



Department of
Health

An Roinn Sláinte

Mánnystrie O Poustie

www.health-ni.gov.uk

RAISING A CONCERN POLICY

JUNE 2023
DEPARTMENT OF HEALTH

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Raising a Concern

1. The Department of Health (the Department) is committed to the highest possible standards in the delivery of its functions and services. When concerns arise, it is important that the Department responds appropriately, correcting failures and learning lessons.
2. Raising a concern, often referred to as “whistleblowing”, refers to someone notifying the Department, or an Arm’s Length Body about risk, danger, malpractice, wrongdoing, or illegality.
3. The purpose of this Policy is to outline how the Department will handle any concerns and to encourage and provide reassurance to members of the public and staff (civil servants and others) who want to raise concerns.
4. The Department encourages people to raise concerns because that way the Department can, if necessary, put things right; the person raising a concern has performed an act of public service.
5. This Policy sets out what we mean by ‘concerns’, and how different kinds of concerns will be dealt with.

What are ‘concerns’?

6. Raising a concern is drawing attention to suspected risk, danger, malpractice, wrongdoing, or illegality in or by the Department or its Arm’s Length Bodies. This might include issues such as:
 - a. health and safety risks, either to the public or other employees;
 - b. any unlawful act (e.g., theft);
 - c. the unauthorised use of public funds (e.g., expenditure for improper purpose);
 - d. maladministration (e.g., not adhering to procedures, negligence);

- e. failing to safeguard personal and/or sensitive information (data protection);
 - f. damage to the environment (e.g., pollution);
 - g. fraud and corruption (e.g., to give or receive any gift/reward as a bribe);
 - h. the abuse of children and /or vulnerable adults (physical or psychological);
 - i. any deliberate concealment of information tending to show any of the above.
7. This is not an exhaustive list but is intended to illustrate the sort of issues that may be raised and dealt with under this policy, where applicable to the functions of the Department or its Arm's Length Bodies.
8. Many, if not most, of these could potentially constitute a breach of the Civil Service Code of Ethics by an individual civil servant and this policy ought to be read alongside the NICS Code of Ethics and the NICS Handbook Standards of Conduct policy. If a civil servant believes that they are being required to breach the Code of Ethics, this should also be raised as a concern. For SPPG (HSC) and DHCNI (HSC) staff the Regional HSC Code of Conduct for HSC Employees applies in place of the NICS Code of Ethics and Standard of Conduct policies.
9. If a concern is about possible fraud, reference should be made as soon as possible to the Department's Fraud Policy and Fraud Response Plan or BSO Fraud Policy and Response Plan (as appropriate for SPPG (HSC) and DHCNI (HSC) staff).

What is not a 'concern' under this policy?

10. Not all criticism of the work of government will be treated as a concern, and the Department will determine whether any issue raised will be addressed as such.

11. Separate arrangements exist to deal with complaints about the Department's performance or standards of service. These are set out in the [Department's Complaints Procedure](#).
12. A concern is also distinct from a grievance, which is when an employee raises issues about an employment-related matter. If a member of staff wishes to raise an issue about their employment or how they have been treated, they should use the NICS Grievance Procedure, NICS Dignity at Work Policy or the HSC Regional Grievance Procedure and Zero Tolerance Policy for SPPG (HSC) and DHCNI (HSC) staff.

Confidentiality and Anonymity

13. The Department does not condone the harassment or victimisation of anyone who raises a genuine concern and will not tolerate such behaviour towards anyone who raised a concern. Workers who raise a concern about their employer are protected by law. With these assurances, it is hoped that individuals will raise their concerns openly.
14. If someone wishes to raise concerns confidentially, either from the outset or at any stage during the process, the Department will ensure that it will do all it can to ensure that is possible. There may be circumstances where an individual's identity cannot be kept confidential (for instance, if the Department is required to disclose it by law, to the police for example, or if the nature of the concern makes it apparent who has raised it).
15. Individuals can choose to raise their concern anonymously, without giving anyone their name. Concerns raised anonymously will be considered in the same way as any other concern. Detailed investigations may, however, be more difficult, or even impossible if the person who originally raised the concern cannot be contacted for further information. There is also a chance any documents or information provided might, unknown to the Department, reveal the identity of the person raising a concern, making it more difficult to protect their anonymity.

