



**PUBLIC PROSECUTION SERVICE  
FOR NORTHERN IRELAND**

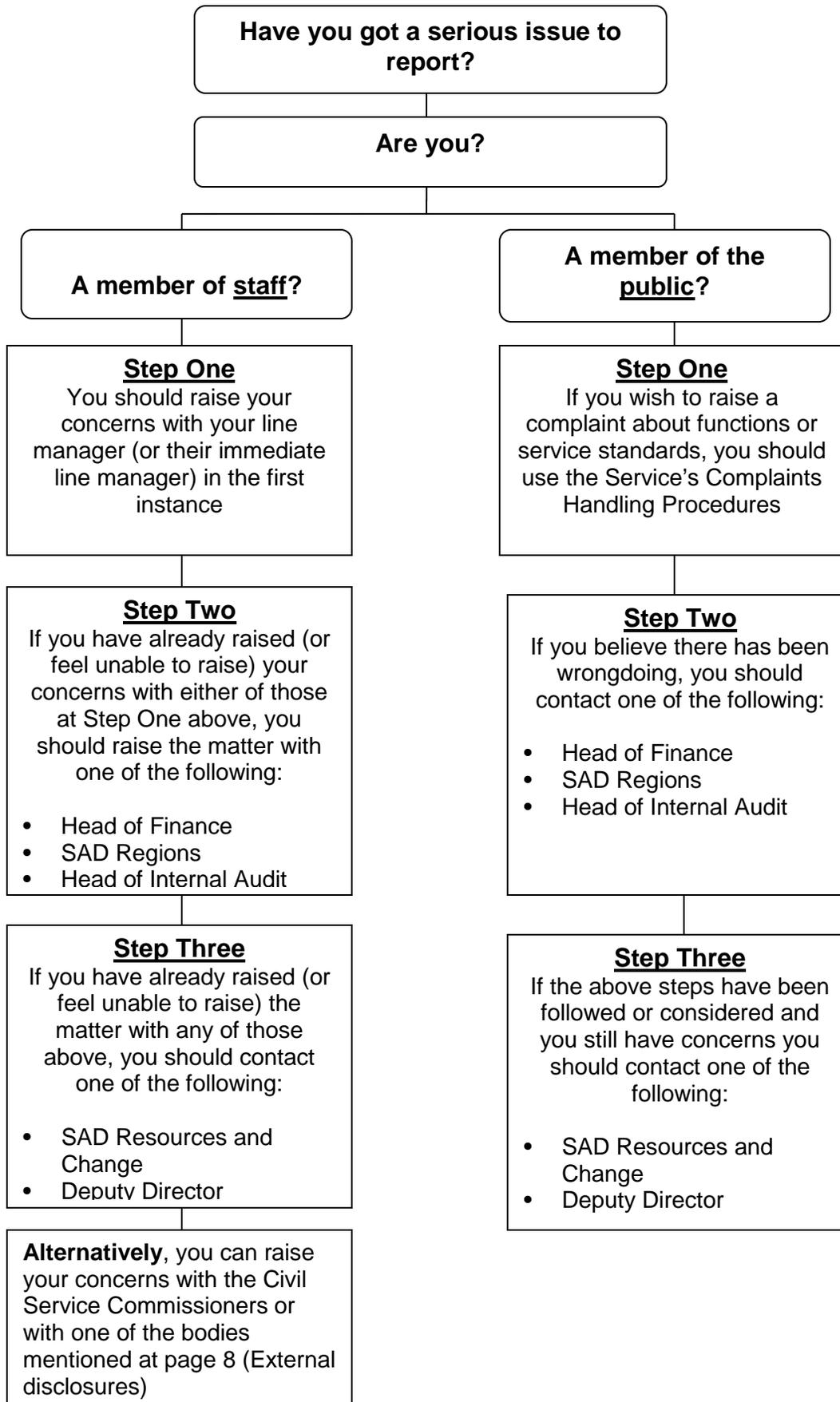
**WHISTLEBLOWING  
ARRANGEMENTS**

**Updated August 2019**

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## SUMMARY OF WHISTLEBLOWING HANDLING ARRANGEMENTS



## **Introduction**

The Public Prosecution Service (PPS) is committed to the highest possible standards of openness and accountability in the delivery of its services. Despite this, concerns about impropriety or malpractice may still arise.

The purpose of this updated guidance is to:

- a. reassure staff that they can raise genuine allegations or concerns about potential wrongdoing in confidence, through a clear internal reporting process, without putting their position at risk; and
- b. encourage members of the public who may have concerns of this nature to report them to the PPS at an early stage.

The arrangements below indicate how this should be done and explain how such concerns will be investigated.

## **Types of concern covered**

This guidance does not deal with complaints about the Service's performance or standards of service, for which separate procedures exist (see paragraph XXXX below). Instead, the guidance relates to concerns about serious malpractice, abuse, neglect or wrongdoing, notably when the interests of others or the organisation are at risk. Concerns of this nature are likely to involve matters such as unlawful conduct, serious safety/security deficiencies, breaches of confidence or danger to the public/environment.

If your concern is about possible fraud, you may also wish to refer to the PPS's Anti-Fraud Policy and Fraud Response Plan (see link below). This highlights the

confidential Fraud Hotline (0808 100 2716) through which concerns of this particular nature may be reported in confidence.

<http://www.ppsni.gov.uk/Corporate-Governance-6697.html>

If you are a member of the Service's staff and wish to make a complaint about your employment or how you have been treated personally, please use the NI Civil Service Grievance Procedure.

### **Reporting Concerns: PPS Staff**

#### **Our Assurances to you**

##### *Your safety*

We are committed to making whistleblowing work. If you raise a genuine concern under these arrangements, you will be protected by the **Public Interest Disclosure (NI) Order 1998** (see link below) and will not be at risk of losing your job or suffering any form of retribution as a result. Provided you are acting in good faith, it does not matter if you are mistaken.

<http://www.pcaw.org.uk/guide-to-pida>

Of course, this assurance does not extend to someone who makes an allegation purely for malicious intent or personal gain. Making allegations of this nature which are found to have no foundation will be regarded by the Service as a serious disciplinary offence.

##### *Confidentiality*

We will not tolerate the harassment or victimisation of anyone who raises a

genuine concern and with these assurances we hope you will raise your concern openly. However, we recognise that there may be circumstances when you would prefer to speak to someone in confidence first. If this is the case, please say so at the outset. If you ask us not to disclose your identity, we will not do so without your consent unless required by law. You should understand that there may be times when we are unable to resolve a concern without revealing your identity, for example where your personal evidence is essential. In cases where an investigation leads to criminal proceedings, for example, there may be an expectation for you, as a complainant, to give evidence in a court of law. In such cases, we will always discuss with you whether and how the matter can best proceed.

### Anonymity

Remember that if you do not tell us who you are, it will be much more difficult for us to look into the matter, to protect your position, or to give you a response to your concerns. Accordingly, while we will consider anonymous reports, these arrangements are not well suited to deal with concerns raised anonymously.

If you are unsure about raising a concern you can get independent advice from Public Concern as Work (see contact details under 'Independent Advice', below).

### **How to raise a concern internally**

Please remember that 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 gave rise to your concern.

### Step One

If you have a concern about malpractice, we hope you will feel able to raise it first with your line manager or with their immediate manager. This can be done orally or in writing. Managers should handle any such concern in accordance with the broad guidance set out at **Annex 1** and should ensure that records are retained confidentially and securely.

### Step Two

If, for whatever reason, you feel that raising the issue with your line manager or their immediate manager is not appropriate or it has not worked, please raise the matter with your Assistant Director (for those members of staff working in the regions or headquarters sections) or Head of Branch (for Corporate Services staff). Alternatively you may raise the issue with one of the following:

#### **Head of Finance - Nuala McAuley**

**Telephone: 02890 544750 Email: [Nuala.McAuley@ppsni.gsi.gov.uk](mailto:Nuala.McAuley@ppsni.gsi.gov.uk)**

#### **Senior Assistant Director, Serious Crime & Regions – Marianne O’Kane**

**Telephone: 02890 897195 Email: [Marianne.O’Kane@ppsni.gsi.gov.uk](mailto:Marianne.O’Kane@ppsni.gsi.gov.uk)**

#### **Head of Internal Audit – Amanda Oliver (Department of Justice)**

**Telephone: 02890 728870 Email: [Amanda.Oliver@dojni.x.gsi.gov.uk](mailto:Amanda.Oliver@dojni.x.gsi.gov.uk)**

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

### Step Three

If these channels have been followed and you believe there is an ongoing risk, or you feel the matter is so serious that you cannot discuss it with any of the above, you can raise your concern directly with:

**Senior Assistant Director, Resources and Change - Ian Hearst**

**Telephone: 02890 897182 Email: [Ian.Hearst@ppsni.gsi.gov.uk](mailto:Ian.Hearst@ppsni.gsi.gov.uk) OR**

**Deputy Director of Public Prosecutions – Michael Agnew**

**Telephone: 02890 897185 Email: [Michael.Agnew@ppsni.gsi.gov.uk](mailto:Michael.Agnew@ppsni.gsi.gov.uk)**

### Independent advice

If you are unsure whether or how to raise a concern or you want confidential advice at any stage, you may contact your union.

You may also contact the independent charity *Public Concern at Work* on 020 7404 6609 or by email at [whistle@pcaw.org.uk](mailto:whistle@pcaw.org.uk). Their lawyers 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.pcaw.org.uk](http://www.pcaw.org.uk).

### External disclosures

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 Northern Ireland Audit Office or the Health and Safety Executive of Northern Ireland - than not at all.

A list of prescribed persons/bodies to which staff may report a serious concern, with protection afforded by the Public Interest Disclosure (NI) Order 1998, can be accessed via the following link:

<http://www.delni.gov.uk/public-interest-disclosure-guidance-2014.pdf>

Public Concern at Work (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.

### **NICS Code of Ethics**

If you are a civil servant and believe that you are being required to act in a way which conflicts with the core values and standards set out in the NICS Code of Ethics (<http://www.dfpni.gov.uk/6.01-standards-of-conduct.pdf>), or you have become aware of the actions of others which you believe conflict with the Code, you should raise the matter with the PPS's Nominated Officer:

**Head of Resource Management - Liam Strain**

**Telephone: 02890 544786 Email: [Liam.Strain@ppsni.gsi.gov.uk](mailto:Liam.Strain@ppsni.gsi.gov.uk)**

As an alternative, and if your concern is about a breach of the NICS Code of Ethics, you may also raise your concern directly with the Civil Service Commissioners for Northern Ireland (<http://niccommissioners.org>). 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 an appeal without this having occurred. Commissioners will examine each case on its merits.

## **Complaints from third parties**

Procedures through which members of the public may report concerns about possible serious impropriety or wrongdoing within the Service are set out below. Staff are reminded that they have a duty of care to ensure that any such concern which they receive from a member of the public is investigated, particularly if it involves a security or safety issue, and to bring it, in confidence, to the attention of an appropriate senior officer.

## **Reporting Concerns: Members of the Public**

### **Our Assurances to you**

All genuine allegations or concerns reported by members of the public will, as far as possible, be handled in the same way as whistleblowing allegations made by staff and will be treated in the strictest confidence. However, if any such action leads to criminal proceedings, there may be the expectation for the member of the public concerned, as a complainant, to give evidence in a court of law.

It should be noted that the protection afforded by the **Public Interest Disclosure (NI) Order 1998** only relates to internal staff and does not apply to members of the public.

### *Anonymity*

As with concerns raised internally, the Service would encourage members of the public to put their names to any allegation. This enables the Service to investigate the matter fully, to seek clarification, to ask for additional details and to give you a response to your concerns.

## **How to raise a concern**

Procedures for making complaints relating to the Service's various functions or service standards can be accessed through the PPS Website (under Complaints) or through the following link:

<http://www.ppsni.gov.uk/Complaints-5026.html>

You may already have followed or considered the relevant complaints procedures or your concerns may be of a much more serious nature. You might, for example, feel that:

- a. given the nature and/or seriousness of the matter (e.g. malpractice, abuse or wrongdoing), the use of the normal complaints process is inappropriate;  
or
- b. disclosure through the standard complaints procedure might result in the destruction of evidence.

If you have such concerns, you can raise your concern directly with:

**Head of Finance (Telephone: 02890 544750)**

**Senior Assistant Director, Serious Crime and Regions (Telephone: 02890 897195)**

**Head of Internal Audit (Telephone: 02890 728870)**

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

If you have already followed or considered the above procedures and still believe there is an ongoing risk, or if you feel that the matter is so serious that you cannot raise or discuss it with any of the Service's contacts listed, you should raise your concern directly with one of the following:

**Senior Assistant Director, Resources and Change (Telephone: 02890 897182) OR**

**Deputy Director of Public Prosecutions (Telephone: 02890 897185)**

**How we will handle matters reported by staff or a member of the public**

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'. Depending on the nature and seriousness of the concern (as identified during preliminary enquires); the investigation may be conducted by Internal Audit or other independent reviewer.

If your concern is about possible fraud, the Service will deal with it by following our Anti-Fraud Policy and Fraud Response Plan.

<http://www.ppsni.gov.uk/Corporate-Governance-6697.html>

In any event, we will tell you who is dealing with the matter, how you can contact him or her, and whether your further assistance may be needed. If you request it, we will write to you summarising your concern and setting out how we propose to handle the investigation of it.

When you raise the concern you may be asked how you think the matter might best be resolved. If you have any personal interest in the matter, we do ask that you tell us at the outset. If your concern falls more properly within other procedures (e.g. the NICS Grievance Procedure / PPS Complaints Handling Procedures) we will tell you.

We will give you as much feedback as we properly can, and if requested, we will confirm it in writing. However, 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.

### **Records**

Records of serious concerns raised both by staff and the general public, including the outcomes, will be retained by the Service for a minimum of five years. All such records will be maintained in a confidential and secure environment and at a readily identifiable location which will facilitate any required overview of complaints/concerns.

### **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 and properly. By using these whistleblowing arrangements you will help us to achieve this.

## DEALING WITH WHISTLEBLOWING CONCERNS: GUIDANCE FOR MANAGERS

1. All reports about actual or perceived wrongdoing in the workplace, whether raised orally or in writing, must be treated seriously. As well as notifying his/her senior manager immediately, the manager with whom the concern is raised should:
  - consider the nature of the concern raised – if it is an allegation of fraud, then it must be handled under the Service’s Anti-Fraud Policy and Fraud Response Plan
  - agree the facts and grounds on which the concern rests;
  - immediately secure any potential evidence;
  - identify any personal interest which the whistleblower might have in the issue concerned;
  - take immediate action if the alleged wrongdoing involves a risk or danger to others (eg on health and safety grounds);
  - carry out enquiries/investigations promptly, sensitively and as discreetly as possible;
  - honour the whistleblower’s request not to disclose his/her identity without their consent unless required to do so by law;
  - ascertain whether any other staff had raised similar concerns in the past;
  - obtain reports from witnesses (if any);
  - ensure that feedback is provided to the whistleblower;
  - advise the whistleblower of any proposed remedial action resulting from his/her concern; and
  - retain, in a confidential and secure environment, a record of the concern raised (including the outcome).

In the case of anonymous reports (to which the Service will obviously be unable to respond), the manager should consider whether the whistleblower’s decision

to remain anonymous has any significance in terms of the nature of the concern raised, the potential impact on colleagues and the means by which it is to be investigated.

2. The following action should be taken in cases where a formal investigation is deemed to be necessary:
  - a. Terms of Reference should be drawn up. These should detail the nature and source of the allegation as well as the scope and purpose of (and the anticipated timescale for) the investigation.
  - b. Managers should ensure that any allocated investigator:
    - is independent of the issue/area under investigation;
    - declares any actual, potential or perceived conflict of interests which exists prior to, or which arises during, the investigation (Note: Any such conflicts must be considered, and acted on, by the manager); and
    - provides regular updates to senior management as the investigation progresses.
  - c. On conclusion of the investigation, a proportionate lesson(s) learned document, including details of any proposed remedial action, should be drafted and shared/circulated as appropriate

**Please note:**

*This document has been developed to meet best practice and comply with the Public Interest Disclosure (NI) Order 1998 (PIDO) which provides employment protection for whistleblowing.*

*For more information on the law, please go to [www.pcaw.org.uk](http://www.pcaw.org.uk) for guidance and/or NI Direct Government Services at:*

*<http://www.nidirect.gov.uk/protection-of-whistleblowers>*