



Raising Concerns Policy

Approved: Audit & Risk Assurance Committee, 22 June 2021

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Policy Title	Raising Concerns (Whistleblowing) Policy
Policy Sponsor & Owner	Director
Committee	Audit & Risk Assurance Committee
Date Approved	Audit & Risk Assurance Committee – 22 June 2021 Board – 26 June 2021
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Related Policies	Fraud and Bribery Prevention Policy Grievance Policy
Related Procedures	Fraud and Bribery Prevention Response Plan Grievance Procedures Code of Conduct for Staff Board of Directors Code of Practice
Related Guidance	Public Interest Disclosure (Northern Ireland) Order 1998 Guide to the Public Interest Disclosure (Northern Ireland) Order 1998 (amended Oct 2017) Raising Concerns: A Good Practice Guide for the Northern Ireland public sector (NIAO, June 2020)

Revision Control	
Revision date	Details

1. Introduction

- 1.1** This document sets out the Northern Ireland Museums Council's (NIMC) policy for raising concerns about the work of the organisation. Raising concerns is sometimes referred to as 'whistleblowing' and in law it is called a 'public interest disclosure'.
- 1.2** 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 risk, potential environmental problems, corruption, cover-ups or other serious malpractice, it can be difficult to know what to do.
- 1.3** Individuals may be worried about raising such a concern and may think it is best to keep it to themselves, perhaps feeling that it is none of their business, or that it is only a suspicion, or that it is disloyal to colleagues, managers and NIMC to raise the matter. They may decide to say something but find that they have spoken to the wrong person or raised the issue in the wrong way and are not sure what to do next.
- 1.4** You should be able to make disclosures about wrongdoing so that problems can be identified and resolved quickly. A member of staff need only have a reasonable belief that the issue has occurred, either in the past or the present or is likely to happen in the future. There does not have to be proof that this is the case.
- 1.5** The term 'whistleblower' is usually associated with the Public Interest Disclosure (Northern Ireland) Order 1998, which provides protection for employees who make certain disclosures of information in the public interest.
- 1.6** In line with good practice, and in the context of this policy, the term 'member of staff' or 'employee' should be taken to include casual employees, agency workers, trainees, volunteers, contractors, consultants, suppliers, Board Members and members of the public. See www.protect-advice.org.uk.
- 1.7** The NI Museums Council is committed to develop and maintain an open and ethical culture.
- 1.8** This policy has been developed using the guidance - *Raising Concerns: A good practice guide for the Northern Ireland public sector* (June 2020).

2. Purpose

- 2.1** The purpose of this policy is to:
- Encourage staff and other individuals who have a concern about actual, potential or suspected malpractice or wrongdoing to raise that concern openly and at an early stage so that it can be dealt with in an appropriate and timely manner;
 - Reassure staff and others that it is safe and acceptable to speak up if they have a concern about some actual or potential malpractice or wrongdoing and that any information regarding potential wrongdoing is valued;
 - Confirm NIMC's commitment to taking the necessary action, properly and promptly, to address any genuine concern.

3. Raising a concern or whistleblowing?

3.1 Raising a concern in the public interest is the action of telling someone in authority, either internally and/ or externally (e.g. regulators or media), about wrongdoing, risk or malpractice.

3.2 There can be confusion around the terms 'raising a concern' and 'whistleblowing'. Some wrongly believe that they are separate steps involving an 'escalation', i.e. someone 'raises a concern' then, if they feel they have not been heard, they 'blow the whistle' within their organisation or to an outside body. This is a misunderstanding.
Whistleblowing and raising a concern are the same thing.

4. What is the difference between a concern, grievance or a complaint?

4.1 It is important to understand the difference between raising a concern, a grievance, and a complaint.

Concern

Whistleblowing may be called speaking up or raising a concern. It is all about ensuring that if someone sees something wrong in the workplace, they are able to raise this within the organisation, or to a regulator, or more widely. Whistleblowing ultimately protects customers, staff, beneficiaries and the organisation itself by identifying harm before it's too late.

Grievance

Grievances are concerns, problems or complaints raised by a staff member with management. Anybody may at some time have problems with their working conditions or relationships with colleagues that they may wish to raise.

Complaint

A complaint is when a customer brings a problem to the attention of the organisation and expects some redress, probably over and above simply supplying the original product or service that was the cause of the complaint.

