



## **TNI Whistleblowing Policy**

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## **1. Policy Aim & Context.**

As a public body, TNI is committed to ensuring that it conducts its business in a way which is open, honest, and transparent, and ensuring that it maintains proper stewardship over public funds.

This policy provides a process to facilitate the reporting of concerns of suspected malpractice, wrongdoing or illegality, in how TNI conducts itself in all aspects of its business, that would have an impact on other stakeholders (e.g. taxpayers, customers, members of the public, or their employer).

The Public Interest Disclosure (NI) Order protects all 'Workers' who to come forward and report concerns of wrongdoing from suffering any form of detriment from their employer if they raise a concern. Anyone raising a concern in the public interest, or the interest of the organisation will be protected from any form of victimisation, discrimination, disadvantage or dismissal.

## **2. Policy Context.**

Raising a concern about malpractice within an organisation, or "Whistleblowing" as it is sometimes referred to, is an early warning system. Individuals at one time or another may have concerns about what happens within their workplace. 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.

The purpose of this policy is to reassure Workers that it is safe and acceptable to speak up to address concerns of malpractice. The policy provides a mechanism and guidance for individuals to raise issues at an early stage and in the right way.

This policy is specifically intended to cover concerns which are in the public interest and require separate investigation in that context. It explains the process for raising these concerns in keeping with the Public Interest Disclosure (NI) Order. Other TNI policies and procedures exist for dealing with individual disputes, and complaints (e.g. disciplinary or grievance policies) and such matters will not be addressed under this policy.

### 3. Policy Objectives.

The objectives of this policy are to:

- outline what qualifies as a protected disclosure;
- encourage individuals to report suspected wrongdoing or malpractice as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate;
- set out clearly and simply the process for reporting concerns of wrongdoing within the TNI to enable a consistent approach to the handling of malpractice; and
- re-assure individuals that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken.

### 4. Scope.

This policy applies to all permanent and temporary Workers within TNI. The Public Interest Disclosure Order protects 'Workers' from suffering any form of detriment from their employer if they raise a concern about wrongdoing. Anyone raising a concern in the public interest, or the interest of the organisation will be protected from harm.

A 'Worker' has an especially broad meaning in the case of Public Interest Disclosure Legislation. As well as employees, it includes Agency Staff, Contractors and people who aren't employed, but are training with the employers. Some self-employed people may be considered to be Workers for the purpose of Whistleblowing.

Personal grievances or dissatisfaction in respect of employment issues are not considered to be whistleblowing, unless a member of staff's particular case is in the public interest. Issues which affect staff personally, such as a breach of their individual employment rights or bullying, will be dealt with under the appropriate HR policy e.g. Dignity at Work, Grievance or Disciplinary policies.

### 5. Disclosures Protected under the Order.

The disclosures protected by the Public Interest Disclosure (NI) Order 1998 (i.e. qualifying disclosures) are as follows:-

- a criminal offence;
- a breach of a legal obligation;

- a miscarriage of justice;
- a danger to the health or safety of any individual;
- damage to the environment; or
- a deliberate covering up of information relating to any of the above matters.

It should be noted that in making a disclosure, the Worker must have held a reasonable belief that the information disclosed tends to show one or more of the offences or breaches listed above (referred to as 'relevant failures'). The belief need not be correct: it might be discovered subsequently that the Worker was in fact wrong, but the Worker must show that it was a reasonable belief in the circumstances at the time of disclosure. To be protected by the legislation you must disclose information in keeping with this policy and the Public Interest Disclosure Order legislation.

Information protected by legal professional privilege is not a qualifying disclosure nor is disclosure to a member of staff if, in making the disclosure, he/she commits an offence (e.g. if disclosure was prohibited under the Official Secrets Act 1989). However, the disclosure of information to a legal adviser in the course of obtaining legal advice is protected.

## 6. Qualifying Disclosure.

A qualifying disclosure will be a protected disclosure if the following conditions are met.

The individual must:

- reasonably believe that the information, and any allegation contained in it, is substantially true;
- not act for personal gain; and
- act reasonably, taking into account the circumstances.

In addition, the disclosure must be raised internally or to a prescribed person [as set out in the Public Interest Disclosure (Prescribed Persons) Order (NI) 1999], in accordance with this policy unless if one or more of the following conditions are met:

- the individual reasonably believed that the employer would subject them to a detriment if disclosure were to be made to the employer or to a prescribed person;
- in the absence of an appropriate prescribed body, the Worker reasonably believed that disclosure to the employer would result in the destruction or concealment of information about wrongdoing;

- the Worker had previously disclosed substantially the same information to the employer or to a prescribed person; or
- the relevant failure is exceptionally serious, and in the circumstances, it would be reasonable to make the disclosure in this way.

