



Local Government Staff Commission for NI

RAISING CONCERNS POLICY

APRIL 2023

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RAISING CONCERNS POLICY

1. INTRODUCTION

1.1 Purpose

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 wrongdoing, unlawful conduct, malpractice or risk / dangers to the public or environment, it can be difficult to know what to do.

You may be worried about raising such a concern and may think it is best to keep concerns to yourself, perhaps feeling it's none of your business or that it's only a suspicion. You may feel that raising the matter would be disloyal to colleagues, Managers or to the Commission.

You may also 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.

The purpose of this policy is to encourage employees (and members of the public) to understand the value of an open and honest reporting culture, where their concerns can be raised and dealt with effectively as part of normal business, leading to strengthened governance.

This Policy and the guidance within, will explain also how to raise concerns and how these will be treated by the Commission.

1.2 What is raising a concern

Raising a concern (commonly known as Whistleblowing) is the action of telling someone in authority, either internally and / or externally about wrongdoing, risk or malpractice. The Commission welcomes workers⁽¹⁾, Commission Members and members of the public raising concerns as an important source of information.

The nature of the issue being raised needs to be considered to ensure that it is dealt with under the appropriate Policy.

There are three 'categories' of issue that can be raised, which will dictate the appropriate Policy for dealing with it. These are:

Concern

When someone raises a concern, they are doing so about danger, illegality or wrong doing that affects others.

The person raising the concern is usually not directly or personally affected and they are simply trying to alert others who can address the issue.

Such concerns will be treated in line with this Raising Concerns Policy.

(1) Workers are defined as including employees, contractors, trainees, agency staff

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Grievance

Grievances are concerns, problems or complaints raised by an employee with management, in respect of problems with their working conditions or relationships with colleagues.

The individual raising the issue will have a vested interest in the outcome and are seeking redress or justice for themselves.

Grievances will be treated in line with the Commission's Grievance Policy.

Complaint

A complaint is when a customer or service user brings a problem to the attention of the Commission and has been personally affected by the issue. The complainant is seeking some form of redress or compensation.

Complaints will be treated in line with the Commission's Complaints Procedure.

The following diagram provides a summary of the types of issues that may be raised and the relevant Policies which should be applied.



You can raise concerns about any issue relating to suspected malpractice, risk, abuse or wrongdoing that is in the public interest. You will not need to have evidence or proof of wrongdoing.

As long as you have an honest belief, it does not matter if you are mistaken. It is best to raise the concern as early as possible, even if it is only a suspicion, to allow the matter to be looked into promptly.

Examples of types of issue about which you can raise concerns include:

- Any unlawful act (eg. theft or fraud).
- Health and safety risks to employees, service users or the public.
- Damage to the environment.
- Failing to safeguard personal and / or sensitive information (data protection).
- Abuse of position.
- Any deliberate concealment of information tending to show any of the above.

1.3 Protection when raising a concern

Public Interest Disclosure Legislation ⁽²⁾ provides protection to workers who raise a concern, in the public interest, and who suffer detriment as a result.

Members of the public do not have an employment relationship with the Commission and therefore do not have, and do not need, the protection of this legislation.

The Commission does not condone and will not tolerate any form of detriment or retribution imposed on an individual as a result of raising a concern.

To ensure that workers are protected, the Commission is committed to this Policy and provide assurance that each concern received will be properly and appropriately dealt with.

However, the protection of the Policy and the Public Interest Disclosure Legislation will not be afforded to individuals who knowingly raise false / vexatious allegations. Where this occurs, the Commission will take appropriate disciplinary action against the individual concerned.

1.4 Why you should raise a concern

The decision to raise a concern can be a difficult one. Workers are the eyes and ears of the Commission and we all have a responsibility to address health and safety risks, potential environmental problems, fraud, corruption, cover-ups and other such issues before the damage is done.

Workers who are prepared to speak up about malpractice, risk, abuse or wrongdoing are recognised as one of the most important sources of information for the Commission.

