



## Whistleblowing/Raising Concerns Policy

Scope of Policy:	All Staff and Students
Policy Owner:	Head of Corporate Development
Date of Initial Approval:	11/11/2017
Approved By:	Governing Body
Status:	Current
Most Recent Publication Date:	06/01/2026
Equality Screening Date:	25/08/2009
Policy Review Date:	29/06/2027

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**Policy Compliance details:-**

Compliance with Equality Legislation.

**PLEASE NOTE: Policies must be equality screened before being submitted to SLT and Trade Unions:-**

Equality Screening Date:	25/08/2009
Equality Screening Outcome:	Screened Out
Sector or Local Screening:	Local Screening
Consultation Date (if applicable):	Not Applicable
Equality Impact Assessment	Not Applicable
(EQIA) Date (if applicable):	Not Applicable
EQIA Key Outcomes:	Not applicable

## Document History

Version Number	Author	Updates/Amendments	Date
1.0	HR	Revised to align with Sector and best practice	Nov 2017
2.0	Corporate Development	Revised following restructuring.	September 2018
3.0	Corporate Development	Revised as a result of internal restructuring and accessibility legislation.	October 2022
4.0	Corporate Development	Paragraphs 7 & 8 – Change Director of People to Director of Corporate Services.	17 May 2023
5.0	Corporate Development	Paragraphs 7 & 8 – Change from Director of Corporate Services to Chief Operating Officer.	21 June 2023
6.0	Corporate Development	Throughout - Title of policy updated from Whistleblowing Policy to Whistleblowing/Raising Concerns Policy.	9 May 2024
7.0	Corporate Development	Policy reviewed throughout. Section 11 updated to state the policy will be reviewed every two years, or sooner if required to reflect changes in legislation or circumstances.	6 November 2025
7.1	Corporate Development	Correction to wording error within section 11. No change or update to policy.	6 January 2026

Version control details

## Distribution

This document has been distributed as follows:

Name	Date (where applicable)
Trade Union	N/A
Strategic Leadership Team	22 November 2017
Executive Leadership Team	October 2022
Governing Body	29 November 2017
Published on intranet/website by Corporate Development	September 2018; October 2022; May 2024; November 2025; January 2026

Policy distribution and approval details

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## **1. Policy Aim**

Belfast Metropolitan College is committed to ensuring that it conducts its business in a way which is open and transparent.

The aim of this policy is to set out clearly and simply how governors are to encourage, staff, visiting tutors and students who may have serious concerns of wrongdoing or malpractice regarding any aspect of the college's business to come forward and raise those concerns without fear of victimisation, discrimination, disadvantage or dismissal. This policy provides a process to facilitate the reporting of concerns of wrongdoing within the College and highlight the protection afforded to those who disclose concerns under the Public Interest Disclosure (NI) Order 1998 (as amended).

## **2 Scope of the Policy**

This policy applies to all permanent and temporary staff (including agency and other workers), both teaching and non-teaching within the College, as well as members of the Governing Body, visiting tutors and students registered as students of the College.

The Public Interest Disclosure (NI) Order 1998, which has been subsequently amended in October 2017, is an amendment the Employment Rights (NI) Order 1996 to provide protection to employees and workers from suffering any form of detriment from the College because they have 'blown the whistle' about certain types of wrongdoing within the College.

Whilst the employment protection offered by the legislation and outlined in this policy only applies to employees and workers, the College is committed to ensuring that if a Governor, visiting tutor or student disclose information in good faith of college wrongdoing or malpractice and in keeping with the policy that they do not suffer from detrimental action.

Detrimental treatment includes dismissal, disciplinary action and other unfavorable treatment such as the denial of promotion, facilities, or training opportunities connected with raising a concern.

If you have any doubts about whether you will be protected, you can seek advice from Public Concern at Work ([www.pcaw.org.uk](http://www.pcaw.org.uk), telephone 020 7404 6609).

