**Raising Concerns Policy**



|  |  |
| --- | --- |
| **Policy reference:** | *CS19* |
| **Title of Policy:** | Raising Concerns Policy |
| **Version:** | 3.0 |
| **Directorate / Departmental ownership:** | Corporate Services / Finance and Performance |
| **Officer responsible:** | Assistant Director of Finance and Performance |
| **Date of ratification:** | 7 October 2024 |
| **Review date:** | September 2028 |
| **Equality screening and Rural Needs Impact Assessment completed by:** | Assistant Director of Finance and Performance |
| **Equality screening and Rural Needs Impact Assessment date:** | Assistant Director of Finance and Performance |
| **Location where document is held and referenced:** | Responsible Department [x] Corporate Policy repository [x]  |

**Contents**

|  |  |  |
| --- | --- | --- |
|  | **Content** | **Page Number** |
| **1** | [**Title of Policy**](#titleofpolicy) | **2** |
| **2** | [**Statement**](#Statement) | **2** |
| **3** | [**Aim of this policy**](#Aimofthispolicy) | **2** |
| **4** | [**Scope of the policy**](#Scopeofthispolicy) | **3** |
| **5** | [**Related policies and legislation**](#Relatedpoliciesandlegislation) | **4** |
| **6** | [**Raising Concerns**](#RaisingConcerns) | **5** |
| **7** | [**Workers: Raising Concerns**](#WorkersRaisingConcerns) | **6** |
| **8** | [**Others: Raising Concerns**](#OthersRaisingConcerns) | **7** |
| **9** | [**How Council Deal with Concerns**](#HowCouncilDealWithConcerns) | **8** |
| **10** | [**If you are Subject of the Concern Raised**](#Ifyouaresubjectoftheconcernraised) | **10** |
| **11** | [**How to Raise a Concern**](#Howtoraiseaconcern) | **10** |
| **12** | [**How the Matter Can be Taken Further**](#Howthemattercanbetakenfurther) | **12** |
| **13** | [**Department & Officer responsible**](#Departmentandofficerresponsible) | **13** |
| **14** | [**Policy approval process**](#Policyapprovalprocess) | **13** |
| **15** | [**Review date**](#Reviewdate) | **13** |
| **16** | [**Equality screening**](#Equalityscreening) | **13** |
| **17** | [**Rural Needs Impact Assessment**](#Ruralneedsimpactassessment) | **13** |
| **Appendix 1** | [**Role and Responsibilities**](#Appendix1Rolesandresponsibilities) | **14** |
| **Appendix 2** | [**Routemap**](#Appendix2Routemap) | **16** |
| **Appendix 3** | [**Raising Concerns Notification**](#Appendix3Raisingconcernsnotifications) | **17** |
| **Appendix 4** | [**Case Closure Summary**](#Appendix4CaseClosureSummary) | **18** |
| **1.** | **Title of policy** |
|  | Raising Concerns Policy (formerly referred to as Whistleblowing Policy). |
| **2.** | **Statement** |
|  | Raising a concern in the public interest is the action of telling someone in authority, either internally and/or externally, for example regulators, about wrongdoing, risk or malpractice. As regards terminology used ‘whistleblowing’, ‘raising a concern’ or ‘speaking up’ generally refer to the same thing. In line with Northern Ireland Audit Office (NIAO) guidance ([Raising concerns - A good practice guide for the Northern Ireland public sector](https://www.niauditoffice.gov.uk/files/niauditoffice/media-files/238412%20NIAO%20Good%20Practice%20Guide%20%28A4__68pp%29__4.pdf)), this policy refers to raising concerns. Why is a policy for Raising Concerns needed? All organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring and to address them when they do occur. The NIAO ‘Raising Concerns: A Good Practice Guide’ sets out the benefits to an organisation of encouraging the raising of concerns, including:* 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 workers or the wider community;
* Improving accountability; and
* Deterring workers from engaging in improper conduct.