Raising concerns is essential to:

- Safeguard the integrity of the Commission.
- Safeguard employees and the wider public.
- Identify wrongdoing as early as possible.
- Expose weak or flawed processes and procedures which make the Commission vulnerable to loss, criticism or legal action.

(2) The Public Interest Disclosure (Northern Ireland) Order 1998 and the Employment Act (Northern Ireland) 2016

- Avoid financial loss and inefficiency.
- Maintain a positive corporate reputation.
- Reduce the risks to the environment or the health or safety of employees or the wider community.
- Improve accountability.
- Deter workers from engaging in improper conduct.

2. WORKERS

2.1 How should you raise a concern

As previously mentioned, workers are defined as including employees, contractors, trainees and agency staff.

If you wish to raise a concern, you should follow the process set out in this Policy. There are two options available, being internally or externally.

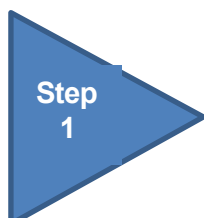
While the Commission encourages you to raise your concerns internally, we recognise that there may be circumstances where you feel unable to do so, or have done so but feel that the matter has not been adequately addressed. In these circumstances you have the option of approaching an external organisation, known as a 'prescribed person'. Further details on the external option can be found at 2.1.2.

Before raising your concern, you should be aware that:

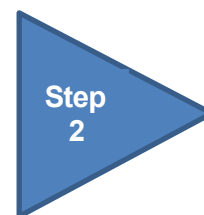
- You do not need firm evidence before raising a concern, only a reasonable suspicion that something may be wrong;
- You are a witness to potential wrongdoing and are merely relaying that information to your employer; and
- It is the responsibility of the Commission to use the information you provide to investigate the issue raised.

2.1.1 Raising a concern internally

The following steps set out how to raise a concern internally.



If you have a concern, raise it first with your line manager either verbally or in writing.



If you feel unable to raise the matter with your line manager, for whatever reason, raise the matter with the Director or the Chairperson of the Commission.
If you want to raise the matter in confidence, you should say so at the outset so that appropriate arrangements can be made.

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You can raise a concern either:

- **Openly** – you have no concerns about revealing your identity;
- **Confidentially** – you provide your personal details to your point of contact but do not wish them to be shared; or
- **Anonymously** – you do not reveal your identity when raising your concern.

2.1.1.1 Openly

Raising a concern openly means you are happy to be identified as the person who raised the concern. Openness makes it easier for the Commission to investigate and obtain more information about your concerns.

While we would prefer you to raise your concern openly, we appreciate that you may have good reasons to feel anxious about identifying yourself. Therefore, you can raise your concern in confidence or anonymously.

2.1.1.2 Confidentially

Raising a concern in confidence means you are content to provide your name and contact details but want your identity protected as far as possible.

The Commission provides you with assurance that your identity will remain confidential as far as possible. It may not always be possible to maintain confidentiality, if this impedes the investigation. If this happens, we will consult with you and obtain your informed consent where possible.

Where confidentiality is not possible or cannot be maintained, we will not tolerate detriment or harassment. We will take action to protect staff when they raise a concern and will treat any detriment or harassment as a serious disciplinary breach to be treated under the Disciplinary Policy.

2.1.1.3 Anonymously

Raising a concern anonymously means you choose not to provide your name and contact details. We would encourage you to raise any concerns openly or confidentially as this makes it more likely to secure a positive outcome.

While we will accept anonymous concerns and give them due consideration, there are a number of disadvantages to raising a concern anonymously:

- 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 not easily be understood and may need clarification or further explanation.
- There is a chance that the documents you provide might reveal your identity.
- It may not be possible to remain anonymous throughout an in-depth investigation.
- It may be difficult to demonstrate to a tribunal that any detriment you have suffered is as a result of raising a concern.

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Where anonymous disclosures are received, the Commission will assess the circumstances of the allegation and determine whether to progress to an investigation. The factors to be taken into consideration include:

- The seriousness of the issue raised.
- The credibility of the concern.
- The likelihood of confirming the allegation from attributable sources.

