Raising a Concern (Whistleblowing) Policy

DOCUMENT MANAGEMENT

The purpose of this section is to provide details of the official versions and controls relating to the management of the Raising a Concern Policy.

KEY PERSONNEL

Role	Responsible Person	Responsible Action
Author	POD Committee	Draft
Manager	CEO	Review
Owner	Board	Approval

DOCUMENT HISTORY

Version	Date	Reason for update
V1.0	May 2017	Initial Draft
V2.0	Nov 2017	Review of Policy in line with DfC Governance
V3.0	Jan 2018	Review of Policy in line with NIAO Good Practice
V4.0	September 2020	Policy reviewed
V5.0	February 2023	Renamed from Whistleblowing policy to Raising a Concern in line with NICS. Key Personnel names updated. Investigation team narrative updated
V6.0	April 2023	Update in line with the Department's advice to ALBs following prominent cases
V7.0 (draft)	May 2023	Adoption of NICS Policy with adaptations for USEL
V8.0	April 2025	Review
V9.0	October 2025	Additions following recommendations from the DfC update

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Glossary

Introduction

1. Usel is committed to the highest possible standards in the delivery of its functions and services. When concerns arise, it is important that Usel responds appropriately, correcting failures and learning lessons.

2. Raising a concern, often referred to as “whistleblowing”, refers to someone notifying Usel or agency about risk, danger, malpractice, wrongdoing, or illegality.

3. The purpose of this Policy Framework is to explain at the highest level how Usel will handle any concerns raised with them, and to encourage and provide reassurance to members of the public and Usel staff who want to raise concerns.

4. Usel encourages people to raise concerns because that way we can, if necessary, put things right; the person raising a concern has performed an act of public service.

5. This Policy Framework sets out what we mean by ‘concerns’, and how different kinds of concerns will be dealt with.

What are ‘concerns’?

6. Raising a concern is drawing attention to suspected risk, danger, malpractice, wrongdoing, or illegality in or by an organisation staffed by Usel. This might include issues such as:

    a. health and safety risks, either to the public or other employees.

    b. any unlawful act (*e.g.,* theft).

    c. the unauthorised use of public funds (*e.g.,* expenditure for improper purpose).

    d. maladministration (*e.g.,* not adhering to procedures, negligence).

e. failing to safeguard personal and/or sensitive information (data protection)

f. damage to the environment (*e.g.*, pollution)

g. fraud and corruption (*e.g.,* to give or receive any gift/reward as a bribe)

h. the abuse of children and /or vulnerable adults (physical or psychological)

i. any deliberate concealment of information tending to show any of the above.

7. This is not an exhaustive list but is intended to illustrate the sort of issues that may be raised and dealt with under respective Usel policies.

8. Many, if not most, of these could potentially constitute a breach of Usel's Code of Conduct by an employee, and this policy framework ought to be read alongside the Code of Conduct Policy. If an employee believes that he or she is being required to breach the Code of Conduct, this should also be raised as a concern.

9. If a concern is about possible fraud, reference should be made as soon as possible to Usel's Fraud Policy and Fraud Response Plan.

What is not a 'concern' under this policy?

10. Not all **criticism** of the work of Usel will be treated as a concern, and Usel will need to determine whether an issue raised with them should be addressed as such.

11. Separate arrangements exist to deal with **complaints** about Usel's performance or standards of service. These are set out in Usel's Complaints Procedure.

12. A concern is also distinct from a **grievance**, which is when an employee raises issues about an employment-related matter. If an employee wishes to raise an

issue about their employment or how they have been treated, they should use the Usel Bullying and Harassment Policy**.**

Confidentiality and Anonymity

13. Usel does not condone the harassment or victimisation of anyone who raises a genuine concern and will not tolerate such behaviour towards anyone who does so within Usel. Workers who raise a concern about their employer are protected by law. With these assurances, it is hoped that individuals will raise their concerns openly.

14. If someone wishes to raise concerns confidentially, either from the outset or at any stage during the process, Usel will do all they can to ensure that is possible. There may be circumstances where an individual's identity cannot be kept confidential (for instance, if Usel is required to disclose it by law, to the police for example, or if the nature of the concern makes it apparent who has raised it).

