



**The Commission for  
Victims & Survivors**

## **Guidance for Staff when Handling Whistle-Blowing Concerns**

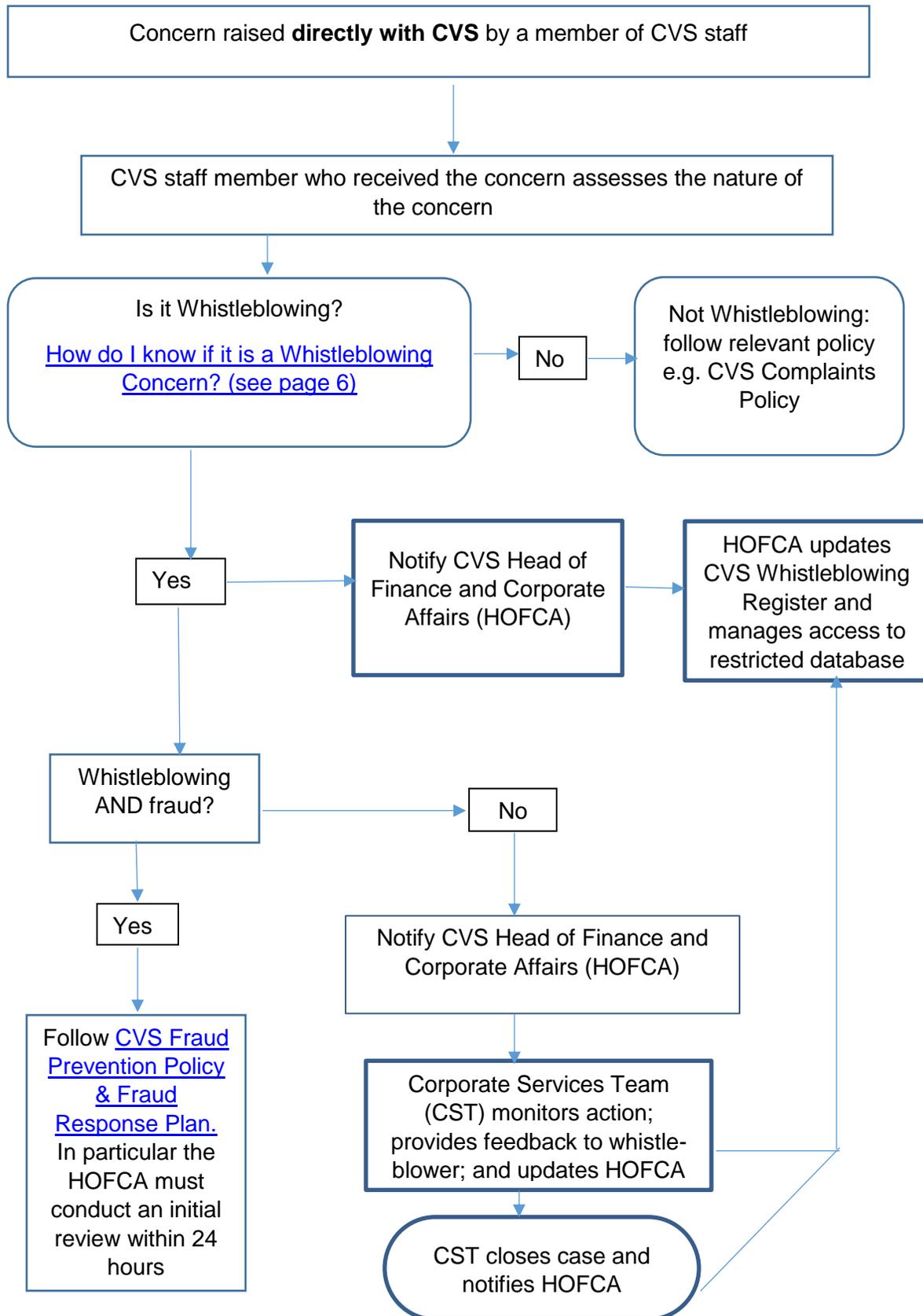
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