

Title of Report:	Raising Concerns Policy
Committee Report Submitted To:	Audit Committee
Date of Meeting:	December 2020
For Decision or For Information	For Decision

Linkage to Council Strategy (2019-23)	
Strategic Theme	Audit, Risk & Governance
Outcome	
Lead Officer	Audit, Risk and Governance Officer
Cost: (If applicable)	n/a In-house

1.0 Introduction

Purpose of report – to update the Whistleblowing Policy for best practice guidance issued from Northern Ireland Audit Office.

2.0 Background

- 2.1 The updated guide developed by the NIAO is aimed at helping employees and public sector organisation to understand the value of an open and honest reporting culture, where concerns can be raised and dealt with effectively as part of normal business, leading to strengthened governance.
- 2.2 The Council is committed to developing a culture where all employees are encouraged to raise concerns about poor and unacceptable practice and misconduct safely. Raising Concerns/Whistleblowing provides employees with an opportunity to raise serious, genuine concerns rather than overlooking the problem or blowing the whistle outside.
- 2.3 Workers are often best placed to identify deficiencies and problems before any damage is done, so the importance of their role as the ‘eyes and ears’ of organisations cannot be overstated.
- 2.4 Whistleblowing legislation offers protection to workers who disclose serious concerns and the Council is committed to ensuring that anyone who blows the

whistle will not be victimised, harassed or suffer any detriment as a consequence.

The benefits of raising concerns to the Council include:

- safeguarding the integrity of the Council;
- safeguarding the employees and the wider public; and
- identifying damage and wrongdoing as early as possible.

2.5 All whistleblowing/concerns raised are reported to Members through the Audit Committee and are investigated in line with Council policy where evidence was sought to substantiate any allegations made.

2.6 The Policy sets out the principles that the Council will use to identify, assess and management concerns raised.

3.0 Context for Raising Concerns Policy

3.1 It is accepted as good practice that all organisations should have a raising concerns policy in place. The revised Raising Concerns Policy provides a framework that will allow Causeway Coast and Glens Borough Council to improve upon the way in which it deals with concerns raised.

3.2 The policy makes it clear that all concerns are welcomed and will be treated seriously, and reassure those who may be thinking of raising a concern that the organisation's leadership will take the concern seriously and will not punish the employee if the concern turns out to be untrue, as long as they had reasonable suspicion of wrongdoing.

3.3 The new and revised policy makes it clear about how concerns can be raised and includes a step-by-step process of avenues for raising a concern within the Council. The policy also makes employees aware of how they can raise concerns outside the organisation, e.g. to the external auditor or prescribed person.

3.4 The policy also reassures those who may wish to raise a concern that it is an offence for management and staff to victimise employees who may raise a concern.

3.5 Following implementation of the new raising concerns policy, a raising concerns champion (s) will be appointed and training rolled out to staff across various locations.

Recommendation

It is recommended that the Causeway Coast and Glens Borough Council Audit Committee approve the Raising Concerns Policy.



**Causeway
Coast & Glens
Borough Council**

Raising Concerns Policy

Policy Number	CCG/12/20
Version Number	1
Author	Aileen Ruddy

Date of Screening of Policy	09 December 2020
EQIA Recommended?	N/a
Date Adopted by Council	Audit Committee
Policy Review Date	01 December 2022

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1. Introduction

- 1.1 This policy is designed for employees, Council's partners or members of the public who wish to raise concerns in the knowledge that they are protected under the safeguards of this policy.
- 1.2 Employees are often the first to realise that there may be something seriously wrong within the Council. However, they may not express their concerns because they may feel that speaking up would be disloyal to their colleagues or to the Council. They may fear harassment or victimisation. In these circumstances it may seem easier to ignore the concern rather than report what may just be a suspicion of malpractice. However, if the Council has the chance to deal with a potentially serious problem at the earliest opportunity this can minimise the risks before serious damage can be caused to persons, property or reputation.
- 1.3 The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment the Council expects employees, and others that the Council deals with to raise any serious concerns about any aspect of the Council's work. It is recognised that wherever practical, and subject to any legal constraints, many cases will proceed on a confidential basis.
- 1.4 It is important to note that employees who are aware of another employee committing any acts of wrong-doing but they decide to ignore these actions and not report their concerns then this employee may also be subject to disciplinary action being taken against them for knowingly allowing this wrong-doing to continue.
- 1.5 This policy complies with the law which offers a retrospective remedy to workers raising concerns. Since 1st October 2017 in Northern Ireland, the pre-existing good faith test has been replaced with a public interest test. So if a worker raises a concern in the public interest, regardless of their motivation, they will have the protection of the legislation should it be required.