15. Individuals can choose to raise their concern anonymously, without giving anyone their name. Concerns raised anonymously will be considered in the same way as any other concern. Detailed investigations may, however, be more difficult, or even impossible if the person who originally raised the concern cannot be contacted for further information, and this must be made clear to those raising concerns. There is also a chance the documents or information provided might, unknown to Usel, reveal the identity of the person raising a concern, making it more difficult to protect their anonymity.

16. Access to information and documentation relating to the concern will be restricted in order to protect the identity of all those involved, including those against whom allegations are made. All personal information must be handled in line with the UK-GDPR requirements.

Independent advice

17. *Protect*, a charitable organisation, provides free, impartial, and confidential advice. Those thinking of raising a concern may wish to refer to their website at Protect - Speak up stop harm (protect-advice.org.uk)

How members of the public can raise a concern

18. Usel wants it to be easy for members of the public to raise a concern.

19. Members of the public must be able to raise a concern orally or in writing to (Appendix D):

    Usel CEO

    182-188 Cambrai Street

    Belfast

    BT13 3JH

    Phone number: 02890356600

    Website: https://www.usel.co.uk/about-us

20. When a concern has been raised by a member of the public Usel will fully investigate it through the relevant Usel policy. The concern may be in writing or orally, and may come through any official, the Minister, or through an information line or general contact address.

21. Arrangements must be made to ensure that the handling of any personal data in connection to the raising of a concern is compliant with UK-GDPR. Please refer to Usel's Privacy Policy: chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.usel.co.uk/_files/ugd/dc4c45_016f8f1e156e46e0af6e5b5b29a54b2b.pdf

How members of staff can raise a concern

22. Different arrangements must be made for the handling of concerns raised internally and for those raised externally, although the same high-level principles must apply. This is because 'workers' within Usel (namely any member of staff, contractors, trainees, agency workers, volunteers and independent consultants working for or providing advice to Usel) enjoy some protection under the Employment Rights (NI) Order 1996 (as inserted by the Public Interest Disclosure (NI) Order 1998 and amended by the Employment Act (Northern Ireland) 2016).

23. An employee or other member of staff (including agency workers) should raise their concerns first with their line manager or another manager that they feel comfortable talking to. Contractors, volunteers or independent consultants should raise concerns with their key USEL or Departmental contact. This may be done verbally or in writing. The person with whom the concern is raised should complete the relevant section of Appendix A to this policy.

24. If they feel unable to raise the matter with their manager or departmental contact, for whatever reason, they should raise the matter with the Chief Executive (CEO). The CEO will be given special responsibility and training in dealing with concerns raised under this policy.

25. If they feel that the matter is so serious that they cannot discuss it with any of those listed above, or if it concerns the CEO, they should contact the Chairperson of Usel.

26. It should be possible for someone to escalate a concern, if they have reason to believe that the original risk, danger, malpractice, wrongdoing, or illegality remains unchanged. In which case, they should contact the below:

DfC Head of Governance

Kevin Rogan

Tel: 028 90250969/07796771155

Email: Kevin.Rogan@communities-ni.gov.uk

Protections for whistleblowers

27. The law protects workers who raise concerns about their own organisation. A disclosure of information about a concern may be protected if it meets certain criteria. Not all concerns will be 'protected disclosures' under this legislation, but Usel must be alert to the possibility.

28. For Further information on the Public Interest Disclosure (NI) Order 1998, please visit:

    https://www.legislation.gov.uk/nisi/1998/1763/contents/made

29. Usel employees should consider this guidance in relation to disclosure and refer to the GDPR guidance in relation to disclosures under the public interest disclosure legislation.

30. If a Usel member of staff raises a genuine concern under these arrangements, they will not be at risk of losing their job or suffering any form of detriment by Usel as a result of doing so. They are not required to have firm evidence before raising a concern and it does not matter if they are mistaken. However, should they raise a matter with malicious intent that they know to be untrue, then this will be regarded as a serious matter, potentially misconduct, which could result in disciplinary action.