*Who can raise a concern?*A concern may be raised by someone internal to the council, such as a worker or by someone external, such as a member of the public. In developing this policy, the council recognises the need for an open and honest culture where our workers and others have clear information on how to raise concerns that are in the wider public interest and are encouraged to do so in the knowledge that they will be listened to and treated with respect.If an Elected Member has concerns regarding wrongdoing, risk or malpractice, they are advised to refer to the Northern Ireland Code of Conduct for Councillors, or to seek the advice of the council’s Legal Department. |
| **3.** | **Aim of this policy** |
|  | Newry, Mourne and Down District Council is committed to the highest possible standards of openness, probity and accountability and will not tolerate malpractice or wrongdoing. In line with that commitment, the Council encourages workers and third parties with serious concerns about any aspect of the Council’s work to come forward and voice those concerns without fear of reprisals. This policy document makes it clear that you can do so without the fear of victimisation, subsequent discrimination or disadvantage. This Policy aims to;* Make you feel confident to raise concerns within the council, as soon as possible, rather than overlooking a problem or raising the concern externally;
* Give you avenues to raise concerns and receive feedback;
* Inform you how to take the matter further if you are dissatisfied with our response; and
* Reassure our workers that, in line with legislation, you will be protected from reprisals or victimisation for raising concerns that you reasonably believe to be true and in the public interest.
 |
| **4.** | **Scope of this policy** |
|  | The nature of the issue being raised will determine whether it is a ***concern, a grievance or a complaint***, and subsequently the appropriate policy under which it should be addressed.Raising a concern is where an individual discloses information about suspected danger, wrongdoing or illegality that is in the ***public interest*** (i.e. that affects others). The individual raising the concern is usually not personally affected by the danger, wrongdoing or illegality. Consequently, they rarely have a personal interest in the outcome of the enquiries or investigation into their concern – they are simply trying to alert others. The types of concerns covered by this policy include those matters that we, as a council, are the ‘prescribed’ person for. Prescribed persons are responsible for the investigation of concerns that fall under their jurisdiction and protecting those raising concerns and their interests. For the council, these are:* 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 protection legislation; Compliance with the requirements of food safety legislation; and
* Failing to take proper account of environmental law when carrying out your activities, or by unlawfully performing, or failing to perform, any activities you have to carry out under environmental law.

In addition, other types of concerns covered by this policy include, but are not restricted to:* Risk to children and / or vulnerable adults;
* Conduct which is a criminal offence;
* Abuse of public funds;
* Any unlawful act (theft)
* Potential fraud or corruption (see also the council’s fraud and bribery policy statement for more details);
* A breach of the employee Code of Conduct;
* Conduct likely to damage the council’s reputation, and
* Any concealment of the information tending to show any of the above.

Personal grievances or dissatisfaction in respect of employment issues are not considered to be within the scope of this policy unless a particular case is in the public interest. These types of issues should be raised in line with our ***Disciplinary and Dismissal Procedure or Grievance Procedure***. Complaints are not within the scope of this policy. Raising a concern is very different to making a complaint. Complaints should be made in line with our ***Complaints, Comment and Compliment Policy*** which defines a complaint as ‘“*an expression of dissatisfaction by one or more members of the public about our action or lack of action, or about the standard of service provided by us or on our behalf”.*’ A complaint is different from a whistleblowing concern, where an individual raises information as a witness about danger, wrongdoing or illegality that affects others.The routemap at ***Appendix 2*** highlights the relationship between these policies. In addition, any concerns raised in relation to safeguarding or modern slavery, will be handled in line with the related council policy.*False Allegations*Although you are not expected to prove the truth of a disclosure, you will need to demonstrate that you have a reasonable belief that the concern is made in the public interest and that there is evidence of some malpractice. If you raise a concern that you reasonably believe to be true which is subsequently not confirmed by initial enquiries or investigation, no action will be taken against you. However, to ensure the protection of all of our workers, those workers who raise a concern frivolously, maliciously or for personal gain and / or make an allegation that they do not reasonably believe to be true and not made in the public interest may be subject to disciplinary action.  |
| **5.** | **Related policies and legislation** |
|  | 1. *Fraud Policy and Fraud Response Plan*
2. *Grievance Procedure*
3. *Disciplinary and Dismissal Procedure*
4. *Complaints, Comment and Compliment Policy.*
5. *Code of Conduct for Employees*
6. *Code of Conduct for Members*

