

How to raise a Concern (for TEO Staff and members of the public)

May 2023

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1. Introduction

- 1.1 This guidance details the process to be followed by any TEO staff member or member of the public who, either orally or in writing (letter or email), wishes to raise a concern. These procedures should be read in conjunction with the [NICS Raising a Concern Policy Framework](#).
- 1.2 Raising concerns should be part of the normal routine business of any well-run organisation. It is something that should not be viewed with fear and negativity but as a normal, positive part of everyday business. Staff are often best placed to identify deficiencies and problems before any damage is done, **so the importance of your role as the ‘eyes and ears’ of the Department cannot be overstated.**
- 1.3 It is important to note from the outset that The Executive Office (TEO) is not permitted to investigate concerns for which it has no policy remit, decision making powers or legal responsibility. For example, a concern relating to the care provided in a hospital setting should, in general, be made to the Department of Health or the relevant Health Trust. Similarly concerns around road infrastructure should be made to the Department for Infrastructure.
- 1.4 It is also important to be clear that **TEO does not have an oversight or ‘escalation’ role in dealing with concerns that relate to other Departments.** For example, you may think that taking your concern to the ‘top’ i.e. to the First Minister or deputy First Minister will mean that something will ‘get done’. However, the First Minister and deputy First Minister are not permitted to investigate concerns for which they have no policy remit, decision making powers or legal responsibility. The concern will instead be passed to the relevant Department or [the appropriate regulator](#) for investigation.
- 1.5 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. Staff may feel content to mention a concern

to their line manager but they fear 'whistleblowing', seeing it as something more formal and serious, with potential repercussions. This stems from the fact that there can be confusion around the terms 'raising a concern' and 'whistleblowing'.

1.6 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.** Some concerns, by their nature and scale, will require a more formal process of review and investigation than others, others may be considered more minor concerns, however no issue or concern is too small to raise. The fundamental purpose in every case is the same – to bring into the open an issue of concern so that it can be properly addressed. **Remember it is the issue being raised which is the key thing, not the person raising it.**

1.7 TEO is committed to the highest possible standards of openness and accountability in the delivery of its services. The purpose of this Departmental guidance is:

- to reassure staff that they can raise genuine concerns about potential wrongdoing in confidence, through a clear internal reporting process, without putting their position at risk; and
- to provide arrangements through which anyone who is not a member of staff (for example, members of the public and other external stakeholders) can raise concerns about the proper conduct of public business by the Department or its sponsored bodies (a list of the Department's sponsored bodies is provided at [Appendix 1](#) of this Guidance).

1.8 The sections below: explain the types of concerns covered by the TEO Raising Concerns Policy; how TEO staff members and members of the public can raise a concern; and how these concerns will be managed by the Department.

2. Types of Concern Covered

- 2.1 All of us at one time or another may have concerns about what is happening at work. A simple way to establish whether your concern falls under the TEO Raising Concerns policy is to consider the nature of the concern. [Appendix 4](#) to this guidance provides a useful summary of the types of concerns raised and their relevant policies.
- 2.2 The **nature of the issue being raised** will determine whether it is a public interest disclosure (whistleblowing), a grievance or a complaint and therefore the appropriate policy under which it should be addressed. If the concern refers to 'others' e.g. the Department and/or its sponsored bodies, other staff, clients, the wider public, then it is a public interest/whistleblowing concern. If the concern relates to you as an individual 'self' e.g. a personal grievance about terms of employment, pay or unfair treatment – this is not a public interest/whistleblowing concern. 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. When a worker raises a grievance, they are saying that they **personally** have been treated poorly. Such issues should be handled in line with the [NICS Grievance Policy](#). Consequently, personal grievances or dissatisfaction in respect of employment issues are not covered by public interest/whistleblowing arrangements, unless an employee's particular case is in the public interest.
- 2.3 Generally, an individual raising a public interest concern has no self interest in the issue being raised, however each concern should be considered on a case by case basis to determine whether it fits within the 'public interest disclosure' classification.
- 2.4 Similarly, concerns raised in the public interest do not cover complaints about the Department's performance or standards of service, for which separate

procedures exist. These are set out in the TEO Complaints Procedure located at [TEO Complaints Policy](#).

