



**DEPARTMENT OF EDUCATION**

**RAISING CONCERNS AT WORK POLICY**

**(PUBLIC INTEREST DISCLOSURE)**

**Version 5**

**February 2017**

**TRIM Ref: ED1/17/32124**

**This policy applies to Department of Education (DE) employees, trainees, agency staff, independent consultants, volunteers, contractors, suppliers, DE Board Members and members of the public.**

# CONTENTS

Section	Title	Page
1	Introduction	1 - 2
2	What can be Disclosed	2 - 3
3	Reporting Concerns: Staff	3 - 4
4	How to Raise a Concern Internally	4 - 6
5	Independent Advice	6
6	External Disclosures	6 - 7
7	Reporting Concerns: Members of the Public	7 - 8
8	How the Department will Handle the Matter	8 - 9
9	Conclusion	9
	Appendix 1: Head of Internal Audit Actions	10

## 1. INTRODUCTION

1.1 The purpose of this policy is to:

a) Reassure staff that they can raise genuine allegations or concerns about potential wrongdoing in confidence, through a clear internal reporting process, without putting their position at risk; and

b) Encourage members of the public who may have concerns of this nature to report them to the Department at an early stage.

1.2 The arrangements below indicate how this should be done and explain how such concerns will be investigated.

### **Members of Staff**

1.3 All of us at one time or another may have concerns about what is happening at work. However, when it is about unlawful conduct, a possible fraud or a danger to the public or the environment, or other serious malpractice, it can be difficult to know what to do.

1.4 You may be worried about raising such a concern and may think it best to keep it to yourself, perhaps feeling it is none of your business or that it is only a suspicion. You may feel that raising the matter would be disloyal to colleagues, managers or to the Department. You may have already raised a concern but find that you have spoken to the wrong person or raised the issue in the wrong way and are not sure what to do next.

1.5 The [Public Interest Disclosure \(NI\) Order 1998](#) introduced a framework to provide strong protection from dismissal or other sanction for workers who report wrongdoings that they believe, in good faith, to be true. The Department has implemented these arrangements to reassure you that it is safe and acceptable to speak up if you have concerns that the

interests of others or the Department are at risk. These arrangements will enable you to raise your concern at an early stage and in the right way.

- 1.6 If your concern is about possible fraud, you may also wish to refer to the Department's Fraud Prevention Policy which can be found at <https://www.education-ni.gov.uk/sites/default/files/publications/education/DE%20Fraud%20Prevention%20Policy%20-%20February%202017%20-%20Version%204.pdf>
- 1.7 If you wish to make a complaint about your employment, or how you have been treated personally, please use the Northern Ireland Civil Service Grievance Procedure [Grievance Policy - print version \(PDF 68KB\)](#) or the NICS Dignity at Work Policy [Dignity at Work Policy - Print Version \(PDF 83KB\)](#) as appropriate.

### **Members of the Public**

- 1.8 It should be noted that the protection afforded by the Public Interest Disclosure (NI) Order 1998 only relates to internal staff and does not apply to members of the public.

These arrangements do not however cover complaints about the Department's performance or service; there is a separate complaints procedure for this <https://www.education-ni.gov.uk/complaints-procedure-3>.

## **2. WHAT CAN BE DISCLOSED**

- 2.1 The disclosures which qualify for protection are disclosures of information which the member of staff making the disclosure reasonably believes show that one or more of the following matters is either happening now, took place in the past, or is likely to happen in the future:

- A criminal offence;
- A failure to comply with a legal obligation;
- A miscarriage of justice;
- The endangering of an individual's health and safety;
- Damage to the environment;
- Deliberate concealment of information tending to show any of the above.

### **3. REPORTING CONCERNS: STAFF**

#### **Your Safety**

- 3.1 If you raise a genuine concern under these arrangements, you will not be at risk of losing your job or suffering any form of retribution as a result. Provided you are acting in good faith, it does not matter if you are mistaken. However, should you raise a matter that you know to be untrue with malicious intent then the Department will regard this as a serious matter, potentially misconduct, which could result in disciplinary action.

#### **Confidentiality**

- 3.2 The Department will not tolerate the harassment or victimisation of anyone who raises a genuine concern and hopes that you will raise your concern openly rather than remaining anonymous. The Department will do its utmost to protect your identity where possible, however, you should understand that there may be times when the Department is unable to resolve a concern without revealing your identity. For example, due to the nature of the information you provide others may be able to identify you or where your personal evidence is required. If such a situation arises then the Department will discuss this with you.

