



**PUBLIC INTEREST DISCLOSURE  
(WHISTLEBLOWING) – ALL STAFF**

<b>Process Area</b>	Governance
<b>Reference Number</b>	HRS/010
<b>Directorate</b>	Finance and Planning

<b>Issue No</b>	<b>Date</b>	<b>Details</b>	<b>Author</b>	<b>Approved</b>
001	Feb 2008	First Issue	TMCC	BD
002	Jun 2011	Second issue – full revision of policy document.	JO'H	BD
003	Oct 2011	Updated at 8.1 to include para 6 following a request by Governing Body	JO'H	BD
004	Apr 2015	Reviewed no substantive changes.	JO'H	BD
005	Sept 2018	Changes in respect of Public Interest Disclosure (NI) Order 1998 and legal advice (amended October 2017)	TMG	Governing Body
006	Nov 2019	Minor amendment to include disclosure to DfE	TMG	Governing Body, F&GP
007	May 2022	Amendment to title; 7.3 contact details; 9 date of guide.	LC	Governing Body F&GP

**If requested, the College will make the policy available in alternative formats to accommodate visual impairments. The policy can also be downloaded from the College website and made available in alternative languages upon request.**

## 1 POLICY AIM

Southern Regional College is committed to ensuring that it conducts its business in a way which is open, honest and transparent. As an organisation funded by public money, we have an obligation to exercise responsible stewardship and to account for those funds entrusted to us. The aim of this Policy is to provide Workers with a process to facilitate the reporting of concerns of wrongdoing within the College and to highlight the protection afforded to those who disclose concerns under the Public Interest Disclosure (NI) Order 1998 (PIDO).

## 2 SCOPE

This Policy applies to all permanent and temporary Workers, both lecturing and support staff within the College. The Public Interest Disclosure Order protects 'Workers' from suffering any form of detriment from their employer if they raise a concern about wrongdoing. Anyone raising a concern in the public interest or the interest of the organisation will be protected from harm.

This Policy does not form part of any employee's contract of employment and we may amend it at any time.

## 3 DEFINITIONS

<b>PIDO</b>	Public Interest Disclosure (NI) Order 1998. (amended October 2017)
<b>Whistleblowing</b>	Raising a concern about malpractice within an organisation.
<b>Worker</b>	Has an especially broad meaning in the case of Public Interest Disclosure Legislation. As well as employees, it includes Agency Staff, Contractors and people who aren't employed, but are training with the employers. Some self-employed people may be considered to be Workers for the purpose of Whistleblowing.

## 4 POLICY CONTEXT

Raising a concern about malpractice within an organisation, or “Whistleblowing” as it is sometimes referred to, is an early warning system. Individuals at one time or another may have concerns about what happens within their workplace. However, when it is about unlawful conduct, a possible fraud, a danger to the public or the environment, or other serious malpractice, it can be difficult to know what to do.

The purpose of this policy is to reassure Workers that it is safe and acceptable to speak up to address concerns of malpractice. The Policy provides a mechanism and guidance for individuals to raise issues at an early stage and in the right way.

This Policy is specifically intended to cover concerns which are in the public interest and require separate investigation in that context. It explains the process for raising these concerns in keeping with the Public Interest Disclosure Order. Other Policies and Procedures exist for dealing with individual disputes, and complaints (as outlined in No. 6 below) and such matters will not be addressed under this Policy.

## 5 DISCLOSURES PROTECTED UNDER THE ORDER

The disclosures protected by the Public Interest Disclosure (NI) Order 1998 (i.e. qualifying disclosures) are as follows:-

- a criminal offence;
- a breach of a legal obligation;
- a miscarriage of justice;
- a danger to the health or safety of any individual;
- damage to the environment; or
- a deliberate covering up of information relating to any of the above matters.

