

Public Interest Disclosure Policy (Prescribed Persons)



Author(s)	Human Resources / Legal & Investigations
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Date: Internal Governance Meeting	24 November 2022
Next review date	September 2024
Target Audience	All Staff & for Public Information

WARNING: Always ensure that you are using the most up to date policy or procedure document. If you are unsure, you can check that it is the most up to date version by checking with the HR Officer.

To be completed when reviewing an existing policy.

If the policy has been reviewed without change this information will still need to be recorded although the version number will remain the same.

Version	Date	Brief Summary of Change
3.0	Nov' 22	Review & Update to Policy reflecting developments / template forms and revised 'Raising Concerns' Policy.
2.0	Jan 19	External Policy and Internal Policy written
1.0	Sept 18	Original Policy

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1. Introduction

- 1.1 The *Public Interest Disclosure (Northern Ireland) Order 1998* protects workers who raise “whistle blowing” concerns that fall within the definition of a ‘*protected disclosure*’ contained in that legislation. In accordance with The Public Interest Disclosure (Prescribed Person) Order 2014 NICCY is a ‘*prescribed person*’ to whom such disclosures can be made.
- 1.2 Matters relating to the wellbeing and safeguarding of children can be raised to NICCY confidentially. Upon receiving such a report NICCY will consider whether it fulfils the requirements of a protected disclosure and what action is possible in response.

2. Scope of Policy

- 2.1 This policy is in the first instance intended to assist individuals who have a disclosure to make on a matter relating to the safeguarding and promotion of the rights and best interests of children and young people within external organisations. If an employee within NICCY discovers information which they believe shows breaches of children’s rights and/or malpractice and/or wrongdoing within NICCY they are encouraged to initially make use of NICCY’s internal ‘Raising Concerns’ Policy. This is not intended as an attempt to hinder the statutory entitlement of NICCY employees to make use of the above noted legislative provisions.

3. Safeguards

3.1 Protection

- 3.1.1 NICCY are committed to their role as a ‘Prescribed Person’. If individuals raise a genuine concern regarding the safeguarding and promotion of the rights and best interests of children and young people, this will be treated seriously and investigated accordingly by NICCY, in line with our statutory powers.

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3.2 Confidentiality

- 3.2.1 As relevant legislation sets out that Protected Disclosures are made by ‘workers’, NICCY will seek confirmation from parties making reports that such parties do or have fulfilled the statutory definition of “worker” as it appears in *The Public Interest (Northern Ireland) Disclosure Order 1998*.
- 3.2.2 NICCY will ensure that confidentiality will be maintained at all stages of the process. If however, a matter is raised which relates to child protection staff have a professional responsibility to disclose concerns, where appropriate, to the relevant authorities.
- 3.2.3 NICCY will not release your identity without your consent, unless required by law. In such cases we will discuss with you whether and how the matter can best proceed.

3.3 Anonymous Allegations

- 3.3.1 This policy encourages individuals to put their name to any disclosures they make. Anonymous referrals will be acted upon only in extremely exceptional circumstances given the ‘Order’ requires us to confirm the ‘worker’ status of individuals making a protected disclosure. Concerns expressed anonymously are more difficult to progress, but they will be considered at the discretion of NICCY.

In exercising this discretion, the factors to be taken into account will include:

- the seriousness of the issues raised;
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources.

4. Procedures for Making a Disclosure

4.1 Initial Steps

Please remember that you do not need to have firm evidence of malpractice before raising a concern. NICCY does however ask that you explain as fully as you can the information or circumstances that gave rise to your concern.

Step One

If you have a concern relating to the rights and best interests of children and young people, please complete the Raising Concerns (Public Interest Disclosure Form – Annex A, at the back of this policy), and email to Mairead@niccy.org or send to:

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Chief Executive
NICCY
Equality House
7-9 Shaftesbury Square
Belfast
BT2 7DP

Step Two

If you want to raise the matter in person, please say so at the outset so that appropriate arrangements can be made to meet with you by leaving a telephone number.

