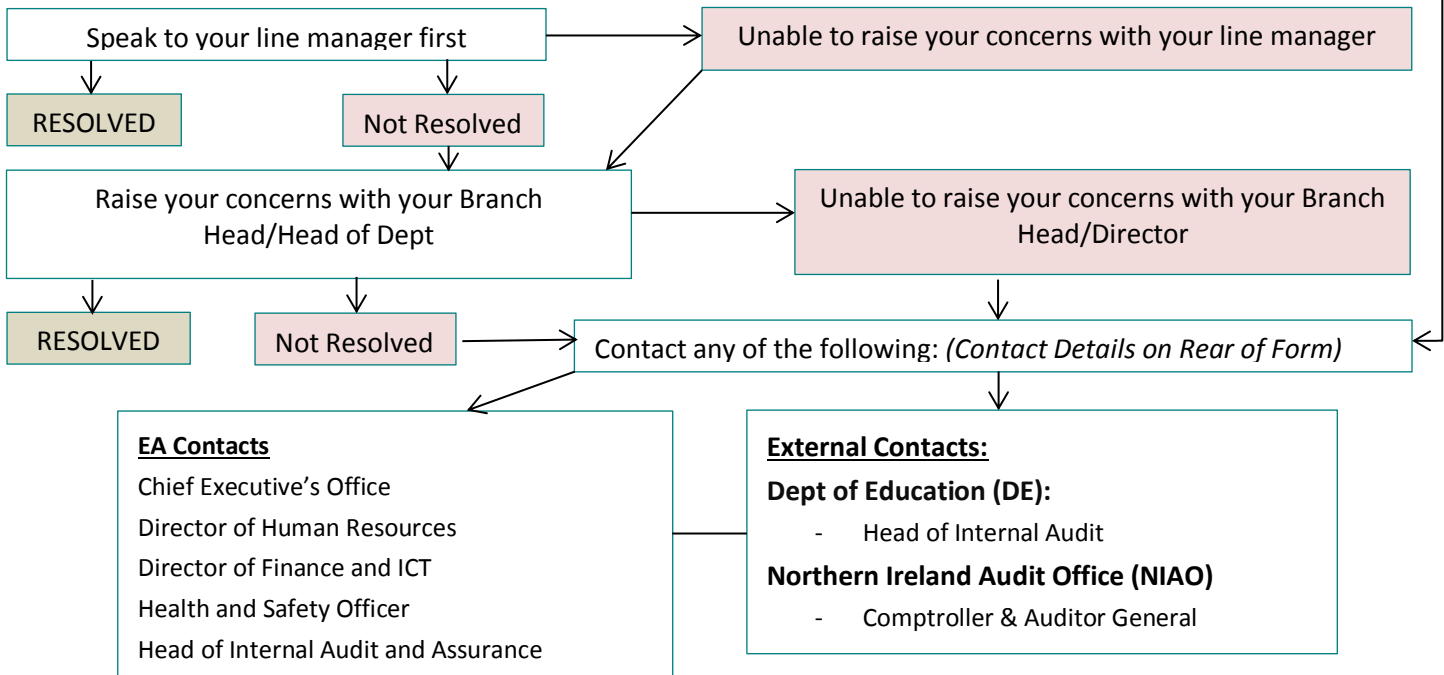
This flowchart sets out the stages in raising a concern and shows the management levels for internal disclosure.

## SEEK ADVICE

You wish to raise a concern? → The EA Raising Concerns at Work (Whistleblowing) Policy is available for download from: <http://www.eani.org.uk>