31. If a member of staff expresses concerns that they are being victimised by other members of staff as a result of the issues that they have raised, Usel must take this seriously and ensure that appropriate action is taken.

Raising a concern externally

32. If a member of staff feels unable to raise a concern internally to their line manager, HR, CEO or Chair or has done so but feels that the matter has not been adequately addressed, they have the option of Escalating it directly to the Permanent Secretary of the Department for Communities. In exceptional circumstances, concerns may be raised with the Group Head of NICS Internal Audit Services, who will determine the appropriate way forward.

33. Staff may also raise concerns externally with 'prescribed persons' as set out in the Public Interest Persons (Prescribed Persons) (Amendment) Order (Northern Ireland) 2022. This legislation provides protection for workers who raise concerns with listed regulators and oversight bodies.

34. *Protect* (the charitable organisation) will also be able to advise members of staff on making external disclosures and on the circumstances in which they may be able to contact an outside body.

How will concerns be handled?

35. All concerns raised will be taken seriously when they are received and must be dealt with appropriately. The same principles apply to both concerns raised by members of the public and those raised by Usel employees and other workers.

36. Once the individual has reported their concern, it will be passed to the Designated Review Officer, who will be a senior manager within Usel. The Designated Review Officer should complete the relevant section of Appendix A to this policy.

37. If the concern falls more properly within the Complaints Procedure; Usel Grievance Policy, Usel Bullying & Harassment Policy, or other Usel HR Policy; or is considered to be normal departmental business / correspondence, the

Designated Officer will advise the individual who raised the concern of this, and the issue will be passed to the appropriate team.

38. The Designated Officer will assess the concern to determine what action is appropriate, for example:

    a. explaining the context of the issue may be enough to alleviate the concerns of the person raising them.

    b. minor concerns might be dealt with straightaway by line management.

    c. a review by internal audit as part of planned audit work might be sufficient to address the issue.

    d. there may be a role for external audit in addressing the concerns raised and either providing assurance or recommending changes to working practices.

    e. there may be a need for a formal investigation.

39. A concern may include an allegation against an individual, or an allegation against an individual may come to light in any investigation. Such an allegation may need to be treated as a disciplinary matter, so the handling of any concerns will take into account the possibility that the allegations could lead to disciplinary action against an individual.

40. Should it be determined that a concern is to be investigated, overall responsibility for ensuring that a concern is reviewed / investigated will be allocated to a Nominated Review Officer; the person who originally raised the concern will be told who that is. The Nominated Review Officer may contact that person to discuss the concern, obtain further information if required and agree feedback arrangements insofar as that is possible. However, given the

wide range of issues which can be raised under this policy it is not possible to specify here who will review / investigate the concern.

41. At the conclusion of any review / investigation, if the concern was not raised anonymously, the person may be given feedback as appropriate (in writing if requested). However, there will be a limit to what feedback can be provided, especially in light of the duty of confidence owed to others and UK-GDPR requirements.

42. Where a concern may need to be shared externally, for example, with a Department, prescribed person or other oversight body, Usel will seek advice from the Data Protection Officer to ensure that all personal data shared is done so lawfully, the data is adequate, relevant, suitable and necessary in line with UK-GDPR.

Roles and Responsibilities

43. Designated Officer: The Designated Officer is responsible for receiving and assessing concerns.

Designated Officers will seek to ensure a consistent approach to the handling of concerns across Usel. They will maintain Usel's central database of concerns, including a record of how they are handled, whether the concern was upheld, and what the outcome was. They will monitor concerns, analysing patterns and trends, and report to the Board, People and Organisation Development Committee or Audit and Risk Assurance Committee on the number and types of concerns being raised.

44. The Designated Officer will report to Usel's CEO. An anonymous complaints register will be kept and reviewed by the ARAC Committee on a quarterly basis. The ARAC Committee will seek assurance about the functioning of the Policy

Framework and will consider themes, trends and common issues arising giving assurance to Usel Board.

