

## **Northern Regional College Raising Concerns Procedure**

### **CBD 10**

<b>Issue</b>	<b>Document Title</b>	<b>Date of 1<sup>st</sup> Issue</b>	<b>Last Reviewed</b>	<b>Responsibility Of</b>
01	Raising concerns procedure	April 2021		Head of Performance and Planning

This document can also be produced in alternative formats upon request.

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## 1. Scope

1.1. This document defines the College's procedures for raising concerns or making a public interest disclosure. It must be followed by all managers and staff who receive disclosures under the College's Raising Concerns Policy, made in the public interest, of wrongdoing or suspected wrongdoing.

## 2. Types of Concern

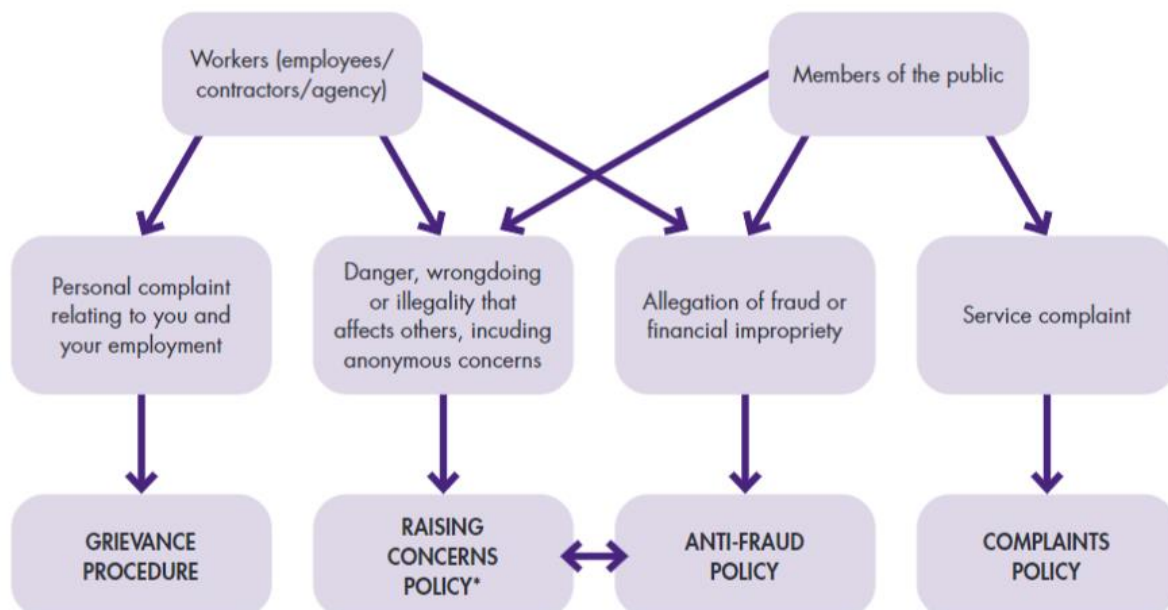
2.1. The types of issues about which staff, students or others can raise concerns include:

- Risk to children and or/vulnerable adults;
- Unlawful conduct;
- Abuse of public funds;
- Threat to health and safety;
- Failing to safeguard personal and/or sensitive information; and
- A breach of employee Code of Conduct.

## 3. Which policy applies?

3.1. If staff, students or others wish to raise a concern, a grievance or a complaint, Figure 1: Issues and the relevant policies<sup>1</sup> will provide clarity over which policy the issue should be raised under.

Figure 1: Issues and the relevant policies



<sup>1</sup> Raising Concerns – A good practice guide for the Northern Ireland public sector

#### **4. How staff, students and others can raise concerns**

4.1. A concern can be raised:

- Openly – no concerns about revealing identity;
- Confidentially – personal details are provided to the point of contact but do not wish them to be shared widely beyond that; or
- Anonymously – the identity is not revealed when a concern is raised.

