

August 2017



NCGE Protected Disclosure Policy

What is a Protected Disclosure or Whistleblowing?

Protected Disclosure or Whistleblowing occurs when a worker raises a concern or discloses information which relates to wrongdoing, illegal practices or unethical conduct which has come to his/her attention through work.

NCGE's protected disclosure policy is intended to encourage and enable workers to raise concerns within our workplace rather than overlooking a problem or "blowing the whistle" externally. Under this policy a worker is entitled to raise concerns or disclose information without fear of penalisation or threat of less favourable treatment, discrimination or disadvantage.

Our Commitment

NCGE is committed to maintaining an open culture with the highest standards of honesty and accountability where our workers can report any concerns in confidence.

Who does the policy apply to?

This policy applies to all of our workers including our employees at all levels including agency workers, service providers and anyone with whom we have an agreement or contract to carry out work on our behalf.

It is important to note that should you have a concern in relation to your own employment or personal circumstances in the workplace it should be dealt with by way of our Grievance Procedure. Likewise concerns arising in regard to workplace relationships should generally be dealt with through our Personal Harassment and Bullying Prevention policies which together form our overall dignity in the workplace policy.

It is also important to note that this policy does not replace any legal reporting or disclosure requirements. Where statutory reporting requirements and procedures exist these must be complied with fully.

Aims of the Policy

To encourage you to feel confident and safe in raising concerns and disclosing information;

To provide avenues for you to raise concerns in confidence and receive feedback on any action taken;

To ensure that you receive a response where possible to your concerns and information disclosed;

To reassure you that you will be protected from penalisation or any threat of penalisation.

What types of concerns can be raised?

A concern or disclosure should relate to a relevant wrongdoing such as possible fraud, crime, danger or failure to comply with any legal obligation which has come to your attention in connection with your employment and about which you have a reasonable belief of wrongdoing.

What types of concerns should not be raised under this Procedure?

A personal concern, for example a grievance around your own contract of employment would not be regarded as a whistleblowing concern and would be more appropriately processed through our Grievance Procedure.

Safeguards and Penalisation

A worker who makes a disclosure and has a reasonable belief of wrongdoing will not be penalised by this organisation, even if the concerns or disclosure turn out to be unfounded.

Penalisation includes suspension/dismissal, disciplinary action, demotion, discrimination, threats or other unfavourable treatment arising from raising a concern or making a disclosure on the basis of reasonable belief for doing so. If you believe that you are being subjected to penalisation as a result of making a disclosure under this procedure, you should inform your manager immediately.

Workers who penalise or retaliate against those who have raised concerns under this policy will be subject to disciplinary action.

Workers are not expected to prove the truth of an allegation. However they must have a reasonable belief that there are grounds for their concern. It should be noted that appropriate disciplinary action may be taken against any worker who is found to have raised a concern or raised a disclosure with malicious intent.

Confidentiality

NCGEs is committed to protecting the identity of the worker raising a concern and ensuring that relevant disclosures are treated in confidence. The focus will be on the wrongdoing rather than the person making the disclosure.

However there are circumstances, as outlined in the Act, where confidentiality cannot be maintained particularly in a situation where the worker is participating in an investigation into the matter being disclosed. Should such a situation arise, NCGE will make every effort to inform the worker that his/her identity may be disclosed.

Raising a Concern Anonymously

A concern may be raised anonymously. However an anonymous complaint should provide as much detail as possible otherwise, on a practical level, it may be difficult to investigate such a concern. NCGE would encourage workers to put their names to allegations, with an assurance of confidentiality where possible, in order to facilitate appropriate follow-up. This will make it easier for us to assess the disclosure and take appropriate action including an investigation if necessary.

Procedure

Raising a Concern

Who should you raise your concern with?

As a first step, appropriate concerns should be raised with the Protected Disclosures Officer, currently Mary Stokes, who will be in charge of investigating the claim. In the event that the Protected Disclosures Officer is unavailable or is a subject of the disclosure then the Executive Director may be contacted. NCGE will ensure that the Protected Disclosures Officer is fully trained in the process of conducting investigations in regard to disclosures.

