

**Raising Concerns Policy**

**Approved on :**

**Minute Reference:**

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**Raising Concerns Policy**

1. **Why does the Council have a Raising Concerns Policy?**

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

The term ‘whistleblowing’ does not exist in law. It is a word that has become commonly associated with the action of raising a concern, usually by an employee or worker, about what they believe is wrongdoing within their organisation. The term whistleblowing also has negative connotations associated with it, for example, that it involves in some way informing on others.

This should not be the case and the ideal is that whistleblowing or raising concerns, is not viewed with fear and negativity but as a normal, positive part of everyday business.

Concerns raised provide public bodies with an important source of information that may highlight serious risks or potential fraud.

Employees are often the first to realise that there may be something seriously wrong within any organisation so the importance of their role as the ‘eyes and ears’ of organisations cannot be understated. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or they may fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.

Derry City and Strabane District Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment the Council encourages employees 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 Raising Concerns Policy is intended to encourage and enable employees and third parties to raise serious concerns within the Council rather than overlooking a problem or reporting the problem to the media or other external bodies. Raising Concerns is therefore essential to:

* Safeguard the integrity of the organisation;
* Safeguard employees;
* Safeguard the wider public; and
* Prevent damage.

1. **What types of concern can I raise?**

You can raise concerns about any issue relating to suspecting 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.

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;
* 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.

The type of concern you wish to raise will determine which external body you should contact, should you wish to go outside your own organisation.

Further information on the types of concerns that can be raised is available at:

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

https://www.economy-ni.gov.uk/publications/public-interest-disclosure-guidance

Environmental Protection

The Office for Environmental Protection (OEP) was designated as a Prescribed Person in law in Northern Ireland in November 2022. As a Prescribed Person, the (OEP) has a duty to report annually on the number of qualifying disclosures made to them and to provide a summary of the action taken in respect of these. This duty aims to increase transparency in the way that whistleblowing disclosures are dealt with and to reassure whistleblowers that their disclosures are taken seriously.

The Office for Environmental Protection’s mission is to protect and improve the environment by holding government and other public authorities to account. Their powers and duties include scrutinising environmental improvement plans and targets, scrutinising environmental law, advising government on environmental law and enforcing against failures to comply with environmental law. You can find out more about what they do and how they do it on:

https://www.theoep.org.uk/office-environmental-protection

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

The Council is committed to best practice, high standards and wants to be supportive of employees and third parties.

The Council recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for, or suspected of, the malpractice. If what you are saying is true, you should have nothing to fear because you will be doing your duty to your employer and those for whom you are providing a service.

The Council will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern in good faith. However, should you feel that you have suffered harassment, either directly or indirectly, as a result of raising a concern; you should contact the Lead Human Resources Officer.

Any investigation into allegations of potential malpractice will not influence, or be influenced by, any disciplinary or redundancy procedures that may already affect you. You can raise a concern openly, confidentially or anonymously.

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.

Openly

Raising a concern openly means that you are happy to be identified as the person who raised the concern. Openness makes it easier for the Council to address the issue, work out how to investigate the matter, understand the reasons for your concern and get more information. This policy encourages you to put your name to your concern whenever possible. Openness can also encourage others to come forward, as they will know that a concern has been raised.

Confidentiality

The Council will do its best to protect your identity when you raise a concern and do not want your name to be disclosed. However, it must be appreciated that the investigation process may reveal the source of the information and a statement by you may be required as part of the evidence, particularly if the PSNI or the NIAO becomes involved. In order to take effective action, the Council will need proper evidence, which may be required to stand up to examination in Courts or Tribunals.

Anonymous Allegations

If staff or third parties request that their identity should not be disclosed, the Council will not disclose it without consent. If the situation arises where a concern cannot be investigated or resolved without revealing the employee’s or third party’s identity, or if there is a legal imperative to disclose the identity, the Council will discuss this with the employee or third party and decide how the issue will be progressed.

Concerns expressed anonymously are much more difficult to investigate but they will be considered at the discretion of the Council. Factors to be taken into account by the Council in exercising discretion would include:

* The seriousness of the issues raised;
* The credibility of the concern; and
* The likelihood of confirming the allegation from attributable sources.