2.1.2 Raising a concern externally

While we would encourage you to raise your concern internally, we understand that you may feel unable to do so or have done so but feel the matter has not been adequately addressed. If this is the case, you can raise your concern externally to a 'Prescribed Person' (3). For example:

If your concern is about health and safety at work, the appropriate contact will be the Health and Safety Executive for Northern Ireland.

If your concern is about possible fraud or corruption within the Commission, the appropriate contact will be the Local Government Auditor at the Northern Ireland Audit Office.

A full list of the Prescribed Persons in Northern Ireland can be found at Appendix 1.

2.2 How we will deal with your concern

The Commission will take all concerns raised seriously. However, it may not be necessary to carry out a formal investigation in each case. We will consider a range of possibilities depending on the nature of each case.

2.2.1 On receipt of the concern

Once you have told us your concern, we will look into it and assess initially what action should be taken. We will formally acknowledge receipt of your concern within 10 working days and notify you who is handling the matter, how you can contact them and whether your further assistance may be needed.

We will offer you a meeting to discuss the issue in more detail, as long as you have not raised your concern anonymously. At this meeting we may ask you how you think the matter might be best resolved. If you do have any personal interest in the matter, we ask that you tell us at the outset. If your concern falls more in line with the Grievance Procedure, we will tell you. If you request, we will write to you summarising your concern and setting out how we propose to handle it.

(3) The Public Interest Disclosure (Prescribed Persons) (Amendment) Order (Northern Ireland) 2014

2.2.2 Initial investigation

Once we have received all the information relating to the matter, a report will be prepared for the consideration of the Director of Corporate Services or nominated officer, including recommendations for further action.

The initial investigation is essentially a 'fact finding' exercise, to establish whether there is a case to answer. It may need to be carried out under the strictest of confidentiality, eg. in cases of suspected fraud and or corruption.

Once this initial investigation has been completed, the investigating officer will report their findings and recommendations to the Director of Corporate Services or nominated officer for consideration.

Where the decision has been made to take further action, the Director of Corporate Services or nominated officer will appoint an investigating officer. He or she will agree the terms of reference with the Director of Corporate Services or nominated officer and identify a timeframe for the completion of the investigation.

Concerns or allegations which fall within the scope of specific procedures (eg. Anti-Fraud and Corruption) will be referred for consideration under those procedures.

2.2.3 Further Action

On the strength of the information provided by the initial investigation, the Director of Corporate Services or nominated officer will decide whether further action is necessary. If the result of the initial investigation is that there is a case to be answered by any individual, the Commission's Disciplinary Procedure may be used to take the matter forward. Where it is evident that statutory or legal requirements have been contravened which may result in civil or criminal action, the appropriate authorities will be informed.

Where there is no case to answer, but where the individual raising the issue had a genuine concern and was not acting maliciously, the Commission will ensure that the individual suffers no reprisals or victimisation.

Where it is established that false allegations have been made maliciously, it may be considered appropriate to take action against the individual under the terms of the disciplinary procedure.

2.2.4 Feedback

We will give you as much feedback as we possibly can, on a timely basis. However, we may not be able to tell you the precise action we are taking as this could infringe on our duty of confidence owed by us to someone else.

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2.3 Working in partnership

The Commission recognises that employees may wish to seek advice and be represented by their trade union representatives when using the provisions of this Policy, and acknowledges and endorses the role trade union representatives play in this area. We recognise the importance of working in partnership with Trade Unions to create a culture of openness and trust.

3. MEMBERS OF THE PUBLIC

3.1 Should you raise a concern

If you have a concern about wrongdoing, unlawful conduct, malpractice or risk / dangers to the public or environment, we encourage you to raise that concern directly with the Commission.

By doing so enables us to take immediate action and to ensure that the issue you raise is addressed as soon as possible.

3.2 How should you raise a concern

To assist you in raising your concern, we have set up the following dedicated contact methods.

Email: info@lgsc.org.uk
Telephone: 028 90313200
Address: Local Government Staff Commission for NI
217 Formation Works, Meadow, 22 East
Bridge Street, BELFAST
BT1 3NR
(Please mark as 'Private & Confidential')

Alternatively, if your concern is in relation to the proper conduct of public business, value for money or fraud and corruption, and you do not want to raise directly with the Commission, you can contact the Northern Ireland Audit Office and raise your concern with them.