4.2. Detailed information on ways to raise a concern can be found in [Concerns Raised with a Manager by Staff, Students or Others](#)

4.3. Staff can raise concerns in any of the following ways:

- I. Through their line manager.
- II. Through the Raising Concerns Champion at [raisingconcerns@nrc.ac.uk](mailto:raisingconcerns@nrc.ac.uk) .
- III. Directly with the Chair of Audit & Risk Committee of the Governing Body (through the Secretary to the Governing Body) at [Karen.wallace@nrc.ac.uk](mailto:Karen.wallace@nrc.ac.uk)
- IV. Externally with the Department for the Economy (DfE) at [raising.concerns@economy-ni.gov.uk](mailto:raising.concerns@economy-ni.gov.uk)

4.4. Students and other stakeholders can raise concerns through:

- I. Any manager.
- II. Through the Raising Concerns Champion.
- III. Directly with the Chair of Audit & Risk Committee of the Governing Body (through the Secretary to the Governing Body).
- IV. Externally with the Department for the Economy.

4.5. For confidential advice at any stage, the independent organisation Protect can be contacted on 020 31172520. Their lawyers can talk through options and provide assistance to raise a concern about malpractice at work. For more information, visit [www.protect-advice.org.uk](http://www.protect-advice.org.uk)

## 5. Concerns Raised with a Manager by Staff, Students or Others

5.1. If staff, students or others have a concern, it can be raised first with a line manager or the appropriate service manager.

### 5.2. Informally

Staff, students or others are encouraged to raise any concerns in the first instance with a line manager or with the relevant senior manager. Where appropriate, the manager will carry out an informal investigation and report back. However, there may be times where informal resolution is inappropriate and the manager will advise making the disclosure to the Raising Concerns Champion.

### 5.3. Formal disclosure

If a member of staff, student or others feels unable to raise a concern with a line manager/the relevant senior manager, or they are dissatisfied with the informal outcome, the concern should be raised formally by contacting [raisingconcerns@nrc.ac.uk](mailto:raisingconcerns@nrc.ac.uk)

Members of the public and students wishing to raise concerns should also email [raisingconcerns@nrc.ac.uk](mailto:raisingconcerns@nrc.ac.uk)

Where there is a belief that the Policy has not been followed and/or there is an ongoing concern, the matter should be brought to the attention of the Chair of the Audit and Risk Committee via the Secretary to the Governing Body through [Karen.wallace@nrc.ac.uk](mailto:Karen.wallace@nrc.ac.uk)

### 5.4. Raising Concerns Externally

In circumstances where internal processes have not yielded the outcome and response anticipated, public interest disclosure can be made directly to:

Sponsor department – Department for the Economy - [raising.concerns@economy-ni.gov.uk](mailto:raising.concerns@economy-ni.gov.uk) – this should be the first and only referral point if someone does not wish to raise a matter internally. If the concern raised is more appropriate to another body, DfE will ensure that the concern is forwarded to that body and advise the correspondent.

## **6. Concerns Raised with the Raising Concerns Champion or Chair of the Audit and Risk Committee**

- 6.1. If it is not appropriate to raise a concern with a manager then a disclosure can be made to the Raising Concerns Champion or the Chair of the Audit and Risk Committee.
- 6.2. Individuals must indicate at the outset if they wish to raise the matter in confidence so the appropriate arrangements can be made. Confidentiality will be protected as far as possible. However, it may not always be possible to maintain confidentiality if this impedes the investigation.

## **7. When a Concern is Raised**

- 7.1. When a concern is raised under through the Raising Concerns Champion or the Chair of the Audit and Risk Committee the College will:
  - Formally acknowledge receipt of the concern;
  - Offer the opportunity of a meeting to fully discuss the concern, provided the concern has not been submitted in writing anonymously;
  - If an investigation is appropriate, state who will be investigating the concerns;
  - Respect confidentiality where this has been requested. Confidentiality should not be breached unless required by law;
  - Take steps to ensure that the appropriate support and advice is in place;
  - Agree a timetable for feedback and if this cannot be adhered to, the College will provide an update;
  - Provide appropriate feedback; and
  - Take appropriate and timely action against anyone who victimises individuals as a result of raising a concern.
- 7.2. Whilst the College will treat concerns seriously and give them due consideration, not all cases will require a full investigation. There may be other circumstances which individuals are not aware of, which may put a different perspective on concerns. The outcome may not always be as expected; however, concerns will always be taken seriously, and the matter will be handled fairly and properly.

