



Livestock & Meat Commission
Public Interest Disclosure (NI) Order 1998
“Whistle blowing” Policy
November 2015

1 Introduction

The Public Interest Disclosure (NI) Order 1998 came into operation in Northern Ireland on the 31st October 1999. The order offers a framework of protection against victimisation or dismissal for workers who “blow the whistle” on criminal behaviour or wrongdoing as defined in the legislation.

1.1 Aim

The aim of this policy is to enable whistle blowers to raise concerns about any malpractice, abuse or wrongdoing at an early stage and in the right way, without fear of victimisation, subsequent discrimination or disadvantage. The policy is intended to encourage and enable whistle blowers to raise concerns within LMC, or raise it externally where appropriate.

1.2 Scope

This policy applies to employees, trainees, agency staff, independent consultants, volunteers, contractors, suppliers, Board Members and members of the public.

2 Policy

This policy promotes responsible whistle blowing about issues where the interests of others, including the public, or of the organisation itself are at risk. Such issues might include:

- A criminal offence;
- A failure to comply with any legal obligations;
- A miscarriage of justice;
- Financial impropriety;
- A danger to the health and safety of any individual;
- Damage to the environment; or
- Deliberate covering up of information tending to show any of the matters listed above.

The Order provides protection to any whistle blower who makes a disclosure of information, which, in the reasonable belief of the whistle blower making the disclosure tends to show one or more of the items listed above.

The whistle blower is protected by law if that whistle blower genuinely believes that misconduct or malpractice was or is being committed and that they do not have any malicious intent or personal gain for the disclosure.

LMC will not tolerate the harassment or victimisation of anyone who raises a genuine concern and will deal with any such occurrences under the Disciplinary Procedure.

It should be noted that if an allegation is made purely for malicious intent or personal gain and the allegation has no foundation, then this will be regarded as misconduct and the person making the allegation will be subject to disciplinary action.

If a whistle blower requests protection of their identity, LMC will not disclose it without their consent. However, if it proves impossible to resolve the matter without revealing the whistle blower's identity, LMC will discuss with them how to proceed.

Reports submitted anonymously will be considered but it will be much more difficult for the investigating officer to investigate. Whistle blowers are therefore encouraged to put their name to reports. Whistle blowers giving information anonymously cannot be protected under the Public Interest Disclosure Act 1998.

3 Procedure

This procedure should only be used by anyone who wishes to report or raise concerns about wrongdoing of the nature listed above. It is not designed to replace the Grievance Procedure, which continues to be the appropriate way to raise personal issues relating to a worker's specific job or employment.

Any concerns that a whistle blower may have must always be raised internally unless there are compelling reasons not to do so.

3.1 How to raise a concern internally

Any concerns that a whistle blower may have can be raised orally or in writing with their line manager. If it is not appropriate – for any reason – to report to the line manager, the whistle blower may speak directly to a member of the Senior Management team.

LMC will not expect the whistle blower to prove their concern is true, but it will be necessary to demonstrate to the person contacted that there are reasonable grounds for the issue to be raised.

LMC will promptly investigate and will take whatever action it considers appropriate. The whistle blower may be called upon during the investigation to assist the investigating officer. The investigating officer will endeavour to keep the whistle blower updated as long as doing so does not infringe on someone else's confidentiality.

If the above channels have been followed and:

- a whistle blower still has concerns,
- or reasonably believe that they will be victimised if they raise the matter internally,
- or believe that disclosure will result in destruction of evidence,
- or they feel that the matter is so serious they cannot discuss it with their line manager or a member of the Senior Management team,

then they should contact:

Chairman of LMC Board

Gerard Mc Givern
7, Glenashley,
Rostrevor,
Newry.
BT34 3FW
Email: Gerard.mcgivern@btopenworld.com
Mob: 07740074790

If it is inappropriate to contact the Chairman of the Board, the whistle blower is entitled to contact LMC's sponsoring Department, the Department of Agriculture and Rural Development (DARD). Within DARD, the concern should be raised with:

Colette McMaster
Director of Food, Farm and Rural Policy Division
Department of Agriculture and Rural Development
Dundonald House
Upper Newtownards Road
Belfast
BT4 3SB
Tel: 0300 200 7850

However, should the whistle blower wish to raise a concern externally they should contact one of the organisations listed in Section 3.2, who have particular responsibility for regulating the conduct of LMC and its activities.

3.2 How to raise a concern externally

There may be occasions when it is more appropriate to raise the concern with someone outside the organisation, or it's sponsoring Department, including the police.

Thus, any whistle blower can raise concerns externally and in confidence with any of the bodies set out below, or with the Police Service of Northern Ireland:

NI Ombudsman:

The Ombudsman
Freepost BEL 1478
Belfast
BT1 6BR
Tel: 0800 343424 or 02890 233 821
Email: ombudsman@ni-ombudsman.org.uk

Or to:

Northern Ireland Audit Office:

The Comptroller and Auditor General
Northern Ireland Audit Office
106 University Street
Belfast
BT7 1EU
Tel: 02890 251 023 or 02890 251 062
Email: whistleblowing@niauditoffice.gov.uk

Alternatively, free confidential advice can be obtained from an independent charity called Public Concern at Work by calling 0207 404 6609.

3.3 Reporting Concerns: Members of the Public

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 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.

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

Procedures for making complaints relating to LMC's functions or service standards can be accessed via our website.

If the complaints procedure has been followed and:

- a whistle blower still has concerns,
- or believe that disclosure will result in destruction of evidence,

then they should contact:

Chairman of LMC Board

Gerard Mc Givern
7, Glenashley,
Rostrevor,
Newry.
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Director of Food, Farm and Rural Policy Division
Department of Agriculture and Rural Development
Dundonald House

Upper Newtownards Road
Belfast
BT4 3SB
Tel: 0300 200 7850

Alternatively, it may be appropriate to raise the concern externally, please see section 3.2 above on how to raise such a concern.

3.4 Communicating with you

We will tell you who is dealing with the matter, how you can contact them, and whether your further assistance may be needed. 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 precise action we take where this would infringe a duty of confidence owed by us to someone else.