

Northern Ireland Electricity Networks Limited

Whistleblowing Policy



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Northern Ireland Electricity Networks Limited (“NIE Networks”) “Whistleblowing” Policy

1. INTRODUCTION

- 1.1 NIE Networks is committed to the highest standards of openness, probity and accountability.
- 1.2 Every organisation faces the risk of things going wrong internally, and when this happens those who work within an organisation are usually the first people to know. NIE Networks considers that it is in its own interests to have issues of concern aired and resolved openly and at an early stage. It is important that all concerns raised are treated seriously and respectfully.
- 1.3 This policy tells you how you can safely raise a concern about a serious malpractice or wrongdoing within the organisation. It does not apply to grievances about someone’s own employment situation or about questioning NIE’s financial or business activities.
- 1.4 This policy is concerned with whether the interests of other members of staff, or NIE itself, or members of the public are at risk. It describes how concerns raised under this procedure must be dealt with and the responsibilities of those involved.
- 1.5 The word “whistleblowing” in this policy refers to the disclosure by members of staff of: a criminal offence (including fraud); failure to comply with any legal (including regulatory) obligation; miscarriage of justice; acts endangering an individual’s health and safety or the environment.
- 1.6 Any person who makes malicious accusations which they know to be untrue will be open to the full disciplinary process.
- 1.7 The Public Interest Disclosure (NI) Order 1998 (the Order) enables staff who report a wrongdoing (often referred to as “whistleblowing”) to complain to an Industrial Tribunal if they are dismissed or suffer any other form of detriment for doing so.
- 1.8 NIE Networks will not tolerate discrimination, bullying, harassment or victimisation of anyone under any circumstances. Any of these actions constitutes a serious disciplinary offence which can lead to dismissal. Any employee who is harassed or victimised in breach of the guidance laid out in the Order can bring a claim at an Industrial Tribunal and may be awarded compensation where a detriment is proved. Provided that an employee is acting in good faith when they make a whistleblowing allegation, they will be protected.

2. WHO DOES THIS WHISTLEBLOWING POLICY APPLY TO?

- 2.1 This policy applies to all permanent and temporary employees of NIE Networks. It also applies to agency staff, trainees, external consultants and contractors while working for NIE Networks.

3. WILL I BE PROTECTED IF I RAISE A CONCERN?

- 3.1 You will be protected if you raise a concern which, in your honest and reasonable belief, suggests that one or more of the following has occurred, is occurring, or is likely to occur:
 - a criminal offence;

- failure to comply with a legal (including regulatory) obligation;
- a miscarriage of justice;
- the endangering of an individual's health and safety;
- damage to the environment; and/or
- the deliberate concealment of information tending to show any of the above.

3.2 This does not cover private grievances, including complaints about individual employment matters that may be referred to an Industrial Tribunal. Concerns of this nature may be taken forward through other HR policies, e.g. grievance procedures, harassment, disciplinary policy.

4. MAKING A PROTECTED DISCLOSURE UNDER THE ORDER

4.1 A Protected Disclosure is a disclosure made in line with para 3.1 above. It means that if you make such a disclosure you have the right not to suffer detriment in your employment and the right not to be unfairly dismissed among other rights.

4.2 **The greatest level of protection is assured if you first raise your concerns internally in accordance with this policy.**

4.3 Your disclosure will be protected under the Order if it is made:

- in good faith through internal procedures to NIE Networks;
- to another person outside of NIE Networks whom you reasonably believe is solely or mainly responsible for the failure in question;
- to a legal adviser in the course of obtaining legal advice;
- to a specific organisation responsible for investigating allegations that fall under their jurisdiction (Prescribed Persons) as set out in the Public Interest Disclosure (Prescribed Persons) (Amendment) (NI) Order 2014. e.g. the Utility Regulator in relation to electricity transmission and distribution matters (see section 8.7).

