

Northern Ireland Electricity Networks Limited

# Whistleblowing Policy

### Northern Ireland Electricity Networks (NIE Networks)

#### DOCUMENT INFORMATION

Document Title	Whistleblowing Policy
Document Ref	v 2.5
*Document description	Whistleblowing arrangements are to assist employees who believe that they have discovered malpractice or impropriety, and to protect them, and are not designed to question financial, business or employee relations decisions by NIE Networks or used to reconsider matters which have already been addressed under the NIE Networks' harassment, grievance, disciplinary or other procedures. Employees with concerns should, in the first instance, inform a senior manager who will raise the matter with the Company Secretary for investigation. Alternatively, employees can inform the Company Secretary, Olivia Carr directly or report it externally as detailed within this policy.

#### DOCUMENT MANAGEMENT INFORMATION

Date created:	2009
Approved By:	NIE Networks Board
Last Review Date:	June 2023
Next Review date:	June 2025

#### KEYWORD DESCRIPTORS

**Tags:	Company Policy, Fraud, Whistleblowing, Ethics, Governance
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#### DOCUMENT VERSION HISTORY

Version No.	Date of Issue	Revision Due	Author	Owner	Approved by
1.0	24/02/2011		Company Secretary	Company Secretary	NIE Audit & Risk Committee
1.1	29/01/2013		Company Secretary	Company Secretary	NIE Audit & Risk Committee
1.2	10/06/2015		Company Secretary	Company Secretary	NIE Audit & Risk Committee
2.1	29/09/2015		Company Secretary	Company Secretary	
2.2	12/02/2016	Reference to the Utility Regulator's updated External Whistleblowing Guide published in December 2015 changed - no other changes.	Company Secretary	Company Secretary	n/a as only reference to UR's Whistleblowing Guide inserted
2.3	13/10/2022	7.2 re 'Protect' contacts 8.5 References to Co Sec updated. 8.7 References to UR's External Whistleblowing Guide and Dept of Environment updated	Company Secretary	Company Secretary	n/a as only contact references updated
2.4	17/01/2023	7.2 re 'Protect' contacts 8.5 References to Co Sec updated.	Company Secretary	Company Secretary	n/a as only contact references updated
2.5	10/07/2023	Section 9 updated with additional information about investigation process Section 11 also updated.	Company Secretary	Company Secretary	NIE Networks' Board

#### ADDITIONAL INFORMATION

Status:	Current
Replaced by:	v.2.5
Replaces:	v.2.4
Cross references:	

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

### 1. INTRODUCTION

- 1.1 In line with the company’s Behaviours (Courageous, Accountable, Respectful and Empathetic (“CARE”), NIE Networks is committed to conducting its business to the highest standards of openness, probity and accountability and in compliance with legal and regulatory requirements. NIE Networks’ expects everybody working on its behalf to maintain the highest standards in this regard and is committed to creating a workplace culture that encourages the reporting of wrong doings.
- 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 and are assessed/ investigated as appropriate.
- 1.3 This policy sets out NIE Networks’ procedures for reporting and dealing with wrongdoing in the workplace. 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 Networks’ financial or business activities. It also does not apply to health and safety incidents which may have been the subject of an investigation under HSP-021 (Formal Inquiry Policy).
- 1.4 This policy is concerned with whether the interests of other members of staff, or NIE Networks itself, or members of the public are at risk.
- 1.5 The word “whistleblowing” in this policy refers to the disclosure by members of staff, agency staff, trainees, external consultants or contractors of a wrongdoing. Types of wrongdoing include those actions referred to in the NIE Networks Anti Bribery, Corruption, Fraud and Other Unlawful Activities Policy; actions which may breach the NIE Networks Code of Ethics; actions which may constitute a criminal offence; 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. This Policy, with the exceptions of 3, 4 and 5, 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) a criminal offence;
- (b) stealing/theft/embezzlement of money and/or goods belonging to NIE Networks' or others;
- (c) defrauding the company by any means (including for example by submitting false expense claims or fraudulently recording working time);
- (d) forgery for example, altering documents or forging signatures;
- (e) failure to comply with a legal (including regulatory) obligation;
- (f) a miscarriage of justice;
- (g) the endangering of an individual's health and safety;
- (h) damage to the environment; and/or
- (i) the deliberate concealment of information tending to show any of the above.

The above list is not exhaustive. NIE Networks Anti-Bribery, Corruption, Fraud and Other Unlawful Activities Policy provides further details of wrongdoings covered by this Policy.

- 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:

- (a) in good faith through internal procedures to NIE Networks;
- (b) to another person outside of NIE Networks whom you reasonably believe is solely or mainly responsible for the failure in question;
- (c) to a legal adviser in the course of obtaining legal advice;

- (d) 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) Order (Northern Ireland) 2022, 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:

- (a) you reasonably believed that you would be victimised if you raised the matter internally in or NIE Networks to a Prescribed Person;
- (b) 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;
- (c) 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).

6.4 Disclosures of wrongdoing can be made anonymously, but in these instances the information provided must be presented in sufficient detail to allow NIE Networks to investigate the matter without requiring additional information. Where the disclosure does not contain all the information referred to in Appendix 1 (other than (b) NIE Networks' may decide not to investigate the matter.

- 6.5 If you choose to remain anonymous, and do not provide any contact details, and an investigation is undertaken management/ the investigator may not be able to keep you up-to-date on the process as they may be unable to contact you.