2. Aims of this policy

This policy aims to:

- make you feel confident to raise concerns within the Council, as soon as possible rather than overlooking a problem or blowing the whistle to the media or other external bodies;
- give you avenues to raise concerns and receive feedback on any action taken;
- inform you on how to take the matter further if you are dissatisfied with the response; and
- reassure you that you will be protected from reprisals or victimisation for raising concerns that you reasonably believe to be true and in the public interest.

Signed: _____ Date: _____
Councillor Fielding
Mayor
Causeway Coast and Glens Borough Council

Signed: _____ Date: _____
David Jackson
Chief Executive
Causeway Coast and Glens Borough Council

3. What concerns can I raise?

- 3.1 This policy applies to anyone working for, with or on behalf of the Council. This includes employees, agency workers, contractors or suppliers. This policy is in addition to the Council's complaints procedures and other statutory reporting procedures applying to some services, for example safeguarding procedures for children or adults.
- 3.2 It covers concerns about any issue relating to suspected malpractice, risk, abuse, conduct, or wrongdoing that is in the public interest. You will not need to have evidence or proof of wrongdoing. As long as you have an honest belief, it does not matter if you are mistaken. It is best to raise the concern as early as possible, even if it is only a suspicion, to allow the matter to be looked into promptly.
- 3.3 The types of issues about which you can raise concerns include:
- any unlawful act (e.g. theft or fraud);
 - health and safety risks to employees, services users or the public;
 - the abuse of children or vulnerable adults;
 - damage to the environment (e.g. pollution, waste disposal);
 - failing to safeguard personal and / or sensitive information (data protection);
 - abuse of position; or
 - any deliberate concealment of information tending to show any of the above.

Please note that this list is not exhaustive.

4. Related policies

- 4.1 This policy is primarily concerned with the interest of others or where the Council itself are at risk. If an individual staff member feels aggrieved about their personal position then they should use the Grievance Procedure. This policy should be read with in conjunction with other Council Policies:
- Complaints Policy
 - Anti-Fraud Policy and Response plan; and
 - Grievance Policy

Appendix 1 shows the flowchart of the relationship between the Council policies.

5. Safeguards under this policy

- 5.1 The Council is committed to good practice and high standards and wants to be supportive of the individual.
- 5.2 The Council recognises that the decision to report a concern can be a very difficult one to make. If what the individual is saying is true, they have nothing to fear because they will be doing their duty to their employer, the Council, and those for whom they are providing a service.
- 5.3 The Council will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect the individual when they raise a concern in good faith.
- 5.4 Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that may already affect a member of staff.

6. Confidentiality

- 6.1 All concerns will be treated in a confidential and sensitive manner. The identity of the individual raising the concern will be kept confidential as far as is practical and will only be disclosed with the individuals consent. It should be understood that as part of the investigation process the source of the information or statement may be required as part of the evidence, particularly if the PSNI or equivalent regulatory body becomes involved.
- 6.2. The Responsible Officers will do all that they reasonably can to support the individual and ensure that they suffer no detriment or harassment once they have taken the decision to raise their concerns.

7. Anonymous allegations

- 7.1 Raising a concern anonymously means you choose not to reveal any of your personal details, such as name and contact number. This Council encourages individuals to put their name to the concerns raised whenever possible. Concerns expressed anonymously are less powerful but will be considered at the discretion of the Council.
- 7.2 In exercising this discretion the factors to be taken into account would include:
 - the seriousness of the issues raised
 - the credibility of the concern; and
 - the likelihood of confirming the allegation from attributable sources
- 7.3 Whilst concerns expressed anonymously will be welcomed and considered, we would ask anyone thinking of making a disclosure to consider the following:

- 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.
- It may be difficult to demonstrate to a tribunal that any detriment you have suffered is as a result of raising a concern.

8. Untrue allegations

- 8.1 If the individual raises a concern in good faith, but it is not confirmed by the investigation, no action will be taken against the individual. However, if an employee makes an allegation frivolously, maliciously or for personal gain and the allegation has no foundation, disciplinary action may be taken against them.

9. How to raise a concern

- 9.1 Concerns should be raised at the earliest opportunity in order for the Council to investigate the matter. Employees with a disability or learning difficulties can contact Human Resources for further assistance in raising their concerns.