4.4 Your disclosure will also be protected if it is made other than described in paragraph 4.3 above, provided that you make it in good faith, reasonably believe that the information and the allegation contained in it are substantially true, and do not act for personal gain. You must also meet one or other of the following conditions:

- you reasonably believed that you would be victimised if you raised the matter internally in or NIE Networks to a Prescribed Person;
- there was no appropriate Prescribed Person and you reasonably believed the evidence was likely to be concealed or destroyed if you made a disclosure to NIE Networks;
- you previously disclosed substantially the same information to NIE Networks or to a Prescribed Person.

In addition, taking into account all of the circumstances of the case it must be 'reasonable' for you to have made the disclosure. In deciding whether the disclosure was 'reasonable' regard would be had to the identity of the person to whom you made your disclosure, the seriousness of it, whether the risk or danger remains and whether you complied with approved internal procedures.

5. WILL I BE PROTECTED IF I BLOW THE WHISTLE BEFORE GOING THROUGH THE INTERNAL PROCEDURES?

- 5.1 Only you can make this judgment and in doing so will need to consider the preceding paragraphs carefully. It is at the heart of the Order to raise the matter internally if appropriate and practical.

6. WHAT IF I DON'T WANT TO REVEAL MY IDENTITY?

- 6.1 If you ask for your identity not to be revealed this will be respected wherever possible. However if the situation arises where it is not possible to resolve the matter without revealing your identity, for example if your evidence will be required in court, then this will be discussed with you. Anonymity cannot be maintained if this would have an adverse effect on any serious criminal proceedings.
- 6.2 If you don't tell us who you are it will be much more difficult for us to look into the matter, provide you with feedback and protect your position. It may, in fact, make it impossible to investigate your concern.
- 6.3 Subject to the above issues, there is the facility to make a disclosure anonymously via NIE Networks' external confidential reporting facility (see section 8.6 for more details).

7. WHERE CAN I GET ADVICE?

- 7.1 NIE Networks fully endorses the role that Trade Unions and its representatives provide. You are free to seek advice and be represented by your trade union representative when using the whistleblowing procedure.
- 7.2 If you would like independent advice at any stage you may like to contact the independent charity Public Concern at Work on 020 7404 6609 or helpline@pcaw.org.uk. Their lawyers can give free confidential advice at any stage on how to raise a concern about serious malpractice at work. You can of course at your own expense also seek legal advice of your own choice.

8. HOW DO I GO ABOUT RAISING A CONCERN?

- 8.1 You do not need to have firm evidence before raising a concern, however you should explain/disclose as fully and as specifically as you can, the information or circumstances that give rise to your concern.
- 8.2 If you have a personal interest in the matter you must disclose this at the outset.
- 8.3 You should not discuss the issue with any colleagues or friends prior to reporting it and you must not undertake any investigation work.

8.4 STEP 1

You should, in the first instance, raise your concern either orally or in writing with your head of department (this will generally be a senior manager reporting directly to a member of the Executive Committee) who will raise it with the Company Secretary.

If you do not wish to have your identity revealed you should specify this at the outset.

8.5 STEP 2

If the concern involves your head of department or for any reason you prefer them not to be told you should raise your concern directly with the Company Secretary:

- By calling Ruth Conacher on 028 9068 9179 or 07787383530
- Via email : ruth.conacher@nienetworks.co.uk

If the concern involves the Company Secretary you should raise your concern with the Finance Director.

8.6 STEP 3

If you feel that you cannot report the matter to your head of department or the Company Secretary, NIE has made available a confidential telephone / web reporting facility, provided by Safecall, which you can use to report suspected serious malpractice or wrongdoing in the organisation. This facility operates 24 hours a day, 7 days a week and offers a safe, confidential and, if necessary, anonymous way of reporting using any of the following methods:

- By calling  at any time on 0800 915 1571; or
- Via email : nienetworks@safecall.co.uk, or
- Via the web: www.safecall.co.uk/report

This reporting facility is managed and operated by an independent company separate from NIE Networks. Callers contacting the telephone reporting facility will be asked by Safecall's trained operators for details of their concerns to fully describe the suspected serious malpractice. At the end of the telephone call or submission of an online report, a report will be sent to NIE Networks' Company Secretary and will be followed up in accordance with this policy. Each report received will be allocated a PIN number to facilitate call back or subsequent access to the website to check for a response or to facilitate the provision of additional information.