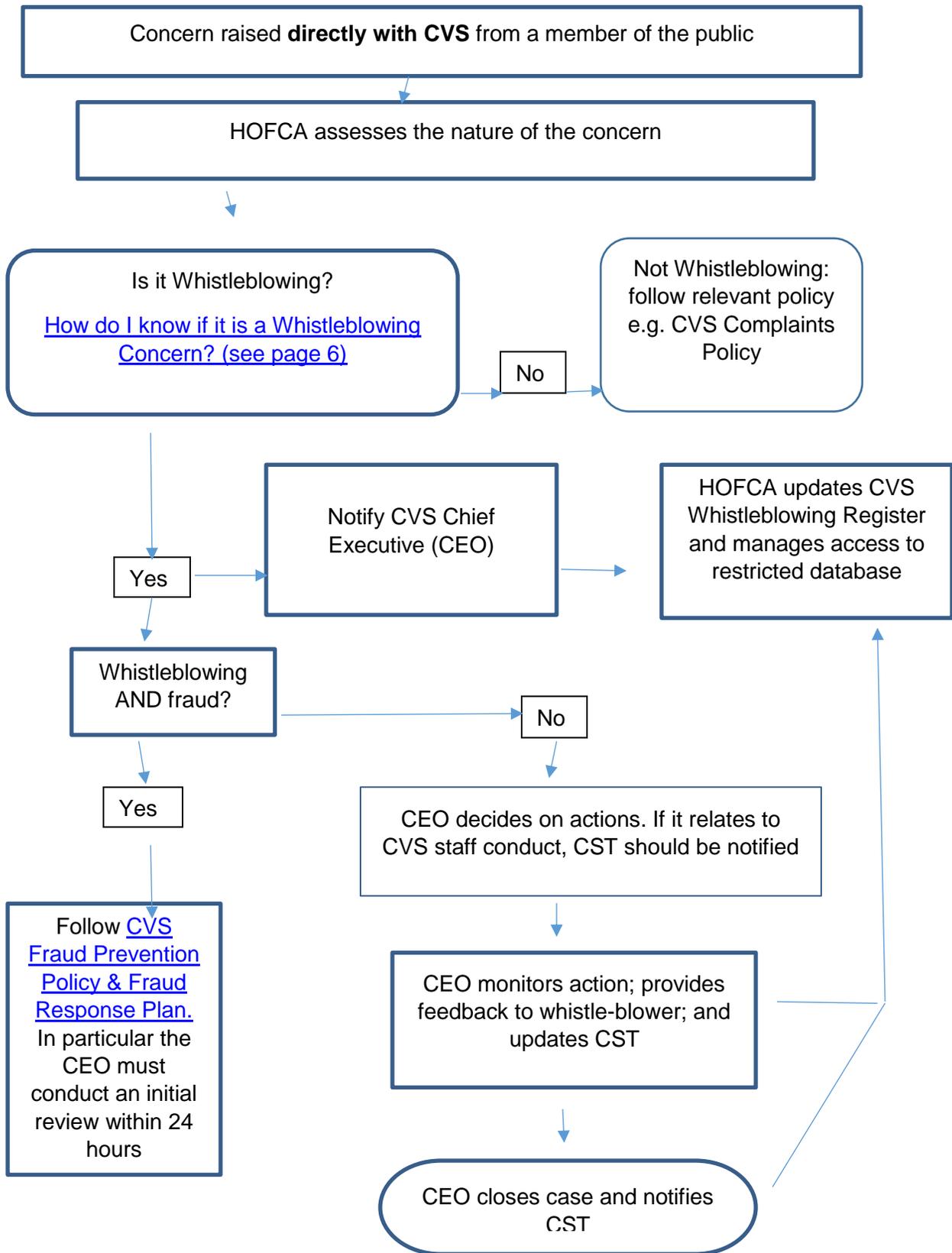
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**Process Map 1 Managing a whistleblowing concern raised by Commission Staff**



