

RAISING A CONCERN (Whistleblowing)

GUIDANCE

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**Section 1. Introduction.**

1. The Department of Agriculture, Environment & Rural Affairs is committed to the highest possible standards of openness and accountability in the delivery of its services. Despite this, concerns about impropriety or malpractice may still arise. The purpose of this Departmental guidance is:
* to reassure staff that they can raise genuine concerns about potential wrongdoing in confidence, through a clear internal reporting process, without putting their position at risk; and
* to provide arrangements through which anyone who is not a member of staff can raise concerns about the improper conduct of public business by the Department or its Arms’ Length Bodies (ALBs).
1. Raising a Concern, often referred to as “whistleblowing,” refers to drawing attention to a suspected risk, danger, malpractice, wrongdoing or illegality within the Department. DAERA is committed to the highest possible standards in the delivery of its services. When concerns arise, it is important that the Department responds appropriately, correcting failures and learning lessons. The [NIAO Raising Concerns Good Practice Guide](https://www.niauditoffice.gov.uk/files/niauditoffice/media-files/238412%20NIAO%20Good%20Practice%20Guide%20%28A4__68pp%29__4.pdf) identifies that there is some confusion over the term “whistleblowing” but it is essentially the action of raising a concern.
2. A new NICS [Raising a Concern Policy Framework](https://www.finance-ni.gov.uk/sites/default/files/publications/dfp/Raising%20a%20Concern%20Policy%20Framework%20-%20v1.1%20-%20June%202023%20Website.pdf) was published on the 25 January 2023. This document provides guidance on:
* What are ‘concerns;’
* What is not a ‘concern;’
* Confidentiality and anonymity;
* Independent advice;
* How members of the public can raise a concern;
* How members of staff can raise a concern;
* How Concerns will be handled;
* Designated Officers;
* Concerns received regarding a Department’s Arm’s Length Body (ALB); and
* ‘Speak-Up Champions.’
1. This guidance is intended to supplement the NICS [Raising a Concern Policy Framework](https://www.finance-ni.gov.uk/sites/default/files/publications/dfp/Raising%20a%20Concern%20Policy%20Framework.pdf), not replace or replicate it, and should be read and considered in conjunction with it.

**Section 2. Types of Concern Covered.**

1. This guidance relates to concerns about serious malpractice, abuse, neglect or wrongdoing, notably when the interests of others or the Department are at risk. Concerns of this nature are likely to involve matters such as unlawful conduct, serious safety/security deficiencies, breaches of confidence or danger to the public/environment.
2. These can include:
3. health and safety risks, either to the public or other employees;
4. any unlawful act, (e.g. theft);
5. the unauthorised use of public funds (e.g. expenditure for improper purpose);
6. maladministration (e.g. not adhering to procedures, negligence);
7. failure to safeguard personal and/or sensitive information (data protection);
8. damage to the environment (e.g. pollution);
9. fraud and corruption (e.g. to give or receive any gift/reward as a bribe);
10. the abuse of children and/or vulnerable adults (physical or psychological);
11. any deliberate concealment of information tending to show any of the above.
12. This is not a comprehensive list but is intended to illustrate the sort of issues that can be raised under this policy.

**What is not covered within this Policy**

1. This guidance does not deal with complaints about the Department’s performance or standards of service, for which separate procedures exist. These are set out in the following guidance: [How to make a complaint](https://www.daera-ni.gov.uk/contacts/how-make-complaint). The Department’s sponsored bodies will also have their own Complaints Procedures which should be used in respect of their performance or service standards.
2. If your concern is about possible fraud, you should refer to the [DAERA Anti-Fraud Policy and Fraud Response Plan](https://www.daera-ni.gov.uk/publications/daera-anti-fraud-policy-and-fraud-response-plan-may-16)
3. A **Fraud Hotline (0808 100 2716)** is available. If you wish, your call can remain confidential.
4. Personal grievances or dissatisfaction in respect of employment issues are not due to be considered under this Raising a Concern policy unless a member of staff’s particular case is in the public interest.
5. Issues which affect staff personally, such as a breach of their individual employment rights or bullying, will be dealt with under the appropriate NICS HR Policy e.g. Dignity at Work or the Grievance Procedure.