- 2.5 There can be instances however where a person raises an issue which has elements both of a wider concern affecting others and of personal interest. The challenge is therefore to disentangle the issues and deal with each in accordance with the relevant policy.
- 2.6 The Department's sponsored bodies will also have their own Complaints Procedures which should be used in respect of their performance and service standards.
- 2.7 A full list of the types of concern covered by the public interest/whistleblowing arrangements is detailed in the Public Interest Disclosure (NI) Order 1998 [The Public Interest Disclosure \(Northern Ireland\) Order 1998](#).
- 2.8 Types of public interest concern could include, but are not restricted to:
- a criminal offence/unlawful act (e.g. theft or fraud);
 - the endangering of an individual's health and safety;
 - failing to safeguard personal and/or sensitive information (data protection);
 - poor value for money;
 - corruption (including bribery);
 - maladministration (e.g. not adhering to procedures); and
 - the unauthorised use of public funds.
- 2.9 Actual examples of the types of concerns previously raised in the public interest, are detailed overleaf and include:



- 2.10 It will always be assumed that concerns have been raised in good faith unless there is evidence to the contrary. Since 1 October 2017 in Northern Ireland, the pre-existing good faith test has been replaced with a public interest test. So if a staff member raises a concern in the public interest, regardless of their motivation, they will have the protection of the legislation should it be required. The law which offers a retrospective remedy to workers raising a concern, should they suffer as a result of doing so, has recognised that acting good faith is not a pre-requisite for raising a concern. The issue of good faith will only be taken into account by a tribunal when considering the level of remedy awarded.
- 2.11 If it becomes apparent that an accusation was deliberately false, or vexatious, and not due to a misunderstanding or genuine mistake, it will be treated as a serious matter which may result in disciplinary action.
- 2.12 When you raise a concern, you may not always get the outcome that you want or expect. However, you should always expect to be taken seriously and have confidence that the matter will be handled fairly and properly, in accordance with documented procedures.

3. Raising a Concern: Members of Staff

- 3.1 The Public Interest Disclosure (NI) Order 1998 provides protection for **employees** who raise concerns. The term employee also includes contractors, trainees, agency staff. The list is not exhaustive. If you have any doubts about whether you will have a retrospective legal remedy, you can seek impartial expert advice from Protect at www.protect-advice.org.uk or by telephone on 020 3117 2520.
- 3.2 If you are a member of TEO staff and you have a concern, you should refer to the NICS Public Interest Disclosure (Whistleblowing) Policy.
- 3.3 This is included in the NICS HR Handbook at Section 6.01 (Standards of Conduct) of Chapter 6 (Employee Relations). Sub-section 4 of Section 6.01 sets out the provision of the Public Interest Disclosure (NI) Order 1998. It provides guidance on making public interest disclosures and outlines the protection available to staff who do so.
- 3.4 If you are a member of staff in one of the Department's ALBs ([see Appendix 1](#)) you should refer to the Raising Concerns Policy for your organisation.
- 3.5 The NICS Policy explains that staff should usually raise concerns by talking to their line manager or someone else within the line management chain.
- 3.6 You can raise a concern:
- **openly** – you have no concerns about revealing your identity; or
 - **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.
- 3.7 Openness makes it easier for the Department to investigate and obtain more information. It can also encourage others to come forward, as they will know that a concern has been raised.

- 3.8 If you want to raise the matter in confidence, you should say so at the outset so that appropriate arrangements can be made. However, you should be aware that it may not always be possible to maintain confidentiality if this impedes the investigation. In such circumstances, it is vital that you are consulted and, if possible, your informed consent obtained.
- 3.9 Whilst the Department willingly accepts anonymous concerns and commits to giving them due consideration, there are disadvantages to raising concerns anonymously which may impede their investigation, most notably the inability to be contacted to provide further information.
- 3.10 Managers should handle concerns in accordance with the Department's Raising Concerns procedures which can be found on the Department's intranet site [Staff Guidance for handling Concerns](#).
- 3.11 In raising a concern you should be aware that:
- you are not required to have formal evidence before raising a concern, only a reasonable suspicion of wrongdoing;
 - you are a witness to a 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.
- 3.12 If for any reason, raising a concern with your line manager or someone else within the line management chain would be difficult you can raise the matter with the **TEO Designated Officer** for Raising Concerns, Andy McCaw (contact details are below).