## **3. Policy Objective**

The objectives of this policy are to:

- Outline what qualifies as a protected disclosure;
- Encourage individuals to report suspected wrongdoing or malpractice as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate;

- Set out clearly and simply the process of reporting of concerns of wrongdoing within the College to enable a consistent approach to the handling of malpractice concerns within the College;
- Re-assure individuals that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken; and
- Outline the alternative policies which exist within the College to address concerns not covered by the Disclosure Order.

Relevant Definitions:

PIDO	Public Interest Disclosure (NI) Order 1998 (the “Disclosure Order”)
Whistleblowing	Raising a concern about malpractice within an organisation

#### 4. Policy Context

Whistleblowing is a mechanism for raising concerns about wrongdoing and malpractice within an organisation. It 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.

Whistleblowing is therefore essential to:

- Safeguard employees;
- Safeguard the wider public;
- Safeguard the integrity of the organisation; and
- Prevent damage.

An individual may be worried about raising such a concern and may prefer to keep quiet about it in case it is only a suspicion and there is no evidence. Some individuals may feel that raising the matter would be disloyal to colleagues, managers or to the College.

The purpose of this policy is to reassure Governors, staff, visiting tutors and students that it is safe and acceptable to speak up to highlight types of wrongdoing or malpractice. The policy enables individuals to raise concerns at an early stage and in the right way rather than wait for proof where the interests of others or the organisation itself are at risk. It is always preferable to raise the matter when it is still a concern.

This policy is intended to cover concerns which are in the public interest and require separate investigation. It explains the process for raising these concerns in keeping with the legislation. However, as a consequence of the investigation other related policies (set out at paragraph 5 below) might also be used.

#### 5. Related Policies

This policy sits alongside other College policies and procedures such as:

- Disciplinary Policy;
- Harassment Policy;
- Fraud Policy and Fraud and Corruption Response Plan; and/or
- Staff/Student Codes of Conduct.

Each of these policies provides a mechanism to address a variety of issues. All policies and procedures are available on the staff intranet.

This policy should not be used for complaints relating to your own personal circumstances, such as the way you have been treated at work. In such circumstances you should use the grievance procedure or harassment procedure as appropriate.

## 6. Disclosures Qualifying for Protection

A qualifying disclosure is a disclosure of information which relates to wrongdoing/malpractice or suspected wrongdoing/malpractice at work in one or more of the following areas:-

- a) That a criminal offence has been committed, is being committed or is likely to be committed;
- b) That a person has failed, is failing or is likely to fail to comply with any legal obligation to which he is subject;
- c) That a miscarriage of justice has occurred, is occurring or is likely to occur;
- d) That the health and safety of any individual has been, is being or is likely to be endangered;
- e) That the environment has been, is being or is likely to be damaged; or
- f) That information tending to show any matter falling within any one of the preceding paragraphs has been, or is likely to be deliberately concealed.

If the disclosure fits these qualifying grounds, it is a protected disclosure provided that it has been made in reasonable belief to a person or body specified in the Public Interest Disclosure (NI) Order 1998. To be protected by the legislation an individual must disclose information in keeping with this policy and the Public Interest Disclosure (NI) Order 1998 (amended in October 2017).

The concern raised by an individual can be about past, present, prospective or merely alleged wrongdoing/malpractice. However, the individual must have a reasonable belief that the concern raised shows that one of the specified areas (set out above), has taken place, is taking place or is likely to take place.

The following list illustrates types of issues that may fall within the scope of a qualifying disclosure: (list is not exhaustive)

- Abuse of vulnerable adults;
- Health and safety risks;

- An unlawful act (e.g. theft);
- The unauthorised use of public funds;
- Fraud and corruption;
- Abuse of power; and/or
- Any deliberate concealment of information tending to show any of the above.

Disclosure to the College will ensure that concerns are dealt with quickly and by the person who is well placed to resolve the problem. The procedure to be followed within the College is provided below (Section 8).

## 7. Belfast Metropolitan College Assurances

### **Whistleblowing Protection Officer**

The College has designated the Chief Operating Officer to act as the College Whistleblowing Protection Officer. Any concerns about raising a matter under this policy should be raised with the Whistleblowing Protection Officer through the [raisingconcerns@belfastmet.ac.uk](mailto:raisingconcerns@belfastmet.ac.uk) email address.

