



Department of
Justice

An Roinn Dlí agus Cirt

Mánnystrie O tha Laa

www.justice-ni.gov.uk

DoJ ‘Raising a Concern’ Policy

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1. Introduction

1.1 The Department of Justice (DoJ) is committed to the highest possible standards of openness and accountability in the delivery of its services. The purpose of this Departmental policy is:

- to reassure DoJ 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 members of the public¹) can raise concerns about the proper conduct of public business by the Department or any of its Agencies².

1.2 The sections below explain the types of concerns covered by this policy, how DoJ staff members (including those in its Agencies) and anyone external to the DoJ can raise a concern and how these concerns will be managed by the Department.

¹ Within the context of this policy, anyone external to the DoJ includes members of the public, contractors, other stakeholders etc.

² Agencies of the DoJ are the Northern Ireland Prison Service, Northern Ireland Courts and Tribunals Service, Legal Services Agency Northern Ireland, Forensic Science Northern Ireland and the Youth Justice Agency.

2. Types of Concern Covered

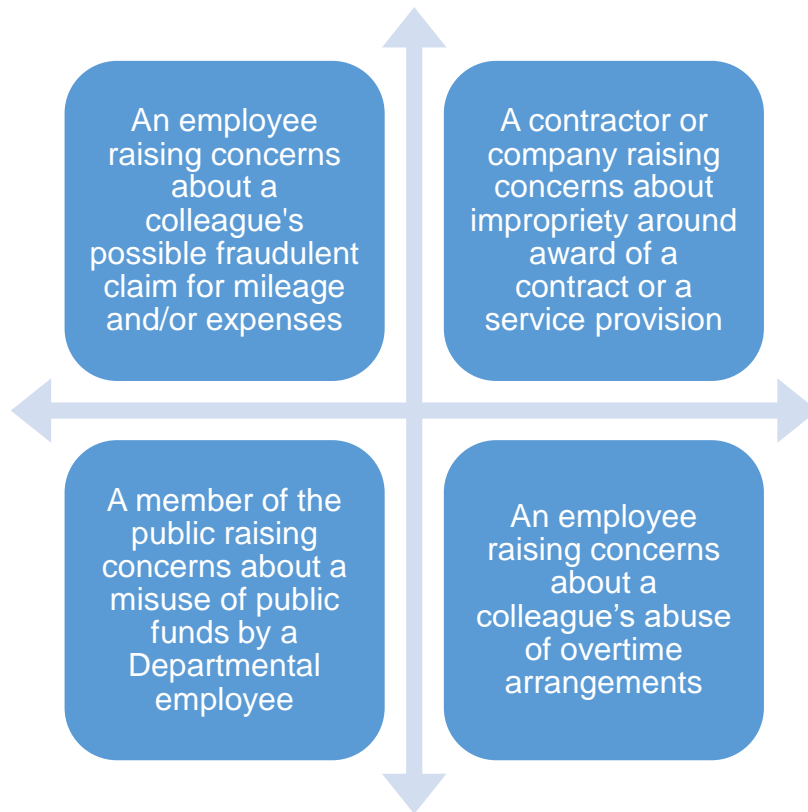
- 2.1 All of us at one time or another may have concerns about what is happening at work. A concern may be about a perceived **risk, malpractice or wrongdoing that affects others**. It could be something which adversely affects other staff, the Department and/or its Agencies, and/or the public.
- 2.2 A simple way to establish whether your concern falls under this policy is to consider the nature of the concern. If the concern refers to 'others' e.g. the Department and/or its Agencies, other staff, contractors, customers, clients, the wider public, then it is an issue that can be appropriately raised under this 'Raising a Concern' Policy. If the concern relates to you as an individual ('self') e.g. a personal grievance about terms of employment, or other work related conditions, it does not fall within the remit of this policy. If you wish to raise an issue about your employment or how you have been treated at work, this should be done under the [NICS Grievance Procedure](#).
- 2.3 Generally, the individual who raises the concern has no self interest in the issue being raised. However, each concern should be considered on a case by case basis to determine whether it fits within the 'raising a concern' classification.
- 2.4 Similarly, raising a concern does not cover any complaints about the Department's performance or standards of service, for which separate procedures exist. These are set out in the DoJ Complaints procedures which is available on the DoJ's website at [DoJ Complaints Policy](#).
- 2.5 Each of the Department's Agencies has its own Complaints procedures which should be used in respect of issues with their performance or service standards.
- 2.6 If your concern is about possible fraud the Department will deal with it under our Fraud Policy and Fraud Response Plan, which is available on the intranet at [DoJ Anti-Fraud and Anti-Bribery Policy and Response Plan](#).

