



Whistleblowing Policy

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Author:	Communications Officer
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0.1	29 May 2018	First drafting of reviewed document. Minor amendments required. Found to be in line with DoJ Whistleblowing arrangements (updated Jan 2018)
0.2	29 June 2018	Updates from consultation responses
0.3	05 July 2018	Updates from SMT

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:

Equality Manager

Probation Board for Northern Ireland

2nd Floor

80-90 North Street

Belfast

BT1 1LD

Telephone number: 028 90262400

Fax No: 028 90262470

Textphone: 028 90262490

E-mail: info@pbni.gsi.gov.uk

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1. Application

This policy applies to all those who work for PBNI including employees, agency workers, secondees, students, volunteers and Board Members.

2. Background

Whistleblowing is an informal expression used to describe a worker raising a concern about wrongdoing, risk or malpractice that has a public interest aspect to it. 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.

The attached Whistleblowing 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 on how to raise concerns safely.

4. Policy Objective

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

5. Policy Outcome

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

6. Policy Statement and Principles

The Board:

- actively encourages all who work for us to raise concerns about malpractice;
- will not tolerate the victimisation of anyone who raises a concern; and
- affirms the attached Whistleblowing Arrangements for the implementation of this Policy.

7. Linkages

This policy links to:

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

8. Complaints

Any complaint will be dealt with in accordance with the Board's Grievance Policy and Procedures.

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

We all have, at one time or another, concerns about what is happening at work. Usually these concerns are easily resolved.

However, when the concern is about malpractice, it can be difficult to know what to do. You may feel worried about raising an issue and decide to keep your concern to yourself, perhaps feeling that it is none of your business or that it is only a suspicion.

Or you may feel that raising the matter would be disloyal to colleagues, managers or the Board itself. Perhaps you have tried to raise the matter, but found out you have spoken to the wrong person or raised the issue in the wrong way and are not sure what to do next.

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

These arrangements have been introduced to help you raise a concern about malpractice in the right way. It explains the routes open to all staff including employees, agency workers, secondees, students, volunteers and partnership workers as well as Board Members.

If, however, you want to bring a complaint or grievance that is about your employment or the way you have been treated, please use the Grievance Policy. This policy is primarily for concerns where the interests of others or PBNI itself are at risk.

If your concern is about possible fraud, you may also wish to refer to the PBNI Counter-Fraud Policy and Fraud Response Plan which can be found on the intranet.

If in doubt – please raise it!

The Board is committed to these Whistleblowing Arrangements and to making whistleblowing 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. 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 whistleblower 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 (see section on Independent Advice below).

3. How to Raise a Concern Internally

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.

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:

Mr Michael Cox
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 himself, he will deal with it as set out under section 5 below ie he will acknowledge receipt of your concern within two working days. He 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/Chairman of Board

If you perceive that the matter can-not be dealt with through Steps One or Two, then please raise it with the:

Chief Executive or if you believe that there is a conflict of interest in the Chief Executive dealing with the matter, you may send it to the Chairman of the Board.

Ms Cheryl Lamont Chief Executive PBNI Headquarters 80-90 North Street Belfast BT1 1LD Tel: 02890262437 Email: cheryl.lamont@pbni.gsi.gov.uk	Ms Vilma Patterson Chairman of the Board PBNI Headquarters 80-90 North Street Belfast BT1 1LD Tel: 02890262463 Email: vilma.patterson@pbni.gsi.gov.uk
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These people have been given special responsibility to deal with whistleblowing concerns. If you want to raise the matter in confidence, please say so at the outset so that appropriate arrangements can be made.

4. 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 Minister of Justice or with the Director of Justice Policy in the Department of Justice. As at 05 July 2018 their contact details are:

Minister of Justice Block B Castle Buildings Ballymiscaw Belfast BT4 3SG Tel: 028 9052 8121	Director, Safer Communities Department of Justice Massey House, Stoney Road Belfast BT4 3SX Tel: 028 9052 7500
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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 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. All of which will be carried out in a timely manner with agreed timescales.

They will tell you who will be handling the matter, how you can contact them, and what further 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 Board's 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 6).

6. 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 either by telephone on 020 7404 6609, or by e-mail at helpline@pcaw.org.uk. 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 9032 1442, 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.

7. External Contacts

While we hope this policy gives you the reassurance you need to raise a concern internally, 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 and Northern Ireland Audit Office) or the police. PROTECT (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.