

NATIONAL INSTITUTE FOR MEDICAL RESEARCH



"WHISTLEBLOWING" POLICY

(Making a Disclosure in the Public Interest)

Introduction

NIMR is committed to the highest standards of openness, probity and accountability.

An important aspect of accountability and transparency is a mechanism to enable staff and other members of the Institute to voice concerns in a responsible and effective manner. It is a fundamental term of every contract of employment that an employee will faithfully serve his or her employer and not disclose confidential information about the employer's affairs. Nevertheless, where an individual discovers information which they believe shows serious malpractice or wrongdoing within the Institute then this information should be disclosed internally without fear of reprisal, and there should be arrangements to enable this to be done independently of line management (although in relatively minor instances the line manager would be the appropriate person to be told).

The Whistle Blower and Witness Protection Act, 2015 which came into effect in 2015, gives legal protection to whistle blowers and witnesses, employees being inclusive against being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns. The Institute has endorsed the provisions set out below so as to ensure that no members of staff should feel at a disadvantage in raising legitimate concerns.

It should be emphasised that this policy is intended to assist individuals who believe they have discovered malpractice or impropriety. It is not designed to question financial or business decisions taken by the Institute nor should it be used to reconsider any matters which have already been addressed under harassment, complaint, communication, disciplinary or other procedures. Once the "whistleblowing" procedures are in place, it is reasonable to expect staff to use them rather than air their complaints outside the Institute.

Scope of Policy

This policy is designed to enable NIMR employees to raise concerns internally and at a high level and to disclose information which the individual believes shows malpractice or impropriety. This policy is intended to cover concerns which are in the public interest and

may at least initially be investigated separately but might then lead to the invocation of other procedures e.g. disciplinary. These concerns (unlawful acts) includes, but not limited to;

- Financial malpractice or impropriety or fraud
- Failure to comply with a legal obligation or Statutes
- Dangers to Health & Safety or the environment
- Criminal activity
- Gross negligence
- Improper conduct or unethical behaviour including abuse of authority
- Attempts to conceal any of these

Safeguards

i. Protection

This policy is designed to offer protection to those employees of the Institute who disclose such concerns provided the disclosure is made:

- in good faith
- in the reasonable belief of the individual making the disclosure that it tends to show malpractice or impropriety and if they make the disclosure to an appropriate person (see below). It is important to note that no protection from internal disciplinary procedures is offered to those who choose not to use the procedure. In an extreme case malicious or wild allegations could give rise to legal action on the part of the persons complained about.
- No person entitled to protection shall be subjected to retaliation, intimidation, harassment, or any detriment for reporting information in accordance with this Policy. Any person entitled to protection who believes that he or she is the subject of any form of retaliation for such participation should immediately report the same as a violation of and in accordance with this Policy. Any individual within the Institute who retaliates against another individual who has reported a Violation in good faith or who, in good faith, has cooperated in the investigation of a Violation is subject to discipline, including termination of employment.
- Deliberate false claim or report will be subjected to disciplinary action, which could include dismissal.

ii. Confidentiality

The Institute will treat all such disclosures in a confidential and sensitive manner. The identity of the individual making the allegation may be kept confidential so long as it does not hinder or frustrate any investigation. However, the investigation process may reveal the source of the information and the individual making the disclosure may need to provide a statement as part of the evidence required.

iii. Anonymous Allegations

This policy encourages individuals to put their name to any disclosures they make. Concerns expressed anonymously are much less credible, but they may be considered at the discretion of the Institute.

In exercising this discretion, the factors to be taken into account will include:

- The seriousness of the issues raised
- The credibility of the concern
- The likelihood of confirming the allegation from attributable sources

iv. Untrue Allegations

If an individual makes an allegation in good faith, which is not confirmed by subsequent investigation, no action will be taken against that individual. In making a disclosure the individual should exercise due care to ensure the accuracy of the information. If, however, an individual makes malicious or vexatious allegations, and particularly if he or she persists with making them, disciplinary action may be taken against that individual.

Procedures for Making a Disclosure

On receipt of a complaint of malpractice, the member of staff who receives and takes note of the complaint, must pass this information as soon as is reasonably possible, to the appropriate designated investigating officer as follows:

- Complaints of malpractice will be investigated by the appropriate Director unless the complaint is against the Director or is in any way related to the actions of the Director. In such cases, the complaint should be passed to the Director General for referral.
- In the case of a complaint, which is any way connected with but not against the Director, the Director General will nominate other Director to act as the alternative investigating officer.
- Complaints against the Director General should be passed to the Chairman of the NIMR Council who will nominate an appropriate investigating officer.
- The complainant has the right to bypass the line management structure and take their complaint direct to the Chairman. The Chairman has the right to refer the complaint back to management if he/she feels that the management without any conflict of interest can more appropriately investigate the complaint.

