



POLICIES & PROCEDURES

FREEDOM TO SPEAK UP: RAISING A CONCERN POLICY V3.1

Policy Owner:	Risk and Compliance Officer
Date Approved:	12 June 2024
Version:	V3.1
Equality Screening Date:	23 October 2020
Date of First Issue:	7 December 2020
Date of Next Review:	June 2027
Location:	Gateway and SWC Website

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1. Introduction

1.1. In June 2020 the Northern Ireland Audit Office (NIAO) published a good practice guide for the Northern Ireland Public Sector “Raising Concerns”¹. This guide advocates the need to instil an organisational culture of openness which encourages the raising of concerns.

1.2. One of the keys to achieving this culture is to refrain from using the term “whistleblowing” and to use instead the term “raising a concern”. The reason for this is to remove the stigma which has become attached to whistleblowing and the perception that whistleblowing is a very formal action that needs to be taken. The term whistleblowing is not a legal term, and it is the view of the NIAO that whistleblowing and raising a concern are the same thing. This policy replaces the “Whistleblowing” Policy.

2. Policy Aim

2.1. The aim of this policy is to:

- Strengthen the organisational culture for encouraging the raising of concerns both internally and externally.
- Establish the arrangements for reporting and investigating of concerns raised.

3. Policy Scope

3.1. This policy applies to all staff employed by South West College, learners, and anyone external to the College.

¹ Raising Concerns; A good practice guide for the Northern Ireland public sector NIAO 25 June 2020

3.2. However, the protections in this policy do not extend to anyone who raises malicious, vexatious, or knowingly untrue concerns.

4. Definitions

4.1. The following definitions are important because it is essential that issues raised can be properly identified and dealt with under the appropriate policy and procedure. The Raising a Concern Policy is not intended to address minor concerns. Also the Policy is not designed to address personal concerns such as unfair treatment, harassment or bullying as these are dealt with under other relevant policies. Concerns raised under this policy must be in the public interest rather than for self-interest.

4.2. However, it is not intended that staff should see this a barrier to raising any concern through the channels outlined in this policy. The College will address all concerns seriously and will determine the appropriate avenue for dealing with concerns raised. If a policy other than this policy is the most appropriate way to handle a concern, the person who raised the concern will be advised accordingly and provided with information on how to take the matter forward.

4.3. Concern

A concern defined in this policy is something that is wrong, a risk or malpractice in the workplace which may not necessarily affect someone personally, but could harm customers, staff, stakeholders, the organisation itself and the public purse. This is known as the 'public interest' test.

4.4. Complaint

A complaint is when a customer or service user has experienced poor service or purchased a faulty product. Complaints will therefore be dealt with under the Customer Complaints Policy and Procedures. However staff managing the complaints procedure should be alert to the possibility that a complaint may become a concern and if so, should be treated in accordance with this policy.

4.5. Grievance

A grievance, unlike a concern, is when a member of staff feels that they have been personally treated unfairly or poorly. For example, this may involve the breaching of employment rights of a member of staff. This Raising a Concern Policy is not the appropriate policy for dealing with grievances. Grievances must be raised and dealt with under the Grievance Policy.

5. The Organisational Culture

5.1. South West College is committed to the highest possible standards of openness and accountability for the delivery of its Services. South West College (the College) encourages anyone who has a concern to speak up and will ensure that it is safe and acceptable to do so. All concerns raised will be considered seriously, investigated appropriately, and addressed suitably. The College considers this to be a normal process in a learning culture as it seeks to improve its processes and service to the community.

5.2. Staff raising a concern in the public interest are protected by the Public Interest Disclosure (NI) Order 1998 (amended October 2017) and Employment Act (NI) 2016. This legislation provides recourse to an employment tribunal if a staff member suffers detriment, such as dismissal, being overlooked for promotion or training opportunities, as a result of raising concerns which they believe to be true.

6. Concerns that can be raised

6.1. Anyone covered by this policy can raise a concern about anything they see that they think is harming the service we provide or amounts to the misuse of public money. These concerns would previously be identified as “whistleblowing concerns” and may be a risk, or some form of wrongdoing.