The Public Interest Disclosure (NI) Order 1998 (PIDO) came into operation in Northern Ireland in October 1999. The Order offers a framework of protection against victimisation or dismissal for workers within an organisation who ‘blow the whistle’ on criminal behaviour or wrongdoing. In accordance with the PIDO, workers must not suffer any detrimental treatment as a result of raising a concern.As a result of legislation passed under the Employment Act (Northern Ireland) 2016 there has been an amendment to whistleblowing legislation which came into force at the start of October 2017. The main change is removal of the requirement for a disclosure to be made in good faith. Rather a disclosure must now be made in the public interest i.e. it must affect others such as the general public. |
| **6.** | **Raising Concerns** |
|  | Concerns can be raised in a number of ways, including in person or in writing, providing as much detail as possible. The background and history of the concern, giving names, dates and places where possible should be set out and the reason why you are particularly concerned about the situation. You should highlight if you wish to raise the matter under the council’s Raising Concerns policy.All concerns raised, regardless of their origin, will be subject to the same process as set out in Section 9: How Council Deal with Concerns.*Raising Concerns Champion*The council’s Raising Concerns Champion is available for advice and guidance, either prior to formally raising a concern or at any stage during the process. The Raising Concern Champions have a detailed knowledge of raising concerns and can provide advice to management, our workers, or any individual external to the council. Contact details can be found in section 11.*Openness, confidentiality and anonymity*In most cases the best way to raise a concern is to do so openly. By making their identity known, those raising concerns are more likely to secure a positive outcome. Openness makes it easier for us to address the issue, work out how to investigate the matter, understand the reasons for concern, get more information and report back on the outcome of preliminary enquiries / any investigation undertaken. This policy encourages you to put your name to your concern. We recognise that there may be circumstances when you would prefer to speak to someone in confidence first. If this is the case, please state this at the outset. Confidentiality will only be breached if required by law and, where possible, we will gain your consent prior to undertaking any action that could identify you.Concerns expressed anonymously are much less powerful as proper investigation may be impeded. Whist we will accept anonymous concerns and commit to giving them due consideration, we would ask anyone thinking of making a disclosure to consider the following points: * 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 be easily understood and may need clarification or further explanation;
* There is a chance the documents provided may reveal your identity;
* It may not be possible to remain anonymous throughout an in-depth investigation;
* It will not be possible to provide details of the outcome of any investigation to you if your disclosure is anonymous; and
* Statutory protection for a council worker is easier to obtain if a concern is raised openly. If a concern is raised anonymously it may not be possible to afford protection. Furthermore, it may be difficult to demonstrate to a tribunal that any detriment you have suffered is as a result of raising a concern.

We will make every effort to preserve your anonymity if you so wish. Please be aware that the investigation process may inadvertently reveal the source of the information and a statement from you may be required as part of the evidence. Given these inherent difficulties highlighted above, the Council will exercise discretion in deciding whether or not to investigate anonymous allegations. The factors to be taken into account include:* The seriousness of the issue(s) raised;
* The credibility of the allegations;
* The likelihood of confirming the allegation from attributable sources; and
* Whether the allegations have been investigated before.

