



**Raising Concerns Guidance
(Whistleblowing)
Internal and External reports**

08.09.21	05.04.23				

Introduction

Raising a concern in the public interest is the action of telling someone in authority, either internally and/or externally (for example regulators, oversight bodies or media) about wrongdoing, risk or malpractice.

Staff are a key resource and are often referred to as the ‘eyes and ears’ of any organisation. As such, they should be properly valued and listened to if they come forward, in the wider public interest, to raise issues of concern either internally with their employer or externally by contacting another individual or organisation.

Concerns about wrongdoing, risk and malpractice within public services can also be raised by those employed in other parts of the public sector or outside it.

It is important that any person(s) raising a concern with but not about CJI, either in confidence or anonymously, can do so with confidence and that procedures are in place to ensure their concerns are recorded, considered, escalated and if appropriate, investigated in an effective way.

Raising concerns and being listened to should be part of the normal business of any healthy organisation. All of us at one time or another may have concerns about what is happening at work. However when it is about unlawful conduct, a possible fraud, a danger to the public or the environment or other serious malpractice, it can be difficult to know what to do.

CJI does not have its own raising concerns or ‘whistleblowing’ policy in place but instead defaults to the raising concerns guidance and policies in place within the Northern Ireland Civil Service (NICS) and adheres to current guidance on raising concerns published by the Northern Ireland Audit Office (NIAO).

This guidance also outlines the arrangements in place to support any staff member who wishes to raise a concern in good faith to do so, in the knowledge that they will not be at risk of losing their job or other form of retribution. **Harassment or victimisation of anyone raising a complaint will not be tolerated.** It also outlines the arrangements in place to support any person(s) raising a concern about another public sector body who is not a CJI employee and how their concern will be progressed.

CJI wishes to promote a culture where staff have the confidence to raise concerns; where no concern is too small; where management will listen to all concerns raised and protect those who speak up.

To ensure transparency and effective oversight CJI will immediately inform the Non Executive Members of CJI’s Audit and Risk Assurance Committee of any concerns or whistleblowing reports received internally or externally from any person/s.

The guidance also outlines how staff members can raise concerns confidentially.

CJI staff can find further information in the:

- [NICS Handbook 6.01 Standards of Conduct](#);
- [NIAO Good Practice Guide Raising Concerns - June 2020](#); and
- [Department of Finance \(DoF\) Whistleblowing Policy \(v7- updated July 2019\)](#); and
- [Department of Justice \(DoJ\) Raising a Concern Policy March 2022](#)).

Where a staff member wishes to raise a concern or make a complaint about their employment or how they have been treated please initially refer to the [NICS Grievance Procedure](#). Raising concerns procedures should not be applied when a person wishes to raise a workplace grievance or make a complaint about a service.

Raising Concerns (Whistleblowing)

If your concern is about possible fraud, please refer to the [CJI Anti-Fraud and Anti-Bribery Policy](#) and linked Fraud Response Plan, which can be found on the ISO process map.

Concerns linked to possible fraud, misuse of public money or wrongdoing by a public body can also be raised with the NIAO, which is independent of government,

If your concern relates to any aspect of your contact with or experience of CJI please refer to the Inspectorate's [Complaints policy](#).

Who should you contact?

Raising Concerns: Members of CJI Staff

Step One

If you have a concern about malpractice, we hope you will feel able to raise it first with the Chief Inspector or Deputy Chief Inspector and Chief Executive, CJI. This can be done orally or in writing with:

Jacqui Durkin Chief Inspector, Criminal Justice Inspection Northern Ireland (CJI) 07799 867689/028 90 765740 jacqui.durkin@cjini.org	James Corrigan Deputy Chief Inspector & Chief Executive, Criminal Justice Inspection Northern Ireland (CJI) 07870 212077/028 90 765741 james.corrigan@cjini.org
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If your concern relates to or is linked with either the Chief Inspector or Deputy Chief Inspector and Chief Executive, CJI, you may wish to refer the matter instead to another individual listed at Step Two or directly to CJI's Non-Executive Members of the Audit and Risk Assurance Committee.

