



Northern Ireland
Assembly

SECTION 6.08

WHISTLEBLOWING POLICY

Introduction

1. The Northern Ireland Assembly Commission ('the Assembly Commission') is committed to achieving the highest ethical standards in public life and in all of its practices. To achieve these ends, it encourages workers to report/disclose any potential malpractice or wrongdoing. This Policy sets out the approach which will be taken by the Assembly Commission if a worker makes a qualifying disclosure as set out in paragraph 5 of this Policy (to make such a disclosure is more commonly called "whistleblowing").

Scope of the Policy

2. This Policy applies to all Assembly Commission employees, agency workers, inward secondees and those in training with the Assembly Commission.

Purpose of the Policy

3. The Employment Rights (Northern Ireland) Order 1996 provides certain protections to workers who make a qualifying disclosure (as defined in Article 67B of that legislation). The worker has a right not to be subjected to any detriment (such as dismissal or demotion) as a result of making the disclosure. A person makes a qualifying disclosure if he or she reasonably believes that the disclosure is in the public interest, and that it tends to show that certain actions or failings have occurred or are likely to occur (see paragraph 5).
4. You may be worried about raising such a concern or not be sure how best to deal with it. The purpose of this Policy is to encourage employees to speak up and to set out the steps the Assembly Commission has taken to promote an environment in which employees and others feel confident in disclosing any information they may have about potential malpractice or wrongdoing.
5. This Policy applies where you want to disclose information and you reasonably believe both that the disclosure is in the public interest and that it tends to show that one or more of the following has occurred, is occurring or is likely to occur:
 - (a) commission of a criminal offence;
 - (b) failure to comply with a legal obligation to which a person is subject;
 - (c) a miscarriage of justice;
 - (d) endangerment of the health and safety of any individual;
 - (e) damage to the environment; or
 - (f) concealment of information relating to any of (a)-(e) above.

6. If your concern is about possible fraud or bribery, you may also wish to refer to the Assembly Commission's Fraud Prevention and Anti-Bribery Policy. A hard copy of this document can be obtained from the Finance Office.
7. This Policy encourages disclosures about potential malpractice or wrongdoing which are in the public interest. Exceptionally, there may be circumstances where you might reasonably believe that disclosure about an issue affecting you personally is also a disclosure in the public interest, where it affects the interest of others, such as colleagues or the wider public. Whether such a disclosure is in the public interest, is ultimately a matter for a tribunal or court to decide but relevant factors might include:
 - The number of other people whose interests are affected;
 - The importance of the interests affected;
 - The impact on those interests of the wrongdoing disclosed;
 - Whether the wrongdoing was deliberate or inadvertent; and
 - The identity of the alleged wrongdoer.
8. If your concern relates to a personal matter, or how you personally are treated at work, you should normally raise this concern under the Grievance Policy or Dignity at Work Policy as appropriate.

Our Assurances

9. We are committed to making whistleblowing work and to investigating qualifying disclosures of possible wrongdoing, and we will treat all qualifying disclosures in a confidential and sensitive manner.
10. If you ask us not to disclose your identity, we will not do so without your consent. However, there may be times when we are unable to resolve a concern without revealing your identity (for example, where your personal evidence is essential or where disclosure is required by law). In such cases, we will discuss with you whether and how the matter can best proceed.
11. You may make a disclosure anonymously, although this may make it more difficult to look into the matter. Anonymous disclosures will be investigated at the discretion of the Assembly Commission, which will take into account the seriousness of the concerns raised, the credibility of the concerns and the likelihood of confirming the subject of the disclosures from other sources.
12. This Policy is intended to encourage whistleblowing. If you disclose information to which this Policy applies, you will not be at risk of losing your job or suffering any other detriment as a result. However, if you make allegations that do not fall within paragraph 5 (for example, if you make a malicious allegation that a colleague has broken the law), you cannot rely on this Policy. In addition, to make such allegations may be treated as misconduct and you may be subject to disciplinary action.
13. If you are unsure about raising a concern you can get independent advice from the charity, Public Concern at Work (see paragraph 25).

How to raise a concern internally

14. Please remember that you do not need to have firm evidence of one of the matters at paragraph 5 before raising a concern, but you should have a reasonable belief of the accuracy of your information, and you should be able to explain as fully as you can the grounds or circumstances that gave rise to your concern.
15. The following paragraphs set out the steps you should take if you intend to make a qualifying disclosure. Whichever approach you adopt, you must make clear to the person to whom you are making the disclosure, that you are raising the matter under this Policy. If you want the disclosure to be treated in confidence, please make this clear at the outset. You can make a disclosure either orally or in writing, although you may find it helpful to keep a written note of any oral disclosure.
16. How to make an internal disclosure
17. You may make the disclosure to your line manager or to their immediate manager, if you are content to do so. A line manager who has been advised of a disclosure under this Policy will make one of the post holders listed at paragraphs 17 and 18 aware of the disclosure, who will manage the process thereafter.

18. If, for whatever reason, you feel that you cannot make the disclosure to your line manager or their immediate manager, or if you think no action has been taken following your disclosure, please raise the matter directly with one of the following post-holders:
- the Director of Legal, Governance and Research Services;
 - the Head of Human Resources; or
 - a Clerk Assistant.
19. If you do not think that action has been taken following the disclosure, or that despite action being taken there is a continuing risk, or you feel the matter is so serious that you cannot discuss it with any of the persons above, you can raise your concern directly with the Clerk/Chief Executive.
20. For the purposes of this Policy, the person taking forward the management of this matter will be referred to as the 'Designated Officer'.
21. If the Director of Legal, Governance and Research Services, a Clerk Assistant or the Clerk/Chief Executive is made aware of a disclosure, they will advise the Head of Human Resources. The Head of Human Resources will maintain a record of all disclosures made under this Policy.

How we will manage the matter

22. Once you have made the disclosure, the Designated Officer will carry out a preliminary assessment of the matter and assess what action is appropriate. This may range from an informal review to a 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". This approach and the procedures that will be followed during the investigation are outlined at Appendix A.
23. We will tell you who is investigating the matter, how you can contact them, and whether your further assistance may be needed. How your concern is dealt with (for example, by informal review or formal investigation) will affect the time needed to deal with the matter. We will try and deal with your concern in a timely manner.
24. If you raise an issue under this Policy, you may be asked how you think the matter might best be resolved. If you have any personal interest in the matter, we ask that you tell us this when you make the disclosure. If your concern falls more properly within the Grievance Procedure, we will tell you.
25. We will give you feedback if we properly can, and if you request it in writing. However, we may not be able to tell you the precise action we have taken if this would infringe a duty of confidence owed by us to someone else or for other legal reasons.

Independent advice

26. If you are unsure whether or how to raise a concern or you want confidential advice at any stage, you may contact your trade union. You may also contact the independent charity Public Concern at Work on 020 7404 6609 or by email at helpline@pcaw.co.uk. They can talk you through your options and help you raise a whistleblowing concern. For more information, you can visit their website at www.pcaw.co.uk.

Disclosures to an External Body

27. While we hope we have given you the reassurance you need to raise your concern internally with us, we recognise that there may be circumstances in which you may prefer to make the disclosure to an external person or body. Such bodies may include regulatory bodies, such as the Northern Ireland Audit Office or the Health and Safety Executive of Northern Ireland, or, if you are concerned about a potential criminal offence, the Police Service of Northern Ireland. Public Concern at Work (or your Trade Union) will be able to advise you on the circumstances in which it would be appropriate for you to contact an outside body.

General Information

28. These arrangements have been developed to meet best practice and comply with the relevant legislation as outlined above. There is also further information in the Assembly Secretariat Staff Handbook, Standards of Conduct Policy on whistleblowing relating to the handling of contracts.
29. The Department for the Economy has produced guidance on Public Interest Disclosure which may be helpful if you are considering making a disclosure.
30. The revised Whistleblowing Policy is effective from 17 June 2019. Enquiries regarding the Policy should be referred to the Head or Deputy Head of Human Resources.

Related Policies, Guidance & Forms

31. [Fraud Prevention & Anti-Bribery Policy](#)
32. [Standards of Conduct Policy](#)
33. [Grievance Policy](#)
34. [Dignity at Work Policy](#)
35. [Appendix A – Investigation Procedure for Internal Disclosures](#)
36. [Public Interest Disclosure Guidance – Department for Economy](#)