

Whistleblowing (Raising a Concern) Policy 2022

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Alternative Formats

This documentation can be made available in alternative formats such as large print, Braille, disk, audio tape or in an ethnic-minority language upon request. Requests for alternative formats can be made to the Probation Board using the following contact information:

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1. Application

This policy applies to all those who work for PBNi including employees, agency workers, secondees, students and volunteers. It also applies to any member of the public who has had contact with PBNi and wishes to raise a concern. A member of the public can raise concerns directly with any public sector organisation. A concern relating to PBNi's board members will be dealt with in accordance with the Code of Conduct relating to board members.

2. Background

Whistleblowing is an informal expression used to describe anyone raising a concern about wrongdoing, risk or malpractice that has a public interest aspect to it. "Whistleblowing may be called speaking up or raising a concern. It is all about ensuring that if someone sees something wrong in the workplace, they are able to raise this within the organisation, or to a regulator, or more widely. Whistleblowing ultimately protects customers, staff, beneficiaries and the organisation itself by identifying harm before it is too late." (Protect-Advice which was formerly known as Public Concern at Work)

The types of malpractice the law covers are:

- criminal offences
- failure to comply with a legal obligation
- miscarriages of justice
- threats to people's health and safety
- damage to the environment
- or covering up any of the above

Whistleblowing should be welcomed as an important source of information that may highlight serious risks, potential fraud or corruption.

This policy follows the guidance and approach set out in the Public Interest Disclosure Order (NI) 1998 which provides employment protection for individuals raising genuine public interest concerns. It also follows the new rules on Whistleblowing brought in by the Employment Act (Northern Ireland) 2016 (Commencement No. 1) Order (Northern Ireland) 2017. It also reflects the NI Audit Office good practice guide 'Raising Concerns' which was issued in June 2020.

The attached Whistleblowing/Raising a Concern Arrangements outline the process for raising a concern.

3. Policy Aim

The aim of this policy and supporting arrangements is to provide information for staff and members of the public on how to raise concerns safely. It aims to make 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.

4. Policy Objective

To have in place relevant arrangements to safely raise concerns about malpractice and to build confidence and encourage an environment of openness and transparency.

5. Policy Outcome

All those who engage with us are fully informed about raising concerns about malpractice and are able to do so without impediment.

6. Policy Statement and Principles

PBNI actively encourages all who engage with us to raise concerns about malpractice and will not tolerate the victimisation of anyone who raises a concern and affirms the attached Whistleblowing (Raising a Concern) Arrangements for the implementation of this Policy.

7. Linkages

This policy links to:

- Dignity at Work Policy
- Disciplinary Policy
- Grievance Policy
- Counter-Fraud Policy.
- Complaints Policy

8. Complaints

Any complaint relating to the operation of this policy will be dealt with in accordance with the Board's Grievance Policy and Procedures or through the Complaints Policy.

9. Policy Review

This policy will be reviewed four years from the date of approval. Interim reviews may also be prompted by feedback, challenge or identified best practice.

PBNI WHISTLEBLOWING ARRANGEMENTS

How to raise a Concern

1. Introduction

The Probation Board for Northern Ireland is committed to achieving the highest possible standards of quality, honesty, openness and accountability in all of its practices. These arrangements have been introduced to help you raise a concern you may have about wrongdoing or malpractice. The types of malpractice the law covers are:

- Criminal offences
- Failure to comply with a legal obligation
- Miscarriages of justice
- Threats to people's health and safety
- Damage to the environment
- Maladministration (e.g. not adhering to procedures, negligence)
- Failure to safeguard personal and/or sensitive information
- Abuse of power

We would prefer that you raise any concern about malpractice or wrongdoing at an early stage when it is just a concern, rather than wait for proof.

These arrangements are in place to help you raise a concern about malpractice in the right way. When dealing with a concern it is essential that all relevant notes and documentation are kept for the record and are held in line with PBNI's Records Management Guidance and Procedures.

If in doubt – please raise it!

The Board is committed to these Whistleblowing/Raising a Concern Arrangements and to making raising a concern work.

2. Our Assurances to You

Your safety

You will not be at risk of losing your job or suffering any reprisal for raising a genuine concern under this policy and likewise there will be no detriment for any member if the public raising a concern. PBNI will not tolerate the harassment or victimisation of anyone who raises a concern under this policy. Although you are not expected to prove the truth of an allegation, you need to demonstrate you have a reasonable belief or genuine concern.

We will consider the following as disciplinary offences related to this policy:

- deterring anyone from using the whistleblowing policy
- subjecting the whistle-blower to a detriment, to bullying, to isolation or victimisation
- maliciously raising untrue concerns that are known to be false.