Step Two

If, for whatever reason, you feel that raising it with either the Chief Inspector or Deputy Chief Inspector and Chief Executive is not appropriate or it has not worked, you should raise the matter with any of the following:

<p>Meloney McVeigh, Business and Communication Manager, Criminal Justice Inspection Northern Ireland (CJI) 07725581835/028 90 765742 meloney.mcveigh@cjini.org</p>	<p>Claire Robinson Head of Legacy Development Team (CJI Sponsor Branch), Criminal Justice Policy and Legislation Division, Department of Justice claire.robinson@justice-ni.gov.uk</p>
<p>Non-Executive Members of CJI Audit and Risk Assurance Committee</p> <p>Derek Anderson, Head of Internal Audit. Education Authority derek.anderson@eani.org.uk 028 90 564000.</p>	<p>David Lennox Deputy Director Corporate Engagement and Communications Division</p> <p>Department of Justice Room 5.9, 5th Floor Block B, Castle Buildings Stormont Estate Belfast BT4 3SX</p> <p>david.Lennox@justice-ni.gov.uk</p>
<p>Mandy Kilpatrick, Non-Executive Audit and Risk Assurance Committee Member</p> <p>Block I, Knockview Buildings, Stormont Estate, Belfast, BT4 3SJ info@cjini.org</p>	<p>NIAO 106 University Street, Belfast BT7 1EU raisingconcerns@niauditoffice.gov.uk</p> <p>028 9025 1000</p>

How the matter will be handled?

Once a concern has been raised, we will make the CJI Non-Executive Members of the Audit and Risk Assurance Committee aware that a report has been made. We will look into it and assess initially what action should be taken, confirming with the Non-Executive Members of the Audit and Risk Assurance Committee the proposed course of action. This may involve an informal review, an internal inquiry or more formal investigation. When a more formal investigation is required, an investigation officer will be identified and you will be told who is dealing with the matter, provided with their contact details and advised whether your further assistance may be needed.

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 your concern falls more properly within the Grievance Procedure, we will tell you.

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 the precise action we take where this would infringe a duty of confidence owed by us to someone else.

In line with best practice, any whistleblowing concerns raised with CJI will be notified to the CJI Senior Management Team and reported CJI Audit and Risk Assurance Committee. CJI's sponsor division within the DoJ may also be notified.

When a concern is being investigated, CJI will follow the procedures outlined within the DoJ Raising a Concern Policy (March 2022); NIAO Good Practice Guide Raising Concerns (June 2020) and DoF Whistleblowing Policy (v7- updated July 2019).

Managing expectations

Any staff member who raises a concern should expect to be taken seriously and have confidence that the matter they have raised will be handled fairly and properly.

While all concerns raised will be given due consideration, staff should be made aware that not every case may require a full investigation and they may not always get the outcome they want or expect.

Staff who are involved in investigating concerns should at all points document the steps taken, options considered and the rationale for the way forward.

If you feel the above channels have been followed and there is still an ongoing risk you can raise your concerns with the:

- Permanent Secretary, DoJ or;
- Northern Ireland Public Service Ombudsman.

Independent Advice



If you are unsure whether or how to raise a concern or you want confidential advice at any stage, you may contact the independent charity **Protect** (formerly Public Concern at Work) on **0203 117 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 their website at www.protect-advice.org.uk. Should you be a member, you may also contact your union.

Protections for those raising concerns

We are committed to making the practice of raising concerns or whistleblowing work. 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 by us as a result of doing so. 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.

Public Interest Disclosure legislation allows an employee to take their employer to an employment tribunal if they suffer detriment in any way as a result of raising a concern (referred to in the legislation as making a disclosure in the public interest).