## **Anonymity**

- 3.3 Remember that if you do not tell us who you are, it will be much more difficult for us to look into the matter, to protect your position, or to give you a response to your concerns. Whilst anonymous reports will be considered, we can apply these departmental arrangements more fully if we know who you are and can discuss the matter with you.

## **4. HOW TO RAISE A CONCERN INTERNALLY**

- 4.1 Please remember that you do not need to have firm evidence of malpractice / wrongdoing before raising a concern. You will not be expected to prove that your concerns are true, rather than wait for proof you should raise the matter as early as possible. The earlier a concern is expressed the easier it will be to take action. **If in doubt, raise it.**

### **Step One**

- 4.2 Your line manager should be your first port of call when it comes to issues at work. You should initially raise your concerns with them; this can be done orally or in writing. You will need to explain as fully as you can the information or circumstances that gave rise to your concern. If you feel unable to raise it with your line manager you should contact your Head of Team / Directorate. Line managers should handle any concern in line with the established guidance: Guidance for Line Managers – Raising Concerns at Work Policy (Whistleblowing) insert web link once published.

### **Step Two**

- 4.3 If, for whatever reason, you feel that raising your concerns with your line manager or your Head of Branch / Division is not appropriate or it has not worked, please raise the matter with the Head of Internal Audit:

Head of Internal Audit: 028 91279669

The Head of Internal Audit will handle your concerns in line with the procedures in [Appendix 1](#).

### **Step Three**

- 4.4 If these channels have been followed and you believe there is an ongoing risk, or you feel the matter is so serious that you cannot discuss it with any of the above, you can raise your concern directly with the Permanent Secretary:

Permanent Secretary: 028 91279310

- 4.5 If you are a civil servant and believe that you are being required to act in a way which conflicts with the core values and standards set out in the Civil Service Code of Ethics, or you have become aware of the actions of others which you believe conflict with the Code, you should raise the matter with the Senior Business Partner for DE.

Senior Business Partner for DE: 028 91279460

- 4.6 Alternatively, and if your concern is about a breach of the Civil Service Code of Ethics, you may also raise your concern directly with the Civil Service Commissioners for Northern Ireland:

Office of the Civil Service Commissioners for Northern Ireland  
Room105  
Stormont House  
Stormont Estate  
Belfast BT4 3SH



Tel: 028 90523599

Email: [info@niccommissioners.org](mailto:info@niccommissioners.org)

While it is the Commissioners' preference that issues under the Code of Ethics are raised, in the first instance, internally within the relevant Department, there may be circumstances when Commissioners would accept an appeal without this having occurred. Commissioners will examine each case on its merits.

## **5. INDEPENDENT ADVICE**

- 5.1 If you are unsure whether or how to raise a concern or you want confidential advice at any stage, you may contact your Trade Union or Professional Organisation. You may also contact the independent charity Public Concern at Work on 020 7404 6609 or by email at [whistle@pcaw.co.uk](mailto:whistle@pcaw.co.uk). Their lawyers can talk you through your options and help you raise a concern about malpractice at work. For more information, you can visit their website at [www.pcaw.co.uk](http://www.pcaw.co.uk).

## **6. EXTERNAL DISCLOSURES**

- 6.1 These arrangements are intended to give you the reassurance you need to raise your concern internally in the Department. However there may be circumstances when you feel it is right to report a concern to an outside body. In fact, the Department would rather you raise a matter with the appropriate regulator, such as the Northern Ireland Audit Office, than not at all.
- 6.2 A full list of the prescribed bodies / persons to which staff may report a serious concern, with protection afforded by the Public Interest Disclosure Order, can be found in the Public Interest Disclosure (Prescribed Persons) (Amendment) Order (Northern Ireland) 2012 and

accessed via the following link

<http://www.legislation.gov.uk/nisr/2012/283/made>.

- 6.3 Public Concern at Work, your Trade Union or Professional Body will also be able to advise you on making external disclosures and on the circumstances in which you may be able to contact and outside body safely.

### **Complaints from third parties**

- 6.4 Procedures through which members of the public may report concerns about serious impropriety or wrongdoing within the Department are set out below. Staff are reminded that they have a duty of care to ensure that any such concern which they receive from a member of the public is investigated and to bring it in confidence to the attention of an appropriate senior officer.

