



Arts Council of Northern Ireland

Whistleblowing Policy

June 2023

Version No.	Date	Update
5	30/06/2023	Approved by the Board 30/06/2023

1. Introduction

All of us at one time or another may have concerns about what is happening at work. However, when it is unlawful conduct, a possible fraud or a danger to the public or the environment, or other serious malpractice that affects others, it can be difficult to know what to do. (Further examples of malpractice, abuse or wrongdoing can be found in Annex A).

You may be worried about raising such a concern 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 feel that raising the matter would be disloyal to colleagues, managers or to the Arts Council (ACNI). You may decide to say something but find that you have spoken to the wrong person or raised the issue in the wrong way and are not sure what to do next.

The purpose of these arrangements is to reassure you that it is safe and acceptable to speak up. They also enable you to raise your concern about such malpractice at an early stage and in the right way. Rather than wait for proof, we would prefer you to raise the matter when it is still a concern.

If something is troubling you, which you think we should know about or look into, please let us know. The type of concerns to be raised in this way are those about risk, wrongdoing or malpractice, illegality or danger in the workplace that have a public interest aspect to them.

We have implemented these whistleblowing arrangements for you to raise any concern where the interests of others or the organisation itself are at risk. If your concern is about possible fraud, you may also wish to refer to our Anti-Fraud and Bribery Policy and Fraud Response Plan which can be found in the Staff Handbook folder at Public / Staff Matters.

It is often members of staff who first become aware of areas of potential malpractice or wrongdoing by an organisation however this policy extends to trainees, agency workers, independent consultants, volunteers, contractors, suppliers, Board members and members of the public. We encourage anyone, internal or external to ACNI, who has a concern of this nature to raise it. The same principles will be applied in handling all whistleblowing cases.

ACNI encourages people to raise concerns because that way we can, if necessary, put things right; and the person raising the concern has performed an act of public service.

2. What is not a ‘concern’ under this policy?

Not all criticism of the work of government will be treated as a concern, and ACNI will need to determine whether an issue raised with them should be addressed as such.

Separate arrangements exist to deal with complaints about a ACNI’s performance or standards of service. These are set out in each ACNI’s Complaints Procedure.

A concern is also distinct from a grievance, which is when an employee raises issues about an employment-related matter. If an employee wishes to raise an issue about their employment

or how they have been treated, they should use the ACNI Grievance Procedure or ACNI Dignity at Work Policy.

Concern, grievance or complaint?

Concern: Whistleblowing may be called speaking up or raising a concern. It is all about ensuring that if someone sees something wrong in the workplace, they are able to raise this within the organisation, or to a regulator, or more widely. Whistleblowing ultimately protects customers, staff, beneficiaries and the organisation itself by identifying harm before it's too late. Protect (formerly Public Concern at Work).

Grievance: Grievances are concerns, problems or complaints raised by a staff member with management. Anybody may at some time have problems with their working conditions or relationships with colleagues that they may wish to raise. Advisory, Conciliation and Arbitration Service (Acas).

Complaint: A complaint is when a customer brings a problem to the attention of the organisation and expects some redress, probably over and above simply supplying the original product or service that was the cause of the complaint. (The Institute of Customer Service).

3. Our Assurances to You

Our commitment

It is management's responsibility to:

- ensure a supportive organisational culture where raising concerns is welcomed.
- ensure that any concerns are investigated appropriately and by someone suitably skilled, experienced and independent (that is they should not have any connection to the allegations).

Your Safety

We are committed to making whistleblowing work. You do not need to have firm evidence of malpractice before raising a concern, however we do ask that when you raise a concern you do so in good faith and in the belief that the information and any allegation in it are substantially true. If you raise a genuine concern under these arrangements, you will not be at risk of losing your job or suffering any form of retribution as a result. In all cases employees who raise concerns will be protected and supported and appropriate swift sanctions will be taken against employees who victimise individuals raising such concerns. Workers who raise a concern about their employer are protected by law. Provided you are acting in good faith, it does not matter if you are mistaken. Of course, this assurance does not extend to someone who maliciously raises a matter they know to be untrue. The Arts Council will view very seriously any malicious allegations, which are made under this policy and may regard such allegations by any employee or Board Member of the Arts Council as subject to disciplinary proceedings.