16. Access to information and documentation relating to the concern will be restricted to protect the identity of all those involved, including those against whom allegations are made.

Independent advice

17. 'Protect', a charitable organisation, provides free, impartial, and confidential advice. Those thinking of raising a concern can contact them at Protect - Speak up stop harm (protect-advice.org.uk)

How members of the public can raise a concern

18. The Department wants it to be easy for members of the public to raise a concern.

19. Members of the public can raise a concern orally or in writing:

- a. through the [NIDirect website](#);
- b. through the [Department of Health website](#);
- c. directly with the Designated Officer, Director of Corporate Management who deals with external concerns in the Department via complaints@health-ni.gov.uk.

20. A member of the public can also raise a concern through any other channel. This may be in writing or orally, and may come through any official, the Minister, or through an information line or general contact address. All Staff must consider any communications received and notify the Director of Corporate Management immediately should this involve raising a concern.

21. All staff must ensure that handling of any personal data is compliant with UK-GDPR. More information for Departmental staff on this can be found [here](#).

How members of staff can raise a concern

22. There are different arrangements for the handling of concerns raised internally and for those raised externally, although the same high-level principles apply. This is because 'workers' within the NICS (namely any members of NICS staff, SPPG (HSC) staff, DHCNI (HSC) staff, contractors, trainees, agency workers, volunteers and independent consultants working for or providing advice to the NICS) enjoy some protection under the Employment Rights (NI) Order 1996 (as inserted by the Public Interest Disclosure (NI) Order 1998 and amended by the Employment Act (Northern Ireland) 2016).
23. Staff whether civil servants or other member of staff (including agency workers and SPPG (HSC) and DHCNI (HSC) staff) should raise concerns first with your line manager or another manager that you feel comfortable talking to. Contractors, volunteers, or independent consultants should raise concerns with their key Departmental contact. This may be done verbally or in writing.
24. If you feel unable to raise the matter with your manager or Departmental contact, for whatever reason, you should raise the matter with the Designated Officer for the Department, the Director of Corporate Management who deals with internal concerns.
25. If you feel that the matter is so serious that you cannot discuss it with any of those listed above, or if it concerns the Designated Officer, you should contact the Permanent Secretary.
26. If following initially raising the concern with others, you have reason to believe that the original risk, danger, malpractice, wrongdoing or illegality remains unchanged. You may escalate your concerns to the Permanent Secretary.
27. The Civil Service Commissioners can consider concerns about breaches of the Code of Ethics by civil servants whenever they are raised by civil servants. There may be circumstances where the Civil Service Commissioners will accept a concern raised directly with them, but it is the Commissioners' preference that issues under the Code of Ethics are raised in the first instance internally within the relevant Department. Commissioners will examine each case on its merits.

This paragraph only applies to DoH civil service staff and does not apply to SPPG (HSC) and DHCNI (HSC) staff who are not civil servants.

Protections for whistleblowers

28. The law protects workers who raise concerns about their own organisation. A disclosure of information about a concern may be protected if it meets certain criteria. Not all concerns will be 'protected disclosures' under this legislation, but the Department is alert to the possibility.
29. The Department for the Economy has produced a short guide to the provisions of [the Public Interest Disclosure \(NI\) Order 1998](#), which applies to the NICS as it does to other employers.
30. You should refer to the NICS Staff Handbook [Chapter 6.01 Standards of Conduct](#) (or to the HSC Regional Raising Concerns in the Public Interest Framework and Policy for SPPG (HSC) and DHCNI (HSC) staff) which sets out in more detail the HR policy in relation to disclosures under the public interest disclosure legislation.
31. If you raise a genuine concern under these arrangements, you will not be at risk of losing your job or suffering any form of detriment by the NICS or BSO for SPPG (HSC) and DHCNI (HSC) staff as a result of doing so. You are not required to have firm evidence before raising a concern and it does not matter if you are mistaken. However, should you raise a matter that you know to be untrue with malicious intent, then this will be regarded as a serious matter, potentially misconduct, which could result in disciplinary action.
32. If you express concern that you are being victimised by other members of staff (either civil servants, SPPG (HSC) staff or DHCNI (HSC) staff) as a result of the issues that you have raised, the Department will take this seriously and ensure that appropriate action is taken.