Concerns raised with CJI from outside the organisation

In the most recent guidance on Raising Concerns issued by the NIAO, the Comptroller and Auditor General emphasised the importance of public sector organisations having effective arrangements for receiving concerns from the wider public and ensuring that they are properly considered and appropriately acted upon.

It is important that CJI staff are able to respond effectively if they are contacted by any person who wishes to raise a concern about wrongdoing, risk or malpractice even though CJI's statutory remit means it does not investigate individual complaints.

Raising Concerns (Whistleblowing)

CJI's practice in dealing with a concern raised by a member of the public or someone employed elsewhere is largely the same as if the concern was raised by a CJI staff member.

Should this happen the CJI staff member contacted should:

1. Log the nature of the concern, the time and date of how and when it has been raised; who received it; any contact details available or if it has been received anonymously.
2. Establish if the person(s) raising the concern wishes to do so confidentially or anonymously.
3. Advise the person(s) raising the concern that should they wish to do so anonymously, this will impact CJI or another relevant body's ability to:
 - seek further information if needed;
 - update them on the steps taken to progress their concern;
 - provide feedback in response to their concern; and/or
 - provide information on how it has been addressed.
4. Advise the person(s) raising the concern (if they can be contacted) of how CJI will evaluate the concern and what CJI cannot do (see guidance on page seven).
5. Ensure the concern is brought to the attention to either the Chief Inspector or Deputy Chief Inspector, CJI for proper consideration and appropriate action.
6. The matter will be notified to the Non-Executive Members of the CJI Audit and Risk Assurance Committee.
7. The Chief Inspector and Deputy Chief Inspector and Chief Executive, CJI should understand the types of public interest concern CJI can consider and if necessary (and they can contact them), direct the member of the public to a more suitable organisation.
8. The Chief Inspector or Deputy Chief Inspector and Chief Executive, CJI should ensure the concern is progressed and have the authority to escalate the concern to the top of the organisation to which it refers and their 'raising concerns' champion for action. The Non-Executive Members of the CJI Audit and Risk Assurance Committee will be kept informed of action taken by CJI. If your concerns relates to finance, misuse of public money or wrongdoing in public office, concerns will also be referred to the NIAO.
9. The Chief Inspector or Deputy Chief Inspector and Chief Executive, CJI will seek feedback from the organisation to which the concern relates about the action taken.
10. Provide feedback to the person(s) raising the concern where possible about the action CJI has taken.
11. Notify the CJI Audit and Risk Assurance Committee at that:
 - a concern has been raised; and
 - the steps CJI has taken to bring the concern to the attention of the relevant organisation(s) and escalate further if required.

Concerns raised with CJI and any response from the relevant organisation that relates to a current or future planned inspection will be copied to the Lead Inspector.

Raising concerns with CJI

How will CJI evaluate your concern?

If a person raises a concern with CJI that is within its remit, CJI will decide on the next steps based on:

- professional judgment;
- professional experience;
- whether there is a 'public interest' element to the issue; and
- whether the concern indicates serious impropriety, irregularity or value for money issues.

What CJI can't do

- CJI or the Chief Inspector cannot investigate individual complaints.
- The Chief Inspector or CJI does not have power to discipline public service officials or bring criminal prosecutions against such individuals.
- Disciplinary action can only be taken by management and/or any relevant professional bodies.
- Allegations of criminality are usually investigated by the police and can ultimately only be decided by the courts.

Figure 1 Types of issues that may be raised and types of policies that should apply