## **8. Responsibilities of managers and senior managers**

- 8.1. If a concern is raised with a manager, the manager must:
  - Have a positive and supportive attitude towards the individual raising the concern.

- Obtain as much detail as possible about the concern being raised and agree this record.
- Be aware of the process following the raising of a concern and explain this.
- Make sure the individual knows what to expect, for example in relation to feedback on the concern.
- Assure the individual that their confidentiality will be protected as far as possible, if this is requested [Confidentiality](#). In doing this, make no promises and manage expectations.
- Make clear that the College will not tolerate harassment of anyone raising a genuine concern and ask the individual to notify the manager if this happens.
- Refer the individuals to available sources of guidance and support.
- Pass the information without delay to the Raising Concerns Champion, so that the concern can be recorded, and the appropriate course of action agreed with the Chief Operating Officer [Steps to be followed on receipt of a Concern](#)

## **9. Steps to be followed on receipt of a Concern**

- 9.1. All concerns received (from staff, students and others) will be recorded in the College's Raising Concerns log and notified to DfE in line with DfE requirements using the reporting template in Appendix 1. The Raising Concerns Champion will make an initial assessment and refer to the Chief Operating Officer (COO), who will be responsible for confirming any actions and proposed timeframe.
- 9.2. The CEO and the Chair of the Audit and Risk Committee should be advised of any concerns that are likely to present a serious risk to the organisation.
- 9.3. The Raising Concerns Champion is responsible for:
  - Formally acknowledging concerns raised and advising of actions being taken.
  - Ensuring that the Raising Concerns Log is up to date.
  - Where appropriate, advising the person who has raised the concern how the issue will be managed.
  - Insofar as it is possible, provide an update on the outcome of the concern raised (whilst maintaining any confidentiality requirements).

- Monitor and identify trends and/or business risks which may need to be addressed and provide reports and feedback on the operation of raising concerns procedures.
- Update the COO, the Accounting Officer, the Chair of the Audit and Risk Committee and DfE as required.

9.4. The COO is responsible for

- Confirming actions to be taken to deal with the matter raised including referral to another process, such as grievance procedure or complaints procedure.
- Making a recommendation to the CEO on further action required. The recommendation will cover the extent of any further investigation and responsibility for its conduct.
- Monitor the progress of the case and provide updates as appropriate to the CEO, Chair of Audit & Risk Committee, Governing Body and the person who has made the disclosure.

## **10. Confidentiality**

10.1. The identity of individuals raising concerns will only be known by the manager and the Raising Concerns Champion or the Chair of the Audit and Risk Committee if the concern is raised directly with them and will not be revealed without their consent, unless it is required by law.

10.2. When a staff member raises a concern and confidentiality has been requested they must be advised that in the course of an investigation there may be a legal requirement to disclose the identity of the person raising the concern, for example, under court disclosure rules. When a concern is raised anonymously the College will still assess the information provided and make a consideration on appropriate action.

10.3. The College will take the following steps to ensure confidentiality:

- Documentation and emails pertaining to the disclosure are properly classified as confidential, held securely and password protected.
- Access to case files is limited to only those required.



- Apply discretion about when and where any meetings are held and with whom documentation is shared.

10.4. If the identity of the person raising a concern becomes known, the College will take all reasonable steps to ensure they are protected and supported. Appropriate and timely action will also be taken against anyone who victimises them.