Examples include:

- A health and safety risk for example a culture of not wearing PPE in a workshop.
- A risk to children and/or vulnerable adults
- Misuse of assets
- Potential fraud
- Suspected fraud or theft for example a member of staff using resources for unauthorised personal use.
- Maladministration or unethical conduct.
- A failure to safeguard personal and/or sensitive information.
- Damage to the environment.
- A culture of bullying (not individual cases but in a team or department).
- Concealment of information tending to show any of the above matters.

6.2. The person raising a concern will not be required to prove their concern as long as they have an honest belief that what they are raising is true. It does not matter if the concern turns out to be unfounded.

6.3. If you have another issue that does not meet the 'public interest' test above, but pertains to College services, that you wish to highlight internally, the College encourages staff to raise concerns with their line managers in the first instance if they are able to.

6.4. However, the College does not wish to limit the channels whereby an issue can be raised so that staff can make the choice which they feel most comfortable with for example:

- A College Director
- Head or Deputy Head of a Department
- The Health and Safety Officer
- The Campus Manager

7. The raising of a concern

7.1. The College has identified three senior members of staff who will be “Raising a Concern Champions” who will be available to listen, advise, report and support members of staff when they raise a concern. The Raising a Concern Champions identified are:

- The Director of Corporate Services
- The Head of People and Culture
- The Head of Quality and Student Engagement

They can be contacted on their internal emails or via the dedicated email address raisingconcerns@swc.ac.uk. “Raising a concern” should be put in the subject line of the email.

7.2. The Raising a Concern Champions will assist the College to develop an open and transparent culture. They will be an independent and confidential source of advice to any staff member in the College to raise issues. They will support staff to overcome any barriers they may have to speaking up. They will be trained to ensure that any genuine concern raised is investigated and addressed.

7.3. The Raising a Concern Champions will support the staff member throughout the process ensuring that they are properly informed as appropriate.

7.4. In the event that a concern relates to a member of the Senior Leadership Team then the concern can be raised with the Secretary to the Governing Body who will liaise with a member of the Governing Body to investigate.

7.5. Students and external stakeholders can raise a concern by using the dedicated email address raisingconcerns@swc.ac.uk.

7.6. A concern may be raised openly, confidentially, or anonymously.

7.6.1. Openly

If someone is not concerned about their identity being revealed then a concern can be raised openly. This makes it easier for the concern to be investigated and it also fosters the culture of openness and transparency that the College wishes to cultivate. In addition, openness may encourage others to speak up as well.

7.6.2. Confidentially

If someone wishes to raise a concern confidentially the College will protect their name and contact details as far as possible. In the event that an investigation cannot proceed, or is inhibited by confidentiality, the College will seek consent from the individual to release their identity. Confidentiality will not be breached unless required by law.

7.6.3. Anonymously

If someone wishes to raise a concern anonymously then the College will still take the concern seriously and investigate as fully as possible. However, the ability to investigate an anonymous concern may be severely obstructed.

8. The College response to a concern raised.

8.1. The College will treat all concerns raised seriously and give them due consideration. The College will investigate, communicate, and learn.

8.1.1. Investigate

The College will, in the first instance determine that the Freedom to Speak Up: Raising a Concern policy is the appropriate policy under which to proceed. The will be assessed to identify if it can be resolved quickly and informally. However, if the issue cannot be resolved within 5 working days of being raised the College will instigate a proportionate investigation. The College will appoint a senior manager who is independent of the issue, to investigate. The manager

appointed will conduct an objective investigation and gather sufficient reliable evidence to support reasoned conclusions. However, the College will strive to handle concerns raised fairly and properly.

8.1.2. Communicate

The College will inform the person who has raised the concern of the general progress of the investigation ie that enquiries are still ongoing or concluded and necessary actions have been taken. However there is no entitlement to receive the outcome of the investigation unless this is in the public domain. The Raising a Concern Champions will take steps to ensure that support is available to the staff member throughout the process.

8.1.3. Learn

The College is committed to learning from all raising concern incidents with the focus on improving its processes and its service to its staff and students. The College will track any actions and recommendations resulting from the investigating manager's report.

8.1.4. Report

The Audit & Risk Committee will be given high level information about all concerns raised through this policy with information on action taken or to be taken to address any problems.

DfE Fraud and Raising Concerns Branch will also be notified of concerns raised as appropriate using the template in Appendix 1.