How to raise a concern

Concerns may be raised verbally or in writing but must state clearly that this is a protected disclosure. Should you raise a concern verbally The Protected Disclosures Officer will keep a written record of the conversation and provide you with a copy after the meeting. Should you raise a concern in writing it will be helpful if give the background and history of the concern, giving relevant details, insofar as is possible, such as dates, sequence of events and description of circumstances.

The earlier you express the concern the easier it will be for the matter to be dealt with quickly.

Having raised your concern with the Protected Disclosures Officer, a meeting will be arranged to discuss the matter with you on a strictly confidential basis. There will be a need to clarify at this point if the concern is appropriate to this procedure or is a matter more appropriate to other NCGE procedures, for example the Grievance or Dignity in the Workplace procedures. You can choose whether or not you want to be accompanied by a colleague or a trade union representative. In regard to confidentiality, it is important that there should be an awareness of respecting sensitive company information, which, while unrelated to the disclosure, may be disclosed in the course of a consultation or investigation process.

How NCGE will deal with your disclosure

Having met with you in regard to your concern and clarified that the matter is in fact appropriate to this procedure, an initial assessment will be carried out to examine what actions NCGE needs to take to deal with the matter. This may involve simply clarifying certain matters, clearing up misunderstandings or resolving the matter by agreed action without the need for an investigation.

If, on foot of the initial assessment, it is concluded that there are grounds for concern that cannot be dealt with at this point, an investigation will be conducted which will be carried out fairly and objectively. The form and scope of the investigation will depend on the subject matter of the disclosure.

Disclosures may, in the light of the seriousness of the matters raised, be referred immediately to the appropriate authorities. Likewise if urgent action is required (for example to remove a health and safety hazard), this action will be taken.

It is important to NCGE that you feel assured that a disclosure made by you under this policy is taken seriously and that you are kept informed of steps being taken in response your disclosure. In this regard NCGE undertakes to communicate with you as follows:

The Protected Disclosures Officer will acknowledge receipt of your disclosure and arrange to meet with you as outlined above;

They will inform you of how it is proposed to investigate the matter and keep you informed of actions, where possible, in that regard, including the outcome of any investigation, and, should it be the case, why no further investigation will take place. However it is important to note that sometimes the need for confidentiality and legal considerations may prevent us from giving you specific details of an investigation.

You will be informed of the likely time scales in regard to each of the steps being taken but in any event NCGE commits to dealing with the matter as quickly as practicable. It is possible that in the course of an investigation you may be asked to clarify certain matters. To maximise confidentiality such a meeting can take place off site and you can choose whether or not to be accompanied by a colleague or trade union representative. Where a concern is raised or a disclosure is made in accordance with this policy, but the allegation is subsequently not upheld by an investigation, no action will be taken against the worker making the disclosure and the worker will be protected against any penalisation. It is important to note that if an unfounded allegation is found to have been with malicious intent, then disciplinary action may be taken.

How the matter can be taken further

The aim of this Policy is to provide an avenue within this workplace to deal with concerns or disclosures in regard to wrongdoing. NCGE is confident that issues can be dealt with “in house” and strongly encourages workers to report such concerns internally.

NCGE acknowledges that there may be circumstances where an employee wants to make a disclosure externally, and the legislation governing disclosures — The Protected Disclosures Act 2014 — provides for a number of avenues in this regard.

It is important to note however that while you need only have a reasonable belief as to wrong doing to make a disclosure internally, if you are considering an external disclosure, different and potentially more onerous obligations apply depending on to whom the disclosure is made.

Communication, Monitoring and Review

This policy will be communicated as appropriate and will be subject to regular monitoring and review in consultation with our workforce and their representatives.

Please note that the Minister may issue guidance for the purpose of assisting public bodies in the performance of their functions under the Act and may, from time to time, revise or re-issue it.

Reporting

NCGE will report annually (no later than June 30th each year) in the context of its annual report on:

- The number of protected disclosures made to NCGE
- The action taken (if any) in response to those protected disclosures,
- Such other information relating to those protected disclosures and the action taken as may be requested by the Minister from time to time.