*Data Protection Act and General Data Protection Regulations*Concerns raised will be treated in the strictest confidence and all personal data held securely in line with the requirements of the Data Protection Act and the General Data Protection Regulations (GDPR).Information obtained during initial enquiries or subsequent investigation will be maintained securely and confidentially so as not to prejudice future investigations. |
| **7.** | **Workers: Raising Concerns**The importance of the Raising Concerns policy is explicitly covered in our Code of Conduct for Employees. Our workers are often best placed to identify deficiencies and problems before any damage is done, so the importance of their role as the ‘eyes and ears’ of organisations cannot be overstated. Our Raising Concerns policy provides our workers with an opportunity to raise serious, genuine concerns rather than overlooking the problem or raising the concern externally. ***Safeguards***The Public Interest Disclosure (NI) Order 1998 (amended in October 2017) defines an individual raising a concern as a “worker”, that is, someone inside the organisation. This policy therefore applies to NMDDC Council staff (full time or part time) and may also include agency assignees, volunteers, consultants, those on secondment and contractors while they are engaged in carrying out duties for the Council. The Order offers protection to ‘workers’ who disclose serious concerns made in the public interest. In accordance with this legislation workers must not suffer any detrimental treatment as a result of raising a concern. Detrimental treatment includes dismissal, disciplinary action, threats, withholding a pay rise, objecting to a promotion, not giving training or any other unfavourable treatment connected with raising a concern. The council will fulfil its responsibility to ensure that you are not harassed, victimised or otherwise disadvantaged when you raise a concern. We will take appropriate action including the application of the Disciplinary and Dismissal or Grievance Procedure to protect a worker who raises a concern that they reasonably believe to be true and in the public interest. If you believe you have suffered any such treatment, you should inform one of the named officers in Section 11: How to Raise a Concern. If it is not remedied, you should raise it formally using our Disciplinary and Dismissal or Grievance Procedure. If a worker is already the subject of disciplinary or redundancy procedures, these HR procedures will not be halted as a result of their raising a concern.We trust that our workers will feel able to raise their concerns openly under this policy, however we recognise that some may want to raise their concerns confidentially (and anonymously). This policy document makes it clear that you can raise any concerns you have without fear of victimisation, subsequent discrimination or disadvantage. *How to raise a concern*If you have a concern about a risk, malpractice or wrongdoing at work, we hope that you will feel able to raise the matter first with your immediate line manager, Assistant Director of Director. Section 11: How to Raise a Concern sets out a number of alternative options to raise your concerns. Alternatively, you can raise concerns through your trade union. We recognise that the decision to raise a concern can be a difficult one to make but in uncovering malpractice you will be doing a service to the council, our ratepayers and members of the public. The earlier you express the concern the easier it will be to take action.***Contractors***As a first step, if you are a contractor, you should normally raise concerns with your manager, who should inform the most senior council officer who is dealing with the particular contract. If you do not have a manager, you should raise your concerns directly with the most senior council officer who is dealing with the contract. If you believe that your manager or the most senior council officer who is dealing with the contract is involved, you should approach one of the named officers set out in Section 11: How to Raise a Concern.All concerns are handled in the same way as set out in Section 8: Handling Concerns Raised. If the concern relates to fraud, bribery or financial impropriety it will be referred to the Assistant Director of Finance and Performance. |
| **8.** | **Others: Raising Concerns**Anyone external to the council can raise the same types of concerns as a worker. As highlighted in the NIAO’s good practice guide, it is the issue being raised that is important, not the person raising it. While the Public Interest Disclosure (NI) Order 1998 does not extend protection to members of the public who raise concerns, the council will endeavour, as far as possible, to apply the same principles to these concerns. Information on how to raise a concern, whether that be in writing, verbally or in person, is available on our website. These options are also set out in this policy at Section 11: How to Raise a Concern.  |
| **9.** | **How Council Deal with Concerns***What should I expect from the Council when I raise a concern?*If you raise a concern, the Council will (so long as you have not submitted your concern anonymously):* Formally respond to your concern within seven days of receipt. You will receive a written response acknowledging that the concern has been received and indicating how we propose to deal with the matter;
* Offer you the opportunity to meet to discuss the issue;
* Take steps to ensure that you have appropriate support and advice;
* Agree a timetable for feedback. If this cannot be adhered to, we will let you know;
* Provide you with feedback to demonstrate that the concern has been appropriately considered and addressed; and
* In the case of our workers, take appropriate and timely action against anyone who victimises you.

