

**SEUPB**

**Reporting Concerns at Work**  
**(Whistleblowing)**

**Policy**

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# SEUPB

## Reporting Concerns at Work (Whistleblowing) Policy

### Contents

1	<a href="#">Introduction</a>	3
1.1	<a href="#">Our commitment to addressing concerns</a>	3
1.2	<a href="#">The purpose of this document</a>	3
2	<a href="#">What is Whistleblowing?</a>	4
2.1	<a href="#">Meaning of the term</a>	4
2.2	<a href="#">Whistleblowing concern or grievance?</a>	4
2.3	<a href="#">What should be reported as a concern?</a>	5
3	<a href="#">Protecting the Whistleblower</a>	6
3.1	<a href="#">Legislation</a>	6
3.1.1	<a href="#">UK</a>	6
3.1.2	<a href="#">Ireland</a>	7
3.2	<a href="#">Support to you</a>	8
3.3	<a href="#">Confidentiality</a>	8
3.4	<a href="#">Anonymous Concerns</a>	9
4	<a href="#">Raising a concern</a>	10
4.1	<a href="#">How to raise a concern to SEUPB</a>	10
4.2	<a href="#">How will the matter be handled?</a>	11
4.3	<a href="#">Raising a concern externally</a>	11
4.3.1	<a href="#">UK</a>	11
4.3.2	<a href="#">Ireland</a>	12
4.4	<a href="#">Concerns raised maliciously</a>	12
4.5	<a href="#">Independent advice</a>	12
5	<a href="#">Contacts</a>	13
5.1	<a href="#">Director of Corporate Services</a>	13
5.2	<a href="#">Audit &amp; Risk Committee</a>	13

# 1. Introduction

## 1.1 Our commitment to addressing concerns

The Special EU Programmes Body (SEUPB) views reporting concerns, or Whistleblowing, as a positive act that can make a valuable contribution to the organisation's efficiency and long-term success. We recognise that staff are often best placed to identify deficiencies and problems before any damage is done. Their concerns are an important source of information that may highlight potential fraud or corruption, or other serious risks to the health and safety, management or reputation of the SEUPB. The importance of their role as the 'eyes and ears' of the organization cannot be overstated.

The SEUPB is committed to achieving the highest possible standards of service and the highest possible ethical standards in public life and in all of its practices. We wish to foster a workplace culture where staff can feel confident that they can safely raise concerns without reprisal or discrimination. If an employee raises a genuine concern under this policy the SEUPB will treat it very seriously. He or she will not be at risk of losing their job, nor will they suffer any form of detriment as a result. As long as the employee is acting in good faith and in accordance with this policy, it does not matter if they are mistaken.

## 1.2 The purpose of this document

This policy is for employees of the SEUPB, and for the purpose of this policy, this will include temporary staff and agency staff.

The aim of this policy is to encourage employees who have serious concerns about any aspect of the SEUPB's work to come forward and voice those concerns.

The policy takes account of the relevant legislation and provides a procedure for employees to raise their concerns. The object of this policy is to ensure that concerns are raised and dealt with at an early stage and in an appropriate manner.

This policy should be read in conjunction with the following associated documents, available on ESS / MSS

- SEUPB Anti-Fraud Policy
- SEUPB Fraud Response Plan
- SEUPB Complaints Procedure
- SEUPB Grievance Procedure

## 2. What is Whistleblowing?

### 2.1 Meaning of the term

In this policy 'Whistleblowing' means the reporting by employees of suspected misconduct, illegal acts or failure to act within the SEUPB.

Information gained from whistleblowing concerns may help expose weak or flawed processes and procedures which make the SEUPB vulnerable to loss, criticism or legal action. Accordingly, SEUPB considers that whistleblowing has an essential role to play in safeguarding the integrity of the organisation, and in safeguarding employees, Programme beneficiaries, and the wider public.

### 2.2 Concern or grievance?

A concern is about a risk, malpractice or wrongdoing that affects others. It could be something which adversely affects other staff, the organisation itself and / or the public.

A grievance is a personal complaint about someone's own employment situation, e.g. terms of employment, pay or unfair treatment. The SEUPB Grievance Policy sets out the procedures to be followed in cases of this nature.