It should be noted that in making a disclosure, the Worker must have held a reasonable belief that the information disclosed tends to show one or more of the offences or breaches listed above (referred to as ‘relevant failures’). The belief need not be correct: it might be discovered subsequently that the Worker was in fact wrong, but the Worker must show that it was a reasonable belief in the circumstances at the time of disclosure. To be protected by the legislation you must disclose information in keeping with this Policy and the Public Interest Disclosure Order legislation.

Information protected by legal professional privilege is not a qualifying disclosure nor is disclosure to a member of staff if, in making the disclosure, he/she commits an offence (e.g. if disclosure was prohibited under the Official Secrets Act 1989). However, the disclosure of information to a legal adviser in the course of obtaining legal advice is protected.

A qualifying disclosure will be a protected disclosure if the following conditions are met:

Firstly, the individual must:

- reasonably believe that the information, and any allegation contained in it, is *substantially true*;
- **not act for personal gain**; and
- act reasonably, taking *into account the circumstances*.

In addition the disclosure must be raised internally or to a prescribed person (as set out in the Public Interest Disclosure (Prescribed Persons) Order (Northern Ireland) 1999) in accordance with this Policy unless if one or more of the following conditions are met:

- the individual reasonably believed that the employer would subject them to a detriment if disclosure were to be made to the employer or to a prescribed person;
- in the absence of an appropriate prescribed body, the Worker reasonably believed that disclosure to the employer would result in the *destruction or concealment of information* about wrongdoing;
- the Worker had *previously disclosed* substantially the same information to the employer or to a prescribed person; or
- the relevant failure is exceptionally serious and, in the circumstances, it would be reasonable to make the disclosure in this way.

## 6 RELATED POLICIES

This paper sits alongside other College Policies and Procedures such as:

- Grievance;
- Complaints;
- Disciplinary;
- Harassment;
- Anti- Fraud;
- Assessment Malpractice and Plagiarism and
- Staff/Student Codes of Conduct.

Each of these Policies provides a mechanism to address a variety of issues. This Policy should not be used for complaints purely relating to your own personal circumstances, such as the way you have been treated at work. In those cases you should use the applicable Policies above.

## **7 SOUTHERN REGIONAL COLLEGE ASSURANCES**

### **7.1 Your safety**

We are committed to making Whistleblowing work. If a genuine concern is raised under this Policy and in accordance with the Public Interest Disclosure (NI Order) 1998 Legislation, the individual will not suffer any form of detriment, from the College and we will take all reasonable steps to ensure that you will not be subjected to a detriment by a co-worker or agent of the College. In such circumstances it will not matter if the person was mistaken.

### **7.2 Confidentiality**

Southern Regional College will treat all disclosures in a confidential and sensitive manner. The College will not tolerate the harassment or victimisation of anyone who raises a genuine concern. In providing these assurances we hope individuals will raise concerns openly.

If a person raising a concern requests the non-disclosure of details which could identify him or her, then they are asked to state this at the outset. If you ask us not to disclose your identity we will not do so without your consent unless otherwise required under a legal obligation. It is important to understand that there may be times when we are unable to resolve a concern without revealing an individual's identity, for example where personal evidence from the person making the claim is essential. In such cases we will discuss this with the person concerned and agree how the matter can best proceed.

The College has a requirement to notify our sponsoring Department (DfE) of all Public Interest Disclosures (Whistleblowing) cases and furnish them with a copy of the completed Investigation Report. As noted above, we will not disclose your identity without your consent, unless we are legally obliged to do so.

### **7.3 Anonymity**

If individuals do not tell us who they are, when raising an issue, it will be much more difficult to investigate the matter, to protect the person raising the complaint, or to give feedback on progress. Accordingly, while we will consider anonymous reports, this Policy is geared towards situations where individuals identify themselves.