## **11. Formal investigations**

If a formal investigation is required, the following steps will be taken:

- I. Appointment of an appropriate investigator with the necessary skills to complete the investigation in a timely manner.
- II. Confirm there is no conflict of interest or perception of bias.
- III. Develop a clear terms of reference including proposed timeframe, clarify evidence that needs to be gathered and how it will be gathered (document search, interviews etc.). The investigation should be conducted as quickly as possible with an agreed timetable and any changes should be notified to the person raising the concern.
- IV. Agree when updates will be provided to the person who raised the concern and how to manage their expectations.
- V. Ensuring that all investigation documentation and decisions pertaining therein are stored in line with the Confidentiality protocol.
- VI. Produce a formal report of findings that should be considered by the Senior Leadership Team, along with any proposed actions.
- VII. Agree dissemination of any learning from the investigation to be shared across the College and beyond, where appropriate.

11.1. Where a concern relates to senior members of the College staff or Governing Body members, DfE will assume ownership of the investigation.

## **12. Feedback on conclusion of a formal investigations**

12.1. When the investigation is complete the individual who raised the concern should be informed that the investigation has been concluded and the outcome.

12.2. Under no circumstances can details of any disciplinary action taken or recommended against individuals be provided or discussed with the person who made the disclosure.

## **13. Recording and monitoring of concerns**

13.1. Upon receipt of being notified of a concern, the Raising Concerns Champion should be advised **immediately**.

13.2. At the conclusion of any investigation, the investigator will provide the Raising Concerns Champion with a summary of the findings. A summary of the report and actions taken will be included in the case closure form (Appendix 3). This will also be submitted to DfE along with a copy of the final report (redacted if necessary).

13.3. The Raising Concerns Register (or Log) is presented to each A&R Committee.

## **14. Links to other Documents**

Internal Documents:

- Policy for Raising Concerns
- [Policy for Staff Malpractice](#)
- [Student Malpractice Policy](#)

External Documents

- [NIAO – Raising Concerns – a good practice guide for the NI public sector.](#)

## 15. Definitions

**Complaint (definition from The Institute of Customer Service):** A complaint is when a customer brings a problem to the attention of the organisation and expects some redress, probably over and above simply supplying the original product or service that was the cause of the complaint.

**Concern (definition from Protect):** Whistleblowing may be called speaking up or raising a concern. It is all about ensuring that if someone sees something wrong in the workplace, they are able to raise this within the organisation, or to a regulator, or more widely. Whistleblowing ultimately protects customers, staff, beneficiaries and the organisation itself by identifying harm before it is too late.

**Grievance (Definition from Advisory, Conciliation and Arbitration Service Acas):** Grievances are concerns, problems or complaints raised by a staff member with management. Anybody may at some time have problems with their working conditions or relationships with colleagues that they may wish to raise.

### Employee

An employee is defined as “any individual who works for the College, whether under a contract of employment, or any other contract where an individual undertakes to do or perform personally any work or service”. This may include agency workers, contractors, governing body members, volunteers, work experience students and freelance workers.

### Whistleblowing or Raising a Concern

Whistleblowing and raising a concern are the same thing. Raising a concern in the public interest is the action of telling someone in authority, either internally and/or externally about wrongdoing, risk or malpractice<sup>2</sup>. Raising a concern involves a member of staff reporting certain types of wrongdoing or suspected wrongdoing. This is officially known as “making a disclosure in the public interest”. The disclosure must be in the public interest i.e. it must affect others such as the general public.

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<sup>2</sup> The Public Interest Disclosure (Northern Ireland) Order 1998

## 16. Glossary

- 16.1. Openly: The College's staff are protected by the Public Interest Disclosure (NI) Order 1998, if they genuinely believe that misconduct or malpractice was or is being committed and they do not have any malicious intent or personal gain for the disclosure. Therefore, where an individual staff member makes an allegation in good faith and that allegation is not confirmed by an investigation, no action will be taken against that individual.
- 16.2. So long as they have not been complicit (either by direct action or the failure to act when they become aware of the offence), staff will be protected even if the matter is found to be mistaken, provided they:
- believe on reasonable grounds that the information is accurate;
  - have not made the allegation principally for the purpose of obtaining payment for personal gain; and
  - have taken reasonable steps to raise the subject matter of the disclosure internally, by drawing it to the attention of the appropriate individual.
- 16.3. Confidentially: the College will treat all disclosures made through its Raising Concerns guidance in a confidential and sensitive manner. The identity of the individual making an allegation will be kept confidential as far as is reasonably possible. Your identity will only be disclosed after discussion with you and if possible with your consent. If this occurs the College will discuss with you the next steps and will ensure that you suffer no detriment or harassment.
- 16.4. Any staff who believe they are being penalised for raising a concern can make a complaint in accordance with the College's internal complaint procedures such as, for example, a complaint under the dignity at work policy. You can also consider if you wish to make an external complaint to an employment tribunal.

