



**General Teaching Council  
for Northern Ireland**

Promoting Teacher Professionalism

# **Whistleblowing and Raising Concerns at Work Policy and Protocol**

Version 1.4 February 2024

Review Date: December 2026

## Contents

|   |    |
|---|----|
| Introduction .....  | 3  |
| Our People Strategy .....   | 3  |
| Our Statement of Intent.....  | 4  |
| Policy Approach, Benefits and Risks.....  | 5  |
| Is it Whistleblowing? .....   | 6  |
| What Is Whistleblowing?.....  | 6  |
| What if the Issue is not so Clear Cut? .....  | 9  |
| What is the difference between whistleblowing and raising a grievance? .....  | 10 |
| I have no Proof of my Concern yet. What should I do? .....  | 11 |
| Ways in Which Whistleblowing and Raising Concerns are Notified.....   | 11 |
| Receipt of Concern.....   | 11 |
| Should I Raise My Concern Anonymously or Not?.....  | 12 |
| What Happens When I Raise a Concern?.....   | 13 |
| It is Whistleblowing – What Next? .....   | 13 |
| Seeking Clarity/Additional Information.....   | 15 |
| When It Is Considered To Be a Whistleblowing Allegation.....  | 15 |
| Will there be Repercussions if I Blow the Whistle?.....   | 16 |
| An Employee raises a Malicious, Vexatious or knowingly Untrue Concern .....   | 16 |
| An Employee is treated badly by a Co-worker because they raised a Concern.....  | 16 |
| Legal Remedy - Public Interest Disclosure (NI) Order 1998 / Public Interest Disclosure (Prescribed Persons) (Amendment) Order (NI) 2022 ..... | 17 |
| Helpful Contacts .....  | 17 |
| What Next? - GTCNI's Whistleblowing Investigative Procedure .....   | 19 |
| The Investigation .....   | 20 |
| When Is An Investigation Required? .....  | 20 |
| When Is An Investigation Not Required? .....  | 20 |
| Who Should Conduct The Investigation? .....   | 21 |
| Conducting The Investigation.....   | 21 |
| Investigation Reports & Outcome.....  | 22 |
| Management of Outcomes.....   | 23 |
| Conclusion & Organisational Learning .....  | 23 |
| Organisational Learning .....   | 23 |
| Monitoring Progress.....  | 24 |
| Conclusion .....  | 25 |
| Appendix A .....  | 26 |
| Protocol for Investigation of GTCNI Whistleblowing Allegations .....  | 26 |

## Introduction

The GTCNI Whistleblowing and Raising Concerns at Work Policy and supporting Protocol aims to ensure that employees and the general public have a mechanism in which to raise concerns about, or identify wrongdoing, risk or malpractice.

This guidance outlines both the policy on, and a supporting protocol for, managing 'whistleblowing' cases within GTCNI and provides a structured and standardised approach to promote both transparency and consistency.

As a learning organisation, GTCNI promotes a culture of open and honest reporting and seeks to learn from all concerns raised.

In line with the NI Civil Service Code (the Code) adopted by our Sponsor Body, (the Department of Education, DE), all GTCNI colleagues are expected to carry out their role with dedication and a commitment to the public sector and the four core values of integrity, honesty, objectivity and impartiality.

This policy and its supporting protocol reflects the key messages from [NIAO Raising Concerns - A good practice guide for the Northern Ireland public sector – June 2020](#) and should be read in conjunction with it . The Whistleblowing Protocol provides a step by step guide to how GTCNI will manage, resolve and learn from cases of whistleblowing.

## Our People Strategy

GTCNI's Whistleblowing and Raising Concerns at Work Policy aims to have a well-led, high-performing and outcomes-focused GTCNI, which is a great place to work, where everyone can reach their full potential, and can do so in an environment where they are supported by well-documented policies and clear supportive procedures on all aspects of work, including how to raise concerns at work and how to manage externally raised concerns and whistleblowing.

