



# POLICIES & PROCEDURES

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## FREEDOM TO SPEAK UP: RAISING A CONCERN POLICY V3.0

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| <b>Policy Owner:</b>            | Risk and Compliance Officer |
| <b>Date Approved:</b>           | 15 November 2023            |
| <b>Version:</b>                 | V3.0                        |
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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”<sup>1</sup>. 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.

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

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

## **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 or the public purse.

### **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 be a concern and 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.

## **7. The raising of a concern**

7.1. The College encourages staff to raise concerns with their line managers in the first instance if they are able to.

7.2. However, the College does not wish to limit the channels whereby a concern 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
- The Risk and Compliance Officer

7.3. The College has also 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](mailto:raisingconcerns@swc.ac.uk). "Raising a concern" should be put in the subject line of the email.

7.4. 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 ensure that any genuine concern raised is investigated and addressed.

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

7.6. 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.

7.7. Students and external stakeholders can raise a concern by using the dedicated email address [raisingconcerns@swc.ac.uk](mailto:raisingconcerns@swc.ac.uk).

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

#### **7.8.1. 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.

### **7.8.2. 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.

### **7.8.3. 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. They 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](mailto: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](mailto: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](mailto: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](mailto: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**



**Date** 15.11.23

**Signed Chair of the Board of Governors**



**Date** 15/11/2023

## Appendix 1 Template for Reporting a Concern to DfE

OFFICIAL - SENSITIVE

### DEPARTMENT FOR THE ECONOMY

### NOTIFICATION OF A RAISING CONCERN

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](mailto:raising.concerns@economy-ni.gov.uk), cc'd to the Director of the relevant Division.

|     |  |  |
|-----|--|--|
|     | <b>Departmental case reference number (assigned by Fraud &amp; Raising Concerns Branch):</b>   |  |
| A1  | Date disclosure received in the department:  |  |
| A2  | Details of the disclosure (including type of communication e.g. telephone call / email):   |  |
| A3  | Name & contact details of person raising the concern (if known):   |  |
| A4  | Name & contact details of officer to whom disclosure was notified:   |  |
| A5  | Division / Branch / details of body (e.g. HE institution, FE college, NDPB, etc) to which the disclosure relates:  |  |
| A6  | Details of the location at which the disclosure incident occurred:   |  |
| A7  | Date the disclosure incident discovered:   |  |
| A8  | Details of any financial implication (actual or potential):  |  |
| A9  | Details of any documents (electronic or hard copy) received with disclosure:<br>NB: Please forward all documentation with this notification, including any written record of a telephone call. |  |
| A10 | Was confidentiality requested by the person raising the concern?   |  |

|     |   |  |
|-----|---|--|
|     | <b>Departmental case reference number (assigned by Fraud &amp; Raising Concerns Branch):</b>  |  |
| A11 | Has the PSNI been notified? If so, please provide date of referral, details of investigating officer and case reference number.                   |  |
| A12 | Details of any other action taken (e.g. controls improved):   |  |
| A13 | Name & contact details of the manager of the relevant business area / sponsor team (contact point for ongoing correspondence / progress updates): |  |

When enquiries / investigations are finalised, a **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](mailto:raising.concerns@economy-ni.gov.uk), cc'd to the Director of the relevant Division.

## **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 |
|----------|---|-----------|
|          | 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                      |           |

## **Communication**

|                                       |           |
|---------------------------------------|-----------|
| <b>Who needs to know (for action)</b> | All Staff |
| <b>Who needs to be aware</b>          | 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:**

| <b>Name</b>        | <b>Role</b>                   |
|--------------------|-------------------------------|
| 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:**

| <b>Name</b>                      | <b>Organisation</b> | <b>Date</b> |
|----------------------------------|---------------------|-------------|
| 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**

| <b>Approved by</b> | <b>Date</b> |
|--------------------|-------------|
| Governing Body     | 15/11/23    |

## Document History

| Issue no. under review | Date of review: | Persons involved in review  | Changes made after review? Yes/No<br>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<br>Heads of Department<br>DfE Fraud & Rasing a Concern Branch | Yes   | V3.0          | No   | No   |