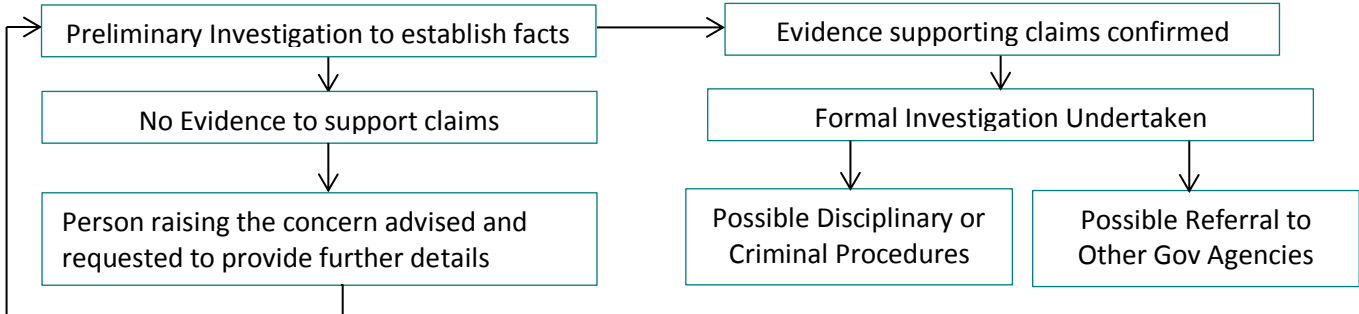
Are you an Employee of the Authority? → YES → Go to **STAGE 1** below  
 → NO → [Proceeds to STAGE 1 - REPORTING]

## STAGE 1 - REPORTING



## STAGE 2 - INVESTIGATION

You will receive a formal acknowledgement of receipt of your concern. You will be advised of the name and contact details of the investigating officer. The following process will then continue as follows.



## STAGE 3 - CONCLUSION

On conclusion of the investigation, the investigating officer will advise you of the outcome of the exercise. The amount of detail provided will be very much dependent on the legal circumstances of the individual case and will be compliant with Data Protection legislation.

As someone raising concerns at work, you have the right to remain anonymous, however, please bear in mind that if you fail to provide contact details the authority will have no means with which to provide feedback at any stage of the process.

## EA CONTACTS DETAILS: INTERNAL/EXTERNAL

### **INTERNAL EA CONTACTS:**

Gavin Boyd	Chief Executive	028 9041 3175	<a href="mailto:gavin.boyd@eani.org.uk">gavin.boyd@eani.org.uk</a>
Edgar Jardine	Chair – Audit & Risk Assurance Committee	07770 514078	<a href="mailto:edgar.jardine@btinternet.com">edgar.jardine@btinternet.com</a>
Clare Duffield	Head of HR	028 9041 3184	<a href="mailto:clare.duffield@eani.org.uk">clare.duffield@eani.org.uk</a>
Joyce Bill	Head of Finance & ICT	028 9041 3178	<a href="mailto:joyce.bill@eani.org.uk">joyce.bill@eani.org.uk</a>
Pat O'Neill	Change Director	028 9041 3170	<a href="mailto:pat.o'neill@eani.org.uk">pat.o'neill@eani.org.uk</a>
Aaron Curragh	Head of Internal Audit & Risk Assurance - Belfast	028 9056 4007	<a href="mailto:aaron.curragh@eani.org.uk">aaron.curragh@eani.org.uk</a>
Reggie Russell	Head of Internal Audit & Risk Assurance - Ballymena	028 2566 1488	<a href="mailto:reggie.russell@eani.org.uk">reggie.russell@eani.org.uk</a>
David Stanley	Head of Internal Audit & Risk Assurance - Dundonald	028 9056 6477	<a href="mailto:david.stanley@eani.org.uk">david.stanley@eani.org.uk</a>
Kenny Orr	Head of Internal Audit & Risk Assurance - Armagh and Omagh	028 3751 2238	<a href="mailto:kenny.orr@eani.org.uk">kenny.orr@eani.org.uk</a>

### **EXTERNAL CONTACTS**

#### **Northern Ireland Audit Office (NIAO)**

The Comptroller and Auditor General

106 University Street

Belfast

BT7 1EU

Tel: 028 9025 1100

Email: [whistleblowing@niaoauditoffice.gov.uk](mailto:whistleblowing@niaoauditoffice.gov.uk)

#### **Department of Education**

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