

# MAZE LONG KESH

## Development Corporation

### Whistleblowing Policy & Procedures

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## WHISTLEBLOWING POLICY & PROCEDURES

### 1.0 WHISTLEBLOWING POLICY

#### 1.1 Introduction

This policy document applies to both staff at MLKDC and third parties such as members of the public. It sets out how you can raise a concern about alleged wrongdoing involving MLKDC, MLKDC's Board, or any of its employees. This is commonly referred to as "whistleblowing". There is a separate policy for making a complaint about MLKDC, which can be found on the MLKDC website as linked - <http://mazelongkesh.com/cmsfiles/MLKDC---Complaints-Procedure>

This policy takes account of the requirements of the [Public Interest Disclosure \(NI\) Order 1998](#) which enables employees to complain to an employment tribunal if they are dismissed or suffer any other kind of detriment as a result of 'blowing the whistle'. More information about the Public Interest Disclosure Order including which types of disclosure and in what circumstances qualify for protection can be found at Annex D and in Civil Service Circular CSC 04/03.

It has also been reviewed to ensure that it complies with "Raising Concerns: A good practice guide for the Northern Ireland Public Sector", which is available on the Northern Ireland Audit Office (NIAO) website. MLKDC's policy regarding whistleblowing is in line with this guidance.

#### 1.2 Whistleblowing

A whistleblowing concern is about a risk, malpractice or wrongdoing that affects others. It could be something that adversely affects other staff, the Corporation, its sponsor Department (the Executive Office (TEO)) and / or the public.

A simple way to establish whether your concern falls under the whistleblowing policy is to consider the nature of the concern. If the concern refers to "others" – eg MLKDC, other staff, suppliers / tenants or the wider public, then it is a whistleblowing concern. If the concern relates to you as an individual, "self" – eg a personal grievance about terms of employment, pay or unfair treatment, this is not a whistleblowing concern. Consequently, personal grievances or dissatisfaction in respect of employment issues are not covered by whistleblowing, unless an employee's particular case is in the public interest. Generally a whistleblower has no self interest in the issue being raised, however each whistleblowing concern should be considered on a case by case basis to determine if fits within the "whistleblowing" classification,

Similarly, whistleblowing does not cover complaints about MLKDC's performance or standards of service, for which separate procedures exist. These are set out in the MLKDC complaints policy.

A full list of the types of concern covered by the Whistleblowing arrangements is detailed in the Public Interest Disclosure (NI) Order 1998.

Types of whistleblowing concern could include, but are not restricted to:

- A criminal offence / unlawful act
- The endangering of an individual's health and safety
- Failing to safeguard personal and /or sensitive information
- Poor value for money
- Fraud and corruption (including bribery)
- The unauthorised use of public funds

It will always be assumed that concerns have been raised in good faith unless there is evidence to the contrary. 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 if you are a member of staff.

While a concern can be raised anonymously it would be better if you provide at least the information listed below. MLKDC will respect confidentiality so far as possible within the law.

- Your name, address, telephone number, email address or other contact details.
- The detail of the alleged whistleblowing concern that you wish to raise with MLKDC.
- Any supporting documentation that you can provide.

### **1.3 Raising a concern – Members of Staff**

If something is troubling you that you think management should know about, please tell MLKDC senior management right away. MLKDC would prefer that you raised the matter when it is just a concern rather than wait for proof. For some instances of possible malpractice, you may find it helpful to read this procedure in conjunction with other policies that are already in place.

This policy takes account of, and is in line with, the mechanisms already established within the MLKDC Staff Handbook. You may find it useful to refer to this document.

You can use any of the reporting channels stated within these documents. The key issue is that you raise your concern so that appropriate action can be taken.

### **1.4 Who should I tell?**

There are a number of possible routes for raising concerns depending on the nature of the concern and the circumstances surrounding it. The main contact for whistle blowing is the Chief Executive Officer (CEO) unless circumstances preclude you raising an issue with him, in which case you can speak to someone else as outlined below.