Andy McCaw
TEO Designated Officer
Room E5.18
Castle Buildings, Stormont Estate BT4 3SL
ext. 88618 or 07753100315
Email:andy.mccaw@executiveoffice-ni.gov.uk

- 3.13 If after contacting your line manager or the TEO Designated Officer 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 either of these individuals, you should contact the Permanent Secretary (perm.sec@executiveoffice-ni.gov.uk).
- 3.14 The NICS HR Employee Relations Director will also fulfil the role of the NICS nominated officer for raising concerns should you for any reason not wish to report your concerns via TEO's existing departmental procedures. Their contact details are listed below:

Michael Cooke
NICS HR Employee Relations Director
Level 7 Goodwood House
44-58 May Street
Belfast BT1 4NN
Tel: ext 72711 or 028 9047 5711
Email: michaelcooke2HR@finance-ni.gov.uk

- 3.15 The Department also has a dedicated confidential email inbox for those individuals who wish to raise a concern. The inbox is managed confidentially by the Department's Counter Fraud, Raising Concerns and Complaints Branch (CFRCC) and the address is: RaisingConcerns@executiveoffice-ni.gov.uk
- 3.16 Within TEO the 'speak-up champion' will be responsible for raising general awareness about the value of receiving, reporting and responding to concerns. They may be contacted openly or confidentially for further advice on how to raise a concern. Their contact details are listed below, or, alternatively, a nominated senior member of the Finance Division may act in this capacity.

Ronan Murtagh
Director of Finance
Room E5.18 Castle Buildings, Stormont Estate, BT4 3SR
Ext. 22314 or 028 9052 2314
Ronan.Murtagh@executive.office-ni.gov.uk

- 3.17 [Appendix 2](#) to this guidance includes a template that should be used to raise a concern. A flow diagram is attached at [Appendix 5](#), summarising the process for staff raising a concern.
- 3.18 If you are unsure whether or how to raise a concern or you want confidential advice at any stage, you may contact the independent whistleblowing charity Protect (previously called Public Concern at Work (PCaW)) on 020 3117 2520 or by email at whistle@protect-advice.org.uk. Protect staff can talk you through your options and help you raise a concern about malpractice at work. For more information, you can visit their website at www.protect-advice.org.uk. Alternatively, you could contact the appropriate regulator such as the Northern Ireland Audit Office or the Health and Safety Executive of Northern Ireland (HSENI). If your concern is about health and safety at work, the appropriate contact will be the HSENI. If your concern is about possible fraud or corruption in central government or health service organisations, the appropriate contact will be the Comptroller & Auditor General (Northern Ireland Audit Office).
- 3.19 If your concern is about a breach of the Civil Service Code of Ethics, you may raise your concern directly with the Civil Service Commissioners for Northern Ireland. (While it is the Commissioners' preference that issues under the Code of Ethics are raised, in the first instance, internally within the relevant Department, there may be circumstances when Commissioners would accept a concern without this having occurred. Commissioners will examine each case on its merits.)

4. Raising a Concern: External (Members of the Public)

- 4.1 As a member of the public, you have no employment relationship with the Department about which you are raising a concern and so will not have, and will not need, the legal protection provided to Departmental staff. While the Public Interest Disclosure (NI) Order 1998 only applies to workers (as defined in the Order) the Department will endeavour, as far as possible, to apply the same principles in respect of concerns raised by **non-staff members**.

- 4.2 Concerns raised by the general public can play a vital role in identifying wrongdoing, risk or malpractice within the NI public sector. This was highlighted in the recent inquiry into Renewable Heat Incentive (RHI) scheme.
- 4.3 Members of the public shall be able to raise a concern orally or in writing:
- a) through the NIDirect website;
 - b) through the website of TEO;
 - c) directly with the TEO Designated Officer (section 4.5); or,
 - d) through the TEO designated email, RaisingConcerns@executiveoffice-ni.gov.uk (section 4.6).
- 4.4 Members of the public should note that TEO is unable to investigate concerns for which it has no policy remit, decision making powers or legal responsibility. TEO does not have an oversight or 'escalation' role in dealing with concerns that relate to other Departments. For example, concerns relating to health should be raised with the Department of Health or road issues should be raised with the Department for Infrastructure etc.
- 4.5 Concerns raised will be treated in the strictest confidence. Where concerns lead to criminal proceedings, you may also be required to give evidence in a court of law. If you are not a member of TEO staff (for example you are a member of the general public or an external stakeholder) you can raise your concern orally or in writing to the TEO Designated Officer for Raising Concerns, Andy McCaw or the TEO Head of Internal Audit, Michael Matthews, on the contact details below:

Andy McCaw
TEO Designated Officer
Room E5.18
Castle Buildings, Stormont Estate BT4 3SL
ext. 88618 or 07753100315
Email:andy.mccaw@executiveoffice-ni.gov.uk

Or

Michael Matthews
Head of TEO Internal Audit
Room 5 Hillview Buildings
Stormont Estate BT4 3TA
028 9037 8603
Michael.Matthews@executiveoffice-ni.gov.uk,

- 4.6 Alternatively, you can submit your concern to the Department's dedicated confidential email inbox for those individuals (staff and members of the public) who wish to raise a concern. The inbox is managed confidentially by the Department's Counter Fraud, Raising Concerns and Complaints Branch (CFRCC) and the address is: RaisingConcerns@executiveoffice-ni.gov.uk [Appendix 2](#) to this guidance includes a template that can be used to raise a concern. A flow diagram is attached at [Appendix 3](#), summarising the process for members of the public raising a concern.

5. Handling a Concern

- 5.1 Be assured that all concerns raised will be taken seriously and investigated appropriately. Information and documentation relating to your concern will be restricted in order to protect the identity of all those involved, including those against whom the concerns are made.
- 5.2 If your concern has not been submitted anonymously, TEO will:
- formally acknowledge receipt of your concern;
 - formally notify you of who will be investigating your concern;
 - offer you the opportunity of a meeting to fully discuss the issue;
 - 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, TEO will let you know;

- provide you with as much feedback as it properly can; and
- take appropriate and timely action against anyone who victimises you.

5.3 If you choose to raise your concern **anonymously**, it will be much more difficult for us to look into the matter, to protect your position, or to give you feedback. Accordingly, while we will consider anonymous reports, these arrangements are not well suited to deal with concerns raised anonymously. Disadvantages of raising a concern anonymously include:

- 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; and
- it may be difficult to demonstrate to a tribunal any detriment you have suffered as a result of raising a concern.

5.4 If you decide to reveal your identity to the Department during the process, your confidentiality will be protected, as far as possible. However, it may not always be possible to maintain confidentiality if this impedes the investigation. In such circumstances, we will consult with you in order to seek your informed consent to progress the case.

5.5 If your confidentiality is not protected, and you suffer detriment as a result, you may be able to seek recourse through an Employment Tribunal. Workers have a retrospective remedy in employment law, in that they can take a case against their employer at an employment tribunal if they are victimised or suffer detriment as a result of raising a concern. This legal remedy is not available to

a member of the public raising a concern, as there is no employment relationship with the public sector.

- 5.6 Once you have told us of your concern, we will look into it to assess initially what action should be taken. This may involve an informal review, an internal inquiry or a more 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.”
- 5.7 If your concern is about possible fraud, the Department will deal with it by following our [TEO Fraud Prevention Policy and Fraud Response Plan](#).
- 5.8 Fraud Policy and Fraud Response Plan. If your concern falls more properly within the [Staff Grievance Policy](#) (or other HR Policy) or the [TEO Complaints Procedure](#), we will tell you.

6. External disclosures

- 6.1 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 where you can properly report a concern to an outside body. In fact, we would rather you raise a matter with the appropriate regulator – such as the NIAO or the HSENI - than not at all. Protect (or your union) will be able to advise you on such an option and on the circumstances in which you may be able to contact an outside body safely.
- 6.2 An information leaflet for the public has been published by NIAO providing further information on external disclosure which is included in [Appendix 3](#) to this guidance.

