

RAISING A CONCERN POLICY FRAMEWORK

Version Control

Date	Action	Reason	Responsible
June 2024	Introduction of a new Policy	Whistleblowing Policy required updating	Head of HR

1.0 Policy Purpose and Scope

- 1.1 Stranmillis University College is committed to the highest possible standards in the delivery of its functions and services. When concerns arise, it is important that the College responds appropriately, correcting failures and learning lessons.
- 1.2 Raising a concern, often referred to as “whistleblowing”, refers to someone notifying the College or agency about risk, danger, malpractice, wrongdoing or illegality.
- 1.3 The purpose of this Policy Framework is to explain at the highest level how the College will handle any concerns raised with them, and to encourage and provide reassurance to members of the public and the college staff and students who want to raise concerns.
- 1.4 The College encourages people to raise concerns because that way we can, if necessary, put things right; the person raising a concern has performed an act of public service.
- 1.5 This Policy Framework sets out what we mean by ‘concerns’, and how different kinds of concerns will be dealt with.

2.0 What are ‘concerns’?

- 2.1 Raising a concern is drawing attention to suspected risk, danger, malpractice, wrongdoing or illegality in the College. This might include issues such as:
 - Serious health and safety risks/breach previously reported and remains unaddressed;
 - any unlawful act (*e.g.* theft);
 - the unauthorised use of public funds (*e.g.* expenditure for improper purpose);
 - maladministration (*e.g.* not adhering to procedures, negligence);
 - Serious failings to safeguard personal and/or sensitive information (data protection);
 - damage to the environment (*e.g.*, pollution);
 - fraud and corruption (*e.g.* to give or receive any gift/reward as a bribe);
 - the abuse of children and/or vulnerable adults (physical or psychological);
 - any deliberate concealment of information tending to show any of the above.
- 2.2 This is not an exhaustive list but is intended to illustrate the sort of serious issues that may be raised and dealt with under respective policies.
- 2.3 Many, if not most, of these could potentially constitute a breach of the College’s Code of Conduct by an employee. If an employee believes that he or she is being required to breach the Code of Conduct this should also be raised as a concern.

- 2.4 If a concern is about possible fraud, reference should be made as soon as possible to the Anti-Fraud and Bribery Policy.
- 3.0 What is not a 'concern' under this policy?
- 3.1 Not all criticism of the work of the College will be treated as a concern, and we will need to determine whether an issue raised should be addressed as such.
- 3.2 Separate arrangements exist to deal with **complaints** about the College's performance or standards of service. These are set out in the College's Complaints Procedure by Persons or organisations external to Stranmillis University College.
- 3.3 A concern is also distinct from a grievance, which is when an employee raises issues about an employment-related matter. If a member of staff wishes to raise an issue about their employment or how they have been treated, they should use the College Grievance Procedure or the College Dignity at Work Policy.
- 4.0 Confidentiality and Anonymity
- 4.1 The College does not condone the harassment or victimisation of anyone who raises a genuine concern and will not tolerate such behaviour towards anyone who does so within the College. Workers who raise a concern about their employer are protected by law. With these assurances, it is hoped that individuals will raise their concerns openly.
- 4.2 If someone wishes to raise concerns confidentially, either from the outset or at any stage during the process, the College will do all they can to ensure that is possible. There may be circumstances where an individual's identity cannot be kept confidential (for instance, if the College is required to disclose it by law, to the police for example, or if the nature of the concern makes it apparent who has raised it).
- 4.3 Individuals can choose to raise their concern anonymously, without giving anyone their name. Concerns raised anonymously will be considered in the same way as any other concern. Detailed investigations may, however, be more difficult, or even impossible if the person who originally raised the concern cannot be contacted for further information, and this must be made clear to those raising concerns. There is also a chance the documents or information provided might, unknown to the College, reveal the identity of the person raising a concern, making it more difficult to protect their anonymity.
- 4.4 Access to information and documentation relating to the concern will be restricted in order to protect the identity of all those involved, including those against whom allegations are made. All personal information must be handled in line with the UK-GDPR requirements.

