



NIJAC

*Northern Ireland Judicial
Appointments Commission*

NORTHERN IRELAND JUDICIAL APPOINTMENTS (NIJAC)

WHISTLEBLOWING ARRANGEMENTS (FOR NIJAC STAFF AND MEMBERS OF THE PUBLIC)

April 2019

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1. Introduction

1.1 The Northern Ireland Judicial Appointments Commission (NIJAC) is committed to the highest possible standards of openness and accountability in the delivery of its services. The purpose of this guidance is:

- To reassure staff that they can raise genuine concerns about potential wrongdoing in confidence, through a clear internal reporting process, without putting their position at risk; and
- To provide arrangements through which anyone who is not a member of staff (for example NIJAC Board members, NIJAC Independent members, applicants for Judicial Office, external contractors, external stakeholders, members of the public or employees or workers in external organisations or their representatives) can raise concerns about the proper conduct of public business by the NIJAC.

1.2 The sections overleaf explain the types of concerns covered by the NIJAC Whistleblowing Policy, how NIJAC staff members and members of the public can raise a concern and how these concerns will be managed by NIJAC.

2. Types of Whistleblowing Concern Covered

2.1 All of us at one time or another may have concerns about what is happening at work. A whistleblowing concern is about a **risk, malpractice or wrongdoing that affects others**. It could be something which adversely affects other staff, the Department and/or its sponsored bodies, and/or the public.

2.2 A simple way to establish whether your concern falls under the whistleblowing policy is to consider the nature of the concern. If the concern refers to 'others' e.g. NIJAC, other staff, clients, the wider public, then it is a whistleblowing concern. If the concern relates to you as an individual 'self' e.g. a personal grievance about terms of employment, pay, unfair treatment – this is not a whistleblowing concern and should be raised in line with NIJAC'S Employee

Grievance Policy: [HR Handbook NICS Grievance Policy](#). 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.

- 2.3 Similarly, whistleblowing does not cover complaints about NIJAC's performance or standards of service, for which separate procedures exist. These are set out in the NIJAC Complaints Procedure located at [NIJAC Complaints Policy and Procedure](#)
- 2.4 A full list of the types of concern covered by the Whistleblowing arrangements is detailed in the Public Interest Disclosure (NI) Order 1998 [The Public Interest Disclosure \(Northern Ireland\) Order 1998](#).
- 2.5 Types of whistleblowing concern could include, but are not restricted to:
- A criminal offence/unlawful act;
 - The endangering of an individual's health and safety;
 - Failing to safeguard personal and/or sensitive information;
 - Poor value for money;
 - Fraud and corruption (including bribery);
 - Maladministration (e.g. not adhering to procedures); and
 - The unauthorised use of public funds.
- 2.6 Actual examples of the types of concerns previously raised by whistleblowers, include:



2.7 It will always be assumed that concerns have been raised in good faith unless there is evidence to the contrary. If it becomes apparent that an accusation was deliberately false, or vexatious, and not due to a misunderstanding or genuine mistake, it will be treated as a serious matter which may result in disciplinary action.

3. Raising a Whistleblowing Concern: Members of Staff

- 3.1 The Public Interest Disclosure (NI) Order 1998 provides protection for **employees** who raise concerns.
- 3.2 If you are a member of staff and you have a concern, you should refer to the NICS Public Interest Disclosure (Whistleblowing) Policy -[NICS HR Handbook Public Interest Disclosures](#). This sets out the provision 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.
- 3.3 The NICS Policy explains that staff should usually raise concerns by talking to their line manager or someone else within the line management chain. Managers should handle concerns in accordance with the separate document 'NIJAC Guidance for staff when handling whistle-blowing concerns'.
- 3.4 In raising a concern you should be aware that:
- You are not required to have formal evidence before raising a concern, only a reasonable suspicion of wrongdoing;
 - You are a witness to a potential wrongdoing and are merely relaying that information to your employer; and
 - It is the responsibility of your employer to use the information you provide to investigate the issue raised.
- 3.5 If for any reason, raising a concern with your line manager or someone else within the line management chain would be difficult you can raise the matter with the NIJAC Director of Governance and Appointments as detailed below.