## **7. Assurances for Staff.**

### **a. Your safety**

TNI are committed to making whistleblowing work. If a genuine concern is raised under this policy and in accordance with the Public Interest Disclosure (NI Order) 1998 Legislation, the individual will not suffer any form of detriment, from raising a concern.

TNI will take all reasonable steps to ensure that you will not be subjected to a detriment by a co-worker or agent of the TNI. In such circumstances it will not matter if your concern was mistaken.

### **b. Confidentiality**

TNI will treat all disclosures in a confidential and sensitive manner. TNI will not tolerate the harassment or victimisation of anyone who raises a genuine concern. In providing these assurances we hope individuals will raise concerns openly.

If a person raising a concern requests the non-disclosure of details which could identify him or her, then they are asked to state this at the outset. If you ask us not to disclose your identity, we will not do so without your consent unless otherwise required under a legal obligation. It is important to understand that there may be times when we are unable to resolve a concern without revealing an individual's identity, for example where personal evidence from the person making the claim is essential. In such cases we will discuss this with the person concerned and agree how the matter can best proceed.

TNI has a requirement to notify our sponsoring Department (DfE) of all Public Interest Disclosures (Whistleblowing) cases and furnish them with a copy of the completed investigation report. As noted above, we will not disclose your identity without your consent, unless we are legally obliged to do so.

### c. **Anonymity**

If individuals do not tell us who they are, when raising an issue, it will be much more difficult to investigate the matter, to protect the person raising the complaint, or to give feedback on progress. Accordingly, while we will consider anonymous reports, this policy is geared towards situations where individuals identify themselves.

If a member of staff is unsure about raising a concern under this policy, independent and expert advice is available from **Protect** - which is an independent whistleblowing charity (formerly public concern at work - at [whistle@protect-advice.org.uk](mailto:whistle@protect-advice.org.uk)). The advice is provided by lawyers who talk through the options available and provide advice about how to raise a concern of malpractice at work.

Another useful source of information is 'Raising Concerns: A good practice guide for the Northern Ireland public sector' (NIAO June 2020).

## **8. Whistleblowing Protection Officer.**

TNI has designated the **Director of Finance to act as Whistleblowing Protection Officer**. If you have any concerns generally about raising a matter under this policy, they should be addressed to the Whistleblowing Protection Officer.

## **9. Raising a Concern Internally.**

Please remember that firm evidence of malpractice is not necessary before raising a concern. However, all information or circumstances that gave rise to a concern must be explained and outlined fully when the concern is raised.

It is good practice, where possible, to attempt to resolve problems in the workplace through discussion. This could be done through informal discussions, for example, with the relevant line manager or through other TNI policies (Disciplinary and Grievance procedures). However, it is important to note that Workers do not have to raise a grievance in order to make a protected disclosure.

All concerns raised will be dealt with in confidence. However, the specifics of the concern must be shared with those who need to know to allow the matter to be investigated properly.

## **Step 1**

If you wish to raise a concern you should normally raise it with your line manager. This can be done in person (orally ) or in writing. Individuals are encouraged, in the first instance, to attempt to resolve problems through discussion in order to address issues at the earliest opportunity.

If you want to raise the matter in confidence, please say so at the outset so that appropriate arrangements can be made.

TNI recognises that in some circumstances it may be inappropriate for you to approach your Line Manager with your concern. In these circumstances, a number of alternatives are available depending on the nature of your concern. You can contact any of the following:

- your line manager's line manager;
- Director of Finance (**Whistleblowing Protection Officer ?**)
- Chair of the Audit Committee
- Head of Internal Audit;

Although you are not expected to prove beyond doubt the truth of your suspicion, you will need to demonstrate to the person contacted that you have a genuine concern relating to suspected wrongdoing ('relevant disclosures') or malpractice within the College and there are reasonable grounds for your concern.

- If the concerns relate to a member of the Management Team, then it should be raised with the Chief Executive, who will also inform the Chairman of TNI Board.
- If the concerns relate to Chief Executive, then it should be raised with the Chairman of TNI Board, who will inform DfE sponsor branch.
- If the concerns relate to the Chair of the Board, then it should be raised with the Chair of the Audit Committee. who will inform DfE sponsor branch and the Chief Executive.
- Concerns relating to members of the Board will be referred to the Department for the Economy, who will inform the Chief Executive.

## **Step 2**

If you have raised the concern informally and still have concerns, or if you feel it is inappropriate to raise the concerns in this manner, you must raise your concerns formally by using the pro forma attached (Appendix 1). This form should be sent to the Director of Finance who acts as TNI's Whistleblowing Protection Officer.



The Director of Finance will respond to your concerns as quickly as possible and the information you can expect to receive is outlined below.