Independent advice

- 4.5 *Protect*, a charitable organisation, provides free, impartial and confidential advice
Protect - Speak up stop harm (protect-advice.org.uk)

5.0 How members of the public and external organisations can raise a concern

- 5.1 The College wants it to be easy for members of the public and external organisations to raise a concern. They must be able to raise a concern orally or in writing:
- via the College relevant email address raisingaconcern@stran.ac.uk; or,
 - directly with the Speak Up Champion.
- 5.2 The College must also be ready to recognise when a concern has been raised by a member of the public or external organisation through any other channel. This may be in writing or orally, and may come through any official information line or general contact address.
- 5.3 Arrangements must be made to ensure that the handling of any personal data in connection to the raising of a concern is compliant with UK-GDPR.

6.0 How members of staff can raise a concern

- 6.1 Different arrangements must be made for the handling of concerns raised internally and for those raised externally, although the same high-level principles must apply. This is because 'workers' within the College (namely any members of staff, contractors, trainees, agency workers, volunteers and independent consultants working for or providing advice to the College) enjoy some protection under the Employment Rights (NI) Order 1996 (as inserted by the Public Interest Disclosure (NI) Order 1998 and amended by the Employment Act (Northern Ireland) 2016).
- 6.2 A member of staff (including agency workers) should raise their concerns first with their line manager or another manager that they feel comfortable talking to. Contractors, volunteers or independent consultants should raise concerns with their key College contact. This may be done verbally or in writing.
- 6.3 If they feel unable to raise the matter with their manager or College contact, for whatever reason, they should raise the matter with the Speak Up Champion who deals with internal concerns. Speak Up Champions will be given special responsibility and training in dealing with concerns raised under this policy.
- 6.4 It should be possible for someone to escalate a concern, if they have reason to believe that the original risk, danger, malpractice, wrongdoing or illegality remains

unchanged. In which case, they should contact the Principal.

- 6.5 If your concern relates to the Principal, you should raise the concern with the Speak up Champion and he/she will engage with the Governing Body via the Secretary of the Governing Body in the first instance.

7.0 Protections for Complainant

- 7.1 The law protects workers who raise concerns about their own organisation. A disclosure of information about a concern may be protected if it meets certain criteria. Not all concerns will be 'protected disclosures' under this legislation, but the College must be alert to the possibility.
- 7.2 The Department for the Economy has produced a short guide to the provisions of the Public Interest Disclosure (NI) Order 1998, which applies to the College as it does to other employers.
- 7.3 College staff should refer to the College's Code of Conduct.
- 7.4 If a member of staff raises a genuine concern under these arrangements, they will not be at risk of losing their job or suffering any form of detriment by the College as a result of doing so. They are not required to have firm evidence before raising a concern and it does not matter if they are mistaken. However, should they raise a matter that they know to be untrue with malicious intent, then this will be regarded as a serious matter, potentially misconduct, which could result in disciplinary action.
- 7.5 If a member of staff expresses concerns that they are being victimised by other members of staff as a result of the issues that they have raised, the College must take this seriously and ensure that appropriate action is taken.

8.0 Raising a concern externally

- 8.1 If a member of staff feels unable to raise a concern internally or has done so but feels that the matter has not been adequately addressed, they have the option of approaching the DfE.
- 8.2 There are a number of 'prescribed persons', bodies to whom staff may report a serious concern on relevant matters with protection afforded by public interest disclosure legislation. The list can be accessed at the Public Interest Disclosure (Prescribed Persons) (Amendment) Order (Northern Ireland) 2022.
- 8.3 *Protect* (the charitable organisation) will also be able to advise members of staff on making external disclosures and on the circumstances in which they may be able to contact an outside body.

9.0 How will concerns be handled?

- 9.1 All concerns raised will be taken seriously when they are received and must be dealt with appropriately. The same principles apply to both concerns raised by members of the public and those raised by College employees.
- 9.2 Once the individual has reported their concern, it will be passed to the Speak Up Champion.
- 9.3 If the concern falls more properly within the Complaints Procedure; the College Grievance Procedure, Dignity at Work Policy, or other HR Policy; or is considered to be normal College business / correspondence, the Speak Up Champion will advise the individual who raised the concern of this, and the issue will be passed the appropriate team.
- 9.4 The Speak Up Champion will assess the concern to determine what action is appropriate, for example:
- explaining the context of the issue may be enough to alleviate the concerns of the person raising them;
 - minor concerns might be dealt with straightaway by line management;
 - a review by internal audit as part of planned audit work might be sufficient to address the issue;
 - there may be a role for external audit in addressing the concerns raised and either providing assurance or recommending changes to working practices;
 - there may be a need for a formal investigation.
- 9.5 A concern may include an allegation against an individual, or an allegation against an individual may come to light in any investigation. Such an allegation may need to be treated as a disciplinary matter, so the handling of any concerns will take into account the possibility that the allegations could lead to disciplinary action against an individual.
- 9.6 Should it be determined that a concern is to be investigated, overall responsibility for ensuring that a concern is reviewed / investigated will be allocated to a Investigating Officer; the person who originally raised the concern will be told who that is. The Investigating Officer may contact that person to discuss the concern, obtain further information if required and agree feedback arrangements insofar as that is possible. However, given the wide range of issues which can be raised under this policy it is not possible to specify here who will review / investigate the concern.
- 9.7 At the conclusion of any review / investigation, if the concern was not raised anonymously, the person may be given feedback as appropriate (in writing if requested). However, there will be a limit to what feedback can be provided, especially in light of the duty of confidence owed to others and UK-GDPR requirements.