Adeline Frew, NIJAC Director of Governance and Appointments
Headline Building, 10-14 Victoria Street Belfast, BT1 3GG
Ext. 69110 or 02890569110
Email: Adeline.Frew@nijac.gov.uk

- 3.6 If for any reason, raising a concern with the Director of Governance and Appointments would be difficult you can raise the matter with the NIJAC Chief Executive as detailed below.

Tonya McCormac, NIJAC Chief Executive
Headline Building, 10-14 Victoria Street Belfast, BT1 3GG
Ext. 69111 or 02890569111
Email: Tonya.McCormac@nijac.gov.uk

- 3.7 If for any reason, raising a concern with the Chief Executive would be difficult you can raise the matter with the Chairman of NIJAC as detailed below.

The Lord Chief Justice
The Rt Honourable Sir Declan Morgan
The Lord Chief Justice of Northern Ireland
Royal Courts of Justice
Chichester Street
Belfast
BT1 3JF
Email: dmorgan.rcj@judiciaryni.uk

- 3.8 If you would prefer to report your concerns to someone outside of NIJAC you can contact NIJAC's sponsor Department –The Executive Office (TEO) as follows:

Donal Moran
TEO Sponsorship Unit
58 Upper English Street
Armagh BT61 7LG
NICS Network Ext 33008 or 028 37515008 or 07500073868
Email : donal.moran@executiveoffice-ni.gov.uk

- 3.9 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 on 020 3117 2520 or by email at whistle@protect-advice.org.uk. Protect staff 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.pcaw.org.uk. Alternatively you could contact the appropriate regulator such as the Northern Ireland Audit Office or the Health and Safety Executive of Northern Ireland.

See **Annex 4** for relevant contact details.

- 3.10 **Annex 2** to this guidance includes a template that should be used to raise a concern. A flow diagram is attached at **Annex 3**, summarising the process for staff raising a whistleblowing concern.

4. Raising a Whistleblowing Concern: External (including NIJAC Board members, NIJAC Independent members, applicants for Judicial Office external contractors, external stakeholders, members of the public or employees or workers in external organisations or their representatives).

- 4.1 While the Public Interest Disclosure (NI) Order 1998 applies to workers (as defined in the Order) NIJAC will endeavour, as far as possible, to apply the same principles in respect of concerns raised by **non-staff members**. Concerns raised will be treated in the strictest confidence. Where concerns lead to criminal proceedings, you may also be required to give evidence in a court of law. If you are not a member of NIJAC staff (for example a NIJAC Board member, a NIJAC Independent member, an applicant for Judicial Office, an external contractor, an external stakeholder, a member of the public or an employee or worker in an external organisation or their representative etc.) you can raise your concern orally or in writing to the NIJAC Director of Governance and Appointments or the NIJAC Chief Executive. The details are as follows:

Adeline Frew, NIJAC Director of
Governance and Appointments

Headline Building, 10-14 Victoria
Street Belfast, BT1 3GG

Ext. 69110 or 02890569110

Email:

Adeline.Frew@nijac.gov.uk

or

Tonya McCormac, NIJAC Chief
Executive

Headline Building, 10-14 Victoria
Street Belfast, BT1 3GG

Ext. 69111 or 02890569111

Email:

Tonya.McCormac@nijac.gov.uk

- 4.2 If for any reason, raising a concern with the Director of Governance and Finance or the Chief Executive would be difficult you can raise the matter with the Chairman of NIJAC as detailed below.