Although anonymous concerns will be considered there are a number of disadvantages to raising concerns anonymously, including

* Detailed investigations may be more difficult, or even impossible, to progress if you choose to remain anonymous and cannot be contacted for further information.
* The information and documentation you provide may not easily be understood and may need clarification or further explanation.
* There is a chance that the documents you provide might reveal your identity.
* It may not be possible to remain anonymous throughout an in-depth investigation.
* It may be difficult to demonstrate to a tribunal that any detriment you have suffered is as a result of raising a concern

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

Organisations can often focus on who is raising the issue and what their motivation might be, rather than focusing on the information being provided. **The issue or the concern being raised should always be the key piece of information.**

If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make an allegation frivolously, maliciously or for personal gain, the matter will be dealt with under the Council’s disciplinary procedures.

The Council also has a ‘Policy on Dealing with unacceptable behaviour by customers or complainants and persistent and/or vexatious complainants’.

1. **How do we make raising concerns part of normal business?**

Employees 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.

Some concerns, by their nature and scale, will require a more formal process of review and investigation than others, but the fundamental purpose in every case is the same. The purpose is to bring into the open an issue of concern so that it can be properly addressed by those in authority, thereby avoiding or minimising harm, risk, wrongdoing or malpractice, and protecting the reputation of the Council. **Remember, it is the issue being raised which is the key thing, not the person raising it.**

The Council is striving to establish a culture in which raising concerns is regarded as natural and routine. An open, honest culture, which seeks to learn and not to apportion blame.

1. **Is it a concern, a grievance or a complaint?**

The aim of this policy is to ensure that a concern may be raised by someone internal to the Council, generally a member of staff or by someone external to the Council. This Policy applies to Council employees (temporary, permanent, part time, full time and previous) and any agency staff, volunteers or consultants undertaking Council work. It also applies to those contractors working for the Council on Council premises.

Information received from an external source, for example, from members of the public can be dealt with using the Raising Concerns Policy or the Councils Complaints System depending on the nature of the concern being raised.

The nature of the issue being raised will determine whether it is a concern, a grievance or a complaint, and therefore the appropriate policy under which it will be addressed.

Concern

Raising a concern is all about ensuring that if someone sees something wrong in the workplace, they are able to raise this within the Council, or to a regulator, or more widely. Raising a concern ultimately protects customers, staff, beneficiaries and the Council itself by identifying harm before it’s too late.

Someone may raise a concern about danger, illegality or wrongdoing that affects others. The person raising the concern is usually not directly or personally affected, they are simply trying to alert others who can address the issue. For this reason, they should not be expected to prove the malpractice. Such concerns will be handled by this ‘Raising Concerns Policy’.

Grievance

Grievances are concerns, problems or complaints raised by a staff member with management in relation to their working conditions or relationships with colleagues.

When a worker raises a grievance, they are saying that they personally have been treated poorly. This may involve, for example, a breach of their individual employment rights or bullying, and the person is seeking redress or justice for themselves. They therefore have a vested interest in the outcome and, for this reason, are expected to prove their case. Such issues should be handled in line with the Councils ‘Grievance Policy’.

Complaint

A complaint is when a third party or service user brings a problem to the attention of the Council and may expect some redress, probably over and above simply supplying the original product or service that was the cause of the complaint.

A third party or service user may complain about a product supplied or a service provided to them. They will have been personally affected by a faulty product or poor service and may be seeking some form of compensation or redress. Such issues will be handled in line with the Council’s Complaints Handling Procedures: Policy and Organisational Guide. ‘Local Government Model Complaints Handling Procedure’ (MCHP). The MCHP provides the following definition of a complaint:

‘An expression of dissatisfaction by one or more members of the public about an organisation’s action or lack of action, or about the standard of service provided by or on behalf of an organisation’.

The diagram below summarises the types of issues that may be raised and the relevant policies which should apply. More detail is provided in each policy.

Members of the public

Workers (employees/ contractors/ agency)

Danger, wrongdoing or illegality that affects others including anonymous concerns?

Allegation of fraud of financial impropriety?

Service

Complaint?

Personal complaint relating to you and your employment?

Local Government Model Complaints Handling Procedure (MCHP).

COUNTER

FRAUD

POLICY

GRIEVANCE

POLICY

RAISING

CONCERNS

POLICY

1. **What if it is not clear cut?**

The Council’s ‘Raising Concerns Policy’ can deal with issues raised by both workers and third parties, for example, members of the public.

