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DAO (DFP) 02/15

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Dear Accounting Officer

WHISTLEBLOWING GUIDANCE

Purpose

1. The purpose of this DAO is to bring to the attention of departments the publication "***Whistleblowing in the Public Sector : A Good Practice Guide for Workers and Employers***" issued by the UK audit authorities, together with some additional points of good practice arising out of NI Assembly and Westminster Public Accounts Committee (PAC) hearings.

Background

2. In the DFP Memorandum of Reply to the Assembly's PAC report on "The Department of Health, Social Services and Public Safety: Northern Ireland Fire and Rescue Service: An organisational assessment and review of departmental oversight and report on accounts 2011/12" DFP advised the Assembly's PAC that it would develop guidance for departments and Arms Length Bodies (ALBs) on the handling of concerns raised by whistleblowers.

NIAO Good Practice Guide

3. DFP were subsequently advised by the Northern Ireland Audit Office (NIAO) that they, in conjunction with the other UK audit authorities, were already developing guidance in this area. This "Good Practice Guide" was launched

in Northern Ireland by the NIAO in November 2014. Having considered this Guide, DFP is of the view that it contains many good practice principles and that, rather than providing duplicating or overlapping guidance, we would wish to draw the NIAO Good Practice Guide formally to the attention of departments.

4. Accordingly, the “***Whistleblowing in the Public Sector: A Good Practice Guide for Workers and Employers***” is provided as an attachment to this DAO letter on the AFMD website.

Additional Good Practice

5. However, there are a number of additional points, arising out of NI Assembly and Westminster PAC hearings, which DFP wish to highlight when organisations are dealing with whistleblowing concerns. While some of these relate to specific cases where whistleblowing concerns have been raised with departments about issues in an ALB, in many the same basic principles should be applied in dealing with any whistleblowing concern.
6. These issues include:-
 - While the term ‘whistleblower’ is generally associated with the Public Interest Disclosure NI Order 1998 (legislation which covers employees raising concerns), where concerns about the proper conduct of public business are raised, many of the same general principles in handling such cases should be applied regardless of who has raised the concerns.
 - All whistleblowing concerns should be properly and promptly investigated whether they are concerns raised directly with a department or with an ALB.
 - Where a department considers it appropriate for concerns to be investigated by the ALB, the department should establish with the ALB

appropriate protocols and timescales for providing meaningful responses back to the sponsoring department about the concerns raised.

- Responses from an ALB should be reviewed at a senior level within the department to ensure that the investigation/review has been properly and thoroughly completed and that recommendations arising from it are appropriate.
- Sufficiently frequent contact should be maintained with the whistleblower throughout the course of the investigation. Clear timescales should be given to the whistleblower for reporting back on how their concern is being dealt with/progressed. As far as possible the outcome of the investigation, and where appropriate any actions being taken as a result of it, should be reported back to the individual raising the concern.
- Where concerns relate to an ALB, agreement should be reached between the department and ALB as to how contact with the whistleblower will be maintained throughout the course of the investigation. The views of the whistleblower should be taken into account when agreeing these arrangements.
- Where whistleblowing concerns relate to senior members of ALB staff or Board members, the department should retain ownership of the investigation. Consideration will need to be given to the role of the ALB Board (and Audit Committee) in dealing with any such cases.
- In all cases employees who raise concerns should be protected and supported and should not suffer any detriment as a result of bringing forward their concerns. Appropriate and swift sanctions should be taken against employees who victimise individuals raising such concerns.

Action

7. This DAO and the “*Whistleblowing in the Public Sector: A Good Practice Guide for Workers and Employers*” should be brought to the attention of relevant staff in your department, agencies and relevant ALBs.

Queries

8. Any queries regarding this letter should be addressed to Alison Caldwell (alison.caldwell@dfpni.gov.uk) telephone: 028 91858249 ext 68249.

A handwritten signature in blue ink that reads "Jack Layberry". The signature is written in a cursive style with a large initial 'J'.

JACK LAYBERRY

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