



Victims & Survivors Service

VICTIMS SUPPORT PROGRAMME

Guidance Note on Whistleblowing G8/VSS

Version 1.2

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Please note: in this document “Programmes” refers to the Victims and Survivors Programme.

1. Introduction

- 1.1. This Guidance Note should be read in conjunction with the VSS Programmes Operating Manual and the Guidance Note G7 Fraud.
- 1.2. Each VSS funded organisation is responsible for ensuring an appropriate Whistleblowing Policy is in place within their organisation. The purpose of this guidance is to outline how you as an individual or as a funded organisation can raise a concern with the VSS.
- 1.3. Whistleblowing arrangements come into effect when you have concerns about what is happening at work, usually regarding unlawful conduct, a possible fraud or a danger to the public or the environment, or other serious malpractice.
- 1.4. Individuals may be worried about raising such a concern and may think it best to keep it to yourself, perhaps feeling it is none of your business that it is only a suspicion and that raising the matter would be disloyal to colleagues, managers, your organisation or the VSS. This guidance has been created to reassure staff working within funded organisations that it is safe and acceptable to speak up.
- 1.5. This guidance also enables you to raise your concern about such malpractice at an early stage and in the right way.
- 1.6. If you are an employee of a funded organisation and wish to make a complaint about your employment or how you have been treated, please use your own organisation's internal Complaints and Grievance Procedure.
- 1.7. The VSS has implemented this guidance for you to raise any concern where the interests of others or the organisation itself are at risk.
- 1.8. If your concern is about possible fraud, you should refer to Guidance Note G7 on Fraud and your organisation's Fraud Policy and Fraud Response Plan.

If in doubt, raise it!

2. Public Interest Disclosure (Northern Ireland) Order 1998 (amended April 2014)

- 2.1. The Public Interest Disclosure (Northern Ireland) Order 1998 ('the Order') protects workers who 'blow the whistle' about wrongdoing. The Order amends the Employment Rights (Northern Ireland) Order 1996, and makes provision about the kinds of disclosures which may be protected; the circumstances in which such disclosures are protected; and the persons who may be protected.
- 2.2. The provisions introduced by the Order protect most workers from being subjected to a detriment by their employer.
- 2.3. 'Worker' has an especially broad meaning in the case of whistleblowing. As well as employees, it also includes agency workers and people who aren't employed, but are training with employers. Some self-employed people may be considered to be workers for the purpose of whistleblowing, if they are supervised or work off-site.

3. Definition

- 3.1. Protect defines whistleblowing as 'A worker raising a concern with someone in authority — internally and/or externally (e.g., to regulators, MPs, the media) — about wrongdoing, risk or malpractice that affects others.'

4. Whistleblowing or Complaint

- 4.1. A simple way to establish whether a concern is 'whistleblowing' or a 'complaint' is to consider the nature of the concern:
 - Does the concern refer to 'others', e.g., the organisation, other staff, clients, the wider public? = Whistleblowing
 - Does the concern refer to the individual ('self'), e.g., a personal grievance about terms of employment, pay, and unfair treatment? = Complaint

5. Our assurances to you

5.1. Your safety

If you raise a genuine concern under these arrangements, you will not be at risk of losing your funding or suffering any form of retribution as a result. 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.

5.2. Confidentiality

The VSS will not tolerate the harassment or victimisation of anyone who raises a genuine concern and with these assurances, the VSS hope you will raise your concern openly. However, the VSS recognizes that there may be circumstances when you would prefer to speak to someone in confidence first. If this is the case, please say so at the outset. If you ask the VSS not to disclose your identity, the VSS will not do so without your consent unless required by law. You should understand that there may be times when the VSS is unable to resolve a concern without revealing your identity, for example where your personal evidence is essential. In such cases, the VSS will discuss with you whether and how the matter can best proceed.

5.3. Anonymity

Remember that if you do not tell the VSS who you are, it will be much more difficult for the VSS to look into the matter, to protect your position, or to give you feedback. Accordingly, while the VSS will consider anonymous reports, these arrangements are not well suited to deal with concerns raised anonymously.

6. How to raise a concern with VSS

- 6.1. You do not need to have firm evidence of malpractice before raising a concern with the VSS. However, the VSS does ask that you explain as fully as you can the information or circumstances that gave rise to your concern.

1. Step One

If you have a concern about malpractice, the VSS hope that you will feel able to raise it first with the VSS Programmes Support Officer assigned to your funded organisation. This can be done verbally or in writing.

2. Step Two

If, for whatever reason, you feel that raising the matter with the VSS Programmes Support Officer is not appropriate or it has not worked, please raise the matter with the Programmes Manager, Carol Carmichael on 028 9027 9100 or email carol.carmicheal@vssni.org. If you want to raise the matter in confidence, please say so at the outset so that appropriate arrangements can be made.

3. Step Three

If these channels have been followed and you believe there is an ongoing risk, or you feel the matter is so serious that you cannot discuss it with any of the above, you can raise your concern directly with the Head of Service Development, Emma Dargan on 028 9027 9100.

7. How the VSS will handle the matter

- 7.1. Once you have told the VSS of your concern, the VSS 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, the VSS will tell you who is dealing with the matter, how you can contact the Investigation Officer, and whether your further assistance may be needed. If you request, the VSS will write to you summarising your concern and setting out how the VSS propose to handle it.
- 7.2. 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, the VSS does ask that you tell the VSS at the outset. If your concern falls more properly within your funded organisation’s Grievance Procedure or other internal policies, the VSS will tell you.
- 7.3. The VSS will give you as much feedback as it properly can, and if requested, the VSS will confirm it in writing. However, the VSS may not be able to tell you the precise action taken where this would infringe a duty of confidence owed by the VSS to someone else, or jeopardise an external investigation or legal process.

8. Independent advice

- 8.1. If you are unsure of how to raise a concern or you want confidential advice at any stage, you may contact your line manager or your union if applicable. You may also contact the independent charity Protect on 020 31172520 or by email at <https://protect-advice.org.uk/contact-protect-advice-line> 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 <https://protect-advice.org.uk>

9. Conclusion

- 9.1. While the VSS cannot guarantee that it will respond to all matters in the way that you might wish, the VSS will strive to handle the matter fairly and properly. By using this guidance you will help the VSS to achieve this.
- 9.2. Please note, this guidance has been developed to meet best practice and comply with the Public Interest Disclosure (NI) Order 1998 (PIDO) which

provides employment protection for whistleblowing. For more information on the law and guidance refer to <https://protect-advice.org.uk>.

- 9.3. Further guidance can be obtained from the NI Audit Office website: [Fraud and Raising Concerns | Northern Ireland Audit Office \(niauditoffice.gov.uk\)](https://niauditoffice.gov.uk)