45. Where appropriate, a Nominated Review Officer will be appointed to establish the facts of a case, liaise with the individual raising the concern, and report findings to the Designated Officer.

46. Usel may appoint a Speak-Up Champion who will promote awareness of the value of raising concerns, encourage a culture of openness, and ensure learning from concerns is communicated across the organisation. The nominated Speak-Up Champion will be as below:

    Sarah Wakfer (Usel Board Member)

    Email: swakfer@usel.co.uk

    Telephone: 07773401954

    This will be monitored by the ARAC Committee on a quarterly basis.

47. The Accounting Officer will ensure that effective arrangements are in place to receive handle and respond to concerns raised, and to learn lessons from them. The Audit and Risk Assurance Committee (ARAC) will provide oversight of these arrangements, regularly review data on concerns raised and advise the Accounting Officer and Board on the level of assurance that can be taken.

    As well as managing the processes for dealing with concerns, as set out above the Designated Officer, will be responsible for raising general awareness about the value of receiving and responding to concerns. They will encourage a culture of curiosity and challenge within Usel. And they will work with their colleagues to support the whole of Usel to respond effectively to concerns and to learn from instances when things go wrong.

ALBs are required to comply with the Public Interest Disclosure legislation and have corresponding procedures in place. All concerns raised should be dealt with promptly and appropriately, whether they are raised directly with a department or with an ALB.

Conclusion

Usel cannot guarantee that the consideration and investigation of a concern will conclude in the way that the person who originally raised it may wish. Raising a concern is a public service and it is for Usel to determine the appropriate response. However, Usel is committed to ensuring that all cases are handled fairly, properly, and consistently.

Usel's Raising a Concern Policy will be published on the Usel website to ensure visibility and ease of access for staff, stakeholders and members of the public.

Raising Concerns, a Good Practice Guide for the Northern Ireland Public Sector

Please refer to the link below for additional guidance: https://www.niauditoffice.gov.uk/publications/html-document/raising-concerns-good-practice-guide if you are dissatisfied.

If you are unhappy with our response, remember you can go to the other levels and bodies detailed in this policy or your Trade Union Representative. While we cannot guarantee that we will respond to all matters in the way you might wish, we will try to handle the matter fairly and properly. By using this policy, you will help us to achieve this.

Signed by:

Chairman William Leathem.

Chief Executive

APPENDIX A

RAISING A CONCERN

(WHISTLEBLOWING) - RECORD & REFERRAL FORM

1.	Date concern received
2.	Concern received by
3.	Contact details of the person raising the concern, if known
4.	Brief outline of the nature of the disclosure

6.	Details of any documents (electronic or hard copy) received with disclosure;

Signed: _____ Date: _____

(person who received the concern)

To be completed by the Usel Nominated Review Officer:

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.