## 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 **PROTECT** by phoning 020 3117 2570 or via its website at <https://protect-advice.org.uk/contact-protect-advice-line/>. Their staff 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. **Appendix 1** outlines the type of information to include when reporting any wrong doing.
- 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.

The following channels are available within NIE Networks to report a wrongdoing:

### 8.4 [OPTION 1 – REPORT TO A SENIOR MANAGER](#)

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 [OPTION 2 – REPORT TO THE COMPANY SECRETARY](#)

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 Olivia Carr on 07824 488870
- Via email : [olivia.carr@nienetworks.co.uk](mailto:olivia.carr@nienetworks.co.uk)

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

## 8.6 OPTION 3 – REPORT TO THE EXTERNAL CONFIDENTIAL HELPLINE/ WEB SERVICE

If you feel that you cannot report the matter to your head of department or the Company Secretary, NIE Networks 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 **0800 915 1571** at any time on 0800 915 1571; or
- Via email: [nienetworks@safecall.co.uk](mailto:nienetworks@safecall.co.uk), or
- Via the web: [www.safecall.co.uk/report](http://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 OPTION 4 – REPORT TO AN EXTERNAL PARTY

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/publications/whistleblowing-guide>. 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 [mail@hse-ni.gov.uk](mailto:mail@hse-ni.gov.uk)).
- The Department of Agriculture, Environment and Rural Affairs: in relation to environmental matters (telephone 0300 200 7842).

## 9. ASSESSMENT AND INVESTIGATION

- 9.1 Concerns may be raised verbally or in writing. When a concern is disclosed to anyone under this Whistleblowing Policy it must be treated seriously. Workers should not pursue their own investigations into alleged wrongdoing but should report their concerns using the channels outlined in this Policy. This is to ensure that the matter is appropriately investigated and that the manner in



which the matter is investigated does not compromise NIE Networks' ability to take effective action in relation to any wrongdoing discovered.

9.2 The person with whom the concern is raised must:

1. Agree the facts on which the concern rests;
2. Establish the evidence;
3. Establish any personal interest the whistleblower may have in the concern; and
4. Report the matter to the Company Secretary as soon as possible.

9.3 Once a concern of malpractice, illegal acts or omissions of duty has been raised, it is NIE Networks' policy to investigate it, and the Company Secretary is responsible for ensuring any investigation is undertaken.

9.4 Where the identity of the person raising the concerns is known, the Company Secretary will provide a written acknowledgement within 7 days to them including the following information:

- Who is handling the concern – this will be an impartial individual who will be designated to conduct an investigation;
- How the designated person 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 If, having carried out an investigation, the designated person decides that there is no obvious evidence that a relevant wrongdoing occurred, the matter can be closed. The reporting person will receive written notification as soon as practicable of the decision and the reasons for it.

9.7 If the designated person decides that there is sufficient evidence to show that a relevant wrongdoing has or may have occurred, a formal investigation will be initiated by Company Secretary, in consultation with relevant senior managers, to investigate the matter further. The nature and extent of the investigation will depend on the complexity and seriousness of the matter. Investigations will be carried out objectively and fairly with a documented terms of reference.

9.8 The investigator will consult as necessary with the Company Secretary, and/or other subject matter experts, and any legal requirements to make a report to the Police Service of Northern Ireland or to a regulatory body will be considered. Following the investigation, a report will be prepared in accordance with the terms of reference and may include recommendations arising from the investigation. During the course of the investigation, the Company Secretary will give feedback at regular intervals, and in any case the person who raised the concern will get feedback within 3 months where the company is able to contact the person who raised the concerns. 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. Any disciplinary investigation or action taken against any employee following investigation of a wrongdoing shall be conducted in accordance with the relevant NIE Networks' disciplinary process.

## 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 report the details of any Whistleblowing allegation received to the NIE Networks Audit and Risk Committee, as well as provide to the Committee details of the investigation put in place.
- 11.2 The Company Secretary will also 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. MONITORING AND REVIEW

- 12.1 The Company Secretary has primary and day-to-day responsibility for this policy and dealing with any queries on its interpretation. Management at all levels are responsible for ensuring those reporting to them are made aware of and understand this policy and that staff complete any organisational-wide training on this subject.
- 12.2 This Policy will be reviewed every two years, or earlier if required for example to reflect legislative changes.

## 13. REFERENCES

- 13.1 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 Anti-Bribery, Corruption, Fraud and Other Unlawful Activities Policy
  - Utility Regulator's External Whistleblowing Guide

## Appendix 1

### Information to include in Disclosures of Wrongdoing

It is recommended that where disclosures of wrongdoing are being made, that the person reporting the concerns should include the following details:

- a. that the disclosure is being made under the policy;
- b. the disclosee's name, position in the organisation, place of work and confidential contact details (as is set out at section 6 of the Whistleblowing Policy disclosee's do not have to reveal their identity and can remain anonymous if they wish)
- c. the date of the alleged wrongdoing (if known) or the date the alleged wrongdoing commenced or was identified;
- d. whether or not the alleged wrongdoing is still ongoing;
- e. whether the alleged wrongdoing has already been disclosed and if so, to whom, when, and what action was taken;
- f. information in respect of the alleged wrongdoing (what is occurring / has occurred and how) and any supporting information;
- g. the name of any person(s) allegedly involved in the alleged wrongdoing (if any name is known and the worker considers that naming an individual is necessary to expose the wrongdoing disclosed);
- h. any supporting evidence of the wrongdoing;
- i. any other relevant information.