9. Raising a concern externally

9.1. The College encourages anyone wishing to raise a concern to raise it internally in the first instance. However, in cases where someone is uncomfortable about doing so, or the issue is very serious, the issue can be raised with:

DfE Fraud and Raising Concerns Branch

Address:

Level 7 Adelaide House

39-41 Adelaide Street

Belfast

BT2 8FD

Email: raising.concerns@economy-ni.gov.uk

Or with the Northern Ireland Audit Office (NIAO).

Address:

The Comptroller & Auditor General

Northern Ireland Audit Office

106 University Street

Belfast

BT7 1RU

Tel: +44 (028) 9025 1062 or (028) 9025 1000

Email: raisingconcerns@niauditoffice.gov.uk.

Or in relation to a Health and Safety concern, the Health and Safety Executive for Northern Ireland.

Address:

Health and Safety Executive for Northern Ireland

83 Ladas Drive

Belfast

BT6 9FR

Email: mail@hse-ni.gov.uk

Phone: 0800 0320 121

9.2. Advice and Information

If a staff member wishes to take external advice on how to raise a concern they may contact:

- Their Union if they hold membership.
- The charity Protect (formally Public Concern at Work).

Tel: 020 3117 2520

Email: whistle@protect-advice.org.uk

10. Staff Training

10.1. Training will be provided to all line managers and nominated staff in the implementation of this policy.

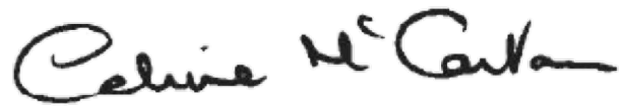
11. Data Protection

11.1. Concerns raised will be treated in the strictest confidence and all information is held securely in line with the requirements of the General Data Protection Regulations.

12. Policy review

12.1. This Policy will be reviewed every three years or sooner if legislation, good practice, or government guidance dictates an earlier review.

Signed Chief Executive

Handwritten signature of Celine McCarroll in black ink.

Date 12.06.24

Signed Chair of the Board of Governors

Handwritten signature of Nicholas in blue ink.

Date 12/06/2024

Appendix 1 Template for Reporting a Concern to DfE

OFFICIAL - SENSITIVE

DEPARTMENT FOR THE ECONOMY

FRAUD & RAISING CONCERNS NOTIFICATION FORM

NB: To be completed as soon as possible after the receipt of any allegation of concern, regardless of the nature of the allegations or their source.

Please provide **as much information as possible** and e-mail the completed form to Fraud & Raising Concerns Branch at raising.concerns@economy-ni.gov.uk, cc'd to the Director of the relevant business area / Partner Team.

	Departmental case reference number (assigned by Fraud & Raising Concerns Branch):	
	Partner Organisation case reference number (if appropriate)	
A1	Date allegation / disclosure received in the departmental business area/Partner Organisation:	
A2	Details of the allegation / disclosure (including type of communication e.g. telephone call / email):	
A3	Name & contact details of person raising the allegation / concern (if known):	
A4	Was confidentiality requested by the person raising the concern?	
A5	Date on which an acknowledgement of receipt was issued to the person raising the allegation / concern. <u>If correspondence has not yet been acknowledged in writing, please state this</u>	
A6	Name & contact details of officer who received the allegation / disclosure:	
A7	Division / Business Area / Partner Organisation to which allegation / disclosure relates:	
A8	Details of the specific location at which the incident occurred:	

	Departmental case reference number (assigned by Fraud & Raising Concerns Branch):	
A9	Details of any documents (electronic or hard copy) received with allegation: NB: Please forward all documentation with this notification, including any written record of a telephone call.	
A10	Date fraud / concern was first discovered:	
A11	Estimated or actual value of monies at risk through the suspected fraud / concern:	
A12	Has the PSNI been notified? If so, please provide date of referral, details of investigating officer and case reference number	
A13	Name & details of contact person for ongoing correspondence / progress updates:	
A14	Is the case being reported as actual, suspected or attempted fraud:	
A15	Type of fraud / suspected fraud (see note 1):	
A16	Cause of fraud / suspected fraud (see note 2):	
A17	How was the fraud / suspected fraud discovered (see note 3):	
A18	Who perpetrated the fraud / suspected fraud (see note 4):	
A19	Category of any other action taken (see note 5):	
A20	Specific detail of any other action taken:	

When enquiries / investigations are finalised, a **Fraud & Raising Concerns Case Closure Summary** must be completed as fully as possible and sent to the Fraud & Raising Concerns Branch at raising.concerns@economy-ni.gov.uk, cc'd to the Director of the relevant business area / Partner Team.