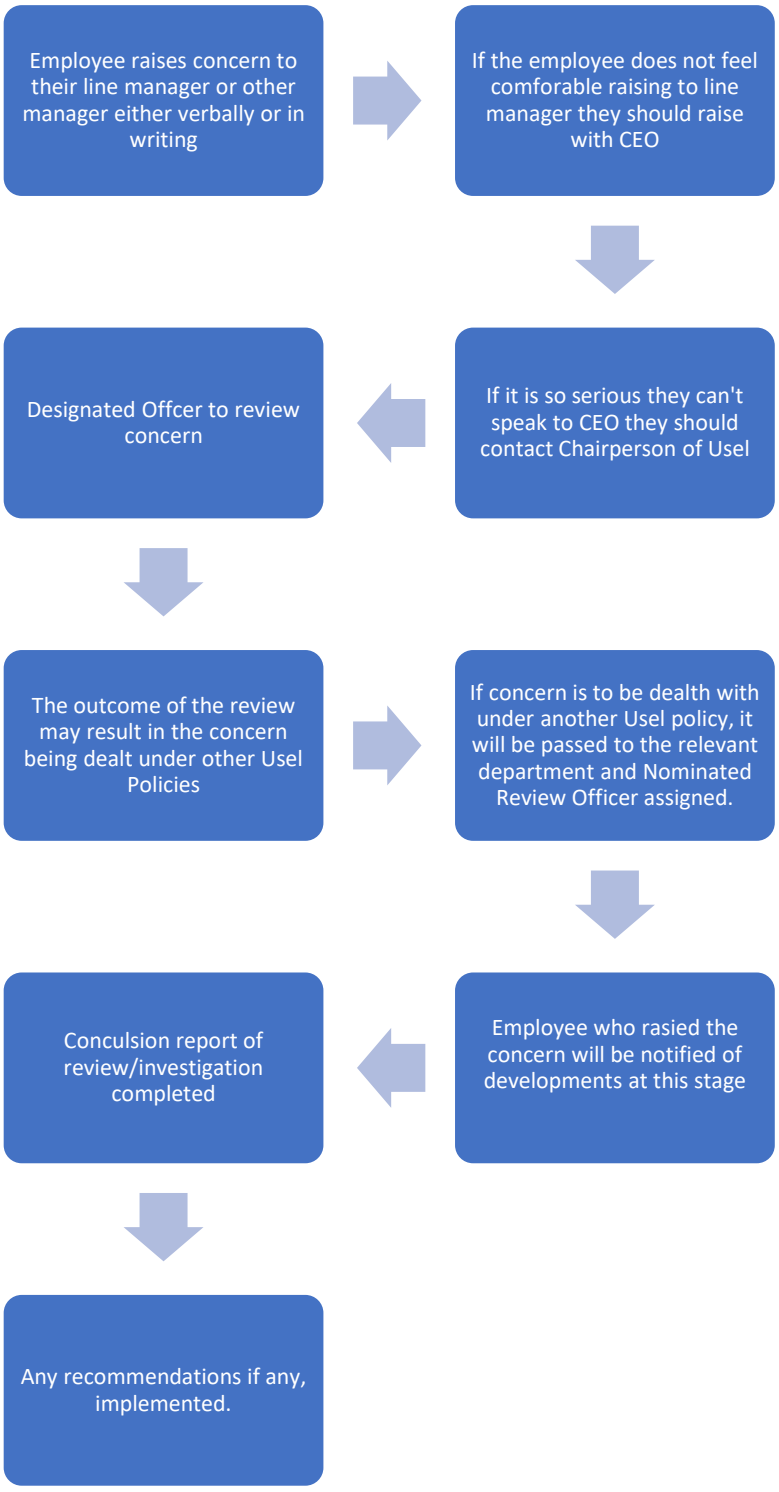
(see para 4.1 of the NICS Public Interest Disclosure (Whistleblowing) Policy)

Further action required:

Signed: _____ Date: _____

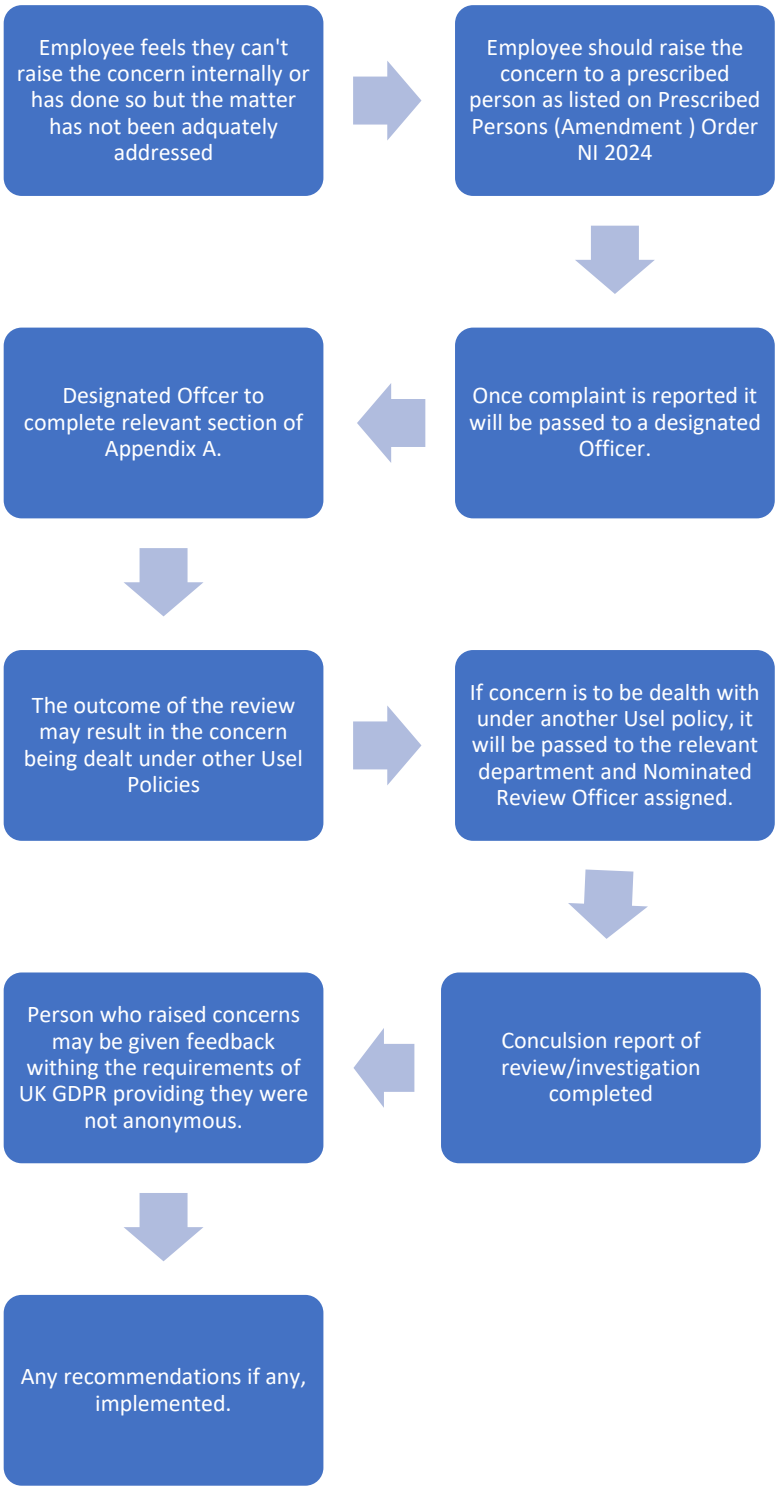
Appendix B

Internal Process's for Raising a Concern:



Appendix C:

External Process's for Raising a Concern:



Appendix D
Feedback/Complaint Form

Time for Feedback!

If you have any suggestions, comments or complaints,

please let us know.

Our staff are available to call on 028 9035 6600

Alternatively, you can arrange an appointment with the relevant department manager.

At Usel, we will deal with your complaint quickly.
We will respond within 2 working days, or if you prefer a written response, we will write to you within 10 working days at the latest.
If you write to us we will acknowledge your letter by return post & you will have a full response within 10 working days.
If you remain dissatisfied, please contact us either verbally or in writing with full details of the issue:

Usel
182-188 Cambrai Street
Belfast
BT13 3JH
Tel: 028 9035 6600
Fax: 028 9035 6611
Email: info@usel.co.uk

If we have been at fault….

Usel's aim is to provide a first-class service to our users and do everything we can to ensure your satisfaction.

However, if you feel we have fallen short of this standard, we will offer an explanation and discuss with you what we can do. We will also take steps to make sure that the same problem does not happen again.

Please, do not hesitate to get in contact:

Website: www.usel.co.uk
Email: info@usel.co.uk

Complaint Procedure

If you have a complaint about any aspect of our service, you can write or talk to one of our staff.
Your complaint will be dealt with in confidence.
If you require further information as to how your complaint will be dealt with, ask one of our staff for a copy of our complaints procedure.

We value your feedback!

Full Name:

Address:

Postcode:

Home Telephone:

Mobile Telephone:

Email:

How would you like us to contact you?