10.0 The Role of the Investigating Officer

The Investigating Officer will be required to make a judgement on the concern raised, backed up by any evidence gathered. Their judgement will be made on the facts of the situation, which will be established by carrying out a thorough and unbiased investigation. The Investigating Officer should do their best to:

- be fair and objective;
- get as much information on the concern as is reasonable;
- not try to prove guilt, but get balanced evidence;
- keep the case confidential.

The Investigating Officer should be finding out if there is an issue that needs to be addressed, not trying to prove guilt.

On completion of the investigation the Investigating Officer will submit a report to the Speak Up Champion. They will recommend whether further action is required based on the facts and evidence gathered.

11.0 Speak Up Champion

- 11.1 The Speak Up Champion will seek to ensure a consistent approach to the handling of concerns across the College. They will maintain the College's central database of concerns, including a record of how they are handled, whether the concern was upheld, and what the outcome was. They will monitor concerns, analysing patterns and trends, and report to their Director or Audit and Risk Assurance Committee on the number and types of concerns being raised.
- 11.2 The Speak Up Champion will review the functioning of this Policy Framework to identify common themes in the concerns being raised, coordinate training, learn lessons and address common challenges. The Speak Up Champion will provide a quarterly report to the Senior Leadership Team.
- 11.3 As well as managing the processes for dealing with concerns they will be responsible for raising general awareness about the value of receiving and responding to concerns. They will encourage a culture of curiosity and challenge within the College. And they will work together with HR to support the whole College to respond effectively to concerns and to learn from instances when things go wrong.

12.0 Conclusion

- 12.1 The College cannot guarantee that the consideration and investigation of a concern will conclude in the way that the person who originally raised it may wish. Raising a concern is a public service and it is for the College to determine the appropriate response. However, the College is committed to ensuring that all cases are handled fairly, properly and consistently.

13.0 Review

- 13.1 The Policy Framework will be reviewed at least every three years, or sooner if required, to ensure its effectiveness and to make necessary adjustments based on changing laws, regulations, and organisational needs.

14.0 Associated Policies/Documents

- Staff Code of Conduct;
- Grievance Procedure;
- Dignity at Work and Study Policy;
- Anti-Fraud and Bribery Policy;
- Conflict of Interest Policy;
- Complaints Procedure;
- Health & Safety Policy;
- Personal Relationship Policy.

Approved by Governing Body Date: 26 June 2024

Review Date: June 2027

Appendix One: Raising a Concern Notification Form

NB: To be completed by the person raising a concern.

	Name of person raising a concern:	
	Contact No./email:	
1	Date allegation / disclosure reported to the Speak Up Champion:	
2	Details of the allegation/ concern/ disclosure:	
3	Why do you have a concern?	
4	How was your concern discovered?	
5	Department to which allegation / concern relates:	

6	Details of the specific location at which you became concerned:	
7	Date concern was first discovered:	
8	Is the case being reported as actual or suspected concern:	
9	Details of any documents/ evidence (electronic or hard copy) attached with this completed form:	
10	We would ask you not to discuss your concern with anyone. Have you discussed your concern with anyone else either inside the College or externally?	

What are 'concerns'?