- An indication of how the concern will be dealt with, and whether it falls under the scope of the Public Interests Disclosure Legislation (i.e. a 'relevant disclosure').
- Whether any initial enquiries will be made. Initial enquiries that test your concerns are not the same as either accepting or rejecting them.
- Whether any further investigations will take place and if not why not.

The Director of Finance will at the same time notify the Chief Executive and DfE sponsor branch.

### **Step 3**

Initial enquiries will be made to decide whether an investigation is appropriate. Where an investigation is necessary, it may take the form of one or more of the following:

- the Director of Finance will appoint an internal Manager as an Investigating Officer;
- an investigation by Internal Audit;
- a referral to the Police; or
- the setting up of an external investigation to be conducted by an appropriate individual or organisation (e.g. Sponsoring Department or Audit Office).

The Director of Finance will provide an indication of the likely timeframes for investigating your concerns. However, it may not be possible to define a precise timescale for Internal Investigations.

### **Step 4**

You will be informed of the outcome of any Investigation, in writing, and any findings/conclusion, subject to the constraints of confidentiality and the law.

TNI hopes you will be satisfied with any action taken. If you do not feel your concern has been addressed adequately, in certain circumstances you can request a 'Reconsideration' by writing to the Chief Executive.

This request must be made within 10 working days of being informed of the outcome. The Chief Executive will appoint an independent person (normally a member of the Senior Management Team), to review how your original concerns were addressed. A Reconsideration will consider if the policy was appropriately applied and if the findings are justified.

## 10. How TNI will handle your 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. 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, TNI will advise the officer, who is dealing with the matter, how you can be contacted.

You will be offered the opportunity of a meeting to fully discuss the issue, so long as you have not submitted your concern in writing anonymously.

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.

Due to the varied nature of disclosures under the Whistleblowing Policy, it is not possible to define precise timescales for internal Investigations. TNI will ensure that any Investigation is undertaken as quickly as possible, without affecting the quality and depth of the Investigation.

If the Investigation is prolonged for any reason, the individual making the disclosure will be kept informed as to the progress of the Investigation and as to when it is likely to be concluded. We will give you as much feedback as we properly can, 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.

The Investigating Officer will:

- fully investigate the disclosure in an open and transparent manner;
- interview staff affected by the disclosure;
- draft a report detailing the Findings of the Investigation and submit it to the Director of Finance (it is not the role of the Investigating Officer to make recommendations).

The Director of Finance will determine the most appropriate action to take, arising from this Investigation (for example, any lessons learned and/or make recommendations to the SMT to strengthen policies and internal controls). If the disclosure is shown to be justified, then TNI will be entitled to invoke the Disciplinary or other appropriate procedures.

## 11. Raising a Concern with an External Body.

This guidance provides an appropriate method within TNI for staff to raise their serious concerns. However, TNI recognises that there may be circumstances where staff can properly report a concern to an outside body which could be an appropriate regulator – such as the Northern Ireland Audit Office or the Health and Safety Executive of Northern Ireland.

**Protect** is an independent charity that can provide impartial expert advice ([whistle@protect-advice.org.uk](mailto:whistle@protect-advice.org.uk)), or a trade union, can advise on such an option and the circumstances in which it is appropriate to contact an outside body safely.

A list of all external bodies who can deal with Whistleblowing complaints can be found in Appendix 1 of the Department for the Economy web publication ‘Guide to the Public Interest Disclosure (Northern Ireland) Order 1998’ (March 2022).

## 12. Concluding Commitment.

Whilst it is not possible to guarantee that all responses will provide the outcome anticipated by the person raising the concern TNI will strive to handle any concern raised fairly and properly. The Whistleblowing arrangements set out in this policy are designed to help us achieve this aim.

### 13. Related Documents / Useful links.

1. Guide to the Public Interest Disclosure (Northern Ireland) Order 1998  
[Public Interest Disclosure Guidance \(economy-ni.gov.uk\)](https://www.economy-ni.gov.uk/public-interest-disclosure-guidance)
2. Protect ( formally Public Concern at Work (PCAW)  
[Protect - Speak up stop harm \(protect-advice.org.uk\)](https://protect-advice.org.uk)
3. Raising Concerns: A good practice guide for the Northern Ireland public sector (NIAO June 2020).  
[https://www.niauditoffice.gov.uk/files/niauditoffice/media-files/238412%20NIAO%20Good%20Practice%20Guide%20%28A4\\_68pp%29\\_4\\_0.pdf](https://www.niauditoffice.gov.uk/files/niauditoffice/media-files/238412%20NIAO%20Good%20Practice%20Guide%20%28A4_68pp%29_4_0.pdf)

### **Public Interest Disclosure (Whistleblowing)**

Tourism NI (TNI) is committed to ensuring that it conducts its business in a way, which is open, honest and transparent. As an organisation funded by public money, we have an obligation to exercise responsible stewardship and to account for public monies entrusted to us.