2.7 A full list of the types of concern that might be raised under the scope of this policy are detailed in the Public Interest Disclosure (NI) Order 1998 [The Public Interest Disclosure \(Northern Ireland\) Order 1998.](#)

2.8 Types of concern that could be raised under this policy include, but **are not** restricted to:

- a criminal offence/unlawful act (such as fraud or corruption);
- the unauthorised use of public funds;
- fraud and corruption (e.g. to give or receive any gift/reward as a bribe);
- maladministration (e.g. not adhering to procedures, negligence);
- malpractice (e.g. breach of policy or legislation);
- a failure to comply with a legal obligation;
- failing to safeguard personal and/or sensitive information;
- the endangering of an individual's health and safety;
- the abuse of children and /or vulnerable adults (physical or psychological);
- a breach of the Employee Code of Conduct;
- damage to the environment (e.g. pollution) through action by the Department or one of its agencies;
- abuse of power;
- poor value for money;
- other unethical conduct; or,
- any deliberate concealment of information tending to show any of the above.

2.9 Some examples of the types of concerns raised, include:



- 2.10 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 if the accusation is made by a member of staff.
- 2.11 This policy **does not** apply to any decision in relation to the grant or refusal of legal aid as there are separate statutory remedies for these matters.

3. Raising a Concern: Staff within the DoJ (including its Agencies)

- 3.1 The Public Interest Disclosure (NI) Order 1998 provides protection for **employees** who raise a concern.
- 3.2 If you **are** a member of **DoJ staff** and you have a concern, you should refer to the **NICS Public Interest Disclosure (Whistleblowing) Policy**.
- 3.3 This is included in the **NICS HR Handbook** at Section 6.01 (Standards of Conduct) of Chapter 6 (Employee Relations). Sub-section 4 of Section 6.01 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.
- 3.4 The NICS Policy explains that staff should usually raise concerns with their line manager or someone else within the line management chain in the first instance. Managers should handle concerns in accordance with the Department's Raising Concerns procedures, which can be found on the Department's intranet site [Staff Guidance for Handling Concerns raised](#).
- 3.5 If you believe that you are being required to act in any way which conflicts with the core values and standards set out in the Civil Service Code of Ethics, or you have become aware of the actions of others which you believe conflict with the Code, you may wish to raise this matter directly with the Departmental Nominated Officer or the Department's Governance Unit (contact details below).
- 3.6 If your concern is about a breach of the Civil Service Code of Ethics, you may also raise it directly with the Civil Service Commissioners for Northern Ireland at:
Office of the Civil Service Commissioners for Northern Ireland
Room105
Stormont House

Stormont Estate
Belfast BT4 3SH
Tel: 028 90523599
Email: info@nicsscommissioners.org

While it is the Commissioners' preference that issues under the Code of Ethics are raised in the first instance internally within the relevant department, there may be circumstances where Commissioners would accept a case without this having occurred. Commissioners will examine each case on its merits.

3.7 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 the DoJ as your employer; and,
- it is the responsibility of the DoJ to use the information you provide to investigate the issue raised.

3.8 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 **Departmental Nominated Officer** as detailed below:

By Email: David.Lennox@justice-ni.gov.uk

Or by post:

David Lennox
Deputy Director
Corporate Engagement and Communications Division
Room 5.9, 5th Floor
Block B, Castle Buildings
Stormont Estate
Belfast, BT4 3SX

- 3.9 The Department also has a dedicated email inbox for those individuals who wish to raise a concern. The inbox is managed confidentially by the Department's Governance Unit at Governance.Unit@justice-ni.gov.uk.
- 3.10 While it is not essential to raising a concern, a template provided at **Appendix A** could be used to capture information when you wish to raise a concern. A flow diagram is attached at **Appendix B** that summarises the process for those **who are** a member of **DoJ staff** raising a concern.
- 3.11 If you are unsure whether or how to raise a concern, or you want confidential advice at any stage, you may contact the independent whistleblowing charity Protect (previously Public Concern at Work (PCaW)) on 020 3117 2520 or by email at whistle@protect-advice.org.uk. Protect staff can discuss your options and help you raise a concern. For more information, you can visit their website at www.protect.co.uk. Alternatively, you could contact the appropriate regulator such as the Northern Ireland Audit Office or the Health and Safety Executive of Northern Ireland.