**Process Map 2 Managing a whistleblowing concern raised directly with CVS by a member of the public**



## 1. Introduction

- 1.1. This guidance details the procedures to be followed by a member of Commission for Victims and Survivors (CVSNI) staff who receives notification, either orally or in writing, of a concern relating to suspected malpractice, risk, abuse or wrongdoing that affects others (**a Public Interest Disclosure**).
- 1.2. A full list of the types of concern covered by Public Interest (Whistleblowing) arrangements is detailed in the Public Interest Disclosure (NI) Order 1998 [The Public Interest Disclosure \(Northern Ireland\) Order 1998](#).
- 1.3. To ensure that the Commission deals with such matters in a responsive, proportionate and effective way, it is necessary for staff at all levels to know and understand what action is required when they receive **a public interest disclosure (whistleblowing concern)**. The guidance is based on the principle that the Commission will not tolerate harassment, victimisation or bullying under any circumstances and that staff and stakeholders are encouraged to raise genuine concerns in the knowledge that they will not be disadvantaged as a result.
- 1.4. It is important that these procedures are followed to ensure that:
  - All concerns are referred to the appropriate person in the Commission to be recorded and monitored centrally;
  - The most appropriate action is taken, especially in cases that are complex and cover a range of fraud, governance, staffing or service-related issues;
  - Action is taken as swiftly as possible following the concern being received; and
  - Access to potentially sensitive information/issues is restricted, as far as possible, to preserve confidentiality and protect both the party raising the concern and any parties named in the concern.

### **NICS Guidance**

- 1.5. This guidance is based on NICS guidance relating to Ethics and Whistleblowing is included in the NICS HR Handbook at Section 6.01 (Standards of Conduct) of Chapter 6 (Employee Relations).
- 1.6. Sub-section 4 of Section 6.01 (Standards of Conduct) sets out the provisions of the Public Interest Disclosure (NI) Order 1998. It provides guidance on making public interest disclosures and outlines the protection available to staff who do so.

## 2. How do I know if it is a whistleblowing concern?

- 2.1. All of us at one time or another may have concerns about what is happening at work.
- 2.2. A simple way to establish whether a concern about a risk, malpractice or wrongdoing falls under the whistleblowing policy is to consider the nature of the concern. If the concern refers to **'others'** e.g. the Commission, staff, individuals, victims and survivors groups, government stakeholders or the wider public, then it is a whistleblowing concern.
- 2.3. If the concern relates to the employee raising the concern or the member of the public as an individual **'self'** e.g. a personal grievance about terms of employment, pay, unfair treatment – this is not a whistleblowing concern. Consequently, personal grievances or dissatisfaction in respect of employment issues are not covered by whistleblowing, unless an employee's particular case is in the public interest. Generally a whistleblower has no self interest in the issue being raised, however each whistleblowing concern should be considered on a case by case basis to determine whether it fits within the 'whistleblowing' classification.
- 2.4. Similarly, whistleblowing does not cover complaints about the Commission's performance or standards of service, for which separate procedures exist. These are set out in the CVSNI Complaints Procedure.
- 2.5. If you have any doubt as to whether a concern falls under the category of 'whistleblowing' you should contact the Chief Executive to the Commission or the Head of Finance and Corporate Affairs to seek advice so as ensure that the concern is managed appropriately.

## 3. General Guidance on Handling a Whistleblowing Concern

- 3.1. In broad terms there are two main types of public interest disclosures:
  - Disclosures made by employees in the Commission;
  - Disclosures made by members of the public, employees or workers in external organisations (or their representatives) for which the Commission has some degree of association and/or responsibility, or individuals in receipt of services directly from the Commission, or organisations representing stakeholders.
- 3.1. Line managers need to understand the process and procedures that apply in each of these scenarios. These are discussed separately in the relevant sections.
- 3.2. Regardless of the source of the concern (i.e. from Commission staff or from an external source) the following guidance should be followed by staff on receiving a whistleblowing concern:

- Have a positive and supportive attitude towards individuals raising a concern;
  - Record as much detail as possible about the concern being raised and agree this record with the individual;
  - Be aware of the process following the raising of a concern and explain this to the individual;
  - Make sure the individual knows what to expect, for example in relation to feedback on their concern;
  - Assure the individual that their confidentiality will be protected as far as possible, if they request this;
  - Make no promises and manage the expectations of the individual;
  - Make clear that the Commission will not tolerate harassment of anyone raising a genuine concern and ask the individual to let you know if this happens;
  - If the issue is raised by Commission staff, you should refer the worker to available sources of support; and
  - Pass the information as quickly as possible to those within the Commission responsible for dealing with concerns, so that the appropriate procedures for consideration and investigation of the concern can be initiated.
- 3.3. Where possible, all matters raised should be treated **confidentially**. This includes applying the appropriate information management standards to ensure that neither the identity of the person who has made the disclosure, or information which may prejudice any investigation, is inappropriately released. For example, any information provided should not be copied to other parties unless relevant personal details have been removed. A document may have hidden electronic 'properties' containing the authors name or other pertinent details that should be removed before documents are released to other parties.
- 3.4. Access to whistleblowing information must only be granted to those who have a business need. All information in relation to a whistleblowing concern should be stored centrally in the Commission's V Drive with access controlled. Members of staff should not hold their own folders for whistleblowing concerns or store information on their desktop
- 3.5. Practical steps that you can take to protect the confidentiality of those raising concerns include;
- All information provided in relation to a whistleblowing concern must be classified as OFFICIAL-SENSITIVE-PERSONAL and must be managed in line with the guidelines set out in the Commission's Information Security Policy.
  - Only print where absolutely necessary;
  - Ensuring that the minimum number of people have access to case files;

- Being discreet about when and where any meetings are held with the individual raising the concern; and
  - Ensuring that confidential case papers are not left on printers or photocopiers.
- 3.6. Annex B to this policy provides further guidance on the Information Management procedures to be applied when handling a whistleblowing concern.
- 3.7. While confidentiality should be assured if requested, a manager or a member of staff in receipt of a public interest disclosure should point out potential risks to the person raising the concern:
- Colleagues may try to guess the person's identity if they become aware that a concern has been raised; and
  - As the investigation progresses, there may be a legal requirement to disclose the identity of the person raising the concern, for example, under court disclosure rules.

## **4. Guidance on Whistleblowing Cases made by Commission staff**

### **Process for Dealing with Internal Disclosures**

- 4.1. It is recommended that concerns are raised internally in the first instance, usually through a line manager. In some cases, explaining the context of an issue to a person contemplating making a public interest disclosure may be enough to alleviate their concerns. Minor issues might be dealt with straight away by line management. Similarly a review by internal audit as part of planned audit work might be sufficient to address the issue e.g. through a change to the control environment. Where this is not possible, the following paragraphs provide line managers with guidance on handling disclosures made by members of Commission staff.
- 4.2. On receipt of a disclosure from a Commission member of staff, line managers should follow the process below:
- Assess if the concern is whistleblowing (or alternatively a complaint or an HR issue)
  - If whistleblowing, then consider whether the concern relates to an actual or suspected fraud and if it does, immediately follow the CVS Fraud Prevent Policy and Fraud Response Plan.
  - Line Manager will lead on actions to be taken (see process map on page 3)
  - The line manager will notify the Chief Executive to the Commission using the Public Interest Disclosure Form (attached at Annex A) so the whistleblowing concern can be logged centrally on the confidential Commission Whistleblowing Concerns Register.

- Access to the Register will be restricted to the Commissioner, Chief Executive of the Commission, and other members of senior management team on a 'need to know basis'.
- The Head of Finance and Corporate Affairs will ensure any whistleblowing correspondence is saved on a restricted access folder and that any related documents are marked as OFFICIAL-SENSITIVE-PERSONAL.
- Acknowledge receipt of the whistleblowing concern (unless no contact details are provided (for example name and address, phone number or email address)).
- The Chief Executive of the Commission will consider what action the Commission should take to deal with the matter raised. (This will also apply if the concern has been raised anonymously).
- Relevant parties (i.e. The Executive Office, Audit & Risk Assurance Committee) will be consulted as part of the process and as much information as possible gathered to aid decision making.
- Depending on the nature and seriousness of the concerns raised, the Chief Executive of the Commission may consult with the Director of the Victims Unit at TEO, and the TEO Accounting Officer, to consider whether it is appropriate to draw the matter to the attention of the Northern Ireland Audit Office (NIAO), the Department of Finance (DoF), and any other relevant external stakeholders. Formal notification will be made by the Chief Executive of the Commission.
- Following consultation the Chief Executive of the Commission will make a formal recommendation in relation to further action required, including the extent of any further investigation and responsibility for its conduct, or alternatively whether the disclosure should be redirected to the appropriate HR process e.g. Dignity at Work, Grievance Procedure, etc. and will agree this with the Commissioner.
- Where appropriate the person who has made the public interest disclosure will be advised as to how the issue will be managed.
- The Chief Executive of the Commission will monitor the progress of the case and will provide regular updates to the Commissioner, TEO and the person who has made the disclosure.