Raising a concern externally

- 33.If you feel unable to raise a concern internally or have done so but feel that the matter has not been adequately addressed, you have the option of approaching an external organisation.
- 34.There are a number of 'prescribed persons', bodies to whom you may report a serious concern on relevant matters with protection afforded by public interest disclosure legislation. The list can be accessed at Public Interest Disclosure (Prescribed Persons) (Amendment) Order NI 2022. Relevant health and general bodies are listed for ease of reference at Annex A.
- 35.'Protect' (the charitable organisation) will also be able to provide advice on making external disclosures and on the circumstances in which they may be able to contact an outside body. They can be contacted at [Protect - Speak up stop harm \(protect-advice.org.uk\)](https://protect-advice.org.uk)

How will concerns be handled?

- 36.All concerns raised will be taken seriously when they are received and dealt with appropriately. The same principles apply to both concerns raised by members of the public and those raised by civil servants and other workers including SPPG (HSC) and DHCNI (HSC) staff.
- 37.Once the individual has reported their concern, it will be passed to the Departmental Designated Officer, the Director of Corporate Management.
- 38.If the concern falls more properly within the Complaints Procedure; the NICS Grievance Policy, NICS Dignity at Work Policy, NICS HR Policy; or a corresponding HSC HR Policy and procedure for HSC staff hosted by BSO for SPPG (HSC) and DHCNI (HSC) staff (to include the HSC Regional Grievance Procedure, HSC Regional Conflict, Bullying and Harassment in the workplace Policy and Procedure) or is considered to be normal Departmental business / correspondence, the Designated Officer will advise the individual who raised the concern of this, and the issue will be passed the appropriate team.

39. The Designated Officer will assess the concern to determine what action is appropriate, for example:

- a. explaining the context of the issue may be enough to alleviate the concerns of the person raising them;
- b. minor concerns might be dealt with straightaway by line management;
- c. a review by internal audit as part of planned audit work might be sufficient to address the issue;
- d. there may be a role for external audit in addressing the concerns raised and either providing assurance or recommending changes to working practices;
- e. there may be a need for a formal investigation.

40. A concern may include an allegation against an individual, or an allegation against an individual may come to light in any investigation. Such an allegation may need to be treated as a disciplinary matter, so the handling of any concerns will take into account the possibility that the allegations could lead to disciplinary action against an individual.

41. Should it be determined that a concern is to be investigated, overall responsibility for ensuring that a concern is reviewed / investigated will be allocated to a Nominated Review Officer; the person who originally raised the concern will be told who that is. The Nominated Review Officer may contact that person to discuss the concern, obtain further information if required and agree feedback arrangements insofar as that is possible. However, given the wide range of issues which can be raised under this policy it is not possible to specify here who will review / investigate the concern.

42. At the conclusion of any review / investigation, if the concern was not raised anonymously, the person may be given feedback as appropriate (in writing if requested). However, there will be a limit to what feedback can be provided, especially in light of the duty of confidence owed to others and UK-GDPR requirements.

Designated Officer

43. The Designated Officer will seek to ensure a consistent approach to the handling of concerns across the Department. They will maintain the Department's central database of concerns, including a record of how they are handled, whether the concern was upheld, and what the outcome was. They will monitor concerns, analysing patterns and trends, and report to the Departmental Board and Audit and Risk Assurance Committee on the number and types of concerns being raised.

44. The DoH Designated Officer will also be a 'speak-up champion'. As well as managing the processes for dealing with concerns, as set out above, they are responsible for raising general awareness about the value of receiving and responding to concerns. They will encourage a culture of curiosity and challenge within the Department. They will also work together with their colleagues in other Departments to support the whole NICS to respond effectively to concerns and to learn from instances when things go wrong.

Concerns Received Regarding a Department's Arm's-Length Body (ALB)

45. If someone raises a concern about an ALB with the Department, the Department will decide if it is appropriate for this to be dealt with by the ALB, the Department or another body. If the concern is referred to the ALB, the person who raised the concern will be notified of this and given the contact details for the individual who is responsible for dealing with the concern in line with that organisation's procedures.

46. There will be circumstances where a member of staff of an Arm's-Length Body (ALB) can make a protected disclosure to a Minister (either directly or through Departmental officials). A concern raised in this way will be handled by the Department and not referred on to the ALB.