The Lord Chief Justice
The Rt Honourable Sir Declan Morgan
The Lord Chief Justice of Northern Ireland
Royal Courts of Justice
Chichester Street
Belfast
Email: dmorgan.rcj@judiciaryni.uk

- 4.3 If you would prefer to report your concerns to someone outside of NIJAC you can contact NIJAC's sponsor Department –The Executive Office (TEO) as follows:

Donal Moran
TEO Sponsorship Unit
58 Upper English Street
Armagh BT61 7LG
NICS Network Ext 33008 or 028 37515008 or 07500073868
Email : donal.moran@executiveoffice-ni.gov.uk

- 4.4 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 on 020 3117 2520 or by email at whistle@protect-advice.org.uk. Protect staff 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.pcaw.org.uk. Alternatively you could contact the appropriate regulator such as the Northern Ireland Audit Office or the Health and Safety Executive of Northern Ireland. See **Annex 4** for relevant contact details.
- 4.5 **Annex 2** to this guidance includes a template that should be used to raise a concern. A flow diagram is attached at **Annex 3**, summarising the process for staff raising a whistleblowing concern.

5. Handling a Whistleblowing Concern

5.1 Be assured that all concerns raised will be taken seriously and investigated appropriately. Information and documentation relating to your concern will be restricted in order to protect the identity of all those involved, including those against whom the concerns are made.

5.2 If your concern has not been submitted anonymously, NIJAC (or TEO as appropriate) will:

- Formally acknowledge receipt of your concern;
- Formally notify you of who will be investigating your concern;
- Offer you the opportunity of a meeting to fully discuss the issue;
- Respect your confidentiality where this has been requested.
Confidentiality should not be breached unless required by law;
- Take steps to ensure that you have appropriate support and advice;
- Agree a timetable for feedback. If this cannot be adhered to, NIJAC will let you know;
- Provide you with as much feedback as it properly can; and
- Take appropriate and timely action against anyone who victimises you.

5.3 If you choose to raise your concern **anonymously**, it will be much more difficult for us to look into the matter, to protect your position, or to give you feedback. Accordingly, while we will consider anonymous reports, these arrangements are not well suited to deal with concerns raised anonymously. Disadvantages of raising a concern anonymously include:

- 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; and
- It may be difficult to demonstrate to a tribunal any detriment you have suffered as a result of raising a concern.

5.4 If you decide to reveal your identity to NIJAC during the process, your confidentiality will be protected, as far as possible. However, it may not always be possible to maintain confidentiality if this impedes the investigation. In such circumstances, we will consult with you in order to seek your informed consent to progress the case.

5.5 **If you are not satisfied with how with your concern has been dealt with you should again refer to the contacts in Annex 3 and raise the matter at the most appropriate level either internally or externally to NIJAC.**

5.6 **If your confidentiality is not protected and you suffer detrimentally as a result or if you consider you have been treated unfairly after raising a concern you should again refer to the contacts in Annex 3 and raise the matter at the most appropriate level either internally or externally to NIJAC.**

5.7 **Alternatively you can raise your concern with the independent charity Protect or the appropriate regulator such as the Northern Ireland Audit Office or the Health and Safety Executive of Northern Ireland –see contact points at Annex 4.**

5.8 **If your confidentiality is not protected and you suffer detrimentally as a result or if you consider you have been treated unfairly after raising a concern you may also be able to seek recourse through an Industrial Tribunal – see contact point at Annex 4.**

- 5.9 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.”
- 5.10 If your concern is about possible fraud, the NIJAC will deal with it by following our Fraud Policy and Fraud Response Plan. If your concern falls more properly within the Staff Grievance Policy (or other HR Policy) or the Complaints Procedure, we will tell you.

6. External disclosures

- 6.1 While we hope we have given you the reassurance you need to raise your concern internally with us, we recognise that there may be circumstances where you can properly report a concern to an outside body. In fact, we would rather you raise a matter with the appropriate regulator – such as the Northern Ireland Audit Office or the Health and Safety Executive of Northern Ireland - than not at all. Protect (see page 17), or your union will be able to advise you on such an option and on the circumstances in which you may be able to contact an outside body safely.