Appendix 1 The Executive Office (TEO) Sponsored Bodies

The Attorney General for Northern Ireland (AGNI)

The Commission for Victims and Survivors Northern Ireland (CVSNI)

The Commissioner for Public Appointments for Northern Ireland (CPANI)

The Commissioner for Survivors of Institutional Child Abuse (COSICA)

The Equality Commission Northern Ireland (ECNI)

The Historical Institutional Abuse Redress Board (HIARB)

The Northern Ireland Community Relations Council (NICRC)

The Northern Ireland Judicial Appointments Commission (NIJAC)

The Maze Long Kesh Development Corporation (MLKDC)

The Strategic Investment Board (SIB)

The Victims and Survivors Service (VSS)

The Victims' Payment Board (VPB)

Appendix 2 Raising a Concern – Form to be completed by staff or the general public when raising a concern

Title <i>(Mr, Mrs, Ms, Other – please specify)</i>	
Name	
Address	
Telephone Number	
Email address	

Please outline full details of the alleged concern that you wish to raise with the Department:

Signature:

Date:

The completed form should be returned to:

For TEO staff

Your line manager (or their immediate line manager) or, if for any reason you do not wish to report your concerns via your line management chain:

By email to - RaisingConcerns@executiveoffice-ni.gov.uk

Or

Andy McCaw
TEO Designated Officer
Room E5.18
Castle Buildings, Stormont Estate BT4 3SL
ext. 88618 or 07753 100315
Email:andy.mccaw@executiveoffice-ni.gov.uk

Or

Michael Cooke
NICSHR Employee Relations Director
Level 7 Goodwood House, 44-58 May Street
Belfast BT1 4NN
Tel: ext 72711 or 028 9047 5711
Email: michaelcooke2HR@finance-ni.gov.uk

Or

Protect (the independent charity) on 020 3117 2520 or by email at whistle@protect-advice.org.uk,

Or

The appropriate regulator such as the Northern Ireland Audit Office or the Health and Safety Executive of Northern Ireland

For Members of the Public or external stakeholders:

By email to - RaisingConcerns@executiveoffice-ni.gov.uk

Or

Andy McCaw
TEO Designated Officer
Room E5.18
Castle Buildings, Stormont Estate BT4 3SL
ext. 88618 or 07753100315
Email:andy.mccaw@executiveoffice-ni.gov.uk

Or

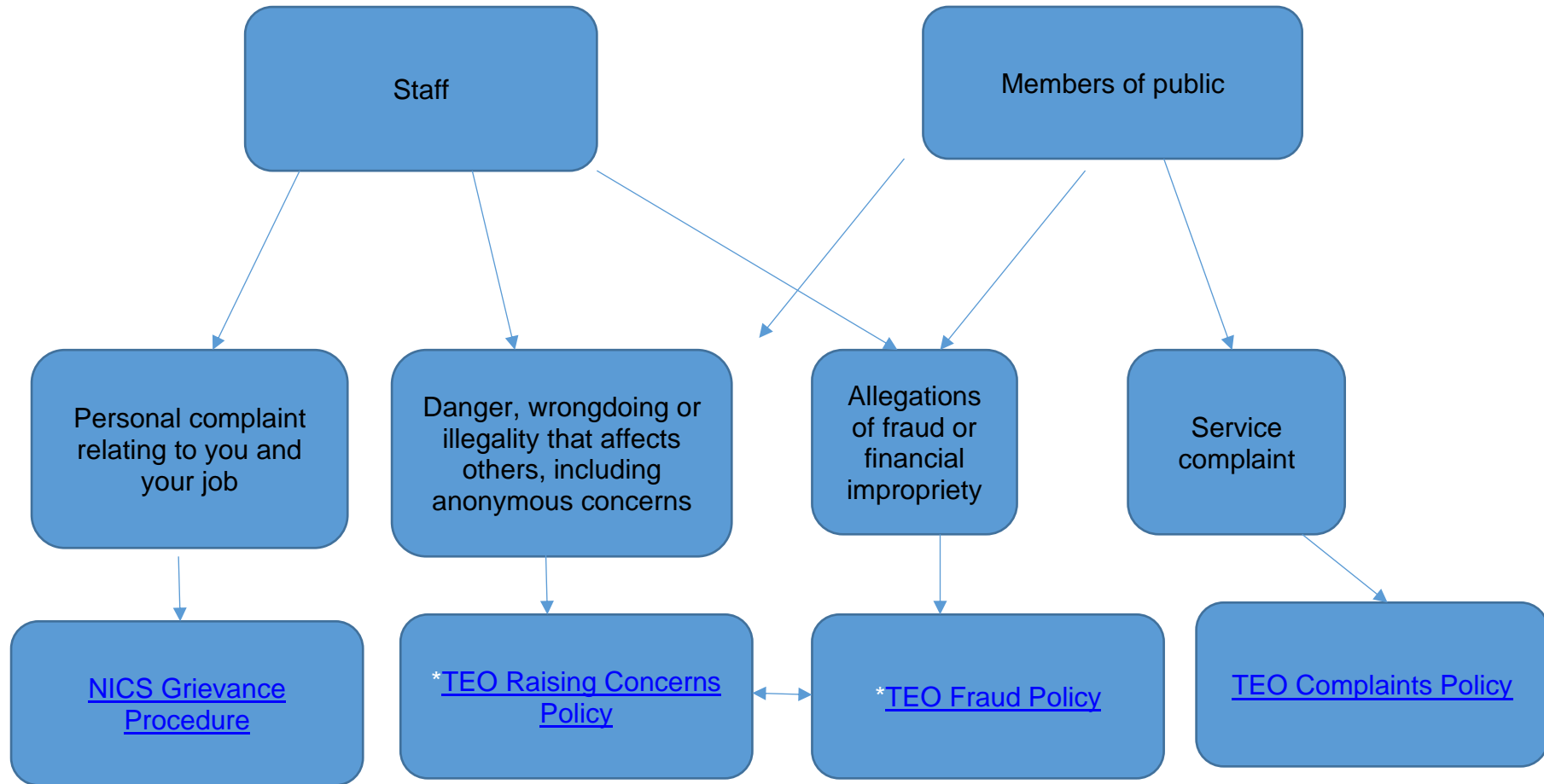
Michael Matthews
Head of TEO Internal Audit
Room 5 Hillview Buildings
Stormont Estate BT4 3TA
028 90378603
Michael.Matthews@executiveoffice-ni.gov.uk,