Your confidence

With these assurances, we hope you will raise your concern openly. However, we recognise that there may be some circumstances when you would prefer to speak to someone in confidence. If this is the case, please say so at the outset. If you ask us not to disclose your identity, we will not do so without your consent unless required by law. You should understand that there may be times when we are unable to resolve a concern without revealing your identity, for example where your personal evidence is essential. In such cases, we will discuss with you whether and how the matter can best proceed.

Anonymity

Please remember that if you do not tell us who you are it will be much more difficult for us to look into the matter. We will not be able to protect your position

or give you feedback. Accordingly you should not assume we can provide the assurances we offer in the same way if you report a concern anonymously.

If you are unsure about raising a concern you can get independent advice from Protect-Advice (see section on Independent Advice below).

3. Concern, Grievance or Complaint?

The nature of the issue being raised will determine whether it is a concern (whistleblowing), a grievance or a complaint, and therefore the appropriate PBNi policy under which it should be addressed.

Concern: When someone blows the whistle they are raising a concern about danger, illegality or wrongdoing *that affects others*. The person raising the concern is usually not directly or personally affected, they are simply trying to alert others who can address the issue. For this reason, they should not be expected to prove the malpractice. Such concerns should be handled in line with an organisation's raising concerns/ whistleblowing policy. A concern may be raised by someone internal to the organisation, generally a member of staff, or by someone external to the organisation such as a member of the public.

Grievance: When a worker in an organisation raises a grievance, they are saying that they personally have been treated poorly. This may involve, for example, a breach of their individual employment rights and the person is seeking redress or justice for themselves. They therefore have a vested interest in the outcome and, for this reason, are expected to prove their case. Such issues should be handled in line with PBNi's Grievance Policy and Procedures.

Complaint: A complaint is when a service user brings a problem to the attention of the organisation and expects some redress, probably over and above simply supplying the original product or service that was the cause of the complaint. A service user may complain about a service provided to them and they will have been personally affected by poor service and seeking some form of compensation or redress. Such issues should be handled in line with PBNi's Complaints Policy and Procedures.

See Appendix 1 on page 13 of this document for a diagram from Northern Ireland Audit Office (NIAO) summarising how to identify the relevant policy to use.

Staff who are dealing with a matter relating to the Whistleblowing/Raising a Concern Policy and Arrangements should inform the Compliance Unit in the Communications Team who will keep a central log of all relevant incidents. This log will be anonymised where appropriate and held securely.

4. How to Raise a Concern if you are a member of staff

Please remember that you do not need to have firm evidence of malpractice before raising a concern. However, we do ask that you explain as fully as you can the information or circumstances that gave rise to your concern.

Raising a concern can be done in the following ways:

Openly – this is where the identity of the individual raising the concern and the details of the concern can be made known to colleagues.

In Confidence – this is where the identity of the individual raising the concern and the details of the concern is kept confidential from their colleagues.

Anonymously – this is where the identity of the individual raising a concern is not known.

These are the steps that a member of PBNi staff can take when raising a concern:

Step One: Manager

We hope that you will feel able to first raise your concern openly with your manager. This may be done orally or, if you prefer, in writing.

Step Two: Board Secretary

If you feel unable to raise the matter with your manager for whatever reason, or if you think the concern has not been properly addressed at step one, please raise it with the Board Secretary whose contact details are:

Board Secretary
PBNI Headquarters
80-90 North Street
Belfast BT1 1LD
Tel: 90 262444

The Board Secretary will, if the matter is deemed sufficiently serious, take it directly to Step Three. If the Board Secretary is dealing with the matter themselves, he/she will deal with it as set out under section 5 below and will acknowledge receipt of your concern as soon as practicable and preferably within two working days. He/she will assess it and consider what action may be appropriate. This may involve initiating an informal review, an internal inquiry or a more formal investigation under the relevant Board policies and procedures.

Step Three: Chief Executive/Chair of the Board

If you perceive that the matter cannot be dealt with through Steps One or Two, then please raise it with the Chief Executive. If you believe that there is a conflict of interest in Chief Executive dealing with the matter you may send it to the Chair of the Board.

Chief Executive PBNI Headquarters 80-90 North Street Belfast BT1 1LD Tel: 028 9026 2437 Email: amanda.stewart@probation-ni.gov.uk	Chair of the Board PBNI Headquarters 80-90 North Street Belfast BT1 1LD Tel: 028 9026 2444 Email: wendy.rodgers@probation-ni.gov.uk
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If you want to raise the matter in confidence, please say so at the outset so that appropriate arrangements can be made.

Step Four Department of Justice

PBNI recognises its accountability to the Department of Justice. If you feel

unable to raise your concern using the steps above, or feel that your concern was not properly dealt with, you may raise it with the Director of Safer Communities Directorate in the Department of Justice.

