



POLICY FOR REPORTING SERIOUS CONCERNS AT WORK

Version	Date	Approval	Review
1.1	06/04/22	Updated contact details only	Oct 2023
1.2	09/10/23	Updated contact details only	Oct 2024

1. Introduction

This Policy for Reporting Serious Concerns at Work takes account of the Public Interest Disclosure (Northern Ireland) Order 1998 and provides a procedure which enables employees to raise concerns about what is happening at work, particularly where those concerns relate to unlawful conduct, financial malpractice or dangers to the public or the environment. The object of this policy is to ensure that concerns are raised and dealt with at an early stage and in an appropriate manner. InterTradelreland is committed to its Policy for Reporting Serious Concerns at Work. If an employee raises a genuine concern under this policy, he or she will not be at risk of losing their job, nor will they suffer any form of detriment as a result. As long as the employee is acting in good faith and in accordance with this policy, it does not matter if they are mistaken.

2. How the Policy for Reporting Serious Concerns at Work Differs from the Grievance Procedure

This policy does not apply to raising grievances about an employee's personal situation. These types of concern are covered by InterTradelreland's grievance procedure. The Policy for Reporting Serious Concerns at Work is primarily concerned with where the interests of others or of InterTradelreland itself are at risk. It may be difficult to decide whether a particular concern should be raised under the Policy for Reporting Serious Concerns at Work or under the grievance procedure or under both. If an employee has any doubt as to the correct route to follow, InterTradelreland encourages the concern to be raised under this policy and will decide how the concern should be dealt with.

3. When are Disclosures Protected?

The Order does not introduce a general protection for a worker who reports a wrongdoing in all circumstances. A disclosure will qualify for protection if, in the reasonable belief of the worker making it, it tends to show that one or more of the following has occurred, is occurring or is likely to occur:

- a criminal offence;
- a failure to comply with a legal obligation;
- a miscarriage of justice;
- the endangering of an individual's health and safety;
- damage to the environment; and
- deliberate concealment of information tending to show any of the above.

4. What Protection Does the Order Give

4.1 A qualifying disclosure will be protected under the Order if it is made:

- in good faith to InterTradelreland (either directly or through internal procedures authorised by InterTradelreland), or to another person whom the worker reasonably believes is solely or mainly responsible for the failure in question;
- to a legal adviser in the course of obtaining legal advice;
- in good faith to a Government Minister by a worker employed in a Government-appointed organisation such as a non-departmental public body; or
- to a person or body prescribed in Statutory Rule 1999 No. 401 (“a prescribed person”), e.g. the Health and Safety Executive for Northern Ireland.

In the last case the worker must make the disclosure in good faith, reasonably believe that the information and any allegation in it are substantially true, and reasonably believe that the matter falls within the description of matters for which the person has been prescribed.

4.2. Qualifying disclosures will also be protected if they are made other than described in paragraph 3, provided that the worker makes the disclosure in good faith, reasonably believes that the information and any allegation contained in it are substantially true, and does not act for personal gain. One or more of the following conditions must also apply:

- the worker reasonably believed that he or she would be victimised if he or she had made the disclosure to the employer or to a prescribed person;
- there was no prescribed person and the worker reasonably believed that disclosure to the employer would result in the destruction or concealment of evidence; or
- the worker had already disclosed substantially the same information to the employer or a prescribed person.

It must also be reasonable for the worker to make the disclosure. In deciding the reasonableness of the disclosure, an industrial tribunal will consider all the circumstances. This will include the identity of the person to whom the disclosure was made, the seriousness of the concern, whether the failure is continuing or likely to occur, whether the disclosure breached a duty of confidentiality which the employer owed to a third party, what action has been taken or might reasonably be expected to have been taken if the disclosure was previously made to the employer or a prescribed person, and whether the worker complied with any approved internal procedures if the disclosure was previously made to the employer.

5. Protecting the Employee

InterTradelreland will not tolerate harassment or victimisation of anyone raising a genuine concern under the Policy for Reporting Serious Concerns at Work. If an employee requests that their identity be protected, all possible steps will be taken to prevent the employee's identity becoming known. If the situation arises where it is not possible to resolve the concern without revealing the employee's identity (e.g. if the employee's evidence is needed in court), the best way to proceed with the matter will be discussed with the employee. Employees should be aware that by reporting matters anonymously, it will be more difficult for the organisation to investigate them, to protect the employee and to give the employee feedback. Accordingly, while the Office will consider anonymous reports, this policy does not cover matters raised anonymously.

6. How the Matter Will Be Handled

Once an employee has informed InterTradelreland of his or her concern, the concerns will be examined and InterTradelreland will assess what action should be taken. This may involve an internal enquiry or a more formal investigation. The employee will be told who is handling the matter, how they can contact him/her and whether any further assistance may be needed. If the employee has any personal interest in the matter, this should be declared by the employee at the outset. If the employee's concern falls more properly within the grievance procedure, then they will be told this.

7. How to Raise a Concern Internally

Step 1

If an employee has a concern about malpractice, he or she should consider raising it initially with their line manager. This may be done orally or in writing. An employee should specify from the outset if they wish the matter to be treated in confidence so that appropriate arrangements can be made.

Step 2

If an employee feels that they are unable to raise a particular matter with their line manager, for whatever reason, they should raise the matter with their Director or the HR Manager.

Step 3

If these channels have been followed and the employee still has concerns, or if the employee feels that the matter is so serious that they cannot discuss it with any of the above, they should discuss it with the Director of Corporate Services, or Chief Executive.

8. Independent Advice

If an employee is unsure whether to use this procedure or wants independent advice at any stage, they may contact the independent charity Protect on 020 3117 2520. Their lawyers can give free confidential advice at any stage about how to raise a concern about serious malpractice at work. An employee can, of course, also seek advice from a lawyer of their own choice at their own expense.

9. Audit and Risk Assurance Committee and Parties with Whom Serious Concerns might be Raised

InterTradelreland has an Audit and Risk Assurance Committee which is a sub-committee of the Board.

The appropriate contact points are:

<i>Name:</i>	<i>Designation / Located at:</i>
Mr Micheál Briody	Chair of Audit and Risk Assurance Committee (ARAC) c/o InterTradelreland Old Gasworks Business Park Kilmorey Street NEWRY BT34 2DE
Mr. Martin Agnew	Corporate Services Director InterTradelreland Old Gasworks Business Park Kilmorey Street NEWRY BT34 2DE

10. EXTERNAL CONTACTS

It is intended that this policy should give employees the reassurance they need to raise concerns internally. However, InterTradeIreland recognises that there may be circumstances where employees should properly report matters to outside bodies, such as regulators or the police. If an employee is unsure as to whether this is appropriate and does not feel able to discuss the matter internally, Public Concern at Work will be able to give advice on such an option and on the circumstances in which an employee should contact an outside body rather than raise the matter internally.

11. MATTERS RAISED MALICIOUSLY

Employees who maliciously raise a matter that they know to be untrue will be subject to the disciplinary policy as this is deemed to be a serious offence.

12. EQUALITY SCHEME POLICY SCREENING (SECTION 75 OF THE NORTHERN IRELAND ACT 1998)

In developing this policy, there was no evidence or other reason to believe that there is a higher or lower participation or uptake by different groups. Primarily this is an internal policy which will be applied to all employees. There is no evidence to suggest that different groups have different needs, experiences, issues and priorities in relation to the policy. No further opportunities have been identified to better promote equality of opportunity or better community relations by altering this document and consultations have been restricted to internal groups. Consequently, it is deemed not necessary to carry out an equality impact assessment of this policy.