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. Your confidentiality will be protected as far as possible. 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 such cases, we will discuss with you whether and how the matter can best proceed and, if possible, obtain your informed consent.

Anonymity

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, and this must be made clear to those raising concerns. There is also a chance the documents or information provided might, unknown to ACNI, reveal the identity of the person raising a concern, making it more difficult to protect their anonymity.

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. All personal information must be handled in line with the UK-GDPR requirements.

4. How Members of the Public can Raise a Concern

ACNI wants it to be easy for members of the public to raise a concern. Members of the public should be able to raise a concern orally or in writing. For advice on how a member of the public may raise a concern, refer to section 6 of this policy.

ACNI must be ready to recognise when a concern has been raised by a member of the public 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.

Arrangements must be made to ensure that the handling of any personal data in connection to the raising of a concern is compliant with UK-GDPR.

5. How Members of Staff can Raise a Concern

5.1 How to Raise a Concern Internally

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 verbally or in writing. Applications in writing should be made in line with Annex B. Line Managers responsibilities are outlined under Annex C.

Step Two

If, for whatever reason, you feel that raising it with your line manager or their immediate manager is not appropriate or it has not worked, please raise the matter with your Head of Department / Departmental Director, or with the Chief Executive of ACNI.

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 that the original risk, danger, malpractice, wrongdoing or illegality remains unchanged, or you feel the matter is so serious that you cannot discuss it with any of the above, you should raise the matter with the Designated Officer. Designated Officers will be given special responsibility and training in dealing with concerns raised under this policy.

If you feel you cannot discuss the matter with the Designated Officer, or it relates to the Designated Officer, you can raise your concern directly with the Chairperson of the Board or the Audit and Risk Committee of ACNI.

You may also raise the matter directly with the Permanent Secretary of the Department that funds ACNI (see section 6: 'How to Raise a Concern Externally'). The Department has a dedicated inbox for individuals wishing to raise a concern with them:

raising.concerns@communities-ni.gov.uk.

5.2 How ACNI Will Handle the Concern

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.

Examples of appropriate action may be:

- a) explaining the context of the issue, which 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.

When you raise the concern you may be asked how you think the matter might best be resolved. If you do have any personal interest in the matter, we do ask that you tell us at the outset.

If the concern falls more properly within the Grievance Policy, Dignity at Work Policy, or other HR Policy; or is considered to be normal ACNI business / correspondence, we will advise the individual who raised the concern of this, and the issue will be passed to HR.

ACNI will take stock of the situation and take a thoughtful and measured response. Individuals cited in allegations should therefore not be confronted in the first instance.

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.

Whistleblowing cases that involve the Chief Executive or Board members of ACNI must be immediately brought to the attention of the sponsoring Department before any action is taken by ACNI. The sponsoring Department will retain ownership of the investigation.

Where it is decided that a formal investigation is necessary the overall responsibility for the investigation will lie with a nominated "investigation officer." 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. We will write to you summarising your concern and setting out how we propose to handle it. If appropriate, you will be offered a meeting to fully discuss the issue. ACNI will ensure that the concern is promptly and properly investigated.

ACNI will ensure that anyone undertaking an investigation is independent and does not have any connection to the allegations.

We will give you as much feedback as we properly can in writing. However, we may not be able to tell you the precise action we take in line with UK-GDPR requirements or where this would infringe a duty of confidence owed by us to someone else. Sufficiently frequent contact will be maintained with you throughout the course of the investigation. Clear timescales will be given to you for reporting back on how your concern is being dealt with / progressing. As far as possible, the outcome of the investigation, and where appropriate any actions being taken as a result of it, will be reported back to you.

Any internal investigation should be undertaken without undue delay with the aim of completion, where possible, within 4 weeks. Where this timeframe is not possible, an alternative timetable will be agreed.

In the event that someone victimises or harasses you for raising a concern under this procedure, we will take appropriate and timely action against this person.

5.3 Designated Officer

The Designated Officer will seek to ensure a consistent approach to the handling of concerns across the organisation. They will maintain ACNI's 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, and report to their Board or Audit and Risk Committee on the number and types of concerns being raised.

The Designated Officer will also be a 'speak-up champion'. As well as managing the processes for dealing with concerns, as set out above, they will be responsible for raising general awareness about the value of receiving and responding to concerns. They will work together with their colleagues to support ACNI to respond effectively to concerns and to learn from instances when things go wrong.

The Director of Finance and Corporate Services is the Designated Officer in ACNI.

5.4 Where to Get Advice

Trade Union advice

Some employees may prefer to raise their concerns initially with their Trade Union side representative for advice. The Trade Union side representative will advise the employee how to use the Whistleblowing policy or any of the other policies of the ACNI which may be more appropriate.

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 **Protect** on **020 3117 2520** or by email at whistle@protect-advice.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 [Protect Advice \(opens in a new tab\)](#)

Staff Care

At any stage during this process the employee(s) concerned may access ACNI's confidential staff counselling service Staff Care (Tel 0800 731 3674).

6. How to Raise a Concern Externally

Staff may raise a concern directly with the Designated Officer in ACNI. 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, or with the Department for Communities - than not at all. **Protect** (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.

Department for Communities

Permanent Secretary
Causeway Exchange
1-7 Bedford Street
Belfast
BT1 7FB

Tel: +44 (028) 9082 9000

DfC has a dedicated inbox for individuals wishing to raise a concern with them:

Email: raising.concerns@communities-ni.gov.uk

Northern Ireland Audit Office

The Comptroller and Auditor General
106 University Street
Belfast
BT7 1EU
Tel: +44 (028) 9025 1100

Health and Safety Executive NI

83 Ladas Drive
Belfast
BT6 9FR
Tel: +44 (028) 9024 3249

7. 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.

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, go to [Protect Advice \(opens in a new tab\)](#) for guidance and/or [NI Direct Government Services, Protection of Whistle blowers \(opens in a new tab\)](#)

Annex A

What is Malpractice, Abuse or Wrongdoing?

Malpractice, abuse and wrongdoing can include a whole variety of issues and some are listed as follows:

- Any unlawful act, whether criminal (e.g. theft) or a breach of the civil law (e.g. slander or libel);
- Misadministration (e.g. unjustified delay, incompetence, negligent advice);
- Health and safety risks, including risks to the public as well as other employees (e.g. faulty electrical equipment);
- Abuse of children and vulnerable adults (e.g. through physical, sexual, psychological or financial abuse, exploitation or neglect);
- Damage to the environment (e.g. pollution);
- The unauthorised use of public funds (e.g. expenditure for improper purpose);
- Fraud and corruption (e.g. to solicit or receive any gift/reward as a bribe);
- Breach of the Board Member of the Arts Council or Employee Code of Conduct;
- Abuse of power e.g. bullying / harassment. (Where any member of staff is allegedly being bullied, harassed, discriminated against or victimised however, the Dignity at Work Policy and Procedure should be implemented).
- Failing to safeguard personal and / or sensitive information (Data Protection).
- Other unethical conduct; and
- Deliberate concealment of information tending to show any of the above.

This is not an exhaustive list but is intended to illustrate the sort of issues that may be raised under this policy.

Annex B

Whistleblowing policy – Details of concern(s)

What has occurred (or thought to have occurred)?

When did it occur?

Where did it occur?

Who was involved?

Have staff/the public been put at risk as a result?

Yes/No

Has it happened before?
If yes, please give details.

Yes/No

Are there any other witnesses?
Please provide details.

Yes/No

Is there any supporting information?
Please provide details.

How did the matter come to light?

Has it been raised with anyone else?
If so, please provide details of when/whom with:

Yes/No

Signed: _____

Print name: _____

Grade: _____

Department: _____

Address: _____

Contact Tel no: _____

Date: _____

Annex C

As a Line Manager, what are your responsibilities towards staff who raise a concern?

Managers who receive disclosures from workers should:

- have a positive and supportive attitude towards workers raising a concern;
- record as much detail as possible about the concern being raised and agree this record with the employee;
- be aware of the process following the raising of a concern and explain this to the employee;
- make sure the worker knows what to expect, for example in relation to feedback on their concern;
- assure the worker that their confidentiality will be protected as far as possible, if they request this;
- make no promises and manage the expectations of the employee;
- make clear that your organisation will not tolerate harassment of anyone raising a genuine concern and ask the worker to let you know if this happens;
- refer the worker to available sources of support, for example **Protect** or a union; and
- pass the information as quickly as possible to those within your organisation who are responsible for dealing with concerns (usually someone within senior management), so that the appropriate procedures for consideration and investigation of the concern can be initiated.