4.2 Process

- 4.2.1 When you raise your concerns 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. Once your concerns and involvement have been confirmed the Chief Executive of NICCY will assess the referral. This will be done with regard, but not exclusively to:
- Confirming that the statutory criteria of a Protected Disclosure are satisfied;
 - The seriousness of the allegations being made;
 - The strength of the evidence submitted in supporting the allegations; and
 - The possible and/or likely outcomes of NICCY pursuing the matter(s) raised.
- 4.2.2 The outcome and decision of such process of appraisal shall be recorded and stored by NICCY's Legal & Investigation Team in accordance with data retention procedures.
- 4.2.3 Should the Chief Executive conclude that the matters raised will be pursued by NICCY as a Protected Disclosure, it will be progressed by a nominated investigating officer from within the legal & investigations department with relevant authorities in accordance with NICCY's statutory powers. This may involve queries to the relevant authority/ies and confirmation of their appropriate and/or resulting action/s followed by obtaining the necessary assurances for NICCY. In some circumstances NICCY staff might attend in person with relevant authority/ies and/or the site about which concerns have been raised. The Chief Executive will be kept regularly apprised and, where she considers necessary, be directly involved, or otherwise advise as to progress of the matter.

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4.2.4 You will be informed of who is dealing with the matter, how you can contact them, and whether your further assistance or clarification may be needed. If you request, we will write to you summarising your concern and setting out how we propose to handle it.

4.3 Feedback

4.3.1 We will give you feedback as appropriate and if requested, we will confirm it in writing. NICCY may however, not be able to tell you the precise action taken, where this would infringe a duty of confidence owed by us to someone else.

4.3.2 The individual who made the disclosure will be informed when the investigation concludes, and where appropriate, what action has been taken. If no action is to be taken then the individual concerned should also be informed if appropriate, and will be given information as to how to contact the appropriate agencies.

4.3.3 The relevant authority will be informed when we have moved to closure having obtained the necessary assurances on action/s taken and any changes to practice where appropriate.

4.4 Reporting on Outcomes

4.4.1 While we cannot guarantee that we will respond to all matters in the way that you might wish, we will strive to handle the matter fairly and properly in line with legislative requirements. By using this Public Interest Disclosure Policy you will help us to achieve this.

4.4.2 Please note, this document has been developed to meet best practice and comply with the Public Interest Disclosure (NI) Order 1998 (PIDO) and subsequent amendments which provides employment protection for whistleblowing/raising concerns. For more information on the law, click [here](#) to view the legislation or go to www.pcaw.co.uk for guidance and/or NI Direct Government Services at <http://www.nidirect.gov.uk/protection-of-whistleblowers>

4.4.3 Receipt of protected disclosures is notified to the Commissioner and Audit and Risk Assurance Committee (ARAC) at relevant meetings.

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5.0 Annual Duty to Report

NICCY has a duty to report a summary of Protected Disclosures received to its sponsor department annually. This is done by the Chief Executive. An ongoing record will be kept and added to as/when disclosures occur; summary of actions taken; and date of closure on same will also be recorded. Detailed records will be kept on NICCY's internal database as necessary and in compliance with GDPR requirements. These measures will increase transparency in the way that such disclosures are dealt with and raise confidence that these are taken seriously. Annual reporting highlighting the number of disclosures received, that relevant action has been taken in respect of same will provide further assurance on same.

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Annex A

PUBLIC INTEREST DISCLOSURE FORM

Please e-mail the completed form to:

Mairead@NICCY.org OR send by post to: Chief Executive, NICCY, Equality House, 7-9 Shaftesbury Square, Belfast, BT2 7DP

1.	Name
2.	Contact Details (please include a contact telephone number and email address)
3.	Organisation about which you wish to make a disclosure. What is your relationship with this organisation? Have you ever worked for them? Please confirm dates.
4.	Have you raised this disclosure previously through your organisation's internal procedures? If so, please give details.
5.	Brief outline of the nature of the disclosure
6.	Additional notes
7.	Date

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RAISING CONCERNS - RECORD & REFERRAL FORM

To be completed by the nominated Officer (*appointed by the Chief Executive*):

1.	Date concern received:
2.	Concern received by:
3.	Officer nominated by Chief Executive:
4.	Contact details of the person raising the concern:
5.	Brief outline of the nature of the disclosure:
6.	Details of any documents (electronic or hard copy) received with disclosure:
7.	Internal meeting date: Attendees:
8.	Does the disclosure qualify for protection under the Public Interest Disclosure (NI) Order 1998; YES NO If yes explain what has occurred, is occurring or is likely to occur (see para 4.1 of the NICS Public Interest Disclosure (Protected Persons) Policy) <i>'Please remember that you do not need to have firm evidence of</i>

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	<p><i>malpractice before raising a concern. NICCY does however ask that you explain as fully as you can the information or circumstances that gave rise to your concern.'</i></p>
9.	Further action required?
10.	Next Steps:

Signature: _____ Chief Executive

Signature: _____ Nominated Officer

Date: _____

THIS FORM SHOULD BE PRINTED DOUBLE SIDED