Should none of the above routes be suitable or acceptable to the complainant, then the complainant may approach one of the following individuals who have been designated and trained as independent points of contact under this procedure. They can advise the complainant on the implications of the legislation and the possible internal and external avenues of complaint open to them:

1. NIMR Human Resources Manager (HRM)

2. Director of Research Coordination and Policy (DRCP)

If there is evidence of criminal activity then the investigating officer should inform the police upon the approval of the Council Chairman, Director General or Center Director. The Institute will ensure that any internal investigation does not hinder a formal police investigation.

Timescales

Due to the varied nature of these sorts of complaints, which may involve internal investigators and / or the police, it is not possible to lay down precise timescales for such investigations. The investigating officer should ensure that the investigations are undertaken as quickly as possible without affecting the quality and depth of those investigations.

The investigating officer, should as soon as practically possible, send a written acknowledgement of the concern to the complainant and thereafter report back to them in writing the outcome of the investigation and on the action that is proposed. If the investigation is a prolonged one, the investigating officer should keep the complainant informed, in writing, as to the progress of the investigation and as to when it is likely to be concluded.

All responses to the complainant should be in writing and sent to their home address.

Investigating Procedure

The investigating officer should follow these steps:

- Full details and clarifications of the complaint should be obtained.
- The whistleblower must disclose at the outset, any personal interest they may have in the matter. This must include full disclosure of any involvement the whistleblower has had in the matter.
- The investigating officer should inform the member of staff against whom the complaint is made as soon as is practically possible. The member of staff will be opportunity to answer and defend the allegations; also be informed of their right to be accompanied by a RAAWU representative or other representative at any future interview or hearing held under the provision of these procedures.
- The investigating officer should consider the involvement of the Institute's auditors and the Police at this stage and should consult with the Chairman / Director General
- The allegations should be fully investigated by the investigating officer with the assistance where appropriate, of other individuals / bodies.

- A judgement concerning the complaint and validity of the complaint will be made by the investigating officer by way of recommendation. This judgement will be detailed in a written report containing the findings of the investigations and reasons for the judgement. The report will be passed to the Center Director, Director General or Chairman as appropriate.
- The Center Directors, Director General or Chairperson will decide what action to take. If the complaint is shown to be justified, then they will invoke the disciplinary or other appropriate NIMR procedures.
- The complainant should be kept informed of the progress of the investigations and, if appropriate, of the final outcome.
- If appropriate, a copy of the outcomes will be passed to the Institute's Chief Internal Auditor to enable a review of the procedures.

If the complainant is not satisfied that their concern is being properly dealt with by the investigating officer, they have the right to raise it in confidence with the Director General / Chairman Appointment and Disciplinary Committee/ Chairman of the Council, Permanent Secretary ,Minister responsible for Health(through Permanent Secretary) or one of the designated persons described above.

If the investigation finds the allegations unsubstantiated and all internal procedures have been exhausted, but the complainant is not satisfied with the outcome of the investigation, the Institute recognises the lawful rights of employees and ex-employees to make disclosures to prescribed other competent authority (such as the Health and Safety Executive, or the utility regulators etc), or, where justified, elsewhere.

SUMMARY OF WHISTLE BLOWING REPORTING CHANNEL

Directors→Director General→Chairperson of Appointment and Disciplinary Committee→Chairman of the NIMR Council→ Permanent Secretary

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Annexure A – Whistleblower Report

Note: If you wish to remain anonymous do not complete items 1 – 4 of this questionnaire

I authorise the use of the information provided in this report in accordance with the Whistleblowing Policy <input style="width: 50px; height: 20px;" type="checkbox"/>	I would like a summary of my concerns and proposed action to be provided to me <input style="width: 50px; height: 20px;" type="checkbox"/>
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Item number	Questionnaire Items	Whistle Blower Responses
1	Please state your full name	
2	Please state your position title and your office location	
3	What is your work telephone number and email address?	
4	What is the name of your immediate Supervisor?	
5	Please describe in detail the matter you would like to disclose	
6	How was the matter discovered?	
7	Over what period of time has the suspected activity occurred?	
8	Why do you consider this matter to be a wrongful act?	
9	Please name all the people involved in the suspected wrongful act	
10	Are there any witnesses? If “yes” please state their names:	
11	Do you have any supporting evidence?	
12	Where is the evidence located?	
13	Is the evidence in danger of being	

	lost or destroyed?	
14	Please explain how this evidence can be retrieved by the person involved in investigating the matter. OR Provide the evidence with your report.	
15	Have you been told about this matter by someone else?	
16	Who else knows about this matter?	
17	Please state (in detail) if you have any concerns regarding reprisals or recriminatory action taken or that might be taken against you.	
18	Please include any other details which you believe are relevant. This should include whether you have any personal	