## **5. Guidance on Whistleblowing Cases made by a member of the public or an external stakeholder**

- 5.1. When a member of the Commission receives a whistleblowing concern from an outside individual (member of the public) or an organisation representing stakeholders, the matter should immediately be referred to the Chief Executive of the Commission. The Chief Executive of the Commission will be responsible for the following:
- Acknowledging receipt of the whistleblowing concern (unless it has been made anonymously);
  - Assessing if the concern is whistleblowing (or alternatively a complaint or an HR issue)

- Ensuring the whistleblowing concern is logged centrally on the confidential Commission Whistleblowing Concerns Register;
- Ensuring any whistleblowing correspondence is saved in a restricted access folder and that any related documents are marked as OFFICIAL-SENSITIVE-PERSONAL.
- Determining what action the Commission should take to deal with the matter raised. (This will also apply if the concern has been raised anonymously).
- Consulting relevant parties as part of the process and gathering as much information as possible to aid decision making.
- Depending on the nature and seriousness of the concerns raised, the Chief Executive of the Commission will consider whether it is appropriate to draw the matter to the attention of the ARAC, TEO, NIAO, DoF or other external stakeholders. Formal notification will be made by the Chief Executive of the Commission.
- Following consultation the Chief Executive of the Commission will make a formal recommendation and agree this with the Commissioner.
- Where appropriate the person who has made the public interest disclosure will be advised as to how the issue will be managed.
- The Chief Executive of the Commission will monitor the progress of the case and provide updates as appropriate to the Commissioner, ARAC, TEO and the person who has made the disclosure.

## **6. Investigations**

- 6.1. The Commission carries out a wide range of work. As such, the scope for potential public interest disclosures is also wide ranging and it is therefore not possible to set a strict protocol for handling every disclosure.
- 6.2. However, it is essential that the action taken by the Commission in each case is proportionate, effective and timely, with accurate records being kept of actions taken and with the rationale for each course of action being clearly documented.
- 6.3. In considering the type and scope of investigation required, it will be necessary to consider the Commission's Fraud Prevention Policy and Fraud Response Plan.
- 6.4. It will be the responsibility of the Chief Executive of the Commission, in consultation with others as appropriate, to consider and determine the following matters:
  - The nature of the issue that requires investigation;
  - Responsibility for undertaking the investigation; and
  - If and when any other external organisation should be informed that a public interest disclosure concerning its activities has been made and the outcome of any decision relating to investigation.

- 6.5. When considering who should undertake an investigation, the following options should be considered:
- Internal Audit;
  - DoF's Fraud Investigation Service;
  - Commission staff independent of the business area to which the disclosure relates;
  - TEO staff;
  - Independent external investigation; and
  - A combination of one or more of the above, as required.
- 6.6. Having considered the options, it is important that the rationale for the way forward is clearly documented on the case file. The Chief Executive of the Commission should generally be the person to decide on the approach to be adopted, with the exception where the issue raised relates to a serious concern with wider implications. In this instance, the Commissioner will have the ultimate say in the approach adopted.
- 6.7. In all cases it is important that the investigation is undertaken by people with the necessary expertise, experience and independence, and that all concerns are properly and promptly investigated.
- 6.8. Where it is considered appropriate for the concern to be investigated, appropriate protocols and timescales should be established. Responses should be reviewed by the Commissioner to ensure the investigation/review has been properly and thoroughly completed and recommendations arising are appropriate.
- 6.9. Where a whistleblowing disclosure relates to senior members of staff or the Commissioner, consideration should be given to the role that the Audit & Risk Assurance Committee might play in dealing with such cases, or the matter should be referred to TEO.
- 6.10. Considerations for any investigative process should include:
- Ensuring that investigators have the necessary skills to undertake the investigation;
  - Ensuring that there is no conflict of interest between the investigator and the issue being investigated (i.e. the investigator should have had no previous involvement with the issue being investigated); Ensuring that the investigation has clear and well defined terms of reference; Setting a clear scope for the investigation and drawing up a detailed investigation plan; Clarifying what evidence needs to be gathered and how it will be gathered (document search, interviews, securing computers, etc);
  - Deciding how best to engage with the whistleblower and manage their expectations;