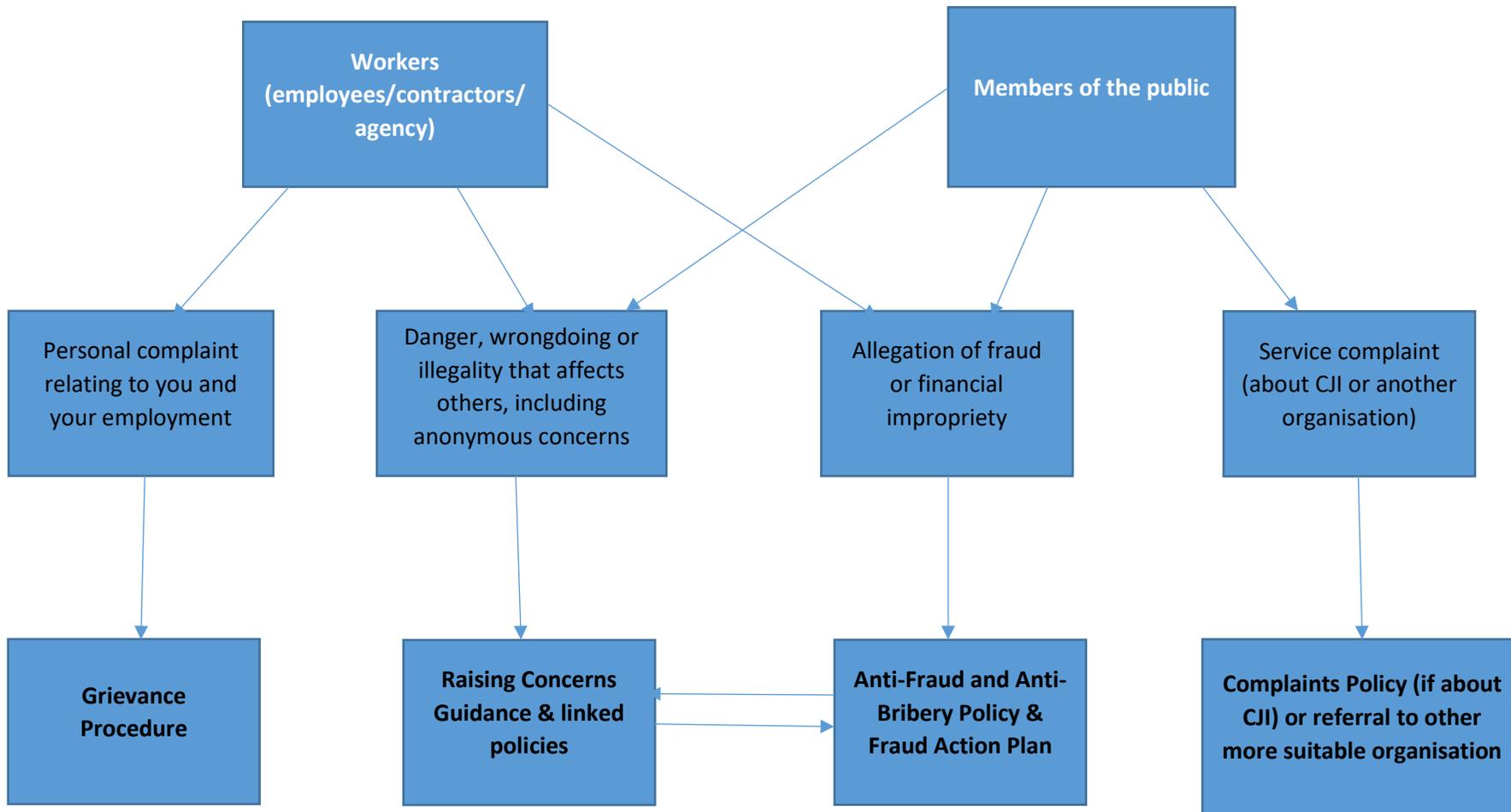
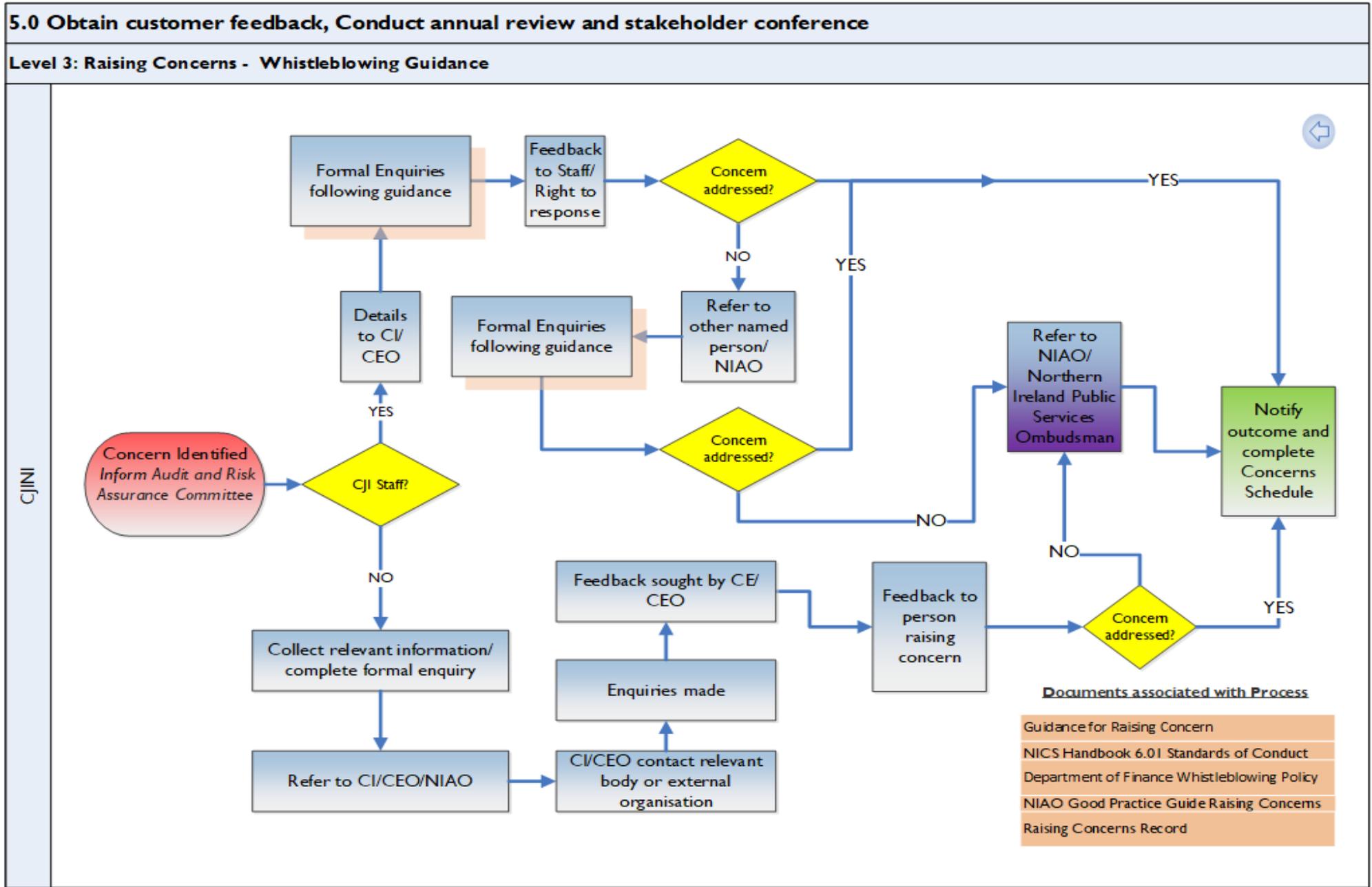


Figure 2 ISO 9001:2015 Process map for Raising Concerns



Raising Concerns Record

Date concern raised	
Nature of concern and/or risk highlighted (attach hyperlink)	
Party that Concern raised with	
Confidentiality/Anonymity Requested	
Approach adopted	
Concern investigated by (whom)	
Key milestone dates and events log (from agreed investigation timetable – attach hyperlink)	
Outcome of raised concern (e.g. further referral/no concern/concern addressed appropriately)	
Feedback provided to party raising concern	
Party response to outcome - details	
External independent review required for Concern outcome? (explain)	
Date Concern closed	