The council has arrangements in place around how concerns should be handled. This includes guidance and procedures for helping to preserve confidentiality and the integrity of evidence as well as undertaking preliminary enquiries, conducting investigations and reporting on the outcome of these investigations. We will respect your confidentiality where this has been requested. Confidentiality will not be breached unless required by law and we will consult with you prior to any action that could identify you.*Receipt of concerns raised*It is essential that anyone who raises a concern is supported and, as such, managers who receive disclosures should:* Have a positive and supportive attitude towards the individual raising a concern;
* Record as much detail as possible about the concern being raised and agree this record with the individual;
* Be aware of the process following the raising of the concern and explain this to the individual;
* Make sure the person raising the concern knows what to expect, for example feedback in relation to their concern;
* Assure the individual their confidentiality will be protected as far as possible,
* Make no promises and manage the expectations of the individual;
* In the case of one of our workers raising a concern, make clear that the organisation will not tolerate harassment of anyone raising a genuine concern and ask the individual to let you know if this happens;
* Refer the individual to available sources of support and advice, for example to Protect, a trade union or a professional association;
* Pass the information as quickly as possible to the council’s Assistant Director of Finance and Performance or the Raising Concerns Champion who will log the case and consider the best way in which to respond. The individual who has received the disclosure should do this by completing the Raising Concerns Notification template attached at ***Appendix 3***.

Cases will be carefully logged by the Assistant Director of Finance and Performance to enable the investigation’s progress to be monitored in a way that, where requested, safeguards the identity of the individual raising the concern. The Assistant Director of Finance and Performance will refer the concern to the appropriate person for initial enquiries.Role and Responsibilities in relation to Concerns Raised are highlighted at ***Appendix 1***.*Initial Enquiries*In order to protect individuals and the council, initial enquiries will be made by the appropriate person(s) to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations which fall within the scope of other existing procedures will normally be referred for consideration under these procedures. It may not be necessary to carry out a formal investigation in every case. The action taken by the council will depend on the nature of the concern. There may be a range of possibilities, depending on the nature of each case, for example:* Explaining the context of an issue to the person raising the concern may be enough to alleviate their concerns;
* Minor concerns may 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, for example, through a change to the control environment;
* There may be a role for the NIAO in addressing the concerns raised and either providing assurance or recommending changes to working practices;
* The matters raised may require a detailed internal investigation; or
* In some instances, concerns raised will be referred directly to the police or other statutory agencies.