5. Why should I raise a Concern?

5.1 Raising concerns is essential to:

- safeguard the integrity of an organisation;
- safeguard employees;
- safeguard the wider public; and
- prevent damage.

5.2 The benefits to your organisation of encouraging the raising of concerns include:

- identifying wrongdoing as early as possible;
- exposing weak or flawed processes and procedures which make the organisation vulnerable to loss, criticism or legal action;
- ensuring critical information gets to the right people who can deal with the concerns;
- avoiding financial loss and inefficiency; • maintaining a positive corporate reputation;
- reducing risks to the environment or the health or safety of employees or the

- wider community;
- improving accountability; and
- deterring workers from engaging in improper conduct.

5.3 The potential **risks** in discouraging the raising of concerns include:

- missing an opportunity to deal with a problem before it escalates;
- compromising your organisation's ability to deal with the allegation appropriately;
- serious legal implications if a concern is not managed appropriately;
- significant financial or other loss;
- the reputation and standing of your organisation suffering;
- a decline in public confidence in your organisation and the wider public sector; and
- referral by a worker to an external regulator or prescribed person (see page 20), potentially bringing adverse publicity to your organisation.

5.4 The majority of people raising concerns will have no ulterior motives; they simply want to highlight an issue that needs to be addressed for the good of their organisation and the wider public interest. But even if a person does have an ulterior motive, such as deflecting from weaknesses in their own performance, there may still be validity in the issues they raise. Any staff performance or grievance issues should be dealt with separately under relevant HR procedures, but the concerns raised should not be ignored.

6. How should I raise a concern?

6.1 NIMC is committed to a transparent, supportive and ethical culture, where members of staff feel confident to raise genuine concerns openly in the knowledge that such concerns will be taken seriously and investigated appropriately.

6.2 **Follow the NI Museums Council's policy.** This is accepted good practice, although not required by legislation. The policy should set out how you can raise concerns either internally or externally.

6.3 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 your employer to use the information you provide to investigate the issue raised.

6.4 Raising a concern internally

Step 1

Where a member of staff has genuine concern that a fellow member of staff may be involved in a wrongdoing, he or she should notify the appropriate line manager and the NIMC Director.

(see Appendix 1)

Step 2

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

If you feel unable to raise the matter with the NIMC Director, for whatever reason, raise the matter with the Chair or the NIMC Board. If you want to raise the matter in confidence, you should say so at the outset so that appropriate arrangements can be made.

(see Appendix 1)

Step 3

If after Step 1 or Step 2 you feel your concern has not been addressed satisfactorily, or if you feel that the matter is so serious that you cannot discuss it with any of the above, you should contact the Head of the Museums Branch, Department for Communities

(see Appendix 1)

6.5 Raising a concern externally

If you feel unable to raise a concern internally, or have done so but feel the matter has not been adequately addressed, please see Appendix 1 on appropriate external points of contact.

6.6 Am I protected if I raise a concern?

The key protection you should expect and have is the good practice of your employer (see Section 9 and Appendix 2).

Public Interest Disclosure legislation allows an employee to take their employer to an employment tribunal if they suffer detriment in any way as a result of raising a concern (referred to in the legislation as making a disclosure in the public interest – see Appendix 2).

7. What types of concern can I raise?

7.1 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.

7.2 The types of issues about which you can raise concerns include:

- any unlawful act (e.g. theft or fraud);
- health and safety risks to employees, service users or the public;
- the abuse of children or vulnerable adults in care;
- damage to the environment (e.g. pollution);
- failing to safeguard personal and/or sensitive information (data protection);
- abuse of position; or
- any deliberate concealment of information tending to show any of the above.

8. **Must I raise a concern openly?**

8.1 You can raise a concern:

- **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 widely beyond that; or
- **anonymously** – you do not reveal your identity when raising your concern.

Good practice by your employer should remove any barriers to raising concerns. **Good practice is key to ensuring that concerns are properly dealt with and that detriment doesn't occur.**

9. **What should I expect from my employer if I raise a concern?**

9.1 You can raise a concern informally with your line manager (see section 6) and may feel more comfortable doing so. However, some concerns, by their nature and scale, will require a more formal process of review and investigation than others.

