

Raising a Concern (Whistleblowing) Guidance

6.1

Updated: June 2023

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Libraries NI
Raising a Concern (Whistleblowing) Guidance

1. Background

- 1.1 Everyone, at one time or another may have concerns about what is happening at work. When those concerns are about unlawful conduct, a possible fraud, a danger to the public, health and safety risks, potential environmental problems, corruption, cover-ups or other serious malpractice, it can be difficult to know what to do.
- 1.2 You may be worried about raising such a concern and may think it is best to keep it to yourself, perhaps feeling it is none of your business, or that it is only a suspicion, or that it is disloyal to colleagues, managers or Libraries NI to raise the matter. You may decide to say something but find that you have spoken to the wrong person or raised the issue in the wrong way and are not sure what to do next.
- 1.3 Libraries NI is committed to the highest possible standards of ethical behaviour, honesty, openness and accountability in the delivery of its services and has a zero tolerance towards any form of wrongdoing. The Code of Conduct requires that staff carry out their duties with honesty, integrity and according to the law. We welcome concerns being raised as this provides an opportunity to learn and put things right.
- 1.4 The purpose of these arrangements is to reassure you that it is safe and acceptable to speak up. They also provide guidance to assist any employee, volunteer, customer, contractor, supplier or stakeholder who wishes to raise a concern about risks, malpractice or wrongdoing within Libraries NI.
- 1.5 If something is troubling you which you think we should know about or look into, please let us know. Remember that you do not need to have the evidence of malpractice before raising a concern, however, we do ask you to explain as fully as you can the information or circumstances which gave rise to your concern.

2. What type of issues can be raised?

- 2.1 The Public Interest Disclosure (Northern Ireland) Order 1998¹, is legislation which gives workers the right of complaint to an industrial tribunal if, in good faith, they report wrongdoing and, as a result, suffer any form of detriment. This is often referred to as whistleblowing or raising a concern.

¹ A Guide to the Public Interest Disclosure (NI) Order 1998 (as amended) is available on the Department for the Economy website at <https://www.economy-ni.gov.uk/publications/public-interest-disclosure-guidance>

- 2.2 A whistleblowing concern is about a risk, malpractice or wrongdoing that **affects others**. It could be something which adversely affects other workers, the organisation itself and / or the public. If you have a personal interest in the matter that you are raising, we would ask that you inform the person to whom you are reporting it at the outset so that any potential conflicts of interest can be addressed at the earliest possible stage.
- 2.3 If something is troubling you that you think we should know about or investigate, please let us know. You need only have a reasonable belief that the issue has occurred, is occurring or is likely to occur in the future. You do not need to have evidence or proof of wrongdoing. As long as you have a reasonable belief and are acting in good faith it does not matter if you are mistaken. Explaining as fully as possible the grounds for your concern will help us to focus our investigations and actions in the correct areas.
- 2.4 The following list illustrates the types of issues that may be raised as a whistleblowing concern.
- health and safety risks, either to the public or other employees
 - any unlawful act e.g. theft
 - the unauthorised use of public funds (e.g. expenditure for an improper purpose)
 - a breach of the Code of Conduct for Staff or the Code of Conduct for Board Members
 - the abuse of children and / or vulnerable adults (physical or psychological)
 - maladministration (e.g. not adhering to procedures, negligence)
 - failing to safeguard personal and / or sensitive information (data protection)
 - damage to the environment (e.g. pollution)
 - fraud or corruption (e.g. giving or receiving any gift / reward as a bribe)
 - abuse of power
 - poor value for money
 - some other unethical conduct
 - any deliberate concealment of information or cover-up.
- 2.5 This list is not exhaustive. If in doubt, we would prefer that you raise the issue rather than say nothing.
- 2.6 If you believe that you have evidence that a crime has been committed, this should be reported without delay to the Police Service NI.

3. Who can raise a concern?

- 3.1 In the context of the Public Interest Disclosure (Northern Ireland) Order 1998, the term 'member of staff' or 'worker' or 'employee' should be taken to include agency workers, volunteers, independent consultants and contractors.