The course of action will normally be agreed by the Fraud Response Group in consultation with the Senior Management Team, as appropriate. The Assistant Director of Finance and Performance, in consultation, with these services, agree the approach to be taken and the appointment of officers to undertake a detailed investigation where this is required. *Detailed investigation*During any investigation, the amount of contact between you and the investigating officer considering the issues will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the investigating officer will seek further information from you. Where any meeting is arranged, this can be off-site if you so wish and you can be accompanied by a trade union representative, a colleague or friend. We will take down a written summary of your concern and provide you with a copy after the meeting. We will also aim to give you an indication of how we propose to deal with the matter.*After the Investigation* The council accepts that you may wish to be assured that the concern you have raised has been properly considered and appropriately addressed. Feedback will be as set out in Section 12: How The Matter Can be Taken Further.As soon as possible following the completion of enquiries / investigation into any allegation made under this policy, the investigating officer should complete a Case Closure Summary template (attached at ***Appendix 4***). This should be forwarded to the Assistant Director of Finance and Performance to update the Fraud and Concerns log and, where applicable, ensure a response is issued to the individual who raised the concern. |
| **10.** | **If you are Subject of the Concern Raised**If you are the subject of a concern raised, we will endeavour to inform you as soon as is practically possible. There are occasions when it may be necessary for initial enquiries to be undertaken first. In addition, where the concern raised is potentially serious in nature, the council may initially seek to validate the concern raised though observation, enquiry and / or liaison with the Police. Following these initial enquiries, you will then be informed of the allegations made and you will be given an opportunity to provide an explanation. We will apply the same considerations of confidentiality to the worker at the centre of the concern raised, as far as appropriate. If following explanation and, if necessary, further investigation, there is no evidence to suggest misconduct, the matter will not be referred for disciplinary action. However, if there is evidence of potential misconduct there is a possibility that the Council’s Disciplinary and Dismissal or Grievance Procedure may be invoked to further investigate the matter. |
| **11.** | **How to Raise a Concern**There are several ways concerns can be communicated to the council. The options are set out below. *Option 1 – Raise your concern with management*We hope that our workers will feel able to raise the matter first with their immediate line manager, Assistant Director or Director. Concerns can be raised verbally or in writing. *Option 2- Raise your concern by email*Concerns can be raised using the council’s dedicated Raising Concerns mailbox, managed confidentially by the council’s Assistant Director of Finance and performance. Email: fraudandconcerns@nmandd.org*Option 3 – Raise your concern in writing or by telephone*Concerns can be raised in writing, by telephone or in person with the following officers:Raising Concerns Champions –Gerard Byrne, Assistant Director of Finance and Performance, Catherine Hughes, Head of PerformancePhil Preen, HR Operations Manager  These officers can be contacted at:Oifig an lúir Newry OfficeO’Hagan HouseMonaghan RowNewry BT35 8DJThe Council Switchboard can be contacted via 0300 013 2233.*Option 4 - Raise your concern with senior, designated officers*If you feel unable to raise the matter with management or the Raising Concerns Champions, you should raise it with one of the following people:• Chief Executive• Director of Corporate Services• Assistant Director of Legal and People • Chair of the Audit Committee• Head of Internal Audit These senior, designated officers can be contacted via the council switchboard on 0300 013 2233.*Option 5 - Raise your concern with a regulator*We hope that this policy gives you the reassurance to raise a concern internally. However, it is also recognised that there may be circumstances where you may wish to report a concern to an outside body, such as a regulator. You can seek independent advice from an experienced organisation before doing this. Protect is an independent, charitable organisation that runs a free, confidential whistleblowing advice line. The number is 020 3117 2520 or you can contact them online via their website www.protect-advice.org.uk The Office for Environmental Protection (OEP) is a relatively new prescribed body, since December 2022. OEP deals with matters relating to failures of public authorities to comply with environmental law. This could be, for example, by failing to take proper account of environmental law when carrying out your activities, or by unlawfully performing, or failing to perform, any activities you have to carry out under environmental law. OEP can be contacted via Email: whistleblowing@theoep.org.uk or phone: +44 (0)330 236 92109,In addition, you may wish to report the concern to the Local Government Auditor, who has been prescribed as a person to whom protected disclosures can be made under the Public Interest Disclosure (NI) Order 1998 in relation to the proper conduct of public business, value for money, fraud and corruption in relation to the provision of Local Government bodies. More information can be obtained from the Northern Ireland Audit Office (NIAO) on 028 9025 1102 or 028 9025 1000 or email raisingconcerns@niauditoffice.gov.uk |
| **12.** | **How the Matter Can be Taken Further**The council accepts that you may wish to be assured that the concern you have raised has been properly considered and appropriately addressed. Subject to legal constraints, we will inform you of the outcome of any enquiries / investigation undertaken.The response will be issued by the Assistant Director of Finance and Performance, who will consult with the investigating officer(s) and members of the Fraud Response Group as appropriate. If you are not satisfied with the outcome, you can write to the Chief Executive and ask for the investigation and outcome to be reviewed. If you remain dissatisfied and you feel it is right to take the matter outside this process, the following are possible contact points:* NI Commissioner for Complaints,
* Northern Ireland Audit Office (the Local Government Auditor),
* Relevant professional bodies or regulatory organisations,
* Your solicitor;
* Trade Union in relation to Workers; or
* The police.

