

Strategic Investment Board Ltd – Whistleblowing Policy

Introduction

This policy document applies both to staff at the Strategic Investment Board Ltd (SIB) and third parties such as members of the public. It sets out how you can raise a concern about alleged wrongdoing involving SIB, SIB’s Board of Directors, or any of its employees. This is commonly referred to as “whistleblowing”. There is a separate policy for making a complaint about SIB, which can found on the SIB website as linked – [“Strategic Investment Board \(SIB\) Complaints Policy”](#) (DF1/15/592006).

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 A on page 8.

There is also a publication [“Whistleblowing in the Public Sector : A Good Practice Guide for Workers and Employers”](#), which is available on the Northern Ireland Audit Office (NIAO) website. SIB’s policy regarding whistle blowing is in line with this guidance.

1 Whistleblowing

A whistleblowing concern is about a risk, malpractice or wrongdoing that affects others. It could be something that adversely affects other staff, the company, 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” – e.g. SIB, other staff, clients, or the wider public – then it is a whistleblowing concern. If the concern relates to you as an individual, “self” – e.g. 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 whether it fits within the “whistleblowing” classification.

Similarly, whistleblowing does not cover complaints about SIB’s performance or standards of service, for which separate procedures exist. These are set out in the [“Strategic Investment Board \(SIB\) 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).
- Maladministration (e.g. not adhering to procedures).
- 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. SIB will respect confidentiality so far as possible within the law.

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

2 Raising a Concern – Members of Staff

If something is troubling you that you think management should know about, please tell SIB senior management right away. SIB 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 document 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 SIB Staff Handbook.

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.

2.1 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 whistleblowing 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 is about them.

- Your line manager
- The Information and Compliance Manager
- The Finance Manager
- The HR Manager
- The Chairman of the SIB Board
- The Chairman of the SIB Audit Committee

If the CEO himself were suspected of fraud, concerns should be reported upwards to the Chairman of the SIB Board and other Board members as appropriate.

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 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 SIB within TEO or the Northern Ireland Audit Office. See also Section 3 below.

2.2 SIB's Assurances to you

SIB 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.

2.3 Independent Advice

You may obtain legal advice, independently, through [Public Concern at Work](#).¹ This is an independent charity and is a leading authority on public interest whistle-blowing.

Public Concern at Work
Suite 301
16 Baldwins Gardens
London EC1N 7RJ
Telephone (general enquiries and helpline): 020 7404 6609
Fax: 020 7404 6576
Email: UK enquiries: whistle@pcaw.co.uk
UK helpline: helpline@pcaw.co.uk
UK services: services@pcaw.co.uk

¹ www.pcaw.co.uk

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 help-line, use one only to seek an appointment with a legal adviser.

2.4 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

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

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

3 Raising a Concern – Members of the Public

While the [Public Interest Disclosure \(NI\) Order 1998](#) applies to workers (as defined in the Order) the SIB 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 SIB 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
Strategic Investment Board Limited
5th Floor, The Lighthouse Building
1 Cromac Place
Gasworks Business Park

Belfast, BT7 2JB
Tel: +44 (0)28 9025 0900

The Information and Compliance Manager

Strategic Investment Board Limited
5th Floor, The Lighthouse Building
1 Cromac Place
Gasworks Business Park
Belfast, BT7 2JB
Tel: +44 (0)28 9025 0900
Email: contact@sibni.org

TEO Head of Corporate Governance

Room E5.18
Castle Buildings
Stormont Estate
Belfast
Tel: +44 (0)28 90520199
Email: raisingconcerns@executiveoffice-ni.gov.uk

4 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.

4.1 *If you have Identified Yourself*

If your concern has not been submitted anonymously, SIB 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. SIB 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 SIB can proceed.
- Take steps to ensure that you have appropriate support and advice.
- Agree a timetable for feedback. If this cannot be adhered to, SIB will let you know.
- Provide you with as much feedback as it properly can.
- Take appropriate and timely action against anyone who victimises you.

4.2 Anonymity

If you choose to raise your concern anonymously, it will be much more difficult for SIB to look into the matter, to protect your position, or to give you feedback. Accordingly, while SIB will consider anonymous reports, these arrangements are not well suited to deal with concerns raised anonymously. 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 SIB 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 SIB 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.

4.3 How SIB Will Handle the Matter

Once you have raised your concern, the SIB 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, they will confirm SIB’s response to you in writing. However, they may not be able to tell you the precise action SIB takes where this would infringe a duty of confidence owed by SIB to someone else.

If your concern is about possible fraud, SIB will deal with it by following its fraud policy and fraud response plan. If your concern falls more properly within the staff grievance policy (or other HR Policy) or the complaints procedure, we will tell you.

4.4 *If You Are Dissatisfied*

While SIB cannot guarantee that it will respond to all matters in the way that you might wish, it will try to handle the matter fairly and properly. Although there is no statutory time limit for informing you of the outcome of any investigation, SIB commits to telling you the outcome within 10 days of any investigation being finalised. SIB 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 SIB's response you may report the matter to TEO, or to the Northern Ireland Audit Office at the below address – see also Section 3 above.

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

Annex A Public Interest Disclosure (NI) Order 1998

A-1 What Type Of Disclosure Will Qualify For Protection?

A disclosure will qualify for protection ("a qualifying disclosure") if, you reasonably believe, it tends to show one or more of the following has occurred, is occurring or is likely to occur:

- A criminal offence (e.g. theft and fraud).
- A failure to comply with a legal obligation.
- A miscarriage of justice.
- Endangering of an individual's health and safety.
- Damage to the environment.
- Deliberate concealment of information tending to show any of the above.

A-2 When Are Disclosures Protected?

A qualifying disclosure will be protected under the Act when it is made in good faith:

- To your employer.
- To a body or person other than your employer.¹
- To a legal adviser in the course of obtaining legal advice.
- To a Minister of the Crown.
- To a prescribed body or person, provided that you reasonably believe that the relevant failing falls within matters prescribed to that body or person and that the information is substantially true. For a list of prescribed persons, please see **Error! Reference source not found. Error! Bookmark not defined..**

A-3 Circumstances in Which Disclosures Are Not Protected

The legislation does not introduce a general protection for whistle-blowers in all circumstances. Individuals who make disclosures will not be protected by the Act if they commit an offence by making the disclosure.

A-4 Further Information

For further information see the [Whistle-blowing Disclosures](#) page on the [Northern Ireland Audit Office](#) website.

¹ Provided that you reasonably believe that the relevant failure relates solely or mainly to the conduct of that body or person, or relates to a matter over which the body or person has legal responsibility.