The Public Interest Disclose (Whistleblowing) Policy provides a process for all Workers who have concerns about where the interests of others or of the organisation itself are at risk to raise concerns. In addition, the Public Interest Disclosure Order protects Workers from suffering any form of detriment from their employer if they raise a concern about wrongdoing.

Anyone raising a concern (“relevant disclosure”) in the public interest, or the interest of the organisation will be protected under Public Interest Disclosure (NI) Order 1998 (PIDO).

TNI will treat all disclosures in a confidential and sensitive manner and will not tolerate the harassment or victimisation of anyone who raises a genuine concern. If you ask us not to disclose your identity, we will not do so without your consent, unless otherwise required under a legal obligation.

#### **Section 1 – Whistleblower Details**

<b>Title:</b>	
<b>Name:</b>	
<b>Contact Address:</b>	
<b>Tel Number:</b>	
<b>Email:</b>	

#### **Consent to reveal identity**

<p>Does the individual wish their identity to remain confidential during any Whistleblowing investigation?</p> <p><input type="checkbox"/> YES</p> <p><input type="checkbox"/> NO</p> <p>To whom has the individual given consent for their name to be revealed as part of the Whistleblowing investigation?</p> <p>Is the individual aware that should further action be required following a Whistleblowing investigation, in the form of disciplinary action for example, that their identity may have to be revealed following discussion with them and that they may have to provide a witness statement:</p> <p><input type="checkbox"/> YES</p> <p><input type="checkbox"/> NO</p>
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## **Section 2 – Details of the Concern**

### **DISCLOSURES PROTECTED UNDER THE ORDER**

The disclosures protected by the Public Interest Disclosure (NI) Order 1998 (i.e. qualifying disclosures) are as follows:-

- a criminal offence;
- a breach of a legal obligation;
- a miscarriage of justice;
- a danger to the health or safety of any individual;
- damage to the environment; or
- a deliberate covering up of information relating to any of the above matters.

It should be noted that in making a disclosure, the Worker must have held a reasonable belief that the information disclosed tends to show one or more of the offences or breaches listed above (referred to as 'relevant failures'). The belief need not be correct: it might be discovered subsequently that the Worker was in fact wrong, but the Worker must show that it was a reasonable belief in the circumstances at the time of disclosure. To be protected by the legislation you must disclose information in keeping with TNI Policy and the Public Interest Disclosure Order.

Please ensure that **full** details are provided of the issue you are raising. This includes all relevant dates, times and places of the event(s); and the names of those involved. Any evidence to support your claims should be provided to the TNI.

### **Section 3**

**Have you attempted to address this issue through an informal process or through engagement with the appropriate line management within the TNI?**

- YES
- NO

If YES, please summarise any action taken to address your issue/s to date. If NO, can you explain why this was deemed to be inappropriate.

### **Section 4**

**How do you believe TNI Policies and Procedures could be improved to address your concerns?** (*suggestions should be in the public interest and not for personal gain*).

I confirm that the information provided above accurately reflects the full details of the issue I am raising.

Signed: \_\_\_\_\_  
***Individual raising concern***

Date: \_\_\_\_\_

Signed: \_\_\_\_\_  
***TNI representative***

Date: \_\_\_\_\_

#### **Office Use Only**

Name of assigned Investigating Officer: \_\_\_\_\_

Date forwarded to Investigating Officer (by Director of Finance): \_\_\_\_\_

## Appendix 3 – Definition of Workers

Workers have a legal remedy (see **Appendix 2**) if they suffer detriment as a result of raising a concern in the public interest. Legislation defines the term 'worker' to include:

- employees;
- contractors;
- trainees;
- agency staff;
- home workers;
- police officers; and
- every professional in the NHS

This list is not exhaustive. If you have any doubts about whether you will have a retrospective legal remedy, you should seek impartial expert advice from:

### Protect

[www.protect-advice.org.uk](http://www.protect-advice.org.uk)

Tel: 020 3117 2520



### Third party concerns (i.e. non-workers)

Third parties can include service users, members of the public or volunteers. If they raise an issue with an organisation that would be considered "whistleblowing" if raised by an employee (i.e. it involves wider public interest rather than personal interest), then the process for considering and investigating the concern should be largely the same as if the issue was raised by an employee. However, as there is no employment relationship, a third party will not have a legal remedy under employment law if they suffer detriment as a result of raising a concern.

Source: Raising Concerns – A good practice guide for the Northern Ireland public sector (NIAO 2020).