Alternatively, the Council may choose to use the Local Government Model Complaints Handling Procedure (MCHP) for dealing with concerns raised by the wider public.

However, there may be instances where a person raises an issue which has elements of both a wider concern affecting others and of personal interest. Council management will do their best to disentangle the issues and deal with each in accordance with the relevant policy.

1. **Why should I raise a concern? Employees**

If an employee has a concern, it is their responsibility to raise it in the first instance with their supervisor / line manager, if appropriate, and this can be done either verbally or in writing. If, for whatever reason, you feel that raising it with your line manager is not appropriate or it has not worked, please raise the matter with the Internal Audit Manager, the Assurance Manager, Lead Assurance Officer, Lead Human Resources Officer or the relevant Director.

Concerns are better raised in writing. You should set out the history of the concern, giving names, dates and places where possible, and the reasons why you are particularly concerned about the situation.

If the above channels have been followed and you still have concerns, or if you feel that the matter is so serious that you cannot discuss it with any of the above, you can raise your concern directly with the Chief Executive.

If an employee wants independent advice at any stage, he/she may contact the independent charity ‘Protect – speak up, stop harm’ on 020 3117 2520 or visit their website.

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

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.

While you should expect your employer to treat your concerns seriously and give them due consideration, not all cases will require a full investigation. Your employer should explain the possible courses of action that may be taken and, ideally, should notify you about the proposed course of action.

Management

Managers who receive concerns from employees should:

* Have a positive and supportive attitude towards the employee raising the concern;
* Record as much detail as possible about the concern being raised and agree this record with the employee;
* Be aware of the process following the raising of a concern and explain this to the employee;
* Make sure the employee knows what to expect, for example in relation to feedback on their concern;
* Assure the employee that their confidentiality will be protected as far as possible, if they request this, however, make no promises and manage the expectations of the employee;
* Make clear that the organisation will not tolerate harassment of anyone raising a genuine concern and ask the employee to let you know if this happens;
* Refer the employee to available sources of support such as ‘Protect – speak up, stop harm’.
* Pass the information as quickly as possible to those within the organisation responsible for dealing with concerns (usually someone within senior management), so that consideration and investigation of the concern can be initiated under the appropriate Council policy.

Internal Audit

If the allegation is in relation to a specific fraud then the matter will be dealt with in compliance with ‘Our Fraud Response Plan’ in the DCSDC Counter Fraud policy.

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 procedure.

1. **Why should I raise a concern?**

Third Parties, such as a member of the public, can raise concerns directly with the Council. The nature of the issue raised will determine the policy under which the Council will consider the matter. Concerns will be treated seriously and be dealt with in the same way as concerns raised by staff members. It is the issue being raised which is important, not the person raising it.

1. **How should third parties raise a concern?**

Concerns should be raised at the earliest opportunity in order for the Council to investigate the matter. You do not need to have firm evidence of malpractice before raising a concern. However, we do ask that you explain as fully as you can the information or circumstances that give rise to your concern.

If a concern is in relation to a service complaint it will be dealt with in accordance with the Council’s Complaints Policy. The Council’s Local Government Model Complaints Handling Procedure (MCHP) explains in detail the variety of ways to raise concerns with the Council. Details on the MCHP can be found on the Councils website.

The MCHP also provides a quick guide to the Complaints Procedure.

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| **COMPLAINTS PROCEDURE** |

You can make your complaint in person, by phone, by email or in writing. We have a 2 stage complaints procedure. We will always try to deal with your complaint quickly. But if it is clear that the matter will need in-depth investigation, we will talk to you about this, agree a way forward and keep you updated on our progress.

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| **STAGE 1: FRONTLINE RESPONSE** |

We will always try to respond to your complaint quickly, within 5 working days if we can. If you are dissatisfied with our response, you can ask us to consider your complaint at Stage 2.

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| **STAGE 2: INVESTIGATION** |

We will look at your complaint at this stage if you are dissatisfied with our response at Stage 1. We also look at some complaints at this stage, if following discussion and agreement with you, it is clear that an in-depth investigation is needed. We will acknowledge your complaint **within 3 working days**. We will confirm the issues of complaint to be investigated and what you want to achieve. We will investigate the complaint and give you our decision as soon as possible. This will be after no more than 20 working days unless there is clearly a good reason for needing more time.

