



Fermanagh & Omagh
District Council
Comhairle Ceantair
Fhear Manach agus na hÓmaí

Raising Concerns (formerly “Whistleblowing”) Policy

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1. Introduction

1.1 All of us at one time or another have concerns about what is happening at work. Usually these concerns are easily resolved. However, when they are about:

- a criminal offence;
- unlawful conduct;
- financial malpractice;
- dangers to the public;
- damage to the environment;
- a miscarriage of justice;
- Health and Safety concerns;
- a breach of confidence;
- abuse of position;

or a deliberate concealment of information tending to show any of the above, it can be difficult to know what to do.

You (employees and members of the public) may keep genuine concerns to yourself due perhaps to the feeling that it's none of your business or that it's only a suspicion. You feel that raising the matter would be disloyal to colleagues, Managers or to the Council.

You may be worried that if you report a concern it will not be taken seriously and that you may become isolated, victimised or coerced within the Council. In these circumstances, it may appear easier to ignore the concern rather than report what may just be a suspicion of malpractice.

1.2 Fermanagh and Omagh District Council is genuinely committed to providing an environment of openness and accountability where individuals feel that they are able to raise concerns regarding serious malpractice. The Council would encourage all employees, members, or contractors with serious concerns about any malpractice in the form of irregularity, wrongdoing or serious failures of standards of work, to come forward and voice those concerns. Therefore, the Council has introduced this policy and procedure to enable you to raise your concerns about such possible malpractice at an early stage and in the right way. If something is troubling you, which you think we should know about or look into, please use this procedure. If you follow its advice, the Council assures you that your concerns can be raised in confidence, as far as possible, and without any fear of reprisal. This policy is intended to encourage and enable employees, members, or contractors to raise serious concerns within the Council rather than overlooking a problem or blowing the whistle outside.

1.3 Employees should note that the Government introduced the Public Interest Disclosure (Northern Ireland) Order 1998 (amended as a result of The Employment Act (Northern Ireland) 2016 (Commencement No. 1) Order (Northern Ireland) 2017)). The Public Interest Disclosure Order provides protection to any employee who reports a genuine suspicion of wrongdoing within their Organisation (see paragraph 4.14 of the Code of Conduct for Local Government Employees April 2015). This Raising Concerns Policy has been drawn up to enable you to raise concerns without fear of reprisal and to ensure that they are dealt with effectively by the Council. This Policy supports the Council's Fraud and Corruption Policy.

Under the Order the employee is protected from harassment or victimisation provided: -

- (i) the employee reasonably believes the disclosure to be true.
- (ii) disclosure is in the public interest.
- (iii) (s)he does not disclose for personal gain.
- (iv) that in all circumstances it is reasonable for him/her to make the disclosure.

The procedure, which follows, will enable you to raise your concerns about malpractice in the proper manner so that proper action can be taken. Any employee who raises a genuine concern under this procedure will not be at risk from losing their job or suffering any form of retribution as a result. It does not matter even if you are mistaken. However, an employee found to have maliciously raised a concern, which they know to be untrue, will be subject to existing Disciplinary Procedures.

NOTE: If you are aggrieved about your personal position, please use the internal Employee Grievance Procedure or Complaints Procedure and not this Procedure.

1.4 If you are in any doubt please raise your concern under this Policy.

2. Aim

The purpose of this Policy is to document proper Raising Concerns arrangements where you (employees and members of the public) are encouraged to raise your concerns. The aim of these Raising Concerns arrangements is to act as a deterrent to malpractice, encourage openness, promote transparency, underpin the risk management systems of the Council and help protect the reputation of the Council. You are encouraged to raise your concern early to ensure that it is dealt with in a timely manner.

3. Scope

The Raising Concerns Policy applies to all employees, elected Members and those contractually working for the Council on its premises. It also covers suppliers and those providing services under a partnership arrangement with the Council. Members of the public are also encouraged to report their concerns via this Policy.

4. Objectives

The objective of this Policy is to ensure that the approach of the Council to Raising Concerns is open, clear and transparent to all.

5. Policy Responsibility

The Chief Executive has overall responsibility for the implementation and monitoring of the Raising Concerns Policy and all Directors have responsibility for the day-to-day management and administration of the Policy.

6. Review

This policy will be subject to scrutiny and, from time to time, updates and re-issues will be circulated.

7. Definition

In practical terms, raising concerns occurs when an individual raises a concern about danger or illegality that affects others (e.g. customers, members of the public, or their employer). The person raising concerns is usually not directly, personally affected by the danger or illegality. Consequently, the individual rarely has a personal interest in the outcome of any investigation into their concerns. As a result, the individual should not be expected to prove their case; rather he or she raises the concern so others can address it.