You should speak to one of the following unless there is good reason not to involve them: e.g. the issue concerns them.

- Your line manager;
- Chairman of the MLKDC Board;
- Chair of the MLKDC Audit & Risk Assurance Committee.

If the CEO himself was suspected of fraud, concerns should be reported upwards to the Chair of the MLKDC Audit & Risk Assurance Committee and/or Chairman of the MLKDC Board.

If you believe that you are being required to act in a way which conflicts with the core values and standards set out in the MLKDC Staff Handbook, or you believe that the actions of others conflict with the Code, you should raise the matter with one of the above.

If these channels have been followed and you still have concerns, or if you feel that the issue is so serious that you cannot discuss it with any of the above, you can raise the matter directly with the officials with responsibility for MLKDC within TEO or the NIAO. See paragraph 1.13 below.

### **1.5 MLKDC's assurances to you**

MLKDC will not tolerate the harassment or victimisation of anyone who raises a genuine concern under this policy. Provided you are acting in good faith, it does not matter if it later transpires that you were mistaken. You will not be subject to disciplinary action as a result.

Of course, this assurance does not extend to someone who maliciously raises a matter they know is untrue. Disciplinary action may be taken against staff who deliberately make false allegations.

## 1.6 Independent Advice

You may obtain legal advice, independently, through Protect, formerly [Public Concern at Work](#). This is an independent charity and is a leading authority on public interest whistleblowing.

Telephone:

Protect Advice Line: 020 3117 2520 (\*option 1)

Business Support: 020 3117 2520 (\*option 2)

Fax:

020 7403 8823

Email:

Protect Advice Line: [whistle@protect-advice.org.uk](mailto:whistle@protect-advice.org.uk)

Media Enquiries: [press@protect-advice.org.uk](mailto:press@protect-advice.org.uk)

Business support services: [business@protect-advice.org.uk](mailto:business@protect-advice.org.uk)

Address:

The Green House

244/254 Cambridge Heath Road,

London,

E2 9DA.

A qualifying disclosure is protected if you make it in the course of obtaining legal advice. When preparing to seek legal advice you should be careful only to give details of the information you propose to disclose to your legal adviser. Otherwise there may be a risk that you will make a disclosure that will not be protected by the Public Interest Disclosure Order. Do not make a disclosure over a helpline, use one only to seek an appointment with a legal adviser.

You can find more detailed advice from the Northern Ireland Audit Office in “Raising Concerns: A Good Practice Guide for the Northern Ireland Public Sector”.

## 1.7 External Disclosures

There are certain circumstances under which staff can make a disclosure externally and still retain the protection of the [Public Interest Disclosure \(NI\) Order 1998](#). Normally this has to be to a person or regulatory body prescribed by the Secretary of State for these purposes. Such a disclosure offers legal protection provided the whistleblower has a genuine grievance and reasonable belief that the matter fell within the regulator’s remit. Key prescribed regulatory bodies to whom you may want to make your disclosure will depend on the nature of your concern but they include,

The Northern Ireland Audit Office – The Comptroller and Auditor General

106 University Street

Belfast

BT7 1EU

Tel: (028) 9025 1100

Email: [whistle-blowing@niauditoffice.gov.uk](mailto:whistle-blowing@niauditoffice.gov.uk)

and

The Health and Safety Executive (NI)

83 Ladas Drive

Belfast

BT6 9FR

Tel: Free phone 0800 0320 121 or (028) 9024 3249

Email: [hzeni@detini.gov.uk](mailto:hzeni@detini.gov.uk)

A list of the prescribed regulators is given in the [Public Interest Disclosure \(NI\) Order 1998](#).

### **1.8 Raising a concern – Member of the Public**

While the Public Interest Disclosure (NI) Order 1998 applies to workers (as defined in the Order) MLKDC will endeavour, as far as possible, to apply the same principles in respect of concerns raised by non-staff members. 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 MLKDC 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 one of the following:

The Chief Executive

Maze Long Kesh Development Corporation

94 Halftown Road

Lisburn

BT27 5RF

Tel: 02892501806

TEO Sponsor Branch

SIRD Room 5.07

Castle Buildings

Stormont Estate

Belfast

Tel: 02890520199

You can find more detailed advice from the Northern Ireland Audit Office in “Raising Concerns: A Good Practice Guide for the Northern Ireland Public Sector”.

### **1.9 Handling a Whistleblowing Allegation**

Rest 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.

#### **1.10 If you have identified yourself**

If your concern has not been submitted anonymously, MLKDC 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. MLKDC will not disclose your identity without your consent. However, in some circumstances, this may make it more difficult to fully investigate the matter. If the situation arises where it is not possible to resolve the concern without revealing your identity, someone will discuss with you how MLKDC can proceed.
- Take steps to ensure that you have appropriate support and advice.
- Agree a timetable for feedback. If this cannot be adhered to, MLKDC will let you know.
- Provide you with as much feedback as it properly can.
- Take appropriate and timely action against anyone who victimises you.

### **1.11 Anonymity**

If you choose to raise your concern anonymously, it will be much more difficult for MLKDC to look into the matter, to protect your position or to give you feedback. Notwithstanding this, MLKDC will consider anonymous reports. 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.
- It may be difficult to demonstrate to a tribunal any detriment you have suffered as a result of raising a concern.

If you decide to reveal your identity to MLKDC 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.

If you are an MLKDC employee and your confidentiality is not protected leading to you suffering detriment as a result, you may be able to seek recourse through an Employment Tribunal.

### **1.12 How MLKDC will handle the matter**

Once you have raised your concern, the CEO will look into it to assess initially what action should be taken. You may be asked how you think the matter might best be resolved.

If you request, the CEO (or whoever you contacted with your concern) will write to you summarising your concern, setting out how he proposes to handle it. He will tell you who is dealing with the matter, how you can contact him and whether your further assistance may be needed.

It may be decided that a formal investigation is necessary. In most cases this will be the responsibility of a nominated investigation officer appointed by the CEO or an appropriate alternative. While this individual may delegate the actual detailed investigation to other staff, overall responsibility for completion of the investigation will lie with the nominated investigation officer.

The investigator will give you as much feedback as he properly can, and if requested, he will confirm MLKDC's response to you in writing. However, he may not be able to tell you the precise action MLKDC takes where this would infringe a duty of confidence owed by MLKDC to someone else.

If your concern is about possible fraud, MLKDC will deal with it by following its Anti-Fraud Framework. If your concern falls more properly within the staff grievance policy (or other HR Policy) or the complaints procedure, we will tell you.

### **1.13 If you are dissatisfied**

While MLKDC cannot guarantee that it will respond to all matters in the way that you might wish, it will seek to handle the matter fairly and properly. Although there is no statutory time limit for informing you of the outcome of any investigation, MLKDC commits to telling you the outcome within 10 working days of any investigation being finalised. MLKDC also commits to keeping you regularly informed during the process if the process is expected to take longer than one month from the date that you raised your concern.

If however you are unhappy with MLKDC's response you may report the matter to TEO or the Northern Ireland Audit Office at the addresses below:

TEO Sponsor Branch  
SIRD Room 5.07  
Castle Buildings  
Stormont Estate  
Belfast  
Tel: 02890520199

The Northern Ireland Audit Office – The Comptroller and Auditor General  
106 University Street  
Belfast  
BT7 1EU  
Tel: 028 9025 1100  
Email: [whistleblowing@niauditoffice.gov.uk](mailto:whistleblowing@niauditoffice.gov.uk)

You can find more information from the Northern Ireland Audit Office in *Raising Concerns: A Good Practice Guide for the Northern Ireland Public Sector*.