Our ambition is long-term, but to achieve the outcomes we want we have identified priorities (goals and work-streams) which we will act on now.



| A well-led GTCNI   | A high-performing GTCNI   | An Outcomes-focused GTCNI  | An inclusive GTCNI in which diversity is truly valued – a great place to work  |
|--|---|--|--|
| <ul style="list-style-type: none"> <li>• Improve how we engage and communicate with people across the organisation about issues that affect them</li> <li>• Build the capacity of supervisors, line managers and leaders across the organisation</li> <li>• Provide effective tools for supervisors, line managers and leaders, including streamlined and practical people policies, processes, guidance and training</li> </ul> | <ul style="list-style-type: none"> <li>• Improve how we manage performance through regular and timely feedback mechanisms and appropriate guidance</li> <li>• Deliver a GTCNI-wide approach to strategic workforce planning and improve recruitment and vacancy management</li> <li>• Increase the use of new and flexible ways of working</li> </ul> | <ul style="list-style-type: none"> <li>• Build career progression that develops breadth of experience and depth of expertise</li> <li>• Improve how we engage with staff and communicate with them about their contribution to delivery of outcomes</li> </ul> | <ul style="list-style-type: none"> <li>• Deliver evidence-based interventions and targeted action to drive balance and inclusion in terms of gender, LGB&amp;T, minority ethnic and disability</li> <li>• Ensure our people have working environments that are conducive to them performing at their best</li> </ul> |

## Our Statement of Intent

It is the responsibility of public bodies to serve the public interest and therefore we must discharge our duties in line with our values.

**Openness** We will promote a culture of openness and will be transparent and honest in our dealings with the public, our partners and colleagues.

**Respect** We will listen to and respect those we serve, as well as each other and will recognise effort, achievement and contribution.

**Reflection** We will be a learning organisation, reflecting and taking on board the lessons learned from our own experiences and from comparable organisations.

**Responsibility** We will act responsibly and acknowledge that our actions will impact on others. We will be helpful, conscientious, reliable and accountable for all our actions.

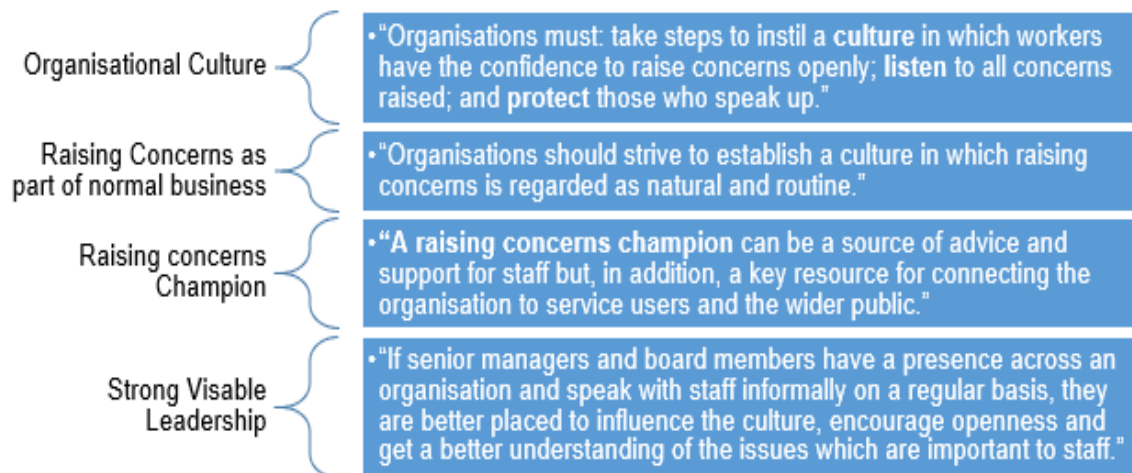
**Excellence** We will strive for quality in everything we do. We will behave professionally and take pride and ownership for everything we say and do.

**Equality** We will strive for equality in everything we do. We will behave professionally and take pride and ownership for everything we say and do. We will promote equality of opportunity through our employment practices, service delivery and engagement activities.

The aim of this guidance is to promote high standards of governance within GTCNI and promote the key characteristics of public life, as defined by the 'Nolan Principles'. These

seven principles underpinning public life are: Selflessness; Integrity; Objectivity; Accountability; Openness; Honesty; and Leadership.

In terms of being open to a culture of supporting the raising of genuine concerns, GTCNI acknowledges:



## Policy Approach, Benefits and Risks

The policy outlines four key sections to provide GTCNI staff and members of the public with a whistleblowing and raising concerns framework and investigative protocol as follows:

- Section 1 **Is it Whistleblowing?**
- Section 2 **Whistleblowing protocol**
- Section 3 **Investigation**
- Section 4 **Conclusion and Organisational Learning**

The Northern Ireland Audit Office (NIAO) outlines the benefits to organisations who encourage the raising of concerns and the potential risks of