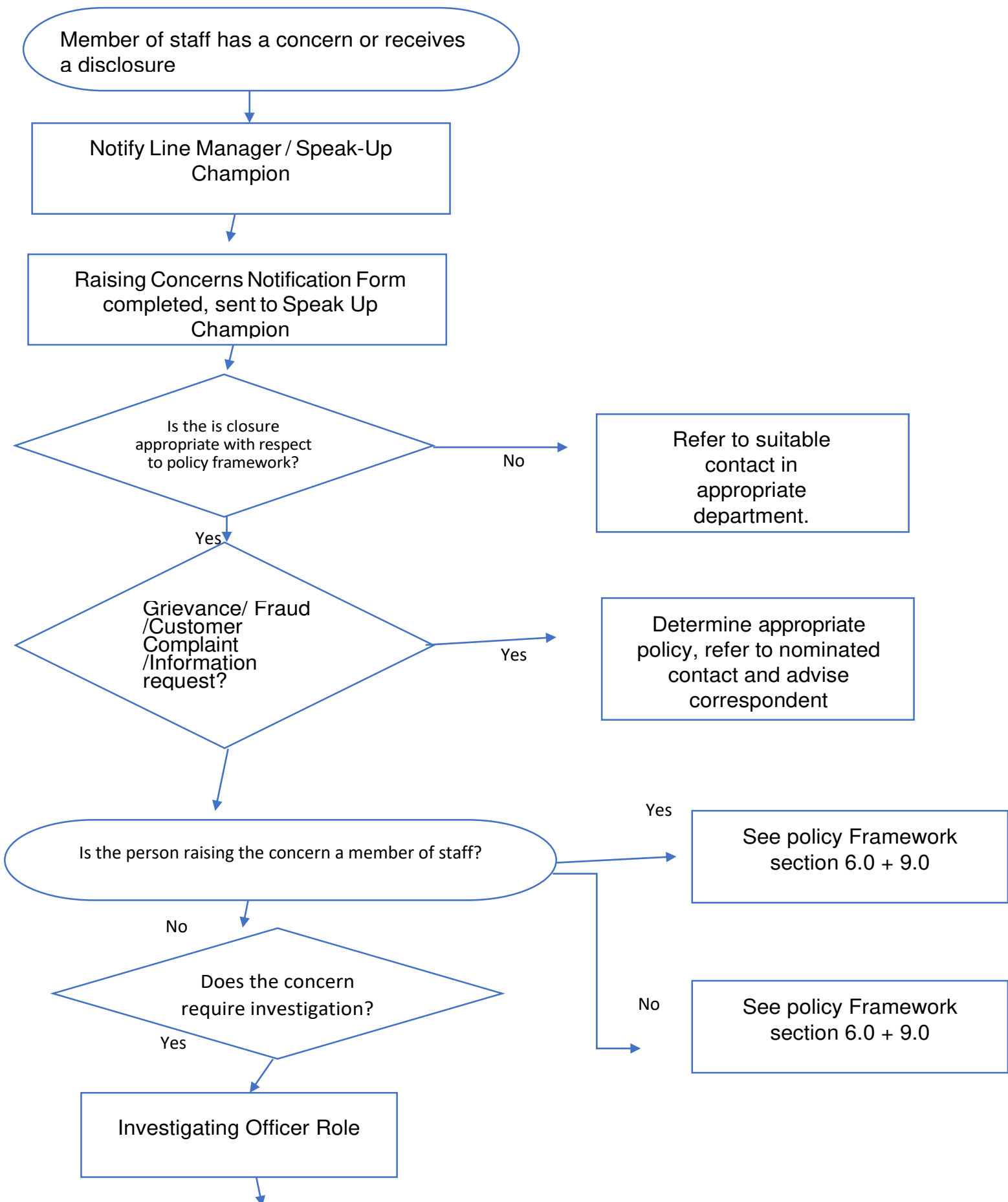
Raising a concern is drawing attention to suspected risk, danger, malpractice, wrongdoing or illegality in the College. This might include issues such as:

- Serious health and safety risks, either to the public or other employees;
- any unlawful act (e.g. theft);
- the unauthorised use of public funds (e.g. expenditure for improper purpose);
- maladministration (e.g. not adhering to procedures, negligence);
- serious failing to safeguard personal and/or sensitive information (data protection);
- serious damage to the environment (e.g., pollution);
- fraud and corruption (e.g. to give or receive any gift/reward as a bribe);
- the abuse of children and/or vulnerable adults (physical or psychological);
- any deliberate concealment of information tending to show any of the above.



This is not an exhaustive list but is intended to illustrate the sort of issues that may be raised and dealt with under respective policies.

RAISING A CONCERN: FLOWCHART OF KEY ACTIONS



Appendix Two