### **The Safety of People**

The College is committed to making whistleblowing work. If a genuine concern is raised under these arrangements, the individual raising the concern will not suffer from any form of detriment as a result providing that person acted in good faith and followed this policy in disclosing the information. In such circumstances it will not matter if that person was mistaken.

If you believe that you have suffered any such detrimental treatment as a result of raising a concern under this policy, you should inform the College's Whistleblowing Protection Officer. If the matter is not remedied, you should raise it formally using the College's Grievance Procedure.

### **Malicious or Vexatious Allegations**

This assurance does not extend to someone who maliciously raises a matter they know to be untrue. Concerns raised in good faith regardless of whether or not they are found to be true, will be supported by the College and covered under the legislation. However, malicious or vexatious allegations could result in the College taking disciplinary action against the person who willfully made the false allegations particularly if this person persistently makes such claims or the person has made the claim for personal benefit.

### **Confidentiality**

The 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 the College hopes individuals will raise concerns openly.

If the person raising the concern requests the non-disclosure of details which could identify him/her, the College will consider this request. In considering this request the College will consider whether there is a legal obligation to release this information for example, where that person's personal evidence is essential. Should this be the case, the College will discuss this with the person prior to any action that could identify the individual.

## **Anonymity**

Concerns expressed anonymously are much less powerful but the College will still consider these concerns taking into account factors such as:

- The seriousness of the issues raised;
- The credibility of the concern;
- Any supporting evidence received; and
- The likelihood of confirming the allegation from alternative credible sources.

However, if individuals do not identify themselves, it will be much more difficult to investigate the complaint, to protect the person raising the complaint (for example, if a person against whom a complaint has been made and he or she suspects who made the complaint against them). Also it would not be possible to give feedback on progress and/or outcome of an investigation.

Disadvantages of raising concerns anonymously therefore include;

- Detailed investigations may be more difficult or even impossible to progress if you choose to remain anonymous and cannot be contacted for further information.
- The information and documentation you provide may not easily be understood and may need clarification or further explanation.
- It may not be possible to remain anonymous throughout an in-depth investigation.
- It may be difficult to demonstrate to a tribunal that any detriment you feel you have suffered is as a result of raising a concern.

Accordingly, while anonymous reports will be considered by the College, this policy is geared towards situations where individuals identify themselves as by making your identity known, you enable a more thorough investigation which in turn potentially results in a more positive outcome.

If an individual is unsure about raising a concern under this policy independent advice is available from Public Concern at Work (020 7404 6609 or by email at [helpline@pcaw.co.uk](mailto:helpline@pcaw.co.uk)), who can also provide advice and assistance in confidence. For more information, visit their website at [www.pcaw.co.uk](http://www.pcaw.co.uk)

## **8. Procedure for Raising a Concern Internally**

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

## **Step 1 - Raising a Concern**

1. Any concerns should be raised with the individual's Head of School / Department or other relevant manager in the first instance who will decide on an appropriate way of taking the matter further. This can be done orally or in writing. If a concern is raised orally the manager will be responsible for documenting that complaint.
2. If, for whatever reason, the individual believes that raising it with the Head of School/Department or other relevant manager is not appropriate, the concern should be raised with the designated Whistleblowing Protection Officer.
3. If the individual believes that the matter cannot be discussed with the relevant Head of School/Department, other relevant manager or the Whistleblowing Protection Officer (Chief Operating Officer) you should contact another member of the Executive Leadership Team.
4. If the disclosure concerns a member of the Executive Leadership Team or Principal and Chief Executive, then the disclosure may be made to the Chair of the Audit & Risk Committee of the Governing Body.
5. If the concerns relate to the Secretary or a member of the Governing Body, then it should be raised with the Chair of the Governing Body.
6. If the concerns relate to the Chair of the Governing Body, then it should be raised with the Chair of the Audit & Risk Committee.
7. Concerns relating to members of the Governing Body will be referred to the Department for the Economy.

All disclosures are dealt with in confidence. The specifics of the concern, however, must be shared with those who need to know to allow the concern to be investigated properly.

## **Step 2 – Handling the Concern**

When a concern is formally registered using this policy, the College will make an initial assessment about an appropriate course of action. The initial assessment will be made within 48 working hours of receiving the concern or as soon as practical thereafter and actions may include:

- Investigation by a nominated investigating officer (member of the College management team or if appropriate a member of the Governing Body);
- Referral to the Police if appropriate;
- Involvement of the College's Internal/External auditors in either an advisory or independent investigatory role; and/ or,
- Notifying the College's sponsoring Department or other appropriate public body.

Where it is decided that a formal investigation is necessary the overall responsibility for the investigation will lie with a nominated "investigation officer." The assigned investigating officer and any other team members will be independent from the business area where the concern is suspected.

The assigned investigation officer should undertake an initial investigation to ascertain the facts.

The outcome of the investigation may result in the use of an internal procedure such as Discipline or Harassment or might form the basis of a special investigation.

In the event that the concern raised is an allegation of fraud then the investigating officer will follow the procedures within the Fraud and Corruption Response Plan. The factors giving rise to the concern raised should be identified and examined and where there are reasonable grounds to suspect fraud, the assigned investigator must decide how to prevent further loss.

In some instances, it might be necessary to refer the matter to an external authority for further investigation.

**A flowchart of the procedure is included as Appendix 1.**

### **Feedback**

The person raising the concern will be told who is dealing with the matter, given contact information, informed whether further assistance may be needed and offered an opportunity of a meeting to fully discuss the issue as long as the complaint has not been submitted anonymously. Upon request, a summary of the concern and how it will be handled can be made available to the person raising the concern in writing.

All investigations will be conducted as sensitively and speedily as possible and at the conclusion of the investigation process, the College will provide as much feedback as appropriate to the individual who raised the concern. However, the full findings of the investigation and any action taken on foot of outcome of the investigation may not be able to be disclosed in all cases as this might infringe a duty of confidentiality owed by the College to any individual involved in the matter.

In the event that a disclosure is made against a specific person or persons, the individual against whom the disclosure is made will be advised of the disclosure by the investigating officer and will be requested to respond.

A brief report of all disclosures (not identifying individuals) and any subsequent actions taken will be made to the Chairs of both the Audit & Risk Committee and the Governing Body. The College will keep a record of all concerns raised under this policy and procedure.

In the event that the matter reported is suspected fraud the reporting procedures within the Fraud and Corruption Response Plan will be followed by the investigating officer.

## **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.

The independent whistleblowing charity, Public Concern at Work (or a trade union representative) can advise on such an option and the circumstances in which it is appropriate to contact an outside body safely.

Further information can be found in the Department for the Economy's web publication [Guide to the Public Interest Disclosure \(NI\) Order 1998 \(amended March 2022\)](#)

Further information can also be found in the [NIAO guide Whistleblowing in the Public Sector; A good practice guide for workers and employees.](#)

### **Blowing the Whistle for Exceptional Failure**

If you believe you are blowing the whistle on an exceptionally serious failure you do not need to go through the normal channels and can publicly blow the whistle straight away.

It is not enough for something to be an exceptionally serious failure in your opinion alone (for example, if you do not agree with a working practice). It must be a matter of fact that something is a genuinely serious failure. An example could be an exceptionally serious health and safety risk that is putting workers' lives at risk.

### **10. Commitment**

Whilst the College cannot guarantee that all responses will provide the outcome anticipated by the person raising the concern, the College will strive to handle the matter fairly, and properly. The use of this Whistleblowing/Raising Concerns Policy will allow the College to address concerns in a consistent manner.

*Please note, this document has been developed to meet best practice and comply with the [Public Interest Disclosure \(NI\) Order 1998 \(as amended October 2017 and which amends the Employment Rights \(NI\) Order 1996\)](#) which provides employment protection for whistleblowing.*

### **11. Review of the Policy**

This Policy will be reviewed (and amended if necessary) every two years, or sooner if required to reflect changes in legislation or other circumstances.

## Appendix 1 Flow Chart – Whistleblowing Procedure