Details where you can get further information and contact details for the Northern Ireland Audit Office are:

Website: <https://www.niauditoffice.gov.uk/fraud-and-raising-concerns>
Email: raisingconcerns@niauditoffice.gov.uk
Telephone: 028 9025 1000
Address: NI Audit Office
106 University Street
Belfast
BT7 1EU

3.3 How we will deal with your concern

The Commission will take all concerns raised seriously. We will treat your concern no differently to concerns raised by our employees, contractors and agency staff.

However, it may not be necessary to carry out a formal investigation in each case and we will consider a range of possibilities depending on the nature of each case.

We will:

- Formally acknowledge receipt of your concerns (where possible).
- We will offer you the opportunity to meet with a representative of the Commission to fully discuss the issue and provide any evidence you may have.
- We will provide you with an indication of how the matter raised might be progressed.
- We will respect your confidentiality where you have requested us to.
- We will provide an indication of when you might expect feedback, if you wish to receive it.
- We will provide appropriate feedback on resolution of the issues, if you wish to receive it.

3.3.1 On receipt of the concern

Once you have told us your concern, we will look into it and assess initially what action should be taken.

3.3.2 Initial investigation

Once we have received all the information relating to the matter, a report will be prepared for the consideration of the Director of Corporate Services or nominated officer, including recommendations for further action.

Where the decision has been made to take further action, an investigating officer will be appointed.

The initial investigation is essentially a 'fact finding' exercise, to establish whether there is a case to answer. This investigation may need to be carried out under the strictest of confidentiality.

Once this initial investigation has been completed, the investigating officer will report their findings and recommendations to the Director of Corporate Services or nominated officer for consideration.

3.3.3 Further Action

On the strength of the information provided by the investigation, the Director of Corporate Services or nominated officer will decide whether further action is necessary. If the result of the initial investigation is that there is a case to be answered by any individual, the Commission's Disciplinary Procedure will be used to take the matter forward. Where it is evident that statutory or legal requirements have been contravened which may result in civil or criminal action, the appropriate authorities will be informed.

3.3.4 Privacy Notice

We are collecting information from you for the purposes of dealing with your concern. This is in accordance with the lawful basis of Public Task.

Information collected will not be shared. Information will not be transferred to countries outside the EEA. All information collected and processed may be subject to audit.

All information will be held in accordance with the Commission's retention and disposal schedule and will be disposed of securely when no longer required. You have a number of rights with regard to data we hold on you – for further information see the Information Commissioner's website <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/>

If at any point you believe the information we possess about you is incorrect, you can request to see this information and even have it corrected or deleted. If you wish to raise a complaint on how we have handled your personal data, you can contact The Director of the Commission who will investigate the matter:

The Director of the Local Government Staff Commission for NI
217 Formation Works, Meadow, 22 East Bridge Street,
Belfast, BT1 3NR
T: 028 90 313200

If you are not satisfied with our response, or believe we are not processing your personal data in accordance with the law, you can complain to the Information Commissioner's Office (ICO).

3. MONITORING OF THE POLICY

The Policy will be reviewed regularly to ensure its effectiveness in encouraging staff and members of the public to raise their concerns with the Commission.

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APPENDIX 1 – Prescribed Regulators for Northern Ireland (4)

Prescribed Regulator	Matters in respect of which regulator is prescribed
<p>Certification Officer for Northern Ireland The Certification Office 4th Floor James House Cromac Avenue Belfast BT7 2JA Tel: 028 9023 7773 E-mail: info@nicertoffice.org.uk Website: www.nicertoffice.org.uk</p>	<p>Fraud and other irregularities relating to the financial affairs of trade unions and employers' associations.</p>
<p>Comptroller and Auditor General for Northern Ireland Northern Ireland Audit Office 106 University Street Belfast BT7 1EU Tel: 028 9052 1000 E-mail: info@niauditoffice.gov.uk Website: www.niauditoffice.gov.uk</p>	<p>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.</p>

(4) Department for the Economy – Guide to Public Interest Disclosure (Northern Ireland) Order 1998 (amended October 2017)

Prescribed Regulator	Matters in respect of which regulator is prescribed
<p>Criminal Cases Review Commission 23 Stephenson Street Birmingham B2 4BH Tel: 0121 233 1473 Email: info@ccrc.x.gsi.gov.uk Website: www.ccrcc.gov.uk</p>	<p>Investigation of alleged or suspected miscarriages of justice from the criminal courts of England, Wales and Northern Ireland and from the Military Court and Service Civilian Court, and where appropriate, referral of cases to the relevant appeal court.</p>

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Prescribed Regulator	Matters in respect of which regulator is prescribed
<p>Department for the Economy Adelaide House 39/49 Adelaide Street Belfast BT2 8FD Tel: 028 9052 9900 E-mail: dfemail@economy-ni.gov.uk Website: www.economy-ni.gov.uk/contact</p>	<p>Matters relating to: Compliance with the requirements of consumer protection and fair trading legislation; and fraud and other misconduct involving companies which are in compulsory liquidation, creditors' voluntary liquidation, administration or administration receivership.</p>
<p>Department for Communities Causeway Exchange 1-7 Bedford Street Belfast BT2 7EG Tel: 0300 200 7821 Website: www.communities-ni.gov.uk/contact</p>	<p>Matters relating to: The registration and operation of registered social landlords, including their administration of public and private funds and management of their housing stock; and fraud and other misconduct in relation to the administration and payment of Urban Regeneration and Community Development grants.</p>
<p>Director of the Serious Fraud Office 2 – 4 Cockspur Street London SW1Y 5BS Tel: 020 7239 7272 020 7239 7152 Email: public.enquiries@sfo.gsi.gov.uk Website: www.sfo.gov.uk</p>	<p>Serious and complex fraud.</p>

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Prescribed Regulator	Matters in respect of which regulator is prescribed
<p>Financial Conduct Authority 25 The North Colonnade Canary Wharf London E14 5HS Tel: 0300 500 8082 (UK) +44 207 066 1000 (Abroad) E-mail: firm.queries@fca.org.uk E-mail: consumer.queries@fca.org.uk Website: www.fca.org.uk</p>	<p>The listing of securities on a stock exchange; prospectuses on offers of transferable securities to the public; the carrying on of investment business or of insurance business; the operation of banks and building societies, deposit – taking businesses and wholesale money market regimes; the operation of friendly societies, benevolent societies, working men’s clubs, specially authorised societies, and industrial and provident societies; the functioning of financial markets and investment exchanges; money laundering, financial crime, and other serious financial misconduct, in connection with activities regulated by the Financial Conduct Authority.</p>
<p>Health and Safety Executive for Northern Ireland 83 Ladas Drive Belfast BT6 9FR Telephone: 080 0032 0121 028 9024 3249 E-mail: mail@hse-ni.gov.uk Website: www.hse-ni.gov.uk</p>	<p>Matters which may affect the health or safety of any individual at work; matters which may affect the health or safety of any member of the public, arising out of, or in connection with, the activities of persons at work.</p>

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Prescribed Regulator	Matters in respect of which regulator is prescribed
<p>Her Majesty’s Revenue and Customs Information Governance HM Revenue and Customs 100 Parliament Street London SW1A 2BQ Website: www.gov.uk/contact-hmrc</p>	<p>Value added tax, insurance premium tax, excise duties and landfill tax. The import and export of prohibited or restricted goods. Income tax, corporation tax, capital gains tax, petroleum revenue tax, inheritance tax, stamp duties, national insurance contributions, statutory maternity pay, statutory sick pay, tax credits, child benefits, collection of student loans and the enforcement of the national minimum wage. Matters relating to the Commissioners’ functions as the supervisory authority for estate agents pursuant to regulation 23(1)(d)(vii) of the Money Laundering Regulations 2007.</p>
<p>Information Commissioner NI 3rd Floor 14 Cromac Place Belfast BT7 2JB Tel: 030 3123 1114 028 9027 8757 E-mail: ni@ico.org.uk Website: ico.org.uk</p>	<p>Compliance with the requirements of legislation relating to data protection and to freedom of information.</p>
<p>Local government auditors appointed by the Department for Communities from the staff of the Northern Ireland Audit Office The Chief Local Government Auditor Northern Ireland Audit Office 106 University Street Belfast BT7 1EU Tel: 028 9025 1000 Email: info@niauditoffice.gov.uk Website: www.niauditoffice.gov.uk</p>	<p>The proper conduct of public business, value for money, fraud and corruption in district Commissions, joint committees, the Northern Ireland Local Government Officers’ Superannuation Committee and the Local Government Staff Commission for Northern Ireland.</p>

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Prescribed Regulator	Matters in respect of which regulator is prescribed
<p>Northern Ireland District Councils Individual Council numbers listed in The Phone Book or at www.nidirect.gov.uk</p>	<p>Matters which may affect the health or safety of any individual at work; matters, which may affect the health or safety of any member of the public, arising out of or in connection with the activities of persons at work. Compliance with the requirements of consumer safety legislation. Compliance with the requirements of food safety legislation.</p>
<p>Northern Ireland Human Rights Commission 4th Floor Alfred House 19 -21 Alfred Street Belfast BT2 8ED Tel: 028 9024 3987 Email: info@nihrc.org Website: www.nihrc.org</p>	<p>Matters which engage human rights.</p>
<p>Office of Communications Northern Ireland 2nd Floor Landmark House 5 Cromac Quay The Gasworks Ormeau Road Belfast BT7 2JD Tel: 028 9041 7500 E: ofcomnorthernirelandoffice@ofcom.org.uk Website: www.ofcom.org.uk</p>	<p>Matters relating to: The provision of electronic communications networks and services and the use of the electromagnetic spectrum; broadcasting and the provision of television and radio services; media ownership and control; competition in communications markets; and postal services regulation.</p>

Prescribed Regulator	Matters in respect of which regulator is prescribed
<p>The Pensions Regulator Telecom House 125 – 135 Preston Road Brighton BN1 6AF Tel: 0345 600 0707 E: customersupport@thepensionsregulator.gov.uk Website: www.thepensionsregulator.gov.uk</p>	<p>Matters relating to occupational pension schemes and other private pension arrangements including matters relating to the Pensions Regulator’s objective of maximising compliance with the duties under Chapter 1 of Part 1 (and the safeguards in sections 50 and 54) of the Pensions (No. 2) Act (Northern Ireland) 2008.</p>

Prescribed Regulator	Matters in respect of which regulator is prescribed
<p>The Financial Reporting Council Limited and its Conduct Committee 13th Floor 1 Harbour Exchange Square London E14 9GE E-mail: enquiries@frc.org.uk Website: www.frc.org.uk</p>	<ul style="list-style-type: none">a) Matters relating to–b) The independent oversight of the regulation of the accountancy, auditing and actuarial professions;c) The independent supervision of Auditors General (as defined in section 1226 of the Companies Act 2006);d) The monitoring of major audits (as defined in section 525 of that Act for the purposes of that section or section 522, or paragraph 13(10) of Schedule 10 to that Act for the purposes of that paragraph);e) the registration of third country auditors (as defined in section 1261 of that Act);f) compliance with the requirements of legislation relating to accounting and reporting;g) the investigation of the conduct of auditors, accountants and actuaries and the holding of disciplinary hearings in public interest cases (as defined in paragraph 24 of Schedule 10 to that Act); andh) the determination of sanctions against auditors (as defined in paragraph 23 of Schedule 10 to that Act).

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APPENDIX 2 – Version Log

Doc. Ref.:	Raising Concerns Policy		
Department/Section:	Finance and Governance		
Version:	1.0		
Date:	May 2021		
Version	Date	Author	Changes
1.0	06 May 2021	Helen Hall	
2.0	05 April 2023	Diana Stewart	Updating contact details