Notes

1. Type of fraud

- Grant related
- Theft of assets (please state type of asset e.g. cash, laptop, oil, tools, camera)
- Payment process related
- Income related
- Pay or pay related allowances
- Travel and subsistence
- Pension fraud
- Contractor fraud
- Procurement fraud

- False representation
- Failure to disclose information
- Abuse of position
- Other (please specify)

2. Cause of fraud

- Absence of proper controls
- Failure to observe existing controls
- Opportunistic
- Unknown

3. Means of discovery of fraud

- Normal operation of control procedures
- Whistleblowing (internal or external)
- Internal Audit
- External
- Computer analysis/National Fraud Initiative
- Other means (please specify)

4. Perpetrators of Fraud

- Internal staff member
- Contractor
- Funded body/grant applicant
- Other third party (please specify)
- Collusion between internal and external parties
- Too early to determine
- Unknown

5. Other actions taken

- Controls improved
- Control improvements being considered
- Too early to determine
- No action possible
- Disciplinary action
- Prosecution

Related Documentation

Title	Location	Owner
Procedure for Raising a Concern	Gateway	Risk & Compliance Officer
Fraud Policy and Response Plan	Gateway	Risk & Compliance Officer
Customer Complaints Policy	Gateway	Risk & Compliance Officer
Grievance Procedure	Gateway	Head of People & Culture
Equal Opportunity Policy	Gateway	Head of People & Culture
Disaster Management Policy	Gateway	Director of Corporate Services
Dignity at Work Policy	Gateway	Head of People & Culture
Employee Standards Policy	Gateway	Head of People & Culture

Change Log

Location	Change from deletion/addition	Change to
V3.0	Policy changed to new template	
	Changes to broaden the scope of the policy to include learners and members of the public.	
	Changes to reflect the identification of Raising a Concern Champions	
V3.1 4.3	Addition: Reference to the “public interest test”.	
Sections 6 and 7	Reorganisation of paragraphs: 7.1 and 7.2 moved to 6.3 and 6.4.	
6.3	Addition: If you have another issue that does not meet the ‘public interest’ test above, but pertains to College services, that you wish to highlight internally,	
6.4	However, the College does not wish to limit the channels whereby a concern can be raised so ...	However, the College does not wish to limit the channels whereby an issue can be raised so ...
7.2	They will ensure	They will be trained to ensure

Communication

Who needs to know (for action)	All Staff
Who needs to be aware	All Staff

Communication Plan

Action	By Whom	By When
Upload to Gateway	J Lucas	On approval
Circulation to all staff	J Lucas	On approval

Document Development

Details of staff who were involved in the development of this policy:

Name	Role
Joanne Lucas	Risk & Compliance Officer
Eimear Rushe	Head of HR
Elizabeth Shackels	Quality & Improvement Manager
Catherine McCrory	Equality Officer

Details of staff, external groups or external organisations who were consulted in the development of this policy:

Name	Organisation	Date
Forum for Engagement	SWC	21/10/20
Union Representatives		21/10/20
Senior Management Team	SWC	
Donal Collins	Equality Commission	23/10/20
Heads of Department	SWC	11/10/23
Fraud & Raising a Concern Branch	DfE	16/10/23

Approval Dates

Approved by	Date
Governing Body	12 June 2024

Document History

Issue no. under review	Date of review:	Persons involved in review	Changes made after review? Yes/No If Yes refer to change log	New Issue No.	If changes made was consultation required?	If changes made was Equality Screening required?
V1.0	November 2021	Risk & Compliance Officer	Yes	V2.0	No	No
2.0	October 2023	Risk & Compliance Officer Heads of Department DfE Fraud & Rasing a Concern Branch	Yes	V3.0	No	No
V3.0	April 2024	Principal and Chief Executive DfE Fraud & Raising a Concern Branch	Yes	V3.1	No	No