When you raise a concern, you should expect that your employer will:

- formally acknowledge receipt of your concern;
- offer you the opportunity of a meeting to fully discuss the issue, so long as you have not submitted your concern in writing anonymously;
- if an investigation is appropriate, formally notify you who will be investigating your concern;
- respect your confidentiality where this has been requested. Confidentiality should not be breached unless required by law;
- take steps to ensure that you have appropriate support and advice;
- agree a timetable for feedback. If this cannot be adhered to, your employer should let you know;
- provide you with appropriate feedback; and • take appropriate and timely action against anyone who victimises you as a result of raising a concern.

9.2 Good practice is key to ensuring that concerns are properly dealt with and that detriment doesn't occur.

The NI Museums Council has the following essential elements of good practice in place:

- an open and honest culture;
- a clear policy and procedures;
- concerns taken seriously and given due consideration;
- assurance on confidentiality; and
- a zero tolerance of any reprisals or detriment.

9.3 **Reasonable expectations**

When you raise a concern, you may not always get the outcome you want or expect. However, you should always expect that you will be taken seriously and that the matter will be handled fairly and properly, in accordance with documented procedures.

10. How should we treat concerns from members of the NI Museums Council or the public?

10.1 The raising concerns policy and procedures can deal with issues raised from staff, members or members of the public. **The process for considering the concerns raised, and dealing with them appropriately, should be largely the same.**

11. What a member of the public should expect when they raise a concern?

11.1 A member of the public who raises a concern with a public sector organisation should expect the following:

- a formal acknowledgement of receipt of their concern;
- an opportunity to meet with the organisation to fully discuss the issue and provide evidence, if desired;
- an indication of how the matter might be progressed;
- respect for their confidentiality where requested;
- an indication of when they might expect feedback, if they wish to receive feedback; and
- provision of appropriate feedback.

12. How do we know concerns are being raised for genuine reasons?

The majority of people raising concerns will have no ulterior motives; they simply want to highlight an issue that needs to be addressed for the good of their organisation and the wider public interest. But even if a person does have an ulterior motive, such as deflecting from weaknesses in their own performance, there may still be validity in the issues they raise. Any staff performance or grievance issues should be dealt with separately under relevant HR procedures, but the concerns raised should not be ignored.

13. False allegations

Deliberately raising a false allegation is always unacceptable and sets back the cause of an open and honest culture by introducing mistrust. The NI Museums Council will take disciplinary action against any member of staff making a false allegation.

14. How do we know if our arrangements are effective?

The NI Museums Council's **Audit and Risk Assurance Committee** has a key role in ensuring effective arrangements for raising concerns are in place. The Committee is part of the control environment of the NI Museums Council and will provide a challenge function when it receives management information about concerns raised.

15. How will the NI Museums Council deal with concerns?

The NI Museums Council will take all concerns raised seriously. Some concerns, by their nature and scale, will require a more formal process of review and investigation than others, and consequently there is a range of possible actions. The action the NI Museums Council will take will depend on the nature of each case, for example:

- Explaining the context of an issue to the person raising a concern may be enough to alleviate their worries.
- Minor concerns might be dealt with straight away by line management.
- A review by internal audit as part of planned audit work might be sufficient to address the issue e.g. through a change to the control environment.
- There may be a role for external audit in addressing the concerns raised and either providing assurance or recommending changes to working practices.
- There may be a clear need for a formal investigation.

16. As a line manager, what are my responsibilities?

16.1 Managers who receive concerns from workers should:

- have a positive and supportive attitude towards workers raising a concern;
- record as much detail as possible about the concern being raised and agree this record with the worker;
- be aware of the process following the raising of a concern and explain this to the worker;
- make sure the worker knows what to expect, for example in relation to feedback on their concern;
- assure the worker that their confidentiality will be protected as far as possible, if they request this (see page 40);
- make no promises and manage the expectations of the worker;
- make clear that your organisation will not tolerate harassment of anyone raising a genuine concern and ask the worker to let you know if this happens;
- refer the worker to available sources of support, for example **Protect** (see Appendix 1) or their union; and
- pass the information as quickly as possible to those within your organisation responsible for dealing with concerns (usually someone within senior management), so that the appropriate procedures for consideration and investigation of the concern can be initiated.

17. How should we conduct a formal investigation?

17.1 It is important that investigations are undertaken by people with the necessary expertise and experience. If the NI Museums Council believes it cannot undertake the investigation, then external support will be secured.

17.2 Key considerations for any investigative process will include:

- employing investigators with the necessary skills;
- ensuring no conflict of interest between the investigator and the issue being investigated;
- having clear terms of reference;
- 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 (document search, interviews etc.);
- deciding how best to engage with the person raising concerns and manage their expectations; and
- ensuring that all investigative work is clearly documented.

18. What does a good investigation look like?

- 18.1
- The investigation should be done as quickly as possible to an **agreed timetable**. This should be set at the start and any changes should be notified to the person raising the concern.
 - There must be a **degree of independence**, proportionate to the gravity and complexity of the issue being investigated. The investigator may be someone from a different part of the organisation who is independent of the issue being investigated. However, there may be circumstances where external independence would be desirable.
 - The investigation must be conducted by **appropriately qualified and trained** investigators, who are given the requisite time to conduct and write up their investigation.
 - The investigation must seek to **establish the facts** by obtaining accounts from all involved and examining relevant records.
 - The investigation should result in **feedback** to the person who raised the concern.
 - The investigation must be **separate from any disciplinary process** involving anyone associated with the concern, where possible.
 - The outcome of the investigation should be considered at a level of seniority appropriate to the gravity of the issues raised, along with a **programme of proposed action** where relevant.
 - **Learning** from the investigation should be **shared** across the organisation and beyond, where appropriate.
 - Someone should **keep in touch** with the person who raised the concern at all times, to keep them abreast of progress and monitor their wellbeing.

19. Keeping contact and providing feedback

19.1 As part of the investigation plan, a **reasonable level and frequency of contact** should be agreed with the person who raised the concern. This will give them assurance that appropriate action is being taken in relation to the issue they raised. However, a person may want minimal contact once they have raised a concern and this should be respected.

19.2 In all cases, **appropriate feedback** should be provided to the person who raised the concern. This does not have to be comprehensive but should be sufficient to demonstrate that the concern has been properly considered and appropriately addressed.

20. Authority

20.1 Policy Sponsor and Owner

The Director, as Accounting Officer for the NIMC, is responsible for the policy development, its effective operation and associated procedures, and its annual review.

20.2 Policy Contact

Any member of staff who requires further information about the Raising Concerns policy should contact the Director

Appendix 1 – List of Contacts

Internally	
Director & Chief Executive Siobhan Stevenson	E: siobhan.stevenson@nimc.co.uk T: 028 9055 0215
Chair of NIMC Board/ Chair of Audit Committee	All correspondence should be marked 'Strictly Private – Addressee Only' and be sent to: Northern Ireland Museums Council 153 Bangor Road Holywood BT18 0EU Northern Ireland
Externally	
The Department for Communities , as the sponsor Department, has nominated the Head of Museums Branch as the official responsible for investigating staff concerns which lie within the scope of the Raising Concerns (Whistleblowing) Policy.	All correspondence should be marked 'Strictly Private – Addressee Only' and be sent to: Head of Museums Branch Department for Communities Causeway Exchange 1-7 Bedford Street Belfast BT1 7FB
NI Audit Office 106 University Street Belfast BT7 1EU	raisingconcerns@niauditoffice.gov.uk 028 9025 1000
	www.protect-advice.org.uk Tel: 020 3117 2520

Appendix 2 – Legislative Protection

Public Interest Disclosure legislation allows an employee to take their employer to an employment tribunal if they suffer detriment in any way as a result of raising a concern (referred to in the legislation as making a disclosure in the public interest).

The legislation was introduced to give **retrospective protection** to workers who raise a concern in their workplace and suffer detriment as a result. Such a situation may arise if an employer does not have an open and honest culture and a clear policy which welcomes the raising of concerns. Detriment may include bullying, marginalisation or being passed over for promotion.

Therefore, **the greatest protection is provided by employers proactively adopting good practice**, so that concerns are properly and appropriately dealt with, detriment does not occur and recourse to a tribunal is not required.

Implementing good practice saves on the time and cost of formal tribunal proceedings. It helps to reduce sickness absence due to stress, prevents poor staff morale and avoids deterioration of working relationships.

Further information on Public Interest Disclosure legislation and the protection it offers can be found at:

<https://www.nidirect.gov.uk/articles/blowing-whistle-workplace-wrongdoing>

<https://www.economy-ni.gov.uk/sites/default/files/publications/economy/public-interest-disclosure-guidance.pdf>