Concerns may be raised verbally or in writing. The background and history to the concern, giving names, dates and places where possible and the reason why you are particularly concerned about the situation.

Step 1 – Raise your concern with your line manager.

If you have a concern, raise it first with your line manager or supervisor, either verbally or in writing.

Step 2 – Raise your concern with senior management, designated officers.

If you feel you are unable to raise the concern with your line manager, for whatever reason, raise the matter with one of the following Responsible Officers:

Aileen Ruddy – Audit Risk & Governance Officer
 Moira Quinn - Director of Corporate Services
 David Jackson - Chief Executive.

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

Step 3 – Raise your concerns externally

If after step 1 or step 2 you feel your concern has not been addressed satisfactorily, or if you feel that the matter is so serious that you cannot discuss it with any of the above, you may wish to report a concern to an external organisation.

Protect is an independent, charitable organisation that runs a free, confidential advice line. They can advise on how to safely and effectively raise a concern. The number is 020 31172520 or you can email their helpline whistle@protect-advice.org.uk.

The Local Government Auditors (including the NIAO) have been prescribed as persons to whom protected disclosures can be made under the Public Interest Disclosure (NI) Order 1998. Prescribed persons are responsible for investigations of allegations that fall under their jurisdiction and protecting whistleblower's and their interests. More information can be obtained from the Northern Ireland Audit Office (NIAO) on 028 9025 1000 or at niauditoffice.gov.uk.

- 9.2 Although individuals are not expected to prove beyond doubt, the truth of an allegation, the individual will need to demonstrate to the person contacted that there are reasonable grounds for their concern. Employees may wish to consider discussing their concern with a colleague first and they may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.

10. How the Council will handle a concern

- 10.1 Within 10 working days of a concern being raised, the responsible officer will contact the individual in confidence:
- formally acknowledging receipt of your concern
 - formally notify you who will be dealing with your concern
 - offer you the opportunity of a meeting to fully discuss the issue, so long as the concern has not been raised in writing anonymously
 - conduct initial enquiries to decide whether an investigation is appropriate
 - if an investigation is appropriate, formally notify you who will be investigating your concern (eg Internal Audit/External Consultancy/Independent Investigator/PSNI)
 - 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, we will let you know

- provide you with as much feedback as we properly can; and
- take appropriate and timely action against anyone who victimises you as result of you raising a concern.

- 10.2 When you raise a concern you may be asked how you think the matter might best be resolved. If you have a personal interest in the matter, please disclose this from the outset. If the Council think your concern falls more properly within grievance, bullying or harassment procedures, we will let you know.
- 10.3 Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.
- 10.4 The Council accepts that the individual may need to be assured that the matter has been properly addressed. The Responsible Officer will feedback any relevant, or appropriate, information after the investigation has been concluded, subject to legal constraints.

Appendix 2 sets out the detail of how the Council will deal with a concern raised.

11. How the matter can be taken further

- 11.1 This policy is intended to provide the individual with an avenue within the Council to raise their concerns. The Council hopes that individuals will be satisfied with any action taken. If they are not, and if they feel it is right to take the matter outside the Council, the following are possible contact points:

- The NI Commissioner for Complaints;
- The Northern Ireland Audit Office (NIAO)
- Relevant professional bodies or regulatory organisations
- Your solicitor; or
- The Police Service of Northern Ireland (PSNI)

Individuals may wish to rely on their rights under the Public Interest Disclosure (NI) Order 1998 (amended in October 2017). The Act gives protection to individuals who make certain disclosures of information in the public interest. The provisions contained within the Act are quite complex and include a list of prescribed people outside of the Council who can be contacted in particular circumstances. You should seek advice from your solicitor, local Citizens Advice Bureau or the Ombudsman or Protect on the effect of the Order.

12. If you are the subject of the raising concerns complaint

- 12.1 If a concern/complaint, (which would be anonymous) is received against you this will not, on its own, initiate disciplinary action being taken.
- 12.2 Upon receipt of such a complaint, it may be necessary for preliminary enquiries to be undertaken. Where the complaint is potentially serious/gross in nature, the Council may initially seek to validate the complaint through observation, enquiry and / or liaison with the PSNI and following these you will be informed of the allegations made and will be given an opportunity to provide an explanation.
- 12.3 If following explanation and, if necessary, further investigation there is no evidence to suggest misconduct, the matter will not be referred for disciplinary action. However, if there is evidence of potential misconduct there is a possibility that the council's disciplinary procedures may be implemented to more fully investigate the matter.