Appendix 3

NIAO Public Information Leaflet Raising Concerns

https://www.niauditoffice.gov.uk/files/niauditoffice/media-files/Raising%20Concerns%20-%20Public%20Information%20Leaflet_0.pdf

Appendix 4 Summary of types of concerns raised and the relevant policies



**A concern can be a public interest disclosure (PID) which involves fraud. If it is considered to be fraud related, the TEO Fraud Prevention Policy & Fraud Response Plan must be followed immediately and Counter Fraud, Raising Concerns and Complaints Branch notified so that the necessary PID arrangements can also be implemented.*

Appendix 5 – TEO process for concerns raised by staff or members of the general public

You are aware of a risk, malpractice or wrongdoing that affects others

A member of staff

Are you?

A member of the public or an external stakeholder

You should raise your concerns with your **line manager** (or their immediate line manager) first. Or if this would be difficult, you can submit your concern to raisingconcerns@executiveoffice-ni.gov.uk, or to:

TEO's Designated Officer for Raising Concerns, Andy McCaw

Room E5.18, Castle Buildings, Stormont Estate BT4 3SL ext. 88618 or 07753100315 Email: andy.mccaw@executiveoffice-ni.gov.uk

Or

NICSHR Employee Relations Director, Michael Cooke,

Level 7 Goodwood House, 44-58 May Street, Belfast BT1 4NN

Tel: ext 72711/02890475711, Email: michaelcooke2HR@finance-ni.gov.uk

Or

Protect (the independent charity) on 020 3117 2520 or by email at whistle@protect-advice.org.uk, or the appropriate regulator such as the **Northern Ireland Audit Office** or the **Health and Safety Executive of Northern Ireland**

You should submit your concern to raisingconcerns@executiveoffice-ni.gov.uk, or to:

TEO's Designated Officer for Raising Concerns, Andy McCaw

Room E5.18, Castle Buildings, Stormont Estate BT4 3SL ext. 88618 or 07753100315

Email: andy.mccaw@executiveoffice-ni.gov.uk

Or

TEO Head of Internal Audit

by email to

Michael.Matthews@executiveoffice-ni.gov.uk, by post to Head of Internal Audit, Room 5 Hillview Buildings, Stormont Estate Belfast BT4 3TA or call 028 90378603