4. Raising a Concern: All individuals who are not a staff member of the DoJ

4.1 While the Public Interest Disclosure (NI) Order 1998 applies to staff (as defined in the Order) the Department will endeavour, as far as possible, to apply the same principles in respect of concerns raised by **anyone not employed** by the Department or its Agencies. Concerns raised will be treated in the strictest confidence. Where concerns lead to criminal proceedings, you may be required to give evidence in a court of law. If you **are not** a member of DoJ staff you can raise your concern as detailed below:

By Email: David.Lennox@justice-ni.gov.uk

Or by post:

David Lennox
Deputy Director
Corporate Engagement and Communications Division
Department of Justice
Room 5.9, 5th Floor
Block B, Castle Buildings
Stormont Estate
Belfast BT4 3SX

4.2 Alternatively, you can submit your concern to the Department's dedicated email inbox for those individuals (staff and members of the public) who wish to raise a concern. The inbox is managed confidentially by the Department's Governance Unit at Governance.Unit@justice-ni.gov.uk. **Appendix A** to this guidance includes a template that can be used to raise a concern. A flow diagram is attached at **Appendix C** that summarises the process for those **who are not** a member of DoJ staff raising a concern.

5. How the DoJ will Handle a Concern

5.1 Please be assured that **all** concerns raised will be taken seriously and investigated appropriately. Information and documentation relating to your concern will be managed carefully 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, we will:

- acknowledge receipt of your concern;
- notify you of who will be investigating your concern;
- where necessary, 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 to provide you with feedback within a reasonable and/or agreed timeframe. If this cannot be adhered to, we will let you know;
- provide you with as much feedback as we 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, often 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 any subsequent tribunal (if applicable) any detriment you have suffered as a result of raising a concern.

5.4 If you decide to reveal your identity to the Department 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 to seek your informed consent to progress the case.

5.5 If you are a DoJ staff member and you feel that your confidentiality has not been protected, and you suffer detriment as a result, you may be able to seek recourse through an Employment Tribunal.

5.6 Once you have told us of your concern, we will look into it to assess 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."

6. External Disclosures

- 6.1 While we hope we have given you sufficient reassurance you need to raise your concern 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 (or your trade 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.

Form that can be completed when Raising a Concern

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

*optional

Please outline full details of the concern that you wish to raise with the Department:

Signature:*

Date:

*optional

The completed form should be returned to:

For staff within the DoJ (including any of its Agencies)

Your line manager (or immediate line manager or a senior manager) or the Departmental Nominated Officer (David Lennox) at Room 5.9, 5th Floor, Block B, Castle Buildings, Stormont Estate, Belfast BT4 3SX.

Email: David.Lennox@justice-ni.gov.uk.

Or alternatively by email to: Governance.Unit@justice-ni.gov.uk.

For individuals who are not a staff member of the DoJ:

David Lennox
Deputy Director
Corporate Engagement and Communications Division
Department of Justice
Room 5.9, 5th Floor
Block B, Castle Buildings
Stormont Estate
Belfast BT4 3SX

Email: David.Lennox@justice-ni.gov.uk

Or alternatively by email to: Governance.Unit@justice-ni.gov.uk.

Process for dealing with concerns raised by staff within the Department of Justice (including its Agencies).

You are aware of a risk, malpractice or wrongdoing that may affect others

You are a staff member of the DoJ or one of its Agencies

You should raise your concerns with your **line manager** (or their immediate line manager or a senior manager) in the first instance.

If this would be difficult, you can raise the matter with David Lennox, the **Departmental Nominated Officer**

by email: David.Lennox@justice-ni.gov.uk

by post: David Lennox
Corporate Engagement and Communication Division
Room 5.9, 5th Floor, Block B, Castle Buildings, Stormont Estate, Belfast BT4 3SX

Or - alternatively by email to Governance.Unit@justice-ni.gov.uk

Or - you can raise your concern with Protect (the independent charity) on 020 3117 2520 or by email at whistle@protect-advice.org.uk,

Or - the appropriate regulator such as the Northern Ireland Audit Office or the Health and Safety Executive of Northern Ireland.

Process for dealing with concerns raised if you are not a staff member of the Department of Justice.

You are aware of a risk, malpractice or wrongdoing that may affect others

You are not a staff member of the DoJ i.e. a member of the public or from a body external to the DoJ.

You should submit your concern to:

by email: David.Lennox@justice-ni.gov.uk

by post: David Lennox
Deputy Director
Corporate Engagement and Communications Division
Department of Justice
Room 5.9, 5th Floor
Block B, Castle Buildings
Stormont Estate
Belfast BT4 3SX

Or – alternatively by email to
Governance.Unit@justice-ni.gov.uk

Or - the appropriate regulator such as the Northern Ireland Audit Office or the Health and Safety Executive of Northern Ireland.