Director of Safer Communities Directorate
Department of Justice
Massey House, Stoney Road
Belfast BT4 3SX
Tel: 028 9052 7500

5. Actions

Once you have told either your manager, Board Secretary, Chief Executive or Chair of the Board of your concern, they will acknowledge receipt of your concern as soon as practicable and preferably within two working days. They will assess it and consider what action may be appropriate. This may involve initiating an informal review, an internal inquiry or a more formal investigation under the relevant Board policies and procedures. Any investigation will be carried out in a timely manner with agreed timescales.

You will be informed as to who will be handling the matter, how you can contact them, and what further information or assistance they may need from you. They will write to you summarising your concern and setting out how they propose to handle your concerns. If they have misunderstood the concern or there is any information missing please let them know.

When you raise the concern it will be helpful to know how you think the matter might best be resolved. If you have any personal interest in the matter, please say at the outset.

Whenever possible, you will receive feedback on the outcome of any investigation. If required, the response will be confirmed in writing. Please note, however, that whoever is handling your concern may not be able to tell you about disciplinary, or other action, when this would infringe a duty of confidence owed to another person.

If at any stage you experience reprisal, detriment, harassment or victimisation for raising a genuine concern, please contact whoever you raised your concern with or Human Resources. You may also wish to seek independent advice (see Section 7).

6. Raising a concern if you are a service user or member of the public

A member of the public can raise concerns directly with any public sector organisation. A member of the public can raise the same types of concerns as an employee or worker as set out in section 1.

Please remember that you do not need to have firm evidence of malpractice before raising a concern. However, we do ask that you explain as fully as you can the information or circumstances that gave rise to your concern.

Raising a concern can be done in the following ways:

Openly – this is where the identity of the individual raising the concern and the details of the concern can be made known to staff.

In Confidence – this is where the identity of the individual raising the concern and the details of the concern is kept confidential from staff.

Anonymously – this is where the identity of the individual raising a concern is not known.

These are the steps that a service user or member of the public should take when raising a concern:

Step One:

If a service user or member of the public wishes to raise a concern they should do it by contacting the PBNI Raising a Concern Champion on 90522649 or by email Gail.McGreevy@probation-ni.gov.uk. The Raising a Concern Champion (who is also PBNI Complaints Officer) will review the concern and will acknowledge receipt of your concern as soon as practicable and preferably within two working days. The Raising a Concern Champion will then ensure

the concern is directed to the most appropriate senior manager in the organisation for proper consideration and appropriate action. Appropriate action may include initiating an informal review, an internal inquiry or a more formal investigation under the relevant Board policies and procedures.

The Raising a Concern Champion will have the authority, where necessary, and if deemed sufficiently serious, to escalate concerns directly to the Chief Executive. If there is a conflict of interest in the Chief Executive dealing with the matter it may be sent to the Chair of the Board.

On receipt of your concern the Raising a Concern Champion will assess it and consider what action may be appropriate. This may involve initiating an informal review, an internal inquiry or a more formal investigation under the relevant Board policies and procedures. Any investigation will be carried out in a timely manner with agreed timescales.

You will be informed as to who will be handling the matter, how you can contact them, and what further information or assistance they may need from you. They will write to you summarising your concern and setting out how they propose to handle your concerns. If they have misunderstood the concern or there is any information missing please let them know.

When you raise the concern it will be helpful to know how you think the matter might best be resolved. If you have any personal interest in the matter, please say at the outset.

Whenever possible, you will receive feedback on the outcome of any investigation. If required, the response will be confirmed in writing. Please note, however, that whoever is handling your concern may not be able to tell you about disciplinary, or other action, when this would infringe a duty of confidence owed to another person.

A member of the public also has the option of raising their concern with an independent body, such as the Northern Ireland Audit Office or the Northern Ireland Public Services Ombudsman.

7. Independent Advice

If you are unsure whether to use this policy or you want independent advice at any stage, please contact:

- Your union, if applicable
- Your solicitor, if applicable.
- The independent charity Protect-Advice either by telephone on 020 3117 2520, or by completing the advice form at <https://protect-advice.org.uk/contact-protect-advice-line/> . Their advice team can talk you through your options and help you raise a concern about malpractice at work.
- The Labour Relations Agency either by telephone on 028 90321442, or by email at info@lra.org.uk
- The Citizen's Advice Bureau either by telephone on 028 9023 1120, or by email at info@citizensadvice.co.uk.

8. External Contacts

While we hope this policy gives you the reassurance you need to raise a concern, we recognise that there may be circumstances where you can properly report matters to outside bodies, such as regulators (i.e. the Health and Safety Executive for Northern Ireland, Northern Ireland Audit Office or Northern Ireland Public Services Ombudsman) or the police. Protect-Advice (or, if applicable, 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.

Appendix 1

Figure 1 summarises the types of issues that may be raised and the relevant PBNl policies which should apply. The diagram has been included in the Northern Ireland Audit Office Raising Concerns: A Good Practice Guide for the Public Sector:

