



**NORTHERN IRELAND PRACTICE AND EDUCATION
COUNCIL FOR NURSING AND MIDWIFERY**

**Right to Raise a Concern Policy
(Whistleblowing)**

Any request for the document in another format or language will be considered

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1. Introduction

This policy has been adopted from the HSC Model Policy, developed in response to the RQIA Review of the Operation of HSC Whistleblowing Arrangements, 2016.

“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. 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.**”
(Raising Concerns: a Good Practice Guide for the Northern Ireland Public Sector, NI Audit Office, June 2020)

All of us at one time or another may have concerns about what is happening at work. As an organisation, we want everyone to feel able to raise concerns about any issue troubling you with your managers at any time. There is an expectation that managers should listen to those concerns, take them seriously and take action to resolve the concern, either through providing information which gives assurance or taking other action. However, when the concern feels serious because it is about a possible danger, professional misconduct or financial malpractice that might affect patients, colleagues, or NIPEC itself, it can be difficult to know what to do.

NIPEC recognises that many issues are raised by staff and addressed immediately by line managers – this is very much encouraged. When concerns are raised and dealt with appropriately at an early stage, learning can take place and corrective action be implemented. This policy is aimed at those issues and concerns which are **not resolved and require help to get resolved or are about serious underlying concerns.**

Raising a Concern refers to staff reporting suspected wrongdoing at work, for example, concerns about patient safety, health and safety at work, environmental damage or a criminal offence, such as, fraud.

You may be worried about raising such issues and may think it best to keep it to yourself, perhaps feeling it is none of your business or that it is only a suspicion. You may also feel that raising the matter would be disloyal to colleagues, to managers or to the organisation. It may also be the case that you have said something but found that you have spoken to the wrong person or raised the issue in the wrong way and are not sure what to do next. Remember that if you are a healthcare professional you may have a professional duty to report a concern.

If in doubt, please raise it.

The importance of raising concerns in the public interest is recognised by employers, workers, trade unions and the general public. Therefore, rather than wait for proof, raise the matter when it is still a concern. If something is troubling you of which you think we should know about or look into, please let us know. These arrangements have been implemented for you to raise any concern where the interests of others or the organisation itself are at risk.

2. Aims and Objectives

It is important for individuals to feel safe and listened to when raising concerns in the public interest. An open approach to raising concerns promotes the HSC shared values and encourages employees and others to treat service users with dignity, respect and compassion.

From an employer's perspective, there are good business reasons for listening to those who raise concerns. The aim of this policy is to promote a culture of openness, transparency and learning in line with HSC shared values which at the same time:

- reassures you that it is safe and acceptable to speak up;
- upholds patient/service user confidentiality;
- contributes towards improving services provided by NIPEC;
- assists in the prevention of fraud and mismanagement;
- demonstrates to all staff and the public that NIPEC is ensuring its affairs are carried out ethically, honestly and to high standards;
- provides an effective and confidential process by which you can raise genuine concerns so that colleagues, patients, clients and the public can be safeguarded.

NIPEC's roles and responsibilities in the implementation of this policy are set out at **Appendix A.**

3. Scope

NIPEC recognises that existing policies and procedures which deal with conduct and behaviour at work (Disciplinary, Grievance, Working Well Together, Harassment and Bullying, the Complaints Procedure and the Accident/Incident Reporting Procedure) may not always be appropriate for concerns raised in the public interest.

This policy provides a procedure for raising concerns in the public interest where the interests of others or of the organisation are at risk. It applies to all NIPEC staff, including permanent, temporary and bank staff, staff in training working within the

organisation, independent contractors engaged to provide services, volunteers and agency staff, and members of the public.

Examples may include:

- malpractice or ill treatment of a patient or client by a member of staff;
- where a potential criminal offence has been committed, is being committed or is likely to be committed;
- suspected theft or fraud;
- breach of Standing Financial Instructions;
- disregard for legislation, particularly in relation to Health and Safety at Work;
- the environment has been, or is likely to be, damaged;
- a miscarriage of justice has occurred, is occurring, or is likely to occur;
- showing undue favour over a contractual matter or to a job applicant;
- research misconduct; or
- information on any of the above has been, is being, or is likely to be concealed.

This list is not intended to be exhaustive or restrictive.

If you feel that something is of concern, and that it is something which you think is in the public interest or that NIPEC should know about or look into, you should use this policy. If, however, you wish to make a complaint about your employment or how you personally have been treated, you should follow NIPEC's grievance procedure or policy for making a complaint about bullying and/or harassment.

This policy complements professional and ethical rules, guidelines and codes of conduct. It is not intended to replace professional codes and mechanisms which allow questions about professional competence to be raised. However, such issues can be raised under this process if no other more appropriate avenue is apparent.

4. Suspected Fraud

If your concern is about possible fraud or bribery, NIPEC has a number of avenues available to report your concern. These are included in more detail in NIPEC's Fraud Policy and Response Plan and are summarised below.

Suspensions of fraud or bribery should initially be raised with the appropriate line manager but where you do not feel this is not appropriate the following officers may be contacted:

- Chief Executive

- Head of Corporate Services
- Business Manager (Fraud Liaison Officer (FLO)).

Employees can also contact the regional HSC fraud reporting hotline on **0800 096 33 96** or report their suspicions online to <https://cfps.hscni.net>. These are managed by BSO Counter Fraud and Probity Services (CFPS) on behalf of the HSC and reports can be made on a confidential basis.

NIPEC's Fraud Policy and Response Plan will be instigated immediately on receipt of any reports of a suspicion of fraud or bribery.

The prevention, detection and reporting of fraud, bribery and other forms of corruption are the responsibility of all those working for NIPEC or under its control. NIPEC expects all staff and third parties to perform their duties impartially, honestly, and with the highest integrity.

5. NIPEC's commitment to you

5.1 Your safety

NIPEC Council, the Chief Executive, senior officers, managers and the trade unions/professional organisations are committed to this policy. If you raise a concern under this policy, you will not be at risk of losing your job or suffering any detriment (such as a reprisal or victimisation). NIPEC will not tolerate the harassment or victimisation of anyone who raises a genuine concern.

NIPEC expects you to raise concerns about malpractices. If any action is taken that deters anyone from raising a concern in the public interest or victimises them, this will be viewed as a disciplinary matter.

Provided you raise a concern in the public interest and with a reasonable belief in its truth, it does not matter if you are mistaken or if there is an innocent explanation for your concerns, you will be protected under the law. However, it is not uncommon for some staff to maliciously raise a matter they know to be untrue. In cases where staff maliciously raise a matter they know to be untrue, protection under the law cannot be guaranteed and NIPEC reserves the right to take disciplinary action if appropriate.

5.2 Confidentiality

With these assurances, NIPEC hopes that you will raise concerns openly in the public interest. However, we recognise that there may be circumstances when you would prefer to speak to someone in confidence first. If this is the case, you should say so at the outset to a member of staff in NIPEC.

NIPEC is committed to maintaining confidentiality for everyone involved in a concern. This includes the person raising the concern and the person(s) whom the concern is about. Confidentiality will be maintained throughout the process and after the issue has been resolved.

If you ask for your identity not to be disclosed, we will not do so without your consent unless required by law. You should however understand that there may be times when we will be unable to resolve a concern without revealing your identity, for example, where personal evidence is essential. In such cases, we will discuss with you whether and how the matter can best proceed.

5.3 Anonymity

Remember that if you do not disclose your identity, it will be much more difficult for us to look into the matter. It will also not be possible to protect your position or give you feedback. Furthermore, without additional evidence, it may be difficult to investigate such complaints properly in order to establish the facts. So, while we will consider anonymous reports in the exact same manner as those which are not anonymised, these arrangements are not best suited to deal with concerns raised anonymously.

6. Raising a concern

If you are unsure about raising a concern in the public interest, you can get independent advice at any stage from your trade union/professional organisation, or from one of the organisations listed in Section 7. You should also remember that you do not need to have firm evidence before raising a concern in the public interest, only a belief that an act of wrongdoing has occurred or that there has been a deliberate attempt to cover up a wrongdoing. However, you should explain as fully as possible the information or circumstances that gave rise to the concern.

6.1 Who should I raise a concern with?

In many circumstances the easiest way to get your concern resolved will be to raise it with your line manager. Where you do not think it is appropriate to do this or it has failed to resolve the matters satisfactorily, you can contact one of the following people:

- Your line manager's manager
- The Chief Executive.

If you still remain concerned after this, you can contact the designated Non-executive Director, Eilidh McGregor, non-executive Council member.

All these people have been trained in receiving and identifying how best to respond to concerns in the public interest and will give you information about where you can go for more support. Advice for managers responding to a concern is outlined in **Appendix B**.

If for any reason you do not feel comfortable raising your concern internally, you can raise concerns with external bodies (see paragraph 7 below).

If the concern is about the Chief Executive, then it should be made (in the first instance) to the Chair, who will decide on how the investigation will proceed.

6.2 Independent advice

If you are unsure whether to use this policy, or if you require confidential advice at any stage, you may contact your trade union/professional organisation.

Advice is also available through the independent charity PROTECT (formerly Public Concern at Work) on 020 3117 2520, or via their webpage [Contact our Advice Line - Protect - Speak up stop harm](#)

6.3 How should I raise my concern?

You can raise your concerns with any of the people listed above, in person, by phone or in writing (including email). The procedure for raising a concern is outlined in **Appendix C** and within a flowchart at **Appendix D**.

Whichever route you choose, please be ready to explain as fully as you can the information and circumstances that gave rise to your concerns.

7. Raising a concern externally

NIPEC hopes this policy reassures you of its commitment to have concerns raised under it taken seriously and fully investigated, and to protect an individual who brings such concerns to light.

Whilst there may be occasions where individuals will wish to report their concerns to external agencies or the PSNI, NIPEC would hope that the robust implementation of this policy will reassure staff that they can raise such concerns internally in the first instance.

However, NIPEC recognises that there may be circumstances where you can raise a concern with an outside body including those listed below:

- Department of Health

- A professional organisation such as:
 - Nursing and Midwifery Council
 - The Regulation and Quality Improvement Authority
 - The Health and Safety Executive
 - Counter Fraud and Probity Service (Business Services Organisation)
 - Her Majesty’s Revenue and Customs
 - Comptroller and Auditor General
 - Information Commissioner
 - Northern Ireland Public Services Ombudsman
 - Northern Ireland Commissioner for Children and Young People
 - Northern Ireland Human Rights Commission.

For a full list of contacts please refer to the following schedule to the Public Interest Disclosure (Prescribed Persons) (Amendment) Order (Northern Ireland) 2014, www.legislation.gov.uk/nisr/2014/48/schedule/made

Disclosure to these organisations will be protected provided you honestly and reasonably believe the information and associated allegations are substantially true.

We would wish you to raise a matter with the external agencies listed above than not at all. PROTECT (or your trade union/professional organisation) 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.

8. The Media

You may consider going to the media in respect of their concerns if you feel NIPEC has not properly addressed them. You should carefully consider any information you choose to put into the public domain to ensure that patient/client/staff confidentiality is maintained at all times. NIPEC reserves the right to take disciplinary action if patient/client/staff confidentiality is breached.

Communications with the media are coordinated through NIPEC’s Chief Executive Office and/or Head of Corporate Services. Staff approached by the media should direct the media to these contacts in the first instance.

9. How we will learn from your concerns

The focus of the investigation will be on improving our services. Where it identifies improvements that can be made, we will track them to ensure necessary changes are made and are working effectively. The final outcome and ‘lessons learned’ will be documented and approved as final by the line manager and/or Head of Corporate Services. In addition, the Chief Executive will independently assess the findings and

recommendations for assurance that the matter has been robustly considered and appropriately addressed.

10. Council oversight

NIPEC Council and the Department of Health will be given high level information about all concerns raised by our staff through this policy and what we are doing to address any problems. We will include similar high-level information in our annual report. NIPEC supports staff raising concerns and want you to feel free to speak up. The Chair has nominated a Non-executive Director, Eilidh McGregor, non-executive Council member with responsibility for the oversight of the organisation's culture of raising concerns.

11. Review and reporting

We will review the effectiveness of this policy and local processes, with the outcome published and changes made as appropriate. The policy will be reviewed in April 2028 or sooner if revised regional guidance is issued before then.

We will provide reports to NIPEC Council and to our Audit and Risk Committee on all concerns raised and as and when requested to the Department of Health setting out the actions and outcomes.

12. Equality, Human Rights and DDA

This policy has been screened for equality implications as required by Section 75 and Schedule 9 of the NI Act 1998 which requires NIPEC to have due regard to the need to promote equality of opportunity.

The policy has been screened out without mitigation or an alternative policy proposed to be adopted.

13. Conclusion

While we cannot guarantee that we will respond to all matters in the way that you might wish, we will strive to handle the matter fairly, impartially and properly. By using these arrangements to raise any concerns you will help us to achieve this.

Please note, this document has been developed to meet best practice and comply with the Public Interest Disclosure (NI) Order 1998 (the Order) which provides employment protection for those that raise concerns.

The Order gives significant statutory protection to staff who disclose information reasonably in the public interest. To be protected under the law an employee must act with an honest and reasonable belief that the matter raised in the concern

occurred, is occurring or is likely to occur. Disclosures may be made to certain prescribed persons or bodies external to NIPEC listed in the Order. The Order does not normally protect employees making rash disclosures for example to the media, when the subject could have been raised internally.

This policy has been reviewed against the NI Audit Office – Raising Concerns – A good practice guide for the Northern Ireland Public Sector.

ROLES AND RESPONSIBILITIES

NIPEC Council / NED with Responsibility for Whistleblowing:

- To have responsibility for oversight of the culture of raising concerns in the public interest within NIPEC in accordance with the HSC Board Member Handbook.

NIPEC:

- To listen to our staff, learn lessons and strive to improve patient care;
- To ensure that this policy enables concerns raised in the public interest to be dealt with effectively;
- To promote a culture of openness and honesty and ensure that issues are dealt with responsibly and taken seriously;
- To ensure that employees who raise concerns in the public interest do not suffer any detriment for doing so unless other circumstances come to light which require this, e.g. where a member of staff knowingly raises an issue regarding another member of staff which they know to be untrue; and
- To share learning, as appropriate, via our shared learning procedures.

Head of Corporate Services:

- To take responsibility for ensuring the implementation of the raising concerns in the public interest arrangements.
- To ensure that any safety issue about which a concern has been raised is dealt with properly and promptly and escalated appropriately through all management levels;
- To intervene if there are any indications that the person who raised a concern is suffering any recriminations;
- To work with managers and HR to address the culture in an organisation and tackle the obstacles to raising concerns.

Line Managers:

- To take any concerns reported to them seriously and consider them fully and fairly and respond appropriately taking any necessary action;
- To recognise that raising a concern can be a difficult experience for some staff and to treat the matter in a sensitive manner if required;

- To assist the organisation in investigating and resolving concerns raised by recording the initial details on the form at **Appendix E**, which should then be held confidentially;
- To seek advice from other professionals within NIPEC and/or BSO where appropriate;
- To invoke the formal procedure and ensure NIPEC's Chief Executive and/or Head of Corporate Services are informed, if the issue is appropriate; and
- To ensure feedback/ learning at individual, team and organisational level on concerns raised in the public interest and how they were resolved.

All members of staff:

- To recognise that it is your duty to draw to NIPEC's attention any matter of concern in the public interest;
- To adhere to the procedures set out in this policy; and
- Where possible, to maintain the duty of confidentiality to NIPEC and its stakeholders, and consequently, where any disclosure of confidential information is to be justified, you should first, where appropriate, seek specialist advice for example from a representative of a regulating organisation such as the Nursing and Midwifery Council.

Trade Union / Professional Organisation

All staff have the right to consult and seek guidance and support from their Trade Union/ Professional Organisation, or from statutory bodies such as the Nursing and Midwifery Council.

ADVICE FOR MANAGERS RESPONDING TO A CONCERN

1. Managers should maintain an understanding of the process for raising a concern in the public interest;
2. Seek advice from the NIPEC lead on raising concerns in the public interest if in doubt at any stage;
3. Thank the staff member for raising the concern, even if they may appear to be mistaken;
4. If appropriate, refer the member of staff to other independent sources of advice and guidance on raising concerns in the public interest;
5. Respect and heed legitimate staff concerns about their own position or career;
6. Manage expectations and respect promises of confidentiality;
7. Discuss reasonable timeframes for feedback with the member of staff;
8. Remember there are different perspectives to every story;
9. Determine whether there are grounds for concern and investigate if necessary as soon as possible. Where appropriate alert those identified as the subject of the concern. If the concern is potentially very serious or wide-reaching, consider who should handle the investigation and know when to ask for help. If asked, managers should put their response in writing;
10. NIPEC should ensure that the investigator is not connected to the concern raised and determine if there is any actual, potential or perceived conflict of interest which exists prior to disclosing full details of the concern. Should a conflict of interest arise during the investigation the investigator must alert the manager. Any such conflict must be considered, and acted on, by the manager;
11. Managers should bear in mind that they may have to explain how they have handled the concern;
12. Feed back to the person raising the concern and those identified as the subject of a concern (where appropriate) any outcome and/or proposed remedial action, but be careful if this could infringe any rights or duties which may be owed to other parties;
13. Consider reporting to the Council and/or an appropriate regulator the outcome of any genuine concern where malpractice or a serious safety risk was identified and addressed;
14. Record-keeping - it is prudent to keep a record of any serious concern raised with those designated under the policy, and these records should be anonymous where necessary. Managers should record any concerns raised informally and document action taken to resolve matters.

PROCEDURE FOR RAISING A CONCERN

Step One (Informal)

If you have an honest and reasonable belief that a concern which is in the public interest about malpractice, risk, abuse or wrongdoing has occurred, is occurring, or is likely to occur, then the matter should be raised informally in the first instance with your Line Manager. This may be done verbally or in writing.

You are entitled to representation from a trade union/ fellow worker or companion to assist you in raising your concern in the public interest.

Step Two (Informal): Alternative to Manager

If you feel unable to raise the matter with your line manager for whatever reason, please raise the matter with their manager and/or Chief Executive (see 6.1).

They will:

- treat your concern confidentially (where possible) unless otherwise agreed;
- ensure you receive timely support to progress your concerns;
- escalate to the appropriate authority any indications that you are being subjected to detriment for raising your concern in the public interest;
- remind the organisation of the need to give you timely feedback on how your concern is being dealt with;
- ensure you have access to personal support through, for example, your employee assistance programme (e.g. Inspire) since raising your concern may be stressful.

If you want the matter dealt with in confidence, please say so at the outset so that appropriate arrangements can be made.

Step Three (Formal)

If these channels have been followed and you still have concerns or your concerns remain unresolved, or if you feel that the matter is so serious that you cannot discuss it with any of the above through the informal process, please contact the designated Non-executive Director, Eilidh McGregor, non-executive Council member.

Step Four (formal)

You can raise your concerns formally with the external bodies listed at paragraph 7 of the policy on page 9.

If you choose to bypass the routes available for you to make a disclosure (directly to NIPEC or via outside organisations referred to in the legislation) and instead approach the media with your concerns, it is likely you will lose your right to protection under Whistleblowing legislation. The exception to this is a case where the wrongdoing is exceptionally serious and where you reasonably believe that NIPEC will subject you to 'detriment' or conceal/destroy evidence if you were to raise your concerns via the routes available to you.

What will we do?

We are committed to listening to our staff, learning lessons and improving patient care. On receipt, the concern will be recorded and, where possible, you will receive an acknowledgement within three working days.

A central register will record the date the concern was received, whether you have requested confidentiality, a summary of the concerns and dates when we have given you updates or feedback. While your identity may be included within the allegation or report, the register will not include any information which may identify you, nor should it include any information which may identify an individual or individuals against whom an allegation is made.

Investigation

Where you have been unable to resolve the matter quickly (usually within a few days) with your line manager, we will carry out a proportionate investigation – using someone suitably independent and properly trained – and we will reach a conclusion within a reasonable timescale (which we will notify you of).

Wherever possible we will carry out a single investigation. The investigation will be objective and evidence-based, and will produce a report that focuses on identifying and rectifying any issues, and learning lessons to prevent problems recurring.

We may decide that your concern would be better looked at under another process: for example, our process for dealing with bullying and harassment. If so, we will discuss that with you.

We will advise you, where possible, and those identified as the subject of a concern, of the process, what will be investigated and what will not, those who will be involved, the roles they will play and the anticipated timescales.

Any employment issues (that affect only you and not others) identified during the investigation will be considered separately.

Where an Agency worker raises a concern then it is the responsibility of NIPEC to follow the process as above.

For the purposes of recording, if the concern is already, or has previously been, the subject of an investigation under another procedure e.g. grievance procedure, it will not be appropriate to categorise it under NIPEC's Policy on your Right to Raise a Concern.

Communicating with you

We welcome your concerns and will treat you with respect at all times. We will discuss your concerns with you to ensure we understand exactly what you are worried about. In the event that an investigation is required, we will endeavour to provide a response within 12 weeks of the concern being received. We will provide an update on progress by week 6 and again by week 10 of the investigation. In so far as is possible, we will share the outcome of the investigation report with you (while respecting the confidentiality of others).

How we will learn from your concerns

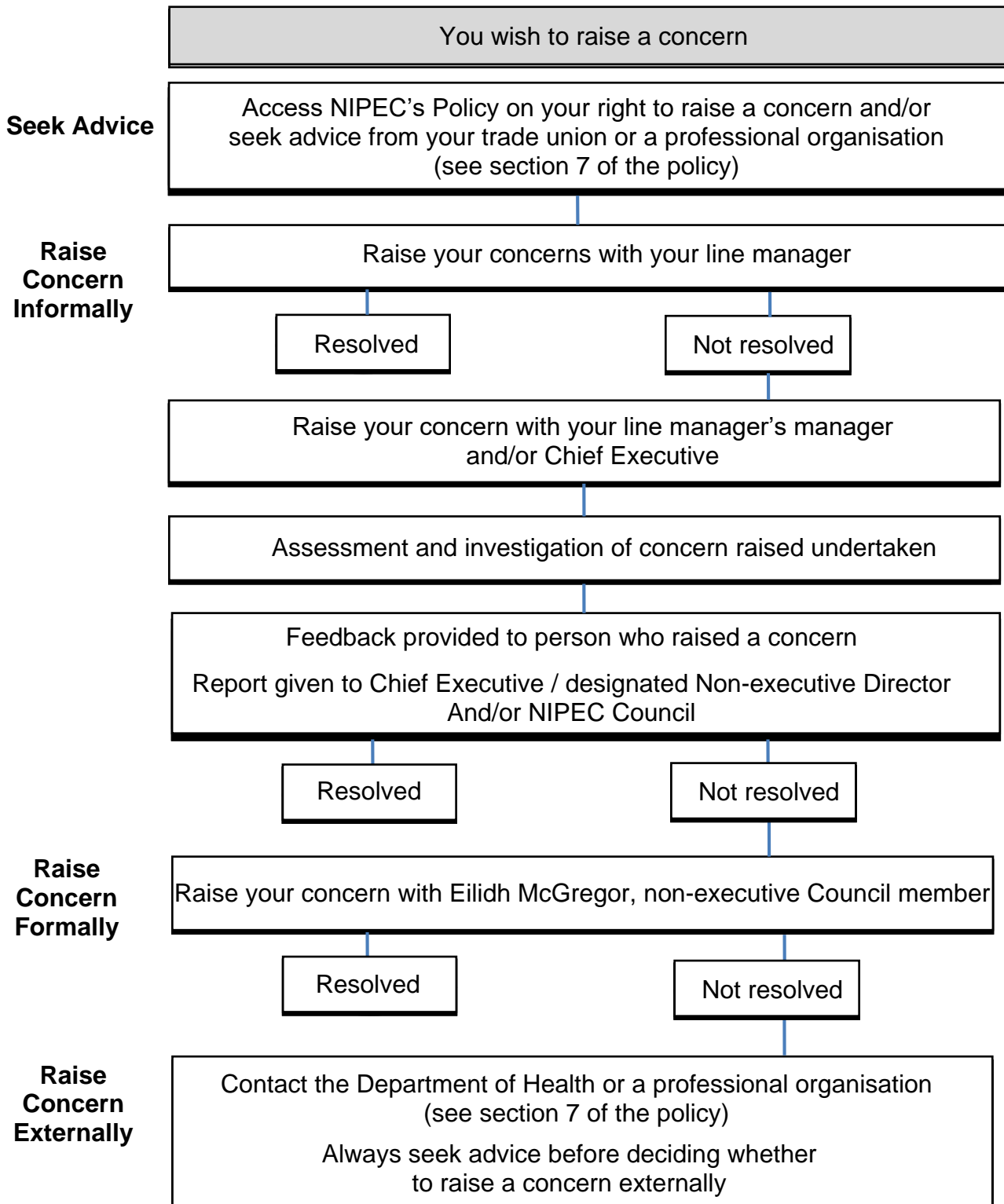
The focus of an investigation will be on improving services. Where it identifies improvements that can be made, we will track them to ensure necessary changes are made and are working effectively. The final outcome and "lessons learned" will be documented and approved as final by the Chief Executive. In addition, the Chief Executive (or a nominated independent person, either from Council or outside of NIPEC) will independently assess the findings and recommendations for assurance that the matter has been robustly considered and appropriately addressed.

Council Oversight

NIPEC Council and the Department of Health will be given high-level information about all concerns raised in the public interest by our staff and others through this policy and what we are doing to address any problems. We will include similar high-level information in our Annual Report.

NIPEC's Council supports staff and others raising concerns in the public interest and want you to feel free to speak up. The Chair has nominated a non-executive director, Eilidh McGregor, non-executive Council member with responsibility for the oversight of the organisation's culture of raising concerns in the public interest.

FLOWCHART
Raising Concerns Process



Strictly Private & Confidential**INITIAL RECORD OF CONCERN RAISED**

Date and Time concern raised:	
Manner in which concern raised:	Please tick one of the following
• E-Mail:	
• Letter:	
• Meeting:	
• Telephone:	
• Other (please specify):	

Does the person raising the concern wish to remain anonymous	YES / NO
---------------------------------------------------------------------	-----------------

If consent given, then details of person raising the concern

Name:	
Address:	
Employer:	
Department:	
Telephone number: (work)	
Telephone number (home)	

Nature of Concern

Concern	Please tick relevant categories
• Conduct which is an offence or a breach of law	
• Disclosures related to miscarriages of justice	
• Health and Safety, including risks to the public as well as other employees	
• Damage to the environment	
• Unauthorised use of public funds	
• Possible fraud and corruption	
• Sexual or physical abuse of clients	
• Other unethical conduct	
• Other (please specify):	

If appropriate, reasons for not raising concern with immediate Line Manager:

--

Details of concern and any supporting information (including dates, times etc):

--

Persons suspected of malpractice and reasons why suspected:

--

Is complainant willing to provide written Statement?	YES / NO
-------------------------------------------------------------	----------

CHIEF EXECUTIVE TO COMPLETE:

Name of assigned 'responsible person' (please print):