Annex 1 How do I raise a concern?

- **Use the form at Annex 2**
- **Send it to the contact at Annex 3**
- **Use the contact list at Annex 4**

What happens next?

We will:

- **Formally acknowledge receipt of your concern within 2 working days;**
- **Formally notify you of who will be investigating your concern;**
- **Offer you the opportunity of a meeting to fully discuss the issue;**
- **Respect your confidentiality where this has been requested. Confidentiality should not be breached unless required by law;**
- **Take steps to ensure that you have appropriate support and advice;**
- **Agree a timetable for feedback. If this cannot be adhered to, NIJAC will let you know;**
- **Provide you with as much feedback as it properly can; and**
- **Take appropriate and timely action against anyone who victimises you.**

Annex 2 Whistleblowing – To assist the member of staff or the general public when Raising a Whistleblowing Concern please fill out and submit this form to the relevant contact shown in flowchart at Annex 3.

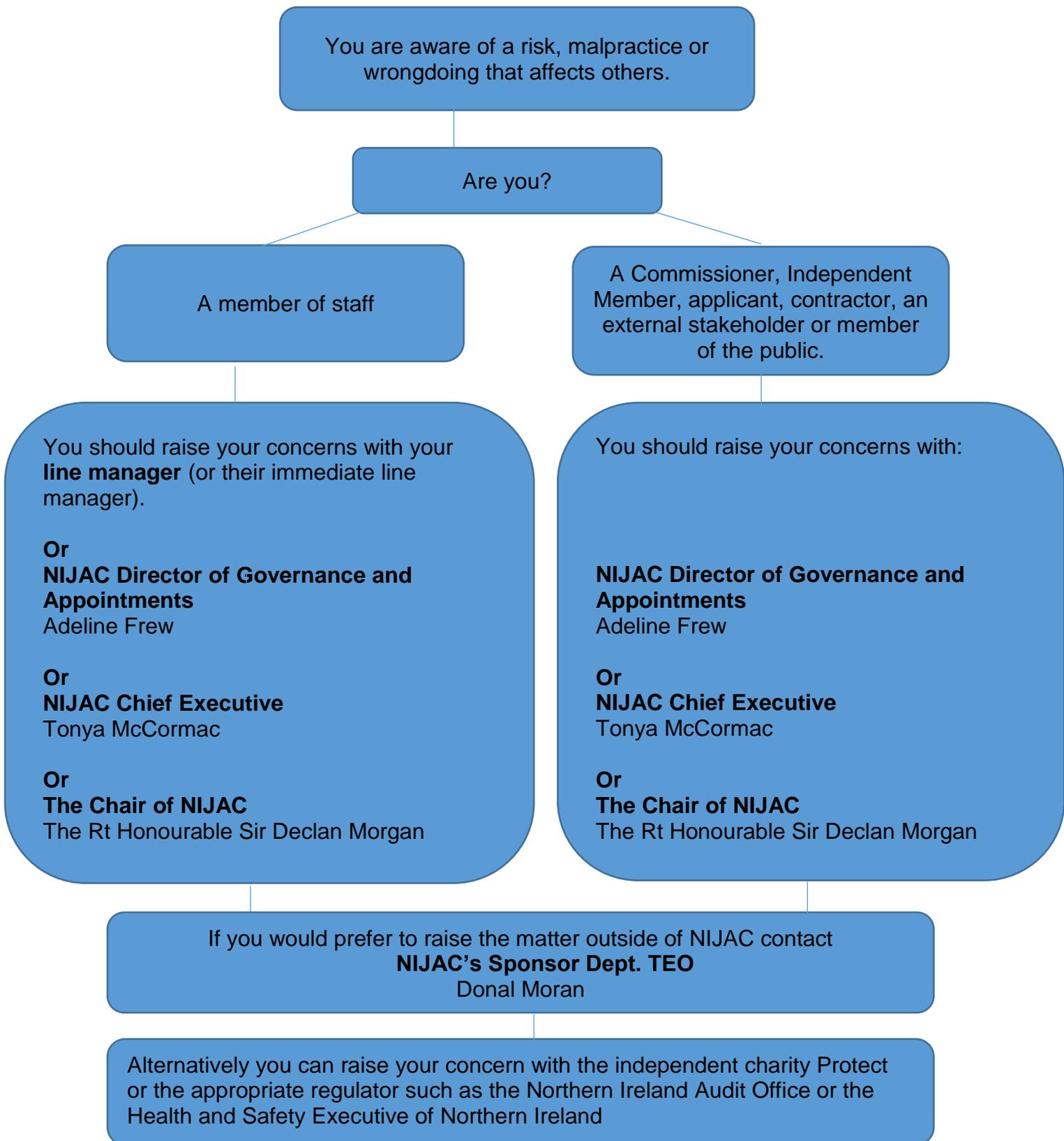
Title <i>(Mr, Mrs, Ms, Other – please specify)</i>	
Name	
Address	
Telephone Number	
Email address	

