

BAI Policy on Whistle-blowing

1. Policy

- 1.1. In accordance with the provisions of Clause 2.11 of the “Code of Practice for the Governance of State Bodies” (July 2009) it is the BAI’s policy to ensure employees of the BAI have the opportunity, to raise any concerns they may have about possible irregularities in financial reporting or any matters concerning the organisation’s duties and obligations or matters presenting a risk for the organisation.
- 1.2. It is also the BAI’s policy to ensure that employees who report potential wrongdoing or irregularities, and who cooperate in investigations of potential misconduct, are not subject to victimisation, detriment or risks to job security or promotion.
- 1.3. It is also policy to ensure the confidential processing of concerns raised by employees.

2. Purpose of This Policy

The purpose of this policy is to foster a culture of openness and honest communication and to ensure the attainment of the objectives set out in the BAI’s Staff Code of Business Conduct and full compliance with all legal, regulatory and other requirements and to ensure the integrity of all employees.

3. Scope

The policy applies to all employees of the BAI.

4. Principles

- 4.1 The BAI is committed to the highest standards of quality, honesty, integrity, openness and accountability, and as part of that commitment encourages employees with serious concerns to come forward and express those concerns.
- 4.2 Employees who are worried about raising an issue, perhaps feeling that doing so would be disloyal to colleagues, managers or to the BAI, or who may have a suspicion that there is a concern without having access to all the facts, should be assured that the BAI encourages any employee with a genuine concern to come forward without fear of reprisal or victimisation and should not feel that they are at risk of losing their job as a result.
- 4.3 At any point in raising a concern, an employee is free to involve their trade union representative or a work colleague who would be in a position to provide guidance and support.
- 4.4 Where an issue raised is found to be malicious or brought in bad faith, the employee may be disciplined under the BAI’s Disciplinary Policy.
- 4.5 Any employee who tries to discourage another employee from coming forward, or criticises or victimises an employee for voicing a concern, will be dealt with under the BAI’s Disciplinary Policy.
- 4.6 Whistle-blowing is primarily for concerns where the interests of others or of the BAI are at risk. Employees aggrieved about their personal position should follow the BAI’s grievance policy.

5. Whistle-blowing Report

5.1 A whistle-blowing report is a concern raised in good faith (preferably in writing), in the reasonable belief of the employee making the report, outlining that one or more of the following has been committed, is being committed, or is about to be committed:

- Financial frauds and malpractice (including for example misappropriation of funds or fraudulent reporting of financial matters)
- Other types of corruption or criminal activity
- Circumstances or behaviour which impair good management of the BAI's operations
- Breaches of statutory and regulatory obligations
- Breaches of the BAI's Staff Code of Business Conduct
- Deliberate concealment relating to any of the above

This could also relate to a serious breach of a BAI policy, such as for example the BAI's Health and Safety Policy. Concerns which should more appropriately be pursued through one of the other policies of the BAI such as the Grievance Policy, the Harassment Policy or the Disciplinary Policy fall outside the scope of this Policy and should be pursued under the appropriate other BAI policy.

5.2 In making a whistle-blowing report, employees are expected to report in good faith, where the person concerned believes that the information disclosed and any allegations contained in the report are substantially true and can be proven.

5.3 Persons making whistle-blowing reports should be aware of the following:

- Concerns will be treated seriously and each case will be considered on its own facts
- To the fullest extent practicable, reports and any subsequent investigations will be treated in confidence
- In certain cases, disclosures to third parties may be required by legislation, a regulatory Code of Conduct or by a court or Tribunal
- In some cases, employees may be called upon by a Court or Tribunal to give evidence regarding the subject matter of a whistle-blowing report. In such circumstances, reasonable support, including legal advice will be provided to the employee.

5.4 The BAI will support any concerned employee, ensuring that there are no adverse effects on their career if they come forward in good faith. All concerns will be dealt with seriously and the BAI will pursue fraud and serious abuse as vigorously as possible through its Disciplinary Policy and if necessary through the courts.

5.5 In dealing with any report the BAI recognises that raising a concern can be a difficult experience for employees and will support them in any way possible and undertake to:

- Consider the report fully and sympathetically
- Seek advice from other professional/ advisory bodies/ trade unions where appropriate
- Investigate and resolve the matter as quickly as possible
- Ensure that where possible the complainant is informed of the outcome
- Ensure that there is no victimisation of the employee who made the report.

5.6 If a whistle-blowing report is made in bad faith, is vexatious, is with malicious intent, in order to cause disruption with the BAI, which contains information which the person making the report does not believe is substantially true, or if the disclosure is made for personal gain, such report could form the basis of a disciplinary matter under the BAI's disciplinary procedure.

5.7 Notwithstanding the adoption of this Policy, an employee remains entitled to raise a matter of potential concern with their Line Manager or another person in the BAI in the first instance on

an informal basis prior to or instead of making a formal whistle-blowing report under this Policy.

6. Procedure

- 6.1 It is important that employees raise any personal interest in the matter as early as possible and at all stages of the procedure. If the concern falls more properly within the grievance or other policy, the employee will be informed of this.
- 6.2 **Stage 1:** The employee should consider whether the concern can be pursued through one of the other policies of the BAI such as the Grievance Policy, the Harassment Policy or the Disciplinary Policy. If the employee needs guidance on this they should consider speaking with their Line Manager, HR Manager, or Union Representative for guidance. If the employee decides or is advised that this is the appropriate policy for raising the concern, the concern should be reported in writing to the Line Manager. The Line Manager may meet with the employee to discuss the concern further and refer the matter to the CEO or, if appropriate, to the Chairperson of the Audit Committee to recommend an appropriate course of action.
- 6.3 **Stage 2:** If the employee feels unable to raise the matter with their Line Manager for whatever reason or if they are not satisfied with the outcome at stage 1, they should raise the matter with the CEO. The CEO will decide on an appropriate course of action which may include an investigation of the concern. A decision as to who will head up the investigation will be made based on the nature of the disclosure, including the possibility of referring the matter to an external authority for further investigation or inviting an independent external expert to carry out the investigation. Any investigation will be held as sensitively and speedily as possible. The CEO will endeavour to keep the employee making the disclosure informed of any developments made where this can be done without betraying any confidentiality issues. The CEO will, having considered the concern, recommend an appropriate course of action and this may include referring the matter to the Chairperson of the Audit Committee and/or the Authority.
- 6.4 **Stage 3:** If the employee is not satisfied with the outcome of stages 1 and 2 or if they are reluctant to contact their Line Manager or the CEO, then they may contact the Chairperson of the Audit Committee. The Chairperson of the Audit Committee will decide on an appropriate course of action which may require an investigation. If the Chairperson of the Audit Committee considers it appropriate they may meet with the employee to discuss the concern. The Chairperson of the Audit Committee may need to access additional advice in considering how to progress the issue and/or may refer the matter to the Audit Committee if appropriate. The Chairperson will decide on an appropriate course of action which may include an investigation. A decision as to who will head up the investigation will be made based on the nature of the disclosure, including the possibility of referring the matter to an external authority for further investigation or inviting an independent external expert to carry out the investigation. Any investigation will be held as sensitively and speedily as possible.

Contact details for the Chairperson of the Audit Committee are [available on the BAI's employee intranet/are set out below:

[Name/address/email address]

- 6.5 All disclosures made and, at the conclusion of any course of action or investigation undertaken on foot of such disclosures by an employee under this Policy will be reported to the Audit Committee. The Audit Committee will decide whether or not further action is required arising from the report or refer the matter to the Authority. The employee will be informed of the outcome of these actions where this can be done without betraying any confidentiality issues.

- 6.6 The BAI will ensure that the principles of natural justice are observed and fair procedures adopted in respect of any persons or bodies adversely mentioned or implicated in a whistle-blowing report or concern raised.
- 6.7 **Protective Disclosure:** If there is a need to protect the employee making the report, appropriate measures, where possible, will be taken to reduce any undue stress on the employee as a result of raising the issue and any suggestion by the employee in relation to such measures be given due consideration.
- 6.8 The principle of confidentiality needs to be adhered to and all parties involved must respect this. Every effort will be made to maintain anonymity where this is requested by the employee. However if the concern cannot be resolved without identifying the employee this will be discussed with them.
- 6.9 If the BAI receives information anonymously it will be much more difficult for the concern to be investigated or for the BAI to protect the position of the employee or to offer feedback. Accordingly while the BAI will consider what action may be justified by an anonymous report, it may not always be possible to handle such reports under this policy.

7. Review

This Policy will be reviewed by the Authority once every two years or more frequently if required.