Workers can rely on their rights under the Public Interest Disclosure (NI) Order 1998 (amended in October 2017). The Order gives you protection from victimisation if you make certain disclosures of information in the public interest. The provisions are quite complex and include a list of prescribed people outside of the council who can be contacted in certain circumstances. You should seek advice from your solicitor, your local Citizens Advice Bureau, the Ombudsman or Protect on the effect of the Order. If you take the matter outside the council, you should make sure that you do not disclose confidential information. In order to make sure that you do not make any such disclosures you may want to check the position with the council’s Legal Department. |
| **13.** | **Department and Officer responsible** |
|  |

|  |  |
| --- | --- |
| Directorate / Department | **Corporate Services, Finance and Performance** |
| Officer(s) responsible for developing the policy | **Assistant Director of Finance and Performance** |

 |
| **14.** | **Policy approval process** |
|  |

|  |  |
| --- | --- |
| **Meeting** | **Date** |
| *CMT* | *5 September 2024* |
| *SMT*  | *10 September 2024* |
| *Relevant Committee(s) – Audit Committee* | *19 September 2024* |
| *Monthly Council Meeting*  | *7 October 2024* |

 |
| **15.** | **Review Date** |
|  | The policy will be reviewed in line with the Council’s agreed policy review cycle i.e. every 4 years (as per Council’s Equality Scheme commitment 4.31), or sooner to ensure it remains reflective of legislative developments. |
| **16.** | **Equality Screening** |
|  | The policy has been screened, and it is not subject to an EQIA (with no mitigating measures required). |
| **17.** | **Rural Needs Impact Assessment** |
|  | This policy has been subject to rural needs impact assessment.**Appendix 1 – Role and Responsibilities** |

|  |  |
| --- | --- |
| **Members** | Leadership, approve policy, receive and consider high level progress updates at the Audit Committee. |
| **Chief Executive, Director of Corporate Services, Assistant Director of People and Legal, Audit Committee Chair, Head of Internal Audit** | Potential contact points for those individuals raising concerns  |
| **Director of Corporate Services**  | Director with responsibility for this policy and contact point for individuals to raise concerns.Potential contact point for those individuals raising concerns. |
| **Fraud Response Group** | The Fraud Response Group is responsible for;* referring cases, where necessary, to the PSNI for further investigation.
* providing advice and guidance to the Assistant Director of Finance and Performance on the reporting of investigations to Council Committee(s) and next steps in the investigation process, if required.
 |
| **Departmental management** | Management should ensure that their workers are aware of relevant council policies and procedures and ensure they are complied with.Management should be aware of what to do if someone raises a concern with them. (Refer to section 9 – How Council Deal with Concerns) This includes notifying Assistant Director of Finance and Performance / Raising Concern Champion as soon as a concern has been raised, prior to any initial enquiries being undertaken, via the Raising Concerns Notification form.Managers may be asked, where appropriate, to undertake enquiries / investigations including liaising with the individual raising the concern, where possible. |
| **Our Workers** | Worker, as defined in legislation, includes staff and may also include agency assignees, volunteers, consultants, those on secondment and contractors.Our workers should ensure they comply with relevant council policies and procedures.Our workers should be aware of what to do if someone raises a concern with them. (Refer to section 9 – How Council Deal with Concerns) |
| **Assistant Director of Finance and Performance** | The Assistant Director of Finance and Performance will undertake the role as the Raising Concern Champion.They will undertake or provide advice and assistance to management in undertaking investigations. They will provide the framework for the management of all concerns raised and the related investigations.Log concerns and ensure they are directed within the council to the most appropriate person for proper consideration and appropriate action, in liaison with Corporate Human Resources, Legal Services and senior departmental management, as appropriate.Liaise on an ongoing basis with those in the organisation handling concerns, to ensure progress is made and that appropriate feedback is provided to those raising the concerns.Where necessary, escalate concerns higher up the organisation.Policy maintenance and communication. |
| **Raising Concerns Champion** | Potential contact point for those individuals raising concerns and available for advice and guidance, either prior to formally raising a concern or at any stage during the process. Will understand the types of public interest concerns the council can consider and redirect concerns where necessary to the appropriate body.Raise awareness of the policy and the related roles and responsibilities across the organisation. Ensuring staff awareness and training on the Raising Concerns policy is adequate for their specific needs, that is, workers, line managers, senior managers and Members. |
| **External Audit – NI Audit Office** | Local government auditors have been prescribed as persons to whom protected disclosures can be made under the Public Interest Disclosure (NI) Order 1998 in relation to 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. More information can be obtained from the Northern Ireland Audit Office (NIAO) on **028 9025 1062 or 02890 251000 or email** **raisingconcerns@niauditoffice.gov.uk** |
| **Corporate HR and Legal Services** | Provision of specialist advice on investigations as well as potential disciplinary and or criminal matters. |

**Appendix 2 - Routemap**

The diagram below provides an overview of the relationship between the following council policies - Complaints, Comments & Compliments, Fraud and Bribery, Raising Concerns and the Disciplinary & Grievance procedures. Note that only workers are protected by legislation. More detail is provided in each policy.