13. Monitoring, Review and Evaluation -

- 13.1 This policy will be monitored, reviewed and evaluated in line with the Council's agreed policy review cycle.
- 13.2 All concerns raised through this procedure must be brought to the attention of the Director of Corporate Services who will monitor how they are dealt with.

14. Section 75 Equality and Good Relations

Causeway Coast and Glens Council is fully committed to meeting its obligations in relation to Equality and Good Relations under Section 75 of the Northern Ireland Act. In this regard this policy will be screened using Section 75 guidelines and will be subject to an Equality Impact Assessment if found necessary as a result of the screening process.

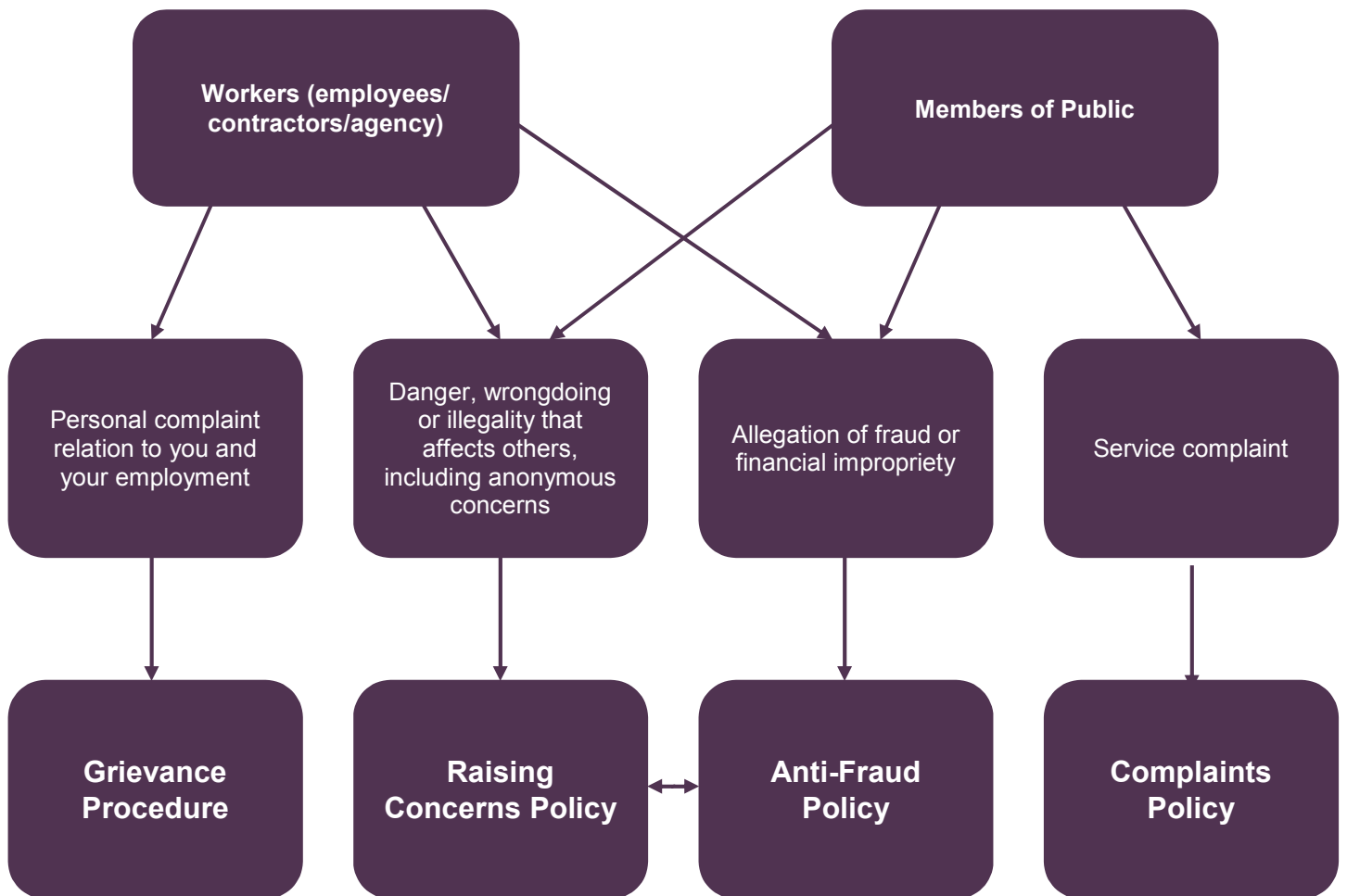
15. Contact details

Any issues or queries relating to this policy should be addressed to:

Aileen Ruddy
Audit, Risk & Governance Officer
Civic Headquarters
Causeway Coast and Glens Borough Council
66 Portstewart Road
Coleraine
Email aileen.ruddy@causewaycoastandglensboroughcouncil.gov.uk

Appendix 1 – Route map of council policies

The diagram below provides an overview of the relationship between the complaints, fraud and raising concerns policies and the existing grievance procedure. Note that only employees and agency workers are protected by whistleblowing legislation. More detail is provided in each policy.



Appendix 2 – Response for dealing with a concern.

Receipt of Concern

It is essential that workers who raise concerns are supported and, as such, managers (and all staff) who receive disclosures from workers should:

- Have a positive and supportive attitude towards workers raising a concern;
- Record as much detail as possible about the concern being raised and agree this record with the worker;
- Be aware of the process following the raising of the concern and explain this to the worker;
- Make sure the worker knows what to expect, for example feedback in relation to their concern;
- Assure the worker their confidentiality will be protected as far as possible, if they request it;
- Make no promises and manage the expectations of the worker;
- Make clear that the organisation will not tolerate harassment of anyone raising a genuine concern and ask the worker to let you know if this happens;
- Refer the worker to available sources of support, for example to Protect or a trade union;
- Pass the information as quickly as possible to the Audit, Risk and Governance Officer who will log the case and consider the best way in which to respond (see below).

Cases will be carefully logged by the Audit, Risk and Governance Officer to enable the investigation's progress to be monitored in a way that, where requested, safeguards the identity of the individual.

Initial Enquires

In order to protect individuals and the Council, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations which fall within the scope of other existing procedures will normally be referred for consideration under these procedures. It may not be necessary to carry out a formal investigation in every case. There may be a range of possibilities, depending on the nature of each case, for example:

- Explaining the context of an issue to the person raising the concern may be enough to alleviate their concerns.
- Minor concerns may be dealt with straight away by line management.
- A review by the Audit, Risk & Governance Officer or Internal Auditor as part of planned audit work might be sufficient to address the issue e.g. through a change to the control environment.
- There may be a role for the NIAO in addressing the concerns raised and either providing assurance or recommending changes to working practices.

Provided you are identifiable and do not request otherwise, the council will usually respond to concerns within ten working days of the concern being received, and will acknowledge that your concern has been received.

The action taken will depend on the nature of the concern. The matters raised may be:

- Investigated internally;
- Referred to the police or other statutory agencies; or
- Referred to the Local Government Auditor (Northern Ireland Audit Office)*

The course of action will normally be agreed by the Audit, Risk and Governance Officer and the Director of Corporate Services. Legal Services advice will be sought where required. The Audit, Risk and Governance Officer, in consultation, with officers above will sign off and endorse the approach to be taken and the appointment of officers to undertake a detailed investigation.

The initial investigation is essentially a 'fact finding' exercise, to establish whether there is a case to answer. It may need to be carried out under the strictest of confidentiality, e.g. in cases of suspected fraud or corruption.

Once this initial investigation has been completed, the investigating officer will report his or her findings and recommendations to the Audit, Risk and Governance Officer (or the Director of Corporate Services if the Audit, Risk and Governance Officer conducts the initial investigation) for further action.

Further Action

On the strength of the information provided by the investigation, the Audit, Risk and Governance Officer in consultation with the Director of Corporate Services will decide whether further action is necessary. If the result of the initial investigation is that there is a case to be answered by any individual, the Council's Disciplinary Procedure will be used to take the matter forward. Where it is evident that statutory or legal requirements have been contravened which may result in civil or criminal action, the appropriate authorities will be informed.

Where there is no case to answer, but where the individual had genuine concern and was not acting maliciously, the Council will ensure that the individual suffers no reprisals or victimisation.

Where it is established that false allegations have been made maliciously, it will be considered appropriate to act against the individual under the terms of the disciplinary procedure.

Feedback

We will give the individual as much feedback as we possibly can. However, we may not be able to tell them the precise action we are taking as this could infringe on our duty of confidence owed by us to someone else.

*NIAO – Good Practice Guide for the Northern Ireland Public Sector

<https://www.niauditoffice.gov.uk/publications/raising-concerns-good-practice-guide-northern-ireland-public-sector>