- 3.2 Any member of staff, who raises a genuine concern in good faith, whether or not that concern is eventually determined to be unfounded, will not suffer detriment for having raised that concern. This includes disciplinary sanctions, unrequested reassignment or relocation and dismissal. This assurance does not extend to someone who maliciously raises a matter they know to be untrue. Libraries NI will regard such allegations as a serious matter and potential misconduct which could result in disciplinary action.
- 3.3 We will not tolerate action which victimises, discriminates against, or in any way harasses a person who raises a concern. Where there is evidence of victimisation, discrimination or harassment by an employee, the person carrying out that action will be subject to disciplinary action.
- 3.4 Where detriment occurs as a result of a concern being raised in line with the Public Interest Disclosure (Northern Ireland) Order 1998, the Employment Rights (Northern Ireland) Order 1996 provides a right for a worker to bring a claim to an Employment Tribunal.
- 3.5 In line with good practice the same general principles contained in this guidance will apply to the handling of concerns raised by individuals who are not members of staff. Libraries NI will do what is in its power (such as not revealing an individual's identity) to ensure that they do not suffer any form of retribution for raising concerns, however, it should be noted that the Public Interest Disclosure (Northern Ireland) Order 1998 provisions only apply to employees.
- 3.6 If you are unsure whether the legal framework of protection applies to you, the independent whistleblowing charity Protect can assist. You can contact Protect on 020 3117 2520 or by email at whistle@protect-advice.org.uk. For more information you can visit their website at <https://protect-advice.org.uk/>.

4. What is not a whistleblowing concern?

- 4.1 In making a decision as to whether an issue is a whistleblowing concern, it is important to understand the difference between raising a concern and raising a grievance.
- 4.2 For employees a grievance is a personal complaint about someone's **own employment situation** e.g. about terms of employment, pay or unfair treatment. Grievances should be raised and dealt with under the terms of the agreed Grievance Policy, a copy of which is available from the HR Department or on the intranet.
- 4.3 Generally, an individual raising a whistleblowing concern has no self-interest in the issue being raised, however the distinction may not always be clear cut. If in doubt, raise the issue and you will receive feedback as to whether your concern would be more appropriately addressed under the employee Grievance Procedure.

4.4 If the concern relates to potential or actual fraud, reference should also be made to the Anti-Fraud Policy and the Fraud Response Plan. Similarly, if the concern relates to potential or actual bribery, please also refer to the Anti-Bribery Policy. Copies of these documents are available on the staff intranet and the Libraries NI website or in hard copy from the Head of Internal Audit.

5. If I am an employee, how do I raise a concern internally?

5.1 Any member of staff who wishes to raise a concern may do so, either internally, as set out below or, externally, with a Prescribed Person as set out in Section 7.

Confidentiality

5.2 We hope that you will feel able to raise your concern openly, however we recognise that there may be circumstances when you would prefer to speak to someone in confidence first. 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, for example in relation to a data breach or a police investigation. You should understand, however, that there may be times when we are unable to resolve a concern without revealing your identity, e.g. where personal evidence is essential. In such cases we will discuss with you whether and how the matter can best proceed.

Raising Concerns Anonymously

5.3 You can make a disclosure anonymously and we will seek to act on the concern. Please be aware, however, of the disadvantages of raising a concern anonymously. These include:

- 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 need further clarification and explanation
- there is a chance that the documentation you provide might reveal your identity or it may become known during the investigation we will be unable to provide you with feedback or reassurance. Nonetheless, anonymous concerns are preferred to silence about wrongdoing.

5.4 We hope you will feel able to raise any concern in the first instance with your manager. This can be done verbally or in writing. There is a form provided at Annex A on which you can record the details of your concerns and your contact details. You do not need to use this form, however, we would ask you to provide the information requested on the form in whatever format you chose to use.

- 5.5 If, for whatever reason as an employee or volunteer, you feel unable to raise the matter with your manager you can raise the matter with one of the following officers either in writing or verbally. These offices have been given specific training in dealing with whistleblowing concerns.

Service Development Managers		
	Ciara Gault	ciara.gault@librariesni.org.uk Tel: 07850 205 451
	Michael Lynn	Michael.Lynn@librariesni.org.uk Tel: 07850 205 450
	Kirsty McClelland	kirsty.mcclelland@librariesni.org.uk Tel: 07803 830 669
Head of Service	Brid Steele	brid.steele@librariesni.org.uk Tel: 07850 205 443
	Margaret Bell	margaret.bell@librariesni.org.uk Tel: 07912 477 795
Deputy Head of Service	Sean Beattie	sean.beattie@librariesni.org.uk Tel: 07850 205 426
	Kim Aiken	kim.aiken@librariesni.org.uk Tel: 07850 205 427
Finance Manager	Julie Reid	julie.reid@librariesni.org.uk Tel: 07740 069 754
	Rita McNamee	rita.mcnamee@librariesni.org.uk Tel: 07525 127 920
HR Manager	Jacqui McKinstry	Jacqueline.McKinstry@librariesni.org.uk Tel: 07850 205 438
Assets Manager	Tim Neeson	tim.neeson@librariesni.org.uk Tel: 07747 692 095
Head of ICT / ICU	Desi Curry	desi.curry@librariesni.org.uk Tel: 07711 511 122
Head of Internal Audit Audit	Michelle Anderson	Michelle.Anderson@librariesni.org.uk Tel: 07850 205 442
Director of Business Support	Desi Miskelly	desi.miskelly@librariesni.org.uk Tel: 07515 327 762
Director of Library Services	Adrienne Adair	adrienne.adair@librariesni.org.uk Tel: 07771 761 828