- Maintaining sufficiently frequent contact with the whistleblower throughout the course of the investigation; and
  - Ensuring that all investigative work is clearly documented.
- 6.11. When assigning the investigation to the relevant investigation team, it will be necessary for the Secretary to the Commission to establish the scope of the investigation at the outset, and to agree this with the Commissioner. Scoping the investigation will include:
- Defining the key points to be investigated;
  - Identifying individuals who should be interviewed;
  - Stipulating that a report should be produced as a result of the investigation which sets out findings, conclusions and recommended actions;
  - Setting out an estimated timescale for completion and provision of updates; and
  - Agreeing costs, if appropriate.
- 6.12. When the investigation is complete, the individual who raised the concern should be informed that the investigation has been concluded and, where appropriate, that recommendations have been made to address any issues identified. Under no circumstances whatsoever can details of disciplinary action taken or recommended against individuals be provided or discussed with the person who made the disclosure.
- 6.13. Where the disclosure relates to another organisation, and the organisation has been informed of the investigation, agreement should be reached between the Commission and the organisation as to whether or not the Commission should undertake the investigation, and, if so, how contact with the whistleblower will be maintained throughout the course of the investigation. The views of the whistleblower should be taken into account when agreeing these arrangements.
- 6.14. In all cases, employees who raise concerns should be protected and supported and should not suffer any detriment as a result of bringing forward their concerns. Appropriate and swift sanctions should be taken against employees who victimise individuals raising such concerns. It should be noted that, if an employee's confidentiality is not protected and they suffer detriment as a result, they may be able to seek redress through an Employment Tribunal.

## 7. Monitoring of Public Interest Disclosures

- 7.1. In order to provide Commission senior management with a clear understanding of the level and impact of public interest disclosures made to the Commission, a central log is maintained with the purpose of recording and monitoring how many disclosures are received and the action taken to address them.
- 7.2. This log is maintained by the Corporate Services Team and is held securely. Only the Commissioner, the Chief Executive of the Commission and the Corporate Services Team have access to the information held.
- 7.3. Upon receipt of a disclosure, the Chief Executive of the Commission will be required to immediately complete Section A of the Public Interest Disclosure Form (attached at Annex A). While it may not be possible to complete Section A of the form in its entirety at the outset, the Chief Executive of the Commission should provide as much information regarding the concern as possible. As a very minimum, the Chief Executive of the Commission should confirm that the disclosure is within the remit of the Commission and should provide the information sought at points 1 to 6 of the form. The form must be updated when an investigator is appointed - information relating to points 7 and 8 must then be provided.
- 7.4. At the conclusion of any investigation, the Chief Executive of the Commission should provide a summary of the findings and any action taken, by completing Part B of the form. In due course, the Chief Executive of the Commission should also confirm that the case has been closed and update the form accordingly.
- 7.5. The Corporate Services Team will analyse the information captured to allow the identification of trends or business risks which may need to be addressed and to provide management with useful information on the operation of whistleblowing procedures, such as:
  - The number and types of issues raised;
  - How issues raised were dealt with;
  - Satisfaction with the procedures; and
  - The length of time taken to resolve concerns.
- 7.6. Analysis of the whistleblowing caseload will be reported regularly to the Commission Board, the Audit and Risk Assurance Committee and at Accountability Meetings with TEO. This will provide assurance to those charged with governance that arrangements in place for individuals to arise concerns are operating satisfactorily, or will highlight improvements that may be required. The Commission will report on the effectiveness of its whistleblowing arrangements in its Annual Report and Accounts.