**Section 3. Raising Concerns: Member of Staff.**

1. If you are a member of staff and you have a concern you should refer to the DAERA Raising a Concern policy on the intranet and the [NICS Raising a Concern a Policy Framework](https://www.finance-ni.gov.uk/publications/raising-concern-policy-framework).
2. The DAERA Raising a Concern policy explains that staff should usually raise concerns by talking to their line manager or someone else within the line management chain. Managers should then liaise with the Designated Officer to consider and agree a way forward.
3. If, for whatever reason, you feel that raising a concern with your line manager or their immediate manager is not appropriate or has not worked, please raise the matter with the Designated Officer:

**Declan McCarney, Head of Governance and EU Funding Branch**

**(Ext: 20915: Email –** **designatedofficer@daera-ni.gov.uk****)**

1. If you want to raise the matter in confidence, please say so at the outset so that appropriate arrangements can be made.
2. If the above channels have been followed and you believe there is an ongoing risk, or if you feel the matter is so serious that you cannot discuss it with your line management or the Designated Officer, you can raise your concern directly with the DAERA Permanent Secretary:

**Katrina Godfrey, Permanent Secretary,**

**(Ext 24608; email:** **katrina.godfrey@daera-ni.gov.uk** **)**

1. The Public Interest Disclosure (Northern Ireland) Order 1998 provides protection for workers who raise concerns. The DAERA Raising a Concern policy sets out the disclosures that qualify for protection and the protection afforded in respect of qualifying disclosures.
2. If you are a contractor, trainee, agency worker, volunteer or independent consultant working for or providing advice to the Department you are also protected under the Order, and you should raise concerns in the same way as DAERA staff.
3. ***Protect,*** a charitable organisation, provides free, impartial and confidential advice on the concern you may have. For more information, you can visit their website at [www.protect-advice.org.uk](http://www.protect-advice.org.uk).

**Section 4. Raising Concerns: Non-Staff Members.**

1. If you are not a member of DAERA staff, you can raise your concern orally or in writing (using the template in **Annex A** if you wish) with:

DAERA Designated Officer

Declan McCarney

Tel: 028 9052 0915

Email: designatedofficer@daera-ni.gov.uk

1. The e-mail inbox is managed confidentially by a small team in the Department’s Governance and EU Funding Branch.
2. While the Public Interest Disclosure (NI) Order 1998 applies to workers (as defined in the Order), the Department will endeavour, as far as possible, to apply the same principles in respect of concerns raised by non-staff members.

**Section 5. Handling Concerns Raised.**

1. Once you have told us of your concern, we will investigate it to assess what action should be taken.
2. If your concern is about possible fraud, the Department will deal with it by following our Fraud Policy and Fraud Response Plan. If your concern falls more properly within the Staff Grievance Policy (or other HR Policy) or the Complaints Procedure, we will tell you.
3. Be assured that all concerns raised will be taken seriously and investigated appropriately following the Department’s internal procedures. Information and documentation relating to your concern will be restricted to protect the identity of all those involved, including those against whom allegations are made.
4. If you have not raised the concern anonymously, you will be provided with feedback and advised whether your further assistance could be needed. We may not be able to tell you the precise action we take where this would infringe a duty of confidence owed by us to someone else. You will be updated on the outcome of the concern raised whilst maintaining any confidentiality requirements.

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| **ANNEX A****RAISING A CONCERN FORM** |
| **Title** *(Mr, Mrs, Ms, other please specify)* |
| **Name** |
| **Address** |
| **Telephone number** |
| **Email address** |

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| **Please outline full details of the alleged malpractice or wrongdoing that you have witnessed or are aware of taking place within DAERA or by DAERA officials:** |
| **Signature:**  |
| **Date:** |
| **The completed form should be returned to:**  |

**By Email –** **designatedofficer@daera-ni.gov.uk**

**By Post –** The Designated Officer,

Room 115A

Dundonald House

Upper Newtownards Road

 Belfast

 BT4 3SB

**Or to the DAERA Permanent Secretary: -**

**By Email –** **katrina.godfrey@daera-ni.gov.uk**

**By Post - Katrina Godfrey,** Permanent Secretary,

 Department of Agriculture, Environment and Rural Affairs

 Dundonald House

 Upper Newtownards Road

 Belfast

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