## **7. REPORTING CONCERNS: MEMBERS OF THE PUBLIC**

- 7.1 All genuine allegations or concerns reported by members of the public will as far as possible will be handled in the same way as whistleblowing allegations made by staff and be treated in the strictest confidence.

### **Anonymity**

- 7.2 As with concerns raised internally, the Department would encourage members of the public to put their names to any allegation. This enables the Department to investigate the matter fully, to seek clarification, to ask for additional details and to give you a response to your concerns.

### **How to raise a concern**

7.3 You may have followed or considered the relevant complaints procedures or your concerns may be of a much more serious nature.

You might, for example, feel that:

- a) Given the nature and/or seriousness of the matter (e.g. malpractice, abuse or wrongdoing) the use of the normal complaints process is inappropriate; or
- b) Disclosure through the standards complaints procedure might result in the destruction of evidence.

If you have such a concern, you should contact one of the following Departmental Officials, all of whom are based in the Department's Headquarters, ie Rathgael House, 43 Balloo Road, Bangor BT19 7PR:

- The Head of Internal Audit (Tel: 02891 279669)
- The Director of Finance (Tel: 02891 279319)
- The Permanent Secretary (Tel 02891 279310)

If you wish to raise the matter in confidence, please say so at the outset so that appropriate arrangements can be made.

## **8. HOW THE DEPARTMENT WILL HANDLE THE MATTER**

8.1 Once you have raised your concern, the Department will look into it to assess initially what action should be taken. This may involve an informal review, an internal inquiry or a more formal investigation. Where it is decided that a formal investigation is necessary the overall responsibility for the investigation will lie with a nominated Investigation Officer. In any event, the Department will tell you who is dealing with the matter, how you can contact them, and whether your further assistance may be needed.

- 8.2 If you have any personal interest in the matter, you must highlight this at the outset; it may be that your concern falls more properly within the Grievance Procedure.
- 8.3 The Department will give you as much feedback as possible, and if requested, confirm it in writing. However, it may not be possible to tell you the precise action taken as it could infringe a duty of confidence owed by the Department to someone else.
- 8.4 During the course of an investigation, the Department may identify system or procedural issues that may have facilitated the suspected wrongdoing. On completion of the investigation the Head of Internal Audit will make the Head of Branch aware of any such issues and the action required in the relevant area.

If your concern is about a possible fraud, the Department will deal with it by following our anti-fraud policy and fraud response plan.

## **9. CONCLUSION**

- 9.1 Whilst we cannot guarantee that we will respond to all allegations/concerns in the way that individuals might wish, we will strive to ensure that all cases are handled fairly and properly. By using these whistleblowing arrangements you will help us to achieve this.

The Department's Arms length Bodies have corresponding procedures in place within their respective organisations.

## Head of Internal Audit Actions

1. Where a disclosure is made directly to the Head of Internal Audit (HIA) they will review the contents of the allegation and assess whether it is fraud related.
2. Where it is determined that a fraud investigation should be undertaken, the HIA will be responsible for ensuring that the appropriate actions are taken in line with the DE Fraud Response Plan and arrange for a Fraud Investigation Team to be established. The HIA will liaise directly with the correspondent (where details have been provided) to advise of the course of action.
3. Where it is not fraud related, and relates to an operational issue the HIA will forward the correspondence to the appropriate Head of Branch for action, clearly outlining the reasons for forwarding the correspondence to the branch. The Head of Branch will treat the correspondence with due regard to the contents of the Raising Concerns at Work Policy with particular consideration for the need to maintain confidentiality and engagement with the correspondent where possible.

The HIA will contact the correspondent (where details have been provided) to advise them of the manager who will be dealing with their concerns.

4. Where the concern relates to a governance issue or staff Head of Internal will take forward the investigation and advise accordingly.
5. Where the concern relates to an Arms Length Body (ALB) and does not involve a senior official of that body, the Head of Internal Audit will pass the concern to the Chief Executive of the organisation for investigation. The Whistleblower will be contacted to ascertain whether they wish their details to be passed to the ALB or withheld. The Department will be advised of the outcome of the investigation.
6. Where the concern relates to ALBs senior officials or significant/complex the Head of Internal Audit may take the lead in the investigations.