Suggestions/Comments/Complaints:

If you have a complaint, what would you regard as a reasonable remedy to your complaint?

What date did the action complained about occur?

_____

Thank you for your time and we hope to hear from you again!

Glossary

ALB's: Arm's Length Bodies are organisations funded by the government but operating independently to deliver public services.

Anonymous: When a concern or complaint is submitted without revealing the identity of the person reporting it.

ARAC: Audit, Risk and Assurance Committee. This committee is responsible for monitoring risk, control and governance within an organisation.

Board: A group of individuals governing and organisation and usually responsible for the strategic direction.

CEO: Most senior employee in the company responsible for the overall direction, performance and success of the organisation.

Chairperson: The head of the Board of Directors or committee responsible for leading meetings and ensuring governance.

Complaints Procedure: the formal process an organisation will follow to handle complaints from workers or the public.

Complaints: To object to something that is unfair, unacceptable or otherwise now up to normal standards.

Danger: The possibility of suffering harm or injury to people, property or the environment.

Designated Officer: An individual appointed within the organisation to receive and handle whistleblowing concerns.

Disciplinary: A formal process used by employers to address and employee's misconduct, poor performance or violation of company policies.

Employment Act (NI) 2016: Sets out the framework of changes to the Employment Rights (NI) Order 1996 in relation to the operations of industrial tribunals and the Fair Employment Tribunal, including pre-claim conciliation, amending the whistle blowing legislation and introduction of gender pay gap reporting.

Employment Rights (NI) Order 1996: This sets out the rights of employees in situations such as dismissal, unfair dismissal. parental leave and redundancy
Fraud: Intentional deception for personal or financial gain, often involving dishonesty or misrepresentation.

Grievance: A formal complaint or concern raised by and employee regarding their employment, usually directed at their employer.

Harassment: Unwanted behaviour that offends, humiliates or intimidates another person, especially when related to protected characteristics.

Illegality: The state of being against the rules or the law

Malpractice: Immoral, illegal or unethical conduct or neglect of professional duty.

NIAO: The Northern Ireland Audit Officer is an independent public body responsible for auditing public sector organisations in Northern Ireland.

Nominated Review Officer: An appointed individual responsible for reviewing how a concern or complaint was handled.

POD: The Personal, Organisational and Development Committee is responsible to the Management Board for overseeing the ongoing development, implementation and delivery of Usel's People Strategy and related plans and procedures, ensuring these are aligned with the key aims and objectives of Usel's Corporate Strategy.

Prescribed Persons (Amendment) Order NI 2014: A change to the list of people and groups you can report concerns to in Northern Ireland.

Prescribed Persons: Independent bodies or regulators designated to receive disclosures under whistleblowing legislation

Privacy Policy/Notice: A Privacy Notice or Policy documents why an organisation needs personal data, what they plan to do with it, how long they will keep the personal data and if they intend to share with anyone else.

Protect: An independent whistleblowing charity offering support and guidance to individuals who raise concerns.

Protected Disclosure: A qualifying disclosure made by a worker about wrongdoing that is protected by whistleblowing laws.

Public Interest Disclosure (NI) Order 1988: Legislation that protects whistleblowers who disclose certain types of wrongdoing in the public interest.
Safeguarding: Protecting people, especially children and vulnerable adults from harm, abuse and neglect.

Raising a Concern: The process by which a person or employee brings attention to suspected risk, danger, malpractice, wrongdoing or illegal activity

The Minister: A politician appointed to a government position, usually to oversee a specific department or area of policy.

Trade Union: An organisation representing the collective interests of workers, often involved in negotiations and employee protections.

Transparency: Being open and honest about what is happening and about how decisions are made.

UK-GDPR: The UK General Data Protection Regulation – laws governing how personal data is processed and protected in the UK.

Victimisation: When someone is treated unfairly or less favourably because they have raised a complaint.

Whistleblowing: Refers to an employee (or ex-employee) reporting suspected wrongdoing in the workplace.

Workers: Individuals engaged in work-related tasks, including employees, contractors and agency staff.

Wrongdoing: Illegal or dishonest behaviour.