Worker (employees / contractor / agency

Members of the Public

RAISING CONCERNS POLICY

FRAUD POLICY & FRAUD RESPOSNE PLAN

COMPLAINTS, COMMENT AND COMPLIMENT POLICY

Service complaint, including anonymous complaint

Allegation of fraud or financial impropriety

Danger, wrongdoing or illegality that affects others including anonymous concerns

Personal complaint relating to you and your employment

GRIEVANCE PROCEDURE (Council Employees Only)

**Appendix 3 - Raising Concerns Notification**

*NB: This form is to be completed, by the person receiving the concern, as soon as possible after the receipt of the concern.* *Please provide as much information as possible and e-mail the completed form to* *fraudandraisingconcerns@nmandd.org* *and cc the Assistant Director of Finance and Performance.*

|  |  |
| --- | --- |
|  | **Private and Confidential** |
|  | **Case reference number (assigned AD of Finance and Performance):** |  |
| 1 | Date concern received in the department: |  |
|  | How the concern was received e.g. telephone call / email / letter: |  |
| 2 | Details of the concern: (Providing as much detail as possible for example; dates, times, names, places etc.) |  |
| 3 | Name & contact details of person raising the concern (if known): |  |
| 4 | Name & contact details of officer to whom concern was notified: |  |
| 5 | Department / Service / to which concern relates: |  |
| 6 | Details of the location at which the incident occurred: |  |
| 7 | Details of any documents (electronic or hard copy) received with disclosure:NB Please forward all documentation with this notification, including any written record of a telephone call. |  |
| 8 | Was confidentiality requested by the person raising the concern? |  |
| 9 | Name & contact details of the manager of the relevant business area (contact point for ongoing correspondence / progress updates): |  |
| 10 | Have you informed the individual that the concern would be passed to AD of Finance and Performance and that they would be in contact? |  |

**Appendix 4 – Case Closure Summary**

**Case Closure Summary - Post Investigation Outcome & Action**

*To be completed by the service area as soon as possible after the completion of initial enquiries / investigation into any concern made under the Raising Concerns Policy. Please provide as much information as possible and e-mail the completed form to* *fraudandraisingconcerns@nmandd.org**and cc the Assistant Director of Finance and Performance.*

|  |  |
| --- | --- |
|  | **Private and Confidential** |
|  | **Case reference number (assigned AD of Finance and Performance):** |  |
| 1 | Date initial enquiries / Investigation completed (please attach a copy of the report): |  |
| 2 | Outcome of initial enquiries / investigation:* irregularity found (other than fraud)
* no irregularity
* fraud
 |  |
| 3 | Summary of findings of the investigation: |  |
| 4 | If an irregularity / fraud was found, who was responsible?* Worker
* Contractor
* Funded body / grant applicant
* Other third party (please specify)
* Collusion between internal and external parties
* Unknown
 |  |
| 5 | Date and details of any contact with the person raising the concern: |  |
| 6 | If appropriate, provide details of the financial implications of the concern raised / quantify any loss to the council:  |  |
| 7 | Type of action recommended as a result of the investigation:* Control improvements
* Too early to determine
* No action necessary / possible
* Referral for investigation under disciplinary procedure
* Referral for police investigation
 |  |
| 8 | Name & contact details in case further information is required: |  |
| 9 | Notes / further information: |  |
| 10 | **To be completed by the AD of Finance and Performance:*** Where appropriate, specific details of actions taken to address issues arising from the investigation:
* Where appropriate, date and details of referral to other parties / organisations:
* Date of final case closure:
 |  |