8.7 STEP 4

If you prefer not to disclose the information to anyone in NIE Networks, or via NIE Networks' confidential external reporting facility, or you are unhappy with the way your concern or reported wrongdoing was handled, you may contact various organisations depending on the nature of the matter, for example:

- The Utility Regulator (UR): in relation to the regulation of the transmission and distribution of electricity. You should refer to the UR's external whistleblowing guide, available on The Wire and also on the UR's website at http://www.uregni.gov.uk/uploads/publications/Utility_Regulator_-_External_Whistleblowing_Guide_December_15.pdf. The UR encourages NIE Networks employees to first report matters to NIE Networks directly in line with this policy.

- The Health and Safety Executive for Northern Ireland: in relation to health and safety matters (telephone Freephone 0800 0320 121, or email online@hse-ni.gov.uk).
- The Department of the Environment: in relation to environmental matters (telephone 028 9054 0540).

9. RESPONDING TO A CONCERN – WHAT ACTION TO TAKE

- 9.1 When a concern is disclosed to a senior manager under this Whistleblowing Policy it must be treated seriously. The person with whom the concern is raised must:
- Agree the facts on which the concern rests;
 - Establish the evidence;
 - Establish any personal interest the whistleblower may have in the concern; and
 - Report the matter to the Company Secretary as soon as possible.
- 9.2 Once a concern of malpractice, illegal acts or omissions of duty has been raised, it is NIE Networks' responsibility to investigate it.
- 9.3 If it is necessary to investigate the matter further, the Company Secretary will arrange for it to be investigated.
- 9.4 The Company Secretary will provide a written response to the whistle-blower as soon as possible including the following information:
- Who is handling the concern;
 - How they can be contacted;
 - What further assistance may be needed from the whistle-blower; and
 - How the whistle-blower will be kept informed about the investigation and its outcome.
- 9.5 As the person reporting the concern you may be asked to attend a fact-finding meeting(s) held by NIE Networks. At such a meeting you may be accompanied by a fellow employee of your choice who may be a friend, colleague, trade union representative, or you may be accompanied by a full time trade union officer. You may confer with your companion during the meeting and your companion may address the meeting but may not answer questions on your behalf. An Individual under investigation may also be accompanied on the same basis.
- 9.6 NIE Networks will provide feedback at the end of an investigation to you the whistle-blower, however NIE Networks will not be able to inform about precise action being taken against individuals investigated as to do so would breach the duty of care owed by NIE Networks to those individuals.

10. WHAT DO I DO IF I AM NOT CONTENT WITH THE INVESTIGATION?

- 10.1 If you consider that the outcome of NIE Networks' investigation does not represent a reasonable response to your concern you may write to the Chair of NIE Networks' Audit and Risk Committee at Danesfort, 120 Malone Road, Belfast, BT9 5HT.

11. REPORTING

- 11.1 The Company Secretary will communicate the findings of the investigation to the individual(s) under investigation, the NIE Networks Audit and Risk Committee and, if appropriate, those members of management or external authorities who need to consider whether action should be taken on the basis of the findings.

12. REFERENCES

- 12.1 Other documents that should be read in conjunction with this policy and which are available on The Wire include:
- NIE Networks Code of Ethics
 - NIE Networks Policy on Fraud and related unlawful activities
 - NIE Networks Anti-Bribery & Corruption Policy
 - Utility Regulator's External Whistleblowing Guide

13. REVIEW OF THIS POLICY

- 13.1 This policy will be reviewed at least every two years. The NIE Networks Audit & Risk Committee has responsibility for reviewing these arrangements.