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| **NORTHERN IRELAND PUBLIC SERVICES OMBUDSMAN (NIPSO)** |

If, after receiving our final decision on your complaint, you remain dissatisfied with our decision or the way we have handled your complaint, you can ask NIPSO to consider it. NIPSO will assess whether there is evidence of service failure or maladministration not identified by us which requires further investigation. NIPSO will signpost you to alternative independent reviewers and provide contact details (where relevant).

1. **Raising Concerns Response Plan: What should I expect from the Council if I raise a concern?**

If the concern raised by a member of the public relates to danger, wrongdoing or illegality that affects others including anonymous concerns, it will be dealt with under the Raising Concerns Policy.

As an employer, Council takes all concerns raised seriously (both internally and externally). Some concerns, by their nature and scale, will require a more formal process of review and investigation than others. The action the 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 carried out by an external organisation.

The Chief Executive, in consultation with a team of Senior Officers, will decide on the most appropriate course of action to take.

If the concern is dealt with in accordance with the Raising Concerns Policy, the person who raised the concern should expect to receive communication of the following within 15 working days of the concern being received:

* That the concern has been received - the Council will communicate with the person who raised the concern summarising the concern and setting out how Council proposes to handle it;
* Confirmation that the Council proposes to deal with the matter in compliance with the Raising Concerns policy;
* Confirmation of the current position and whether any initial enquiries have been made;
* An opportunity to meet with the Council to fully discuss the issue and provide evidence, if desired;
* An indication of how the matter might be progressed;
* An estimate of when a further update will be provided to the person who raised the concern.
* Respect for their confidentiality where requested but make no promises and manage the expectations of the employee or member of the public;

When you raise a concern you may be asked how you think the matter might best be resolved. If you have any personal interest in the matter, please tell us at the outset. If your concerns fall more properly within the Complaints Handling Procedure: Policy and Organisational Guide or the Grievance Policy for employees then we will tell you.

While the purpose of this policy is to enable us to investigate possible malpractice and take appropriate steps to deal with it, we will give you as much feedback as we possibly can. Please note, however, that we may not be able to tell you the precise action we take where this would infringe a duty of confidence owed by us to someone else.

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 in an appropriate way.

1. **How can the matter be taken further?**

While we cannot always guarantee the outcome that you may be seeking as a result of raising the matter with us, we will try to deal with your concern fairly and in an appropriate way. By using this policy you can help us to achieve this. The Council hopes that individuals will be satisfied with any action taken. If they are not, and they feel it is right to take the matter outside the Council, the following are possible contact points:

* The Northern Ireland Audit Office (NIAO)
* Trade Union
* The Commissioner of Complaints
* The PSNI

1. **Communication, Support and Training**

All Council workers, agency staff, contractors and consultants will have access to this policy. A copy of the policy will be available on the Council’s intranet site for review by staff and on the Councils website for review by third parties. If further information or support is required in relation to the policy, please contact the Lead Assurance Officer, Assurance Manager or Internal Audit Manager for advice and guidance. Training and awareness of this policy is included as part of the Council’s Fraud Awareness Training programme.

1. **Monitoring, Review and Evaluation**

This policy will be reviewed again in June 2029 or sooner if there are any legislation changes required or as a result of new guidance. If there are any updates to the policy to reflect legislative changes or new best practice then the updated policy will be presented to the Assurance, Audit and Risk Committee for review and approval.

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| **Document Number** | A unique identifier will be assigned to an approved policy. |
| **Responsible Officer** | Lead Assurance Officer |
| **Contact Officer** | Denise McDonnell  Telephone: (028 71) 253 253 Ext 6605  Email: denise.mcdonnell@derrystrabane.com |
| **Approval** | Assurance, Audit and Risk Committee  Date of full Council meeting at which policy approval was ratified. |
| **Effective Date** |  |
| **Modifications** | N/A |
| **Superseded Documents** | Counter Fraud, Raising Concerns and Anti-Bribery Policy, approved December 2020. |
| **Review Date** | This policy will be reviewed again in June 2029 or sooner if there are any legislation changes required or as a result of new guidance. If there are any updates to the policy to reflect legislative changes or new best practice then the updated policy will be presented to the Assurance, Audit and Risk Committee for review and approval. |
| **File Number** |  |
| **Associated Documents** |  |

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**This information is available upon request in a number of formats including large print, Braille, PDF, audio formats (CD, MP3, DAISY) and minority languages.**

**For further information on alternative formats please contact**

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