- 7.7. In the event that the Commissioner or the Chief Executive of the Commission are not available, or in post, any designated responsibilities fall to a delegated member of staff at the next highest grade.

**ANNEX A**  
**Public Interest Disclosure Form**  
**Section A: Disclosure to Completion of Investigation**

1	Date disclosure received:	
2	Source of disclosure: (e.g. telephone call, email, letter)	
3	Did the whistleblower provide a means for providing feedback? If so, please state the proposed method for providing the feedback (e.g. email address, telephone number, address)	
3	Names of officers to whom disclosure was notified:	
4	Date receipt of the whistleblowing concern was acknowledged by CVS	
5	Details of what or whom the disclosure relates	
6	Brief outline of the nature of the disclosure:	
7	Was confidentiality requested?	
8	What approach was adopted?	
9	Name of investigator assigned:	
10	Date investigator assigned:	

**Commence completion of Section B of this form immediately after the investigation has been concluded.**

**Section B: Post Investigation Action**

11	Date Investigation report received:	
12	Outcome recorded (was it founded or unfounded):	
13	Was appropriate feedback given to the person who made the disclosure?	
14	If appropriate, provide details of the financial implications of the disclosure?	
15	Date final decision issued and case closed:	
16	Time taken to complete:	
17	Action taken to address issues arising from the disclosure:	
18	Provide a record of the dates on which feedback was given to the person who made the disclosure:	
19	Contact details in case further information is required:	
21	Was the worker/member of public satisfied with the outcome? If not, why not?	

21	Notes:	
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## ANNEX B

### Whistleblowing - Information Management Procedures

1. The procedures for the management of Whistleblowing information have been drafted based on the NICS Guide to Physical, Document and IT Security. All staff should familiarise themselves with the Guide Annex C.
2. **Classification of Information and Marking** - All information in relation to whistleblowing concerns should be classified OFFICIAL-SENSITIVE-PERSONAL. The marking should be clearly visible to anyone using or receiving the information. This will mean: including it in the top and bottom of documents; in the subject line or body of emails and in the front of folders or binders. Page 9 of the NICS Guide to Physical, Document and IT Security provides examples.
3. Extra care needs to be taken when handling information that falls within the OFFICIAL- SENSITIVE category, which means:

- ✓ Only print where absolutely necessary;
- ✓ Take care to be discreet when discussing sensitive issues by telephone, especially when in public areas and minimise sensitive details;
- ✓ Store information securely when not in use and use an approved security cabinet;
- ✓ Abide by the clear desk policy rule;
- ✓ Do not send information to internet email addresses, eg. Gmail, Hotmail;
- ✓ Assess the entire contents of an email string before adding to it and forwarding on;
- ✓ Send the information by the secure email route or use encrypted data transfers;
- ✓ When adding an address to an email, make sure you choose the right address before you click send;
- ✓ Use recognised commercial couriers if sending hard copy and tamper evident envelopes;
- ✓ Only use approved encrypted devices to store information; and
- ✓ If faxing the information, make sure the recipient is expecting the fax and check their fax number.

4. Reproduction of information e.g. by photocopying or an electronic document forwarded by email, should be kept to an absolute minimum and such material should not be copied to other staff as a matter of routine unless they have a 'need to know'.

5. Access to whistleblowing information must only be granted to those who have a business need.
6. When sharing the information for business purposes you should ensure that the receiving party understands the obligations and protects the assets appropriately. This will be done by including the SENSITIVE-OFFICIAL-PERSONAL classification on any correspondence and by including the Guide to Physical, Document and IT Security when you share the information. If there is any doubt about giving access to official sensitive information to other individuals or organisations, you should consult your line manager in the first instance.
7. In certain circumstances there may be a good reason to share selected information from the concern more widely. If required, a redacted version of the document could be shared more widely, subject to approval by the Chief Executive of the Commission.
8. The whistleblowing concern will more than likely include personal data on either the whistleblower or the individual who is the subject of the concern. When handling personal data provided through a whistleblowing concern, you need to be particularly careful to ensure compliance with the requirements of the General Data Protection Regulations (GDPR).