This is different from a complaint. When someone complains, they are saying that they have personally been poorly treated. This poor treatment could involve a breach of their individual employment rights or bullying and the complainant is seeking redress or justice for themselves. The person making the complaint therefore has a vested interest in the outcome of the complaint and, for this reason, is expected to be able to prove their case.

8. Our Assurances to You

Your Confidence

It is recognised that employees and members of the public may wish to raise a concern in confidence.

If you ask us to protect your identity by keeping your confidence, the Council, through the Chief Executive and Senior Management Team will endeavour to ensure that your identity is not revealed.

However, if the situation arises where we are not able to resolve concern without revealing your identity (for instance because your evidence is needed in court), we will inform you.

Anonymous Reports

While we will consider anonymous reports, it will be more difficult for us to investigate the matter and we will not be in a position to give you feedback. Raising suspicions anonymously is better than not raising them at all but given the constraints in investigating the matter we would not encourage you to raise concerns anonymously. Using a non-identifiable email address to raise your concerns would enable us to ask further questions by return email to assist with our investigation. This is a viable option but we would prefer that concerns were raised openly in light of the protections afforded by this policy.

How we will deal with your concern

Once you have told us of your concern, we will make initial assessment as to what action should be taken. This may involve an internal investigation. We will tell you who is handling the matter, how you can contact him/her and whether your further assistance may be needed. If you request, we will write to you summarising your concern and setting out how we propose to handle it.

When you raise your concern you may be asked how you think the matter might best be resolved. If you do have any personal interest in the matter, you should inform us at the outset. If your concerns fall more properly within the Employee Grievance Procedure we will tell you. If you wish to make a complaint regarding a Council Service please refer to Fermanagh and Omagh District Council Complaints Guide at the following link:

bit.ly/3vUqqGL

Whilst the purpose of this policy is to enable us to investigate possible malpractice and take appropriate steps to deal with it, we will give you as much feedback as we properly can, provided that this does not infringe upon a duty of confidence owed by us to someone else.

9. How to raise a Concern

You can raise your concern by telephone or Email. Four options are listed below.

Option One

If you have a concern about malpractice, we hope that you will feel able to raise it first with your Line Manager. This may be done orally or in writing.

Option Two

If you feel unable to raise the matter with your Line Manager, for whatever reason, please raise the matter with:

- (i) Your Director of Service
- (ii) Celine McCartan, Director of Corporate Services and Governance
Tel. 0300 3031777
Email celine.mccartan@fermanaghomagh.com
- (iii) Ms Thelma Browne, Head of Human Resources and Organisational Development.
Tel. 0300 3031777
Email thelma.browne@fermanaghomagh.com
- (iv) Ms Catherine Leonard, Head of Finance
Tel. 0300 3031777
Email catherine.leonard@fermanaghomagh.com

Please say if you want to raise the matter in confidence so that they can make appropriate arrangements.

Option Three

If these channels have been followed and you still have concerns, or if you feel that the matter is so serious that you cannot discuss it with any of the above, please contact:

Ms Alison McCullagh, Chief Executive.

Tel. 0300 3031777

Email alison.mccullagh@fermanaghomagh.com

Option Four

As part of our assessment and investigation into the matter we will consider if the matter would be more appropriately investigated by the PSNI. The matter can be referred directly to the PSNI.

Matters may also be reported directly to the Local Government Auditor by following the attached link <https://www.niauditoffice.gov.uk/fraud-and-raising-concerns>. The Auditor for Fermanagh and Omagh District Council is a person appointed under the Public Interest Disclosure (Northern Ireland) Order 1998 (amended October 2017) and accordingly you have right to contact the Auditor if you wish to raise any concerns, which you do not feel

happy raising with management. The Auditor for Fermanagh and Omagh District Council is based at the Northern Ireland Audit Office, 106 University Street, Belfast, BT7 1EU.
Tel. No. 028 90 251000 or 028 9025 1062
Email raisingconcerns@niauditoffice.gov.uk.

10. Independent Advice

If you are unsure whether to use this procedure or you want independent advice, you can contact the independent charity Protect (formerly Public Concern at Work) <http://www.protect-advice.org.uk> on Protect Advice Line: 020 3117 2520 or at info@protect-advice.org.uk. Their lawyers can give you free confidential advice at any stage about how to raise a concern about serious malpractice.

11. External Contacts

While we hope this procedure gives you the reassurance you need to raise concerns internally, we recognise that there may be circumstances where you feel that you can only properly report matters to an outside body. In such a case we advise you to contact Protect as they will be able to advise you accordingly. Whilst we would encourage you to openly raise your concerns internally this policy outlines alternative options and we would much prefer that your concern is raised than not raised at all.

A Raising Concerns information leaflet for the public has been published by the Northern Ireland Audit Office and is available at:

bit.ly/2SJ1x2J