

Raising a Concern Policy

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DOCUMENT CONTROL

The Information and Compliance Manager is the owner of this document and is responsible for ensuring it's distribution. The document will be reviewed/updated annually or sooner if required.

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1. 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. Sometimes you may see this described as "whistleblowing". There is a separate policy for making a complaint about SIB, which can be 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 raising a concern. More information about the Public Interest Disclosure Order including which types of disclosure and in what circumstances qualify for protection can be found at 0 on page 7.

The policy 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. SIB's policy regarding raising a concern is in line with this guidance.

Depending on the type of concern you have, you should read this policy alongside the NICS "[Raising a Concern Policy Framework](#)" and The Executive Office "[How to Raise a Concern](#)".

2. Raising a Concern Generally

Raising a 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.

2.1 DOES MY CONCERN FALL WITHIN THIS POLICY?

A simple way to establish whether your concern falls under this 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 raising a 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 something covered by this policy. Personal grievances or dissatisfaction in respect of employment issues are not covered by this policy unless an employee's particular case is in the public interest. Generally, someone raising a concern has no self-interest in the issue raised; however, each concern raised should be considered on a case-by-case basis to determine whether it fits within the "raising a concern" classification.

Similarly, raising a concern 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](#)", which is also available on the SIB website.

2.2 TYPES OF CONCERNS

A full list of the types of concern covered by the arrangements for Raising a Concern can be found within the [Public Interest Disclosure \(NI\) Order 1998](#).

Types of concerns raised 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.

SIB always assumes that concerns are raised in good faith unless there is evidence to the contrary. If it becomes apparent that an accusation was deliberately false, or vexatious, rather than 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.

2.3 MUST I RAISE A CONCERN OPENLY?

How you raise your concern is important and there are differences between raising concerns anonymously, confidentially and openly.

Anonymously raising concerns means no one knows who you are. This may seem like an appealing option but there are some downsides. The person who receives your concern will be unable to ask you follow-up questions for further information. If you are an employee of SIB, it will also make it harder for SIB as the employer or the regulator to protect you from victimisation, as we will struggle to confirm your identity as the whistleblower. Finally, you will not be able to use the legal protection for whistleblowers, the Public Interest Disclosure Act, as the protection is based on an ability to demonstrate you have blown the whistle – if the recipient of the concerns doesn't know who you are then this becomes impossible to establish.

Confidentially raising your concerns is where the person you take your concerns to promises not to reveal your identity.

Openly raising your concerns means you are not worried about being identified.

Raising your concerns either openly or confidentially are more effective ways to raise your concerns. Both methods mean follow-up questions can be asked, action can be taken against any victimisation against you, and both mean you can demonstrate blowing the whistle for the purposes of legal protection.

Whichever way you choose to raise your concern, please be assured that SIB will endeavour to investigate the matter as thoroughly as possible.

3. 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.

3.1 WHO SHOULD I TELL?

There are several possible routes for raising concerns depending on the nature of the concern and the circumstances surrounding it. The main contact for raising a concern 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 Director of Finance
- The Human Resources 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 4.

3.2 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 turns out 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.

3.3 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 raising concerns in the public interest; “*Protect aims to make whistleblowing work for individuals, organisations and society.*”

Protect:

The Green House
244-254 Cambridge Heath Road
London E2 9DA
Telephone: 020 3117 2520
www.protect-advice.org.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 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](#)”.

3.4 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 must be to a person or regulatory body prescribed by the Secretary of State for these purposes. Such a disclosure offers legal protection provided the person raising a concern 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 1102 or (028) 9025 1000
<https://www.niauditoffice.gov.uk/>
Email: raisingconcerns@niauditoffice.gov.uk

The Health and Safety Executive (NI)
83 Ladas Drive
Belfast
BT6 9FR
Tel: Free phone 0800 0320 121 or (028) 9024 3249
Email: mail@hse-ni.gov.uk
<https://www.hse-ni.gov.uk/>

For a list of prescribed persons and bodies, please see the Gov.uk website, [Whistleblowing: list of prescribed people and bodies](#).

4. 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 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
The Kelvin
4th Floor, 17-25 College Square East
Belfast, BT1 6DE
Tel: +44 (0)28 9025 0900

The Information and Compliance Manager
Strategic Investment Board Limited
The Kelvin
4th Floor, 17-25 College Square East
Belfast, BT1 6DE
Tel: +44 (0)28 9025 0900
Email: contact@sibni.org

TEO Designated Officer for Raising Concerns
Room E5.18
Castle Buildings
Stormont Estate
Belfast
Tel: +44 (0)28 9052 0199
Email: raisingconcerns@executiveoffice-ni.gov.uk

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](#)" and in its leaflet, [Raising Concerns - Public Information Leaflet](#).

5. How SIB will Handle a Concern Raised

Rest assured that all concerns raised will be taken seriously and investigated appropriately. Information and documentation relating to your concern will be restricted to protect the identity of all those involved, including those against whom the concerns are made.

5.1 IF YOU HAVE IDENTIFIED YOURSELF

Unless your concern was 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.

5.2 IF YOU HAVE RAISED THE CONCERN ANONYMOUSLY

If you choose to raise your concern anonymously, SIB will investigate it based on information provided.

If you decide to reveal your identity to SIB during the process, your confidentiality will be protected, as far as possible (see 5.1 above).

5.3 HOW SIB WILL HANDLE THE MATTER

Once you have raised your concern, the SIB will investigate 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 they 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.

5.4 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 about 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 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 4.

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

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

If you are an SIB employee and you feel you have suffered detrimentally as a result of raising a concern, you may be able to seek recourse through an Employment Tribunal.

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 the Gov.uk website, [Whistleblowing: list of prescribed people and bodies](#).

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 [Fraud and Raising Concerns](#) 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.