It may be difficult to decide whether a particular concern should be raised under the Reporting Concerns at Work (Whistleblowing) Policy, under the Grievance Policy, or both. If you have any doubt as to the correct route to follow, the SEUPB encourages you to raise the concern under this policy and we will then decide how the concern should be dealt with.

### 2.3 What should be reported as a concern?

You should report any concerns that you have about service provision or the conduct of SEUPB staff or others acting on behalf of the SEUPB that:

- make you feel uncomfortable in terms of known standards;
- are not in keeping with the SEUPB's Code of Conduct or policies;
- fall below established standards of practice; or
- are improper behaviour.

Your concerns might relate to:

- conduct which is an offence or a breach of the law (a criminal offence has been committed or failing to comply with any other legal obligation)
- disclosures related to miscarriages of justice
- racial, sexual, disability or other discrimination
- health and safety of the public and/or other employees
- damage to the environment
- unauthorised use of EU funds or other assets
- possible fraud and corruption
- neglect or abuse of Programme beneficiaries, or

- Other unethical conduct.

When considering reporting a concern, be aware that:

- You are not required to have firm evidence before raising a concern, only a reasonable suspicion of wrongdoing;
- You are a witness to potential wrongdoing and are merely relaying that information to the SEUPB; and
- It is the responsibility of SEUPB to use the information you provide to investigate the issue raised.

## 3 Protecting the Whistleblower

### 3.1 Legislation

#### 3.1.1 United Kingdom

This policy has been written to take account of the Public Interest Disclosure (Northern Ireland) Order 1998 which protects staff making disclosures about certain matters of concern, when those disclosures are made in accordance with the Order's provisions and in the public interest.

The Order enables staff to make a 'protected disclosure'. This makes it unlawful for employers to dismiss anyone or allow them to be victimised on the basis that they have made an appropriate lawful disclosure in accordance with the Order. Employees can take their employer to an employment tribunal if they are discriminated against or victimised in any way as a result of making a disclosure.

The Department for the Economy has produced ['A Guide to the Public Interest Disclosure \(Northern Ireland\) Order 1998 \(amended October 2017\)'](#) which details the circumstances in which disclosures are protected.

If you have any doubts about whether you will be protected under Public Interest Disclosure legislation you should seek impartial advice from:

Public Concern at Work

[www.pwac.org.uk](http://www.pwac.org.uk)

[whistle@pcaw.org.uk](mailto:whistle@pcaw.org.uk)

Tel: 020 7404 6609

### 3.1.2 Ireland

Similar provisions exist for SEUPB staff contracted in Ireland. The relevant legislation is the Protected Disclosures Acts 2014. The Act provides a statutory framework within which workers can raise concerns and disclose information regarding potential wrongdoing that has come to their attention in the course of their work in the knowledge that they can avail of significant employment and other protections if they are penalised by their employer or suffer any detriment for doing so. It is important to note that in order to enjoy the protections of the Act, disclosures must be made in accordance with the provisions set out in the Act.

If you would like to avail of independent advice, Transparency International Ireland operates a “Speak Up” helpline and the Transparency Legal Advice Centre which provides free, independent legal advice on matters relating to protected disclosures:

Transparency International Ireland

<https://transparency.ie/helpline/contact-speakup>

**Freephone: 1800 844 866**

## 3.2 Support to you

The SEUPB is committed to good practice and high standards and to being supportive of you as an employee. Our aim is to foster an organisational culture where whistleblowers feel comfortable raising concerns openly without fear of reprisal, and where the raising of concerns is welcomed.

We recognise that the decision to report a concern can be a difficult one to make. You should have nothing to fear because you will be doing your duty to your employer, your colleagues and those for whom you are providing a service.

The SEUPB will not tolerate any harassment or victimisation of a whistleblower and will take appropriate action to protect you when you raise a concern in good faith and will treat this as a serious disciplinary offence which will be dealt with under the disciplinary rules and procedure.

Throughout this process:

- you will be given full support from senior management;
- your concerns will be taken seriously; and
- the SEUPB will do all it can to help you throughout any investigation.

## 3.3 Confidentiality

If you raise a concern in confidence, your confidentiality will be protected as far as possible, however, it may not always be possible to maintain confidentiality if this impedes the investigation. There may be a legal requirement to disclose your identity, for example, under court disclosure rules. In such circumstances you will be consulted and, if possible, your informed consent obtained.