If a member of staff is unsure about raising a concern under this Policy independent advice is available, in confidence, from Protect (020 3117 2520). The advice is provided by lawyers who talk through the options available and provide advice about how to raise a concern of malpractice at work. For more information, you can visit their website at <https://protect-advice.org.uk>. Another useful source of information is "Whistleblowing in the Public Sector: A good practice guide for workers and employers" which can be accessed on the internet at [www.niauditoffice.gov.uk](http://www.niauditoffice.gov.uk).

#### **7.4 Whistleblowing Protection Officer**

The College has designated the Director of Finance and Planning to act as Whistleblowing Protection Officer. If you have any concerns generally about raising a matter under this Policy, they should be addressed to the Whistleblowing Protection Officer.

### **8 RAISING A CONCERN INTERNALLY**

Please remember that firm evidence of malpractice is not necessary before raising a concern. However, all information or circumstances that gave rise to a concern must be explained and outlined fully when the concern is raised.

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

It is good practice, where possible, to attempt to resolve problems in the workplace through discussion. This could be done through informal discussions, for example, with the relevant line manager or through other College Policies (Disciplinary and Grievance procedures). However, it is important to note that Workers do not have to raise a grievance in order to make a protected disclosure.

This Policy is accompanied by an internal procedural guidance 'How to raise a concern under the Public Interest Disclosure (NI) Order 1998 (Whistleblowing) Policy' and forms an integral part of this Policy. This includes a standard pro forma that should be used if you wish to raise a formal complaint.

If the concern relates to a member of the Executive Team or Chief Executive then it should be raised with the Chairman of the Governing Body.

If the concern relates to the Secretary or a member of the Governing Body then it should be raised with the Chairman of the Governing Body and the Chief Executive.

If the concern relates to the Chair of the Governing Body, then it should be raised with the Chairman of the Audit and Risk Committee.

Concerns relating to members of the Governing Body will be referred to the Department for the Economy.

All concerns raised will be dealt with in confidence. However, the specifics of the concern must be shared with those who need to know to allow the matter to be investigated properly.

#### **8.2 False allegations**

If we conclude that you have made false allegations maliciously then this could result in the College taking disciplinary, or other appropriate action against you.

#### **8.3 Feedback**

The person raising the concern will be advised on who is dealing with the matter and will be provided with as much feedback as can properly be given. However,

it may not be possible to give precise details of actions where this would infringe a duty of confidence owed to someone else or where it might jeopardise or prejudice the proper conduct of the investigation.

All investigations will be conducted as sensitively and quickly as possible. Upon request a summary of the concern and how it will be handled can be made available in writing to the person raising the concern.

The person or persons against whom the concern has been raised will be advised of the disclosure, the evidence supporting it and will be allowed to respond before any investigation or further action is concluded.

A brief report of all disclosures (not identifying individuals) and any subsequent actions taken will be made to the Audit and Risk Assurance Committee.

## **9 EXTERNAL DISCLOSURES**

Although this Policy seeks to reassure staff that concerns raised will be taken seriously and treated in confidence, the College recognises that there may be circumstances where it is proper to report a concern to an outside body which could be an appropriate regulator – such as the Northern Ireland Audit Office or the Health and Safety Executive of Northern Ireland. Public Concern at Work (or a trade union) can advise on such an option and the circumstances in which it is appropriate to contact an outside body safely. A list of all external bodies who can deal with Whistleblowing complaints can be found in Appendix 1 of the Department for the Economy web publication “Guide to the Public Interest Disclosure (Northern Ireland) Order 1998 (March 2022)”( DfE [NI Guide to PIDO](#) ).

## **10 CONCLUDING COMMITMENT**

Whilst it is not possible to guarantee that all responses will provide the outcome anticipated by the person raising the concern the College will strive to handle any concern raised fairly and properly. The Whistleblowing arrangements set out in this Policy are designed to help us achieve this aim.

*Please note, this document has been developed to meet best practice and comply with the Public Interest Disclosure (NI) Order 1998 (PIDO) which provides employment protection for Whistleblowing. Further information on Whistleblowing can be found at <https://protect-advice.org.uk>.*