- 5.6 If you have followed one or more of these channels and you believe there is an ongoing risk or that the matter is so serious that you cannot discuss it with any of the above, you can raise your concern directly with one of the following:

Chief Executive	Jim O'Hagan	jim.o'hagan@librariesni.org.uk Tel: 028 9263 5320
Chair of Audit and Risk Assurance Committee	Ms W Osborne OBE	audit.chair@librariesni.org.uk
Chair of the Board	Professor Bernard Cullen	board.chair@librariesni.org.uk

- 5.7 Where your concerns relate to senior members of Libraries NI staff or Board Members you should raise your concern with a Department for Communities official as follows:

DfC Head of Governance	Andrea Orr	andrea.orr@communities-ni.gov.uk Tel: 028 9082 3198
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6. If I'm not an employee, how do I raise a concern?

- 6.1 If you are a customer, contractor, supplier or stakeholder, you can also raise your concerns with one of the following officers either in writing or verbally. There is a form provided at Annex A on which you can record the details of your concerns and your contact details. You do not need to use this form, however we would ask you to provide the information requested on the form in whatever format you chose to use.

Head of Internal Audit	Michelle Anderson	Michelle.Anderson@librariesni.org.uk Tel: 07850 205 442
Director of Business Support	Desi Miskelly	desi.miskelly@librariesni.org.uk Tel: 07515 327 762

- 6.2 If you have raised your concerns with one of the above and you believe there is an on-going risk or that the matter is so serious that you cannot discuss it with any of the above, you can raise your concern directly with the following:

Chief Executive	Jim O'Hagan	jim.o'hagan@librariesni.org.uk Tel: 028 9263 5320
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- 6.3 Where your concerns relate to senior members of Libraries NI staff or Board Members you should raise your concern with a Department for Communities official as follows:

DfC Head of Governance	Andrea Orr	andrea.orr@communities-ni.gov.uk Tel: 028 9082 3198
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7. How we will handle the matter

- 7.1 You, as the concerned individual, are responsible only for raising the concern. It is management's responsibility to ensure any concerns are investigated in a timely and appropriate manner and by someone suitably skilled and experienced.

- 7.2 Any manager who receives a disclosure will be expected to:

- have a positive and supportive attitude towards the person raising a concern assuring them that all concerns raised will be taken seriously and will be appropriately investigated

- record as much detail as possible about the concern being raised and agree this record with the individual raising the concern
 - be aware of the process following the raising of a concern and explain this to the person making the disclosure
 - make sure the individual knows what to expect, e.g. in relation to feedback on their concern
 - assure the person that their confidentiality will be protected as far as possible if they request this
 - make no promises and seek to manage the expectations of individuals
 - make clear that Libraries NI will not tolerate harassment of, or discrimination against, anyone who raises a genuine concern and ask the person to let them know if this happens
 - refer the individual to available sources of support e.g. trade unions for employees or Protect (formerly Public Concern at Work) for all referrals
 - pass on the information as quickly as possible to the Director of Business Support so that appropriate procedures for consideration and investigation of the concern can be initiated.
- 7.3 The Director of Business Support, in consultation with the Chief Executive, will assess the information provided to determine what action needs to be taken. The Department for Communities (DfC) (our sponsoring Department), the Chairperson of the Board and the Chairperson of the Audit and Risk Assurance Committee will be informed of the concerns.
- 7.4 A range of options will be considered in relation to the action to be taken, depending on the nature of the issue raised. These could include an internal review, a review by Internal Audit as part of planned audit work, discussion with a Prescribed Person with a view to determining the most appropriate way forward and / or arranging for a formal investigation to be carried out. The approach taken on the conduct of the investigation will be agreed in consultation with DfC. The rationale for the approach will be clearly documented on the case file.
- 7.5 If the allegation relates to a member of the Senior Management Team or a Board Member the investigation is likely to be undertaken by the Department for Communities, having consulted with the Board, if appropriate.
- 7.6 In any case you will:

- receive a formal acknowledgement of your concern (providing it is not received anonymously) normally within 10 working days; if you ask, we will write to you summarising your concern and setting out how we propose to handle it
 - be told how you can obtain appropriate advice and support
 - be offered the opportunity to meet with the Director of Business Support or another senior officer to fully discuss the issue (providing that your concern is not submitted anonymously)
 - be told how your concern is being investigated, and by whom, how you can contact him or her and the expected timetable for completion of the investigation.
- 7.7 When you raise a concern you may be asked how you think the matter may best be resolved. If you do have any personal interest in the matter, we ask that you tell us at the outset. If for example, your concern falls more properly within our Grievance Procedure, we will tell you.
- 7.8 Depending on the nature of the concern it may be handled under Libraries NI's Fraud Response Plan. It is important to recognise that allegations / concerns may point to fraud, even if the word 'fraud' is not used. The Director of Business Support will consider the nature of the concern / allegation and if appropriate the Fraud Response Plan will be initiated.
- 7.9 If a formal investigation is required this will be led by a member of staff with no actual, potential or perceived conflict of interest in the matter raised. If necessary, external support will be engaged to ensure that the matter is dealt with in an objective manner.
- 7.10 Throughout the process the investigator will give you as much feedback as possible either verbally or, if requested, in writing. It may not be possible to tell you the precise action that is being taken where this would infringe a duty of confidence to someone else or impede some other course of action that may be necessary.
- 7.11 The investigation process is likely to involve the following actions:
- drawing up terms of reference for the investigation
 - setting a clear scope for the investigation and drawing up a detailed investigation plan
 - clarifying what evidence needs to be gathered and how it will be gathered (e.g. document search, interviews etc.)
 - deciding how best to engage with you

- ensuring that all investigative work is clearly documented.
- 7.12 Following completion of the investigation a report will be provided to the Head of Governance at DfC, the Director of Business Support and the Chief Executive, who will determine the action that is required. A copy of the report will also be provided to the Audit and Risk Assurance Committee.
- 7.13 Where the investigation relates to a concern about a member of the Senior Management Team or a Board Member, the Department will retain ownership of the investigation and will liaise, as appropriate with the Board and the Audit and Risk Assurance Committee.
- 7.14 A central record will be kept of all concerns raised under the Raising a Concern (Whistleblowing) arrangements. This record will be held in a secure manner and will be accessible by the minimum level of staff necessary.
- 7.15 Any matters raised under the Raising a Concern (Whistleblowing) arrangements, whether subject to a formal investigation or not, will be reported to the Audit and Risk Assurance Committee, together with any follow-up action taken. Statistical information on concerns raised will be reported in the Libraries NI Governance Statement as part of the Annual Report and Accounts.

8. Raising a concern externally

- 8.1 While we hope that you will feel able to raise a concern directly with Libraries NI, we recognise that there may be circumstances where you will feel that you would prefer to raise a matter with an appropriate Prescribed Person or regulator e.g. the Northern Ireland Audit Office.
- 8.2 The Northern Ireland Office is a Prescribed Person in respect of '*The proper conduct of public business, value for money, fraud and corruption in relation to the provision of centrally funded public services and health service bodies*'.
- 8.3 A Prescribed Person will assess the actions available to them depending on the nature of the concern and their legislative powers. A Prescribed Person is unable to become involved in employment disputes.
- 8.4 A list of Prescribed Persons is included as Appendix 1 of the Guide to the Public Disclosure (NI) Order 1998 (as amended). This document is available on the Department for the Economy website at <https://www.economy-ni.gov.uk/publications/public-interestdisclosure-guidance>

9. Independent Advice

- 9.1 If you want confidential advice, as an employee you can contact your trade union representative or anyone may contact Protect (formerly Public Concern at Work (PCaW)).
- 9.2 Protect is an independent whistleblowing charity that offers free confidential advice to people concerned about crime, danger or wrongdoing at work. Protect can be contacted on 020 3117 2520 or on their website at <https://protect-advice.org.uk/>

10. Conclusion

- 10.1 While we cannot guarantee that we will respond to all matters in the way that you might wish, we will strive to handle any matters that you raise under the terms of the Raising a Concern (Whistleblowing) arrangements fairly and properly. By using the procedures set out in this document, you will help us to achieve this aim.
- 10.2 This guidance supplements the Libraries NI Raising a Concern (Whistleblowing) Policy and has been developed to meet best practice, taking account of:
 - DAO (DFP) 02/15: Whistleblowing Guidance
 - Raising Concerns: A good practice guide for the Northern Ireland Public Sector, Northern Ireland Audit Office, June 2020.

RAISING A CONCERN FORM

Title

(Mr, Mrs, Ms, other please specify)

Name**Address****Telephone number****Email address**

Please outline full details of the alleged malpractice or wrongdoing that you have witnessed or are aware of taking place within Libraries NI or by a Libraries NI official:

Signature:**Date:**