16.5. Anonymously: the College commits to giving concerns received anonymously due consideration. However, this policy encourages individual staff and the general public to put their name to the allegation whenever possible as without this it can be difficult to fully investigate a matter and to corroborate facts. It makes it impossible to clarify any ambiguous information or to ask for additional information to support the allegation. Moreover, the College will be less able to give feedback on the outcomes of any action taken.

16.6. In considering anonymous allegations the College will take into account factors such as:

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

## 17. Appendices

### Appendix 1 - Notification of Receipt of a Disclosure

NB: To be completed as soon as possible after the receipt of any allegation of concern by the Raising Concerns Champion and COO, regardless of the nature of the allegations or their source

Please provide as much information as possible and e-mail the completed form to [raising.concerns@economy-ni.gov.uk](mailto:raising.concerns@economy-ni.gov.uk)

	Departmental case reference number (assigned by Corporate Governance):	
A1	Date disclosure received in the department:	TO BE COMPLETED BY DfE
A2	Details of the disclosure (including type of communication e.g. telephone call / email):	
A3	Name & contact details of complainant (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 allegation relates:	
A6	Details of the location at which the disclosure incident occurred:	
A7	Details of any documents (electronic or hard copy) received with disclosure: NB: Please forward all documentation with this notification, including any written record of a telephone call.	
A8	Was confidentiality requested by the complainant?	

A9	Name & contact details of the manager of the relevant business area / sponsor team (contact point for ongoing correspondence / progress updates):	
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When enquiries / investigations are finalised, a **Case Closure Summary** must be completed as fully as possible and sent to the Director of the relevant Division, cc'd to the Fraud & Raising Concerns Unit at [raising.concerns@economy-ni.gov.uk](mailto:raising.concerns@economy-ni.gov.uk)

## Appendix 2 - Notification of Fraud / Suspected Fraud

NB: To be completed as soon as possible after the receipt, by a departmental officer, of an allegation of fraud

Please provide as much information as possible and e-mail the completed form to the Director of the relevant Division, cc'd to the Fraud & Raising Concerns Unit at [raising.concerns@economy-ni.gov.uk](mailto:raising.concerns@economy-ni.gov.uk)

	Departmental case reference number (assigned by Corporate Governance):	
A1	Date allegation received in the department:	TO BE COMPLETED BY DfE
A2	Details of the allegation (including type of communication e.g. telephone call / email):	
A3	Name & contact details of complainant (if known):	
A4	Name & contact details of officer who received the allegation:	
A5	Division / Branch / details of body (e.g. HE institution, FE college, NDPB, etc) to which allegation relates:	
A6	Specific location of fraud / suspected fraud:	
A7	Date fraud / suspected fraud discovered:	
A8	Is the case being reported as actual, suspected or attempted fraud:	
A9	Type of fraud / suspected fraud (see note 1):	
A10	Cause of fraud / suspected fraud (see note 2):	



A11	How was the fraud / suspected fraud discovered (see note3):	
A12	Who perpetrated the fraud / suspected fraud (see note 4):	
A13	Estimated or actual value:	
A14	Details of any documents (electronic or hard copy) received with allegation:	
A15	Was confidentiality requested by the complainant?	
A16	Has the PSNI been notified? If so, please provide date of referral, details of investigating officer and case reference number.	
A17	Details of any other action taken (see note 5):	
A18	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 Director of the relevant Division, cc'd to the Fraud & Raising Concerns Unit at [raising.concerns@economy-ni.gov.uk](mailto:raising.concerns@economy-ni.gov.uk)