47. In line with the Raising a Concern in the Public Interest (Whistleblowing) HSC Framework and Model Policy, staff in ALBs and members of the public can refer/escalate their concerns to the Department. In these cases, the Department will determine who will investigate these concerns and reserves the right to ask the

ALB to undertake the required investigation. The Department will require assurance that the issue has been fully considered and investigated.

48. ALBs are required to comply with the Public Interest Disclosure legislation and have corresponding procedures in place. All concerns raised should be dealt with promptly and appropriately, whether they are raised directly with the Department or with an ALB.

Conclusion

49. The Department cannot guarantee that the consideration and investigation of a concern will conclude in the way that the person who originally raised it may wish. Raising a concern is a public service and it is for the Department to determine the appropriate response. However, the Department is committed to ensuring that all cases are handled fairly, properly and consistently.

HEALTH PRESCRIBED PERSONS

General Chiropractic Council

Matters relating to (a) the registration and fitness to practice of a member of a profession regulated by the Council; and any activities not covered by (a) in relation to which the Council has functions.

The Whistleblowing Officer Park House

186 Kennington Park Road

London

SE11 4BT

Telephone: 020 7713 5155

Email: whistleblowing@gcc-uk.org

Website: www.gcc-uk.org

General Dental Council

Matters relating to (a) the registration and fitness to practice of a member of a profession regulated by the Council; and (b) any activities not covered by (a) in relation to which the Council has functions.

37 Wimpole Street

London

W1G 8DQ

Telephone: 020 7167 6000

Online enquiry/complaint form: contactus.gdc-uk.org

Website: www.gdc-uk.org

General Medical Council

Matters relating to (a) the registration and fitness to practice of a member of a profession regulated by the Council; and (b) any activities not covered by (a) in relation to which the Council has functions

General Medical Council

Fitness to Practice

3 Hardman Street

Manchester

M3 3AW

Telephone: 0161 923 6602

Email: gmc@gmc-uk.org

Website: www.gmc-uk.org

Helpline number: 0161 923 6399 (9am to 5pm - Monday to Friday)

General Optical Council

Matters relating to (a) the registration and fitness to practice of a member of a profession regulated by the Council; and (b) any activities not covered by (a) in relation to which the Council has functions

General Optical Council

Concerns, Compliance Manager

10 Old Bailey

London

EC4M 7NG

Telephone: 020 7580 3898

Email: concerns@optical.org

Website: www.optical.org

General Osteopathic Council

Matters relating to (a) the registration and fitness to practice of a member of a profession regulated by the Council; and (c) any activities not covered by (a) in relation to which the Council has functions. 22

The Whistleblowing Officer

Osteopathy House

176 Tower Bridge Road London

SE1 3LU

Telephone: 020 7357 6655

Email: whistleblowing@osteopathy.org.uk

Website: www.osteopathy.org.uk

Health and Care Professions Council

Matters relating to (a) the registration and fitness to practice of a member of a profession regulated by the Council; and (b) any activities not covered by (a) in relation to which the Council has functions

Park House

184 Kennington Park Road

London

SE11 4BU

Telephone: 020 7840 9815

Email: policy@hcpc-uk.org

Website: www.hcpc-uk.org

Health and Social Care Regulation and Quality Improvement Authority

The quality, safety, and availability of health and social care services provided by statutory, independent, community and voluntary providers in Northern Ireland

The Regulation and Quality Improvement Authority

9th Floor

Riverside Tower

5 Lanyon Place

BELFAST

BT1 3BT

Telephone: 028 9536 1990

Email: info@rqia.org.uk

Website: www.rqia.org.uk

Northern Ireland Commissioner for Children and Young People

The safeguarding and promotion of the rights and best interests of children and young people.

Legal and Investigations Team

NICCY

Equality House

7-9 Shaftesbury Square

BELFAST

BT2 7DP

Telephone: 028 9031 1616

Email: legalteam@niccy.org

Website: www.niccy.org

Northern Ireland Social Care Council

Matters relating to (a) the registration and regulation of social workers and social care workers under the Health and Personal Social Services Act Northern Ireland 2001 and (b) the regulation of education and training in social work and social care work

Fitness to Practise

7th Floor

Millennium House

19-25 Great Victoria Street

BELFAST

BT2 7AQ

Telephone: 028 9536 2600

Email: ftp@nisc.hscni.net

Website: <https://nisc.info/raising-a-concern/>

Nursing and Midwifery Council

Matters relating to (a) the registration and fitness to practice of a member of a profession regulated by the Council; and (b) any activities not covered by (a) in relation to which the Council has functions

23 Portland Place

London

W1B 1PZ

Telephone: 020 7637 7181

Email: whistleblowing@nmc-uk.org

Website: www.nmc.org.uk/standards/guidance/raising-concerns-guidance-for-nurses-and-midwives/whistleblowing/

Pharmaceutical Society of Northern Ireland

Any matters relating to (a) the registration and fitness to practice of a member of a profession regulated by the Council; and (b) any activities not covered by (a) in relation to which the Council has functions

Raising Concerns & Fitness to Practice Department

73 University Street

Belfast BT7 1HL

Telephone: 028 9032 6927

Email: concerns-ftp@psni.org.uk

Website: www.psni.org.uk

The National Society for the Prevention of Cruelty to children and any of its officers

Child welfare and protection

NSPCC Belfast Office

Jennymount Court

Jennymount Business Park

Belfast

BT15 3HN

Telephone: 0800 028 0285

Email: help@nspcc.org.uk website: www.nspcc.org.uk

GENERAL PRESCRIBED PERSONS

Comptroller and Auditor General for Northern Ireland

The proper conduct of public business, value for money, fraud and corruption in relation to the provision of centrally funded public services and health funded bodies.

Northern Ireland Audit Office

106 University Street

BELFAST

BT7 1EU

Telephone: 028 90251000
Email: info@niauditoffice.gov.uk
Website: www.niauditoffice.gov.uk

Health and Safety Executive for Northern Ireland

Matters which may affect the health or safety of any individual at work; matters which may affect the health or safety of any member of the public, arising out of, or in connection with, the activities of persons at work

83 Ladas Drive

BELFAST

BT6 9FR

Telephone: 0800 0320 121
Email: mail@hse-ni.gov.uk
Website: www.hse-ni.gov.uk

Information Commissioner NI

Compliance with the requirements of legislation relating to data protection and to freedom of information

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow Cheshire

SK9 5AF

Telephone: 030 3123 1113
Email: icocasework@ico.org.uk
Website: www.ico.org.uk/make-a-complaint/protection-for-whistleblowersguidance

Members of the House of Commons

Any matter

Contact details for members of the House of Commons can be found on the UK Parliament website at: www.parliament.uk

National Crime Agency

Matters relating to (a) compliance with the Terrorism Act 2000; (b) compliance with the Proceeds of Crime Act 2002; (c) compliance with the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017; or (d) corrupt individuals or companies offering or receiving bribes to secure a benefit for themselves or others

Disclosures can be made to:

Telephone: 0370 496 7622

Email: communication@nca.gov.uk

Website: www.nationalcrimeagency.gov.uk

Northern Ireland District Councils

Matters which may affect the health or safety of any individual at work; matters which may affect the health or safety of any member of the public, arising out of or in connection with the activities of persons at work. Compliance with the requirements of consumer protection legislation. Compliance with the requirements of food safety legislation.

Contact details for councils in Northern Ireland can be found at - www.nidirect.gov.uk/contacts/local-councils-in-northern-ireland

Northern Ireland Human Rights Commission

Matters which engage human rights

4th Floor

Alfred House

9-21 Alfred Street

BELFAST

BT2 8ED

Telephone: 028 9024 3987

Email: info@nihrc.org

Website: www.nihrc.org

Office for Environmental Protection

Matters relating to the functions of the Office for Environmental Protection, as set out in the Environment Act 2021

Office for Environmental Protection

Worcestershire County Hall

Spetchley Road

Worcester

WR5 2NP

Telephone: 03300 416 581

Email: enquiries@theoep.org.uk

Website: <https://www.theoep.org.uk/>

Pensions Regulator

Matters relating to occupational pension schemes, and personal pension arrangements, including matters relating to the Pensions Regulator's objectives as set out in the Pensions Act 2004 and the Pensions (Northern Ireland) Order 2005

The Information Team

Napier House

Trafalgar Place

BRIGHTON

BN1 4DW

Telephone: 0345 600 7060

Email: report@tpr.gov.uk

Website: www.thepensionsregulator.gov.uk