Please outline full details of the alleged whistleblowing concern that you wish to raise with NIJAC:

Signature:

Date:

ANNEX 3 - NIJAC WHISTLEBLOWING PROCESS FOR CONCERNS RAISED BY STAFF AND THE GENERAL PUBLIC



PLEASE SEE ANNEX 4 FOR RELEVANT DETAILS FOR THE CONTACT POINTS ABOVE.

ANNEX 4 – CONTACT DETAILS

NIJAC DIRECTOR OF GOVERNANCE AND APPOINTMENTS

Adeline Frew, NIJAC Director of Governance and Appointments

Headline Building, 10-14 Victoria Street Belfast, BT1 3GG

Ext. 69110 or 02890569110

Email: Adeline.Frew@nijac.gov.uk

NIJAC CHIEF EXECUTIVE

Tonya McCormac, NIJAC Chief Executive

Headline Building, 10-14 Victoria Street Belfast, BT1 3GG

Ext. 69111 or 02890569111

Email: Tonya.McCormac@nijac.gov.uk

THE CHAIR OF NIJAC

The Lord Chief Justice

The Rt Honourable Sir Declan Morgan

The Lord Chief Justice of Northern Ireland

Royal Courts of Justice

Chichester Street

Belfast

BT1 3JF

Email: dmorgan.rcj@courtsni.gov.uk

NIJAC SPONSOR DEPT. THE EXECUTIVE OFFICE (TEO)

Donal Moran

TEO Sponsorship Unit

58 Upper English Street

Armagh BT61 7LG

NICS Network Ext 33008 or 028 37515008 or 07796947921

Email : donal.moran@executiveoffice-ni.gov.uk

PROTECT - WHISTLEBLOWING ADVICE- INDEPENDENT CHARITY

Protect on 020 3117 2520 or by email at whistle@protect-advice.org.uk.

THE NORTHERN IRELAND AUDIT OFFICE (NIAO)

The Comptroller and Auditor General
Northern Ireland Audit Office
106 University Street
BELFAST
BT7 1EU

Telephone: (028) 9025 1062 or (028) 9025 1000.

Email: whistleblowing@niauditoffice.gov.uk

HEALTH AND SAFETY EXECUTIVE FOR NORTHERN IRELAND

83 Ladas Drive
Belfast
BT6 9FR

Telephone: 0800 0320 121

Email: mail@hseni.gov.uk

OFFICE OF THE INDUSTRIAL TRIBUNALS AND THE FAIR EMPLOYMENT TRIBUNAL

The Secretary

Office of the Industrial Tribunals and the Fair Employment Tribunal

Killymeal House

2 Cromac Quay

BELFAST

BT7 2JD

Tel (028) 9032 7666

email: mail@employmenttribunalsni.org

website: www.employmenttribunalsni.co.uk