## Notes

### 1. Types 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. Causes 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

### Appendix 3 - Post Investigation Outcome & Action

NB: To be completed by the relevant business area as soon as possible after the completion of enquiries / investigation into any allegation made under the Fraud Response Plan or Raising Concerns Procedures

Please provide as much information as possible and e-mail the completed form to [raising.concerns@economy-ni.gov.uk](mailto:raising.concerns@economy-ni.gov.uk)

	Departmental case reference number (assigned by Corporate Governance):	
B1	Date Investigation Report completed (please attach a copy):	
B2	Date of final case closure:	
B3	Outcome of enquiries / investigation: <ul style="list-style-type: none"><li>- irregularity found (other than fraud)</li><li>- no irregularity</li><li>- fraud</li></ul>	
B4	Summary of findings of the investigation:	
B5	If an irregularity / fraud was found, who was responsible? <ul style="list-style-type: none"><li>- Internal staff member</li><li>- Contractor</li><li>- Funded body / grant applicant</li><li>- Other third party (please specify)</li><li>- Collusion between internal and external parties</li><li>- Unknown</li></ul>	

B5	If relevant, date and details of feedback given to the person who made the initial disclosure:	
B6	If appropriate, provide details of the financial implications of the disclosure / quantify any loss to the department:	
B7	Type of action taken as a result of the investigation: <ul style="list-style-type: none"> <li>- Controls improved</li> <li>- Control improvements being considered</li> <li>- Too early to determine</li> <li>- No action necessary / possible</li> <li>- Disciplinary action</li> <li>- Referred for prosecution</li> </ul>	
B7	Specific details of actions taken to address issues arising from the investigation:	
B6	Date and details of referral to other parties / organisations e.g. another department or PSNI:	
B9	Name & contact details in case further information is required:	
B10	Notes / further information:	

## **18. Monitoring and Review of this Document**

- a. This document will be monitored on an ongoing basis and subject to a full review at least every two years.
- b. The document may be updated if changes or improvements in processes or procedures are identified.
- c. In monitoring and reviewing the document the following will be taken into consideration:
  - feedback regarding the content and format of the document
  - uptake and usage;
  - comments or complaints regarding the document
  - Equality information and monitoring data

## Document Development

Please complete with details regarding the development of the document.

D1. Working Group: details of staff who were involved in the development of this document:

Name	Position
Mel Higgins	Chief Operating Officer
Jenny Small	VP for Performance & Development
Bill McCluggage	Chair Audit & Risk Committee
Deborah Kerr	Head of Performance and Planning

D2. Consultation: details of staff, external groups or external organisations who were consulted in the development of this document:

Please refer to Equality Screening Consultation Guidance.

Name	Organisation	Date

D3. Approval Dates:

Details	Date Approved
Equality Screening (please refer to Equality Screening Guidance)	N/A
Quality Checked (please refer to Quality Checklist)	02.06.21
SLT	18.3.21
Governing Body (SLT to decide if PPS needs to go to Governing Body)	N/A

D4. Communication Plan:

Please provide details and dates as to how this document will be communicated, implemented and disseminated:

Action:	Action by:	Date:
Disseminated to all staff	Comms	June 2021
Uploaded to Canvas	QM	18.06.21

D5. Document History

Issue no. under review  (Please see the front page)	Date of review:  (Date)	Who was involved in reviewing the document?  (Name/s)	Were changes made to the document after reviewing?  (Yes or No)	If changes have been made, please provide brief details:	New Issue No.	If Yes, did the document need to go through consultation again?  (Yes*/No)	If Yes, did the document need to be Equality Screened again?  (Yes*/No)	If Yes, date those affected by document will be alerted of updated document:  (Date)
				•				
				•				
				•				

\* If you answered 'Yes' in columns E or F, you must forward details of additional consultation and/or screening to the Equality Officer.