

Northern Ireland



## **WHISTLE BLOWING POLICY**

## ***NI Medical and Dental Training Agency***

### **CONFIDENTIAL REPORTING POLICY (WHISTLE BLOWING)**

#### **Introduction**

The Northern Ireland Medical and Dental Training Agency has a commitment to openness in its activities and decision-making processes and encourages employees of the Agency to raise any issues of concern, which may be considered to be contrary to the public interest.

This policy has been developed to meet best practice and comply with the Public Interest Disclosure (NI) Order (PIDO) 1998 which provides employment protection for employees who believe it is necessary to raise issues of public interest either internally or externally.

These guidelines set out the process by which staff can voice their concerns without fear of retribution and provides an effective confidential (whistle blowing) channel and system of support.

The procedures are not for use in individual grievances, which should be dealt with under existing procedures.

#### **Influences**

This policy is influenced by:

Public Interest Disclosure (NI) Order (PIDO) 1998

DFP Guidance on Public Interest Disclosure (Whistleblowing ) 2003

DFP Guidance DAO (DFP) 11/08

## **Policies Impacted**

Fraud Policy

Fraud Response Plan

Code of Conduct for Staff Members

Code of Practice for Board Members

## **The Public Interest**

It is the interests of all concerned that disclosures of wrongdoing or irregularity are dealt with promptly and discreetly. This includes the interests of the Agency, its staff and any persons who are subject to such disclosures, as well as the person making the disclosure. The overriding concern for both the employer and the employee should be that it would be in the public interest for the concern to be corrected and, if appropriate, sanctions applied.

The nature of the information which may be considered a major concern and is disclosed by a person in the reasonable belief that making a disclosure would show one or more of the following:

- A criminal offence
- Failure to comply with any legal obligation to which the individual is subject
- A miscarriage of justice
- The endangerment of the health and safety of any individual
- Damage to the environment
- Concealment of information relating to any of the above

## **The Policy Statement**

The Agency is committed to the highest possible standards of openness, probity and accountability. In line with that commitment the Agency

encourages employees and those acting on behalf of the Agency, who have serious concerns about how the Agency conducts its business, to voice those concerns. It is our policy that in coming forward no one should be disadvantaged, lose their job or suffer any form of retribution for raising issues in good faith. Such commitments will not be extended to anyone who raises, in a vexatious or mischievous way, issues which they know to be untrue.

### **Harassment or Victimisation**

The Agency will not tolerate any harassment or victimisation and will take appropriate action to protect an employee if a concern is raised in good faith. The Agency has a separate Harassment Policy in place which can be deployed as necessary.

### **Confidentiality**

All concerns will be treated in confidence and every effort will be made not to reveal the identity of the member of staff raising the concerns. However if a situation arises where an issue can not be resolved without revealing the identity of an individual eg because the evidence is needed in court or in a disciplinary hearing it will be discussed with the member of staff concerned whether and how the investigation can proceed.

### **Anonymous Allegations**

This policy encourages the employee to put his/her name to the allegation whenever possible. Although the Agency will consider anonymous allegations it may be more difficult to investigate the matter or protect the whistleblower.

### **How to Raise a Concern**

Any member of staff who has a concern that anyone in the Agency is acting in a manner which may be contrary to the public interest should proceed as follows:

### *Step 1*

The disclosure should be raised with the line manager in the first instance either orally or in writing. He/she should be able to deal with the issue or refer it to a more senior manager. If this is inappropriate it should be brought to the attention of the Administrative Director or the Chief Executive.

### *Step 2*

In circumstances where it is considered inappropriate to approach any level of management within the Agency, the Chairman or Chairman of the Audit Committee may be consulted.

### *Step 3*

If all previous channels have been followed and there are grounds for believing that the disclosure has been insufficiently addressed the matter may be raised with the Director of Human Resources, DHSSPS.

## **The Investigation**

At the outset it is important to clarify if the employee wishes to have their identity protected and how the matter will be investigated. This may involve an informal review, an internal inquiry or a more formal investigation. Where it is decided that a formal investigation is necessary the overall responsibility for the investigation will lie with a nominated "investigation officer". The member of staff will be advised of the contact details of the investigation officer and a mechanism for communication will be agreed. If it is felt that the concerns expressed should be dealt with in a more appropriate context such as under the grievance or harassment policy, the member of staff will be advised accordingly. The person making the disclosure will also be advised in writing at regular and appropriate intervals.

## **Independent Advice**

Free confidential advice is available from the independent charity Public Concern at Work. Their helpline can be contacted on 02074046609 or by e-mailing [helpline@pcaw.co.uk](mailto:helpline@pcaw.co.uk). The helpline provides practical advice on whether or how to raise a concern about a danger or illegality that has been witnessed at work. It will help identify how best the concern can be raised while minimising the risk to the individual and maximising the opportunity for any wrongdoing to be addressed. Information is also available on their website [www.pcaw.co.uk](http://www.pcaw.co.uk).

The whistleblower may wish to discuss or seek advice from an independent source such as a professional body or trade union and may wish to have a trade union representative or colleague present during any meetings or interviews held in connection with the concerns raised.

Where appropriate the concerns raised will be

- Investigated by senior management; internal audit or through the disciplinary process
- Referred to the Chairman or Chairman of the Audit Committee
- Referred to the PSNI
- Referred to the external auditor
- Referred to the Director of Human Resources, DHSSPS for an independent enquiry

## **External Disclosures**

In most circumstances staff will be expected to raise matters of concern internally before involving external bodies. However, there may be circumstances when it may be appropriate to raise concerns initially with external bodies such as the Department of Health, Social Services and Public Safety, the Northern Ireland Audit Office, the Commissioner of Complaints, or

the Police Service for Northern Ireland. Public Concern at Work (or 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.

### **How NIMDTA will respond**

In order to protect individuals and those against whom an allegation of misdeeds or malpractice has been made, initial enquiries will be made to determine whether an investigation is appropriate and if so what form it should take. Concerns or allegations which fall within the scope of existing procedures will normally be referred for consideration under those procedures.

Within ten working days of a concern being raised, a named responsible person will be assigned to the case and will write to the individual making the disclosure and

- Acknowledge that the concern has been raised
- Indicate how the Agency proposes to deal with the matter
- Estimate how long it will take to produce a final response
- Indicate whether any initial enquiries have been made
- Provide information on staff support mechanisms
- Advise on whether further investigations will take place and if not why not

The Agency will take steps to minimize any difficulties which an individual may experience as a result of raising a concern. For example if there is a requirement to provide evidence in a criminal or disciplinary hearing, the Agency will arrange for the individual to receive advice about the procedure.

Subject to legal constraints, the Agency will inform the individual of the outcome of the investigation.

## **The Responsible Officer**

The Chief Executive has the overall responsibility for the operation and maintenance of this policy and will assign a “named responsible person” to carry forward or assist with the investigation. The Chief Executive will report as necessary to the Agency Board.

## Policy Proforma

Subject of Document: Whistleblowing Policy

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Amendment Form

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1.0	24/11/2005		Ratified by Agency Board	Margot Roberts
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2.0			Issued to Staff	