The SEUPB will take a number of practical steps to protect the confidentiality of staff raising concerns.

- We will ensure that paper files are properly classified as confidential and that electronic files are password protected.
- We will ensure that the minimum number of people have access to the files; and
- We will be discreet about when and where any meetings are held with the staff.

### 3.4 Anonymous Concerns

You can also raise concerns anonymously. SEUPB will treat every concern seriously, no matter the source. There are, however, a number of disadvantages to raising concerns anonymously, including:

- 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 that any detriment you have suffered is as a result of raising a concern.

## 4. Raising a Concern

### 4.1 How to raise a concern to the SEUPB

#### Step 1

- If you have a concern, raise it first with your manager. This may be done verbally or in writing.
- You should specify from the outset if you wish the matter to be treated in confidence so that appropriate arrangements can be made.
- The SEUPB Concern Form is available on our website, and can be used if desired.

#### Step 2

- If you feel unable to raise the matter with your manager, for whatever reason, raise the matter with your Director or the HR Manager.

#### Step 3

- If these channels have been followed and you still have concerns, or if you feel that the matter is so serious that you cannot discuss it with any of the above, you should contact the Director of Corporate Services.

#### Step 4

- If the employee has exhausted the above steps, they may contact the Chair of the Audit & Risk Committee.

## 4.2 How will the matter be handled?

Once an employee has informed the SEUPB of his or her concern, the concerns will be examined and the SEUPB will assess what action should be taken. This may involve an internal enquiry or a more formal investigation.

The employee will be told who is handling the matter, how they can contact him/her and whether any further assistance may be needed.

If the employee has any personal interest in the matter, this should be declared by the employee at the outset. If the employee's concern falls more properly within the grievance procedure, then they will be told this is the case.

## 4.3 Raising a concern externally

### 4.3.1 United Kingdom

If, after following the process set out in 4.1, you feel the matter has not been adequately addressed, you have the option of approaching an external organisation, known as a "Prescribed Person"

As mentioned in section 3.1.1 of this document, The Department for the Economy has produced ['A Guide to the Public Interest Disclosure \(Northern Ireland\) Order 1998 \(amended October 2017\)'](#) which is available online. This guidance provides a breakdown on the legislation, and describes the circumstances in which disclosures are protected. It also provides a list of prescribed persons in Northern Ireland, and how to raise your concern with them.

You can also contact Public Concerns at Work at [www.pcaw.org.uk](http://www.pcaw.org.uk) for advice on raising concerns externally.

#### 4.3.2 Ireland

In Ireland, under the Protected Disclosures Act, while it is recommended, it is not required to raise the matter internally first. There are a number of disclosure channels set out in the Act. For further information, see Statutory Instrument No. 464 of 2015 Industrial Relations Act 1990 (Code of Practice on Protected Disclosures Act 2014) (Declaration) Order 2015.

You can also contact Transparency International Ireland at [www.transparency.ie](http://www.transparency.ie) for advice on raising concerns externally.

#### 4.4 Concerns raised maliciously

Employees who maliciously raise a matter that they know to be untrue will be subject to the Disciplinary procedure.

#### 4.5 Independent Advice

If an employee is unsure whether to use this procedure or wants independent advice at any stage, they may contact the independent charity Public Concern at Work on 020 7404 6609 or email [helpline@pcaw.co.uk](mailto:helpline@pcaw.co.uk). Their lawyers can give free confidential advice at any stage about how to raise a concern about serious malpractice at work. An employee can, of course, also seek advice from a lawyer of their own choice at their own expense.

## 5. Contacts

### 5.1 Director of Corporate Services

To make a disclosure to the SEUPB write to:

Paul Sheridan  
Director of Corporate Services  
The Special EU Programmes Body  
The Clarence West Building  
2 Clarence Street West  
Belfast  
BT2 7GP  
Or telephone 02890 266660

### 5.2 Chair of Audit & Risk Committee

Mr Gerard Finn  
Chair of Audit & Risk Committee  
The Special EU Programmes Body  
The Clarence West Building  
2 Clarence Street West  
Belfast  
BT2 7GP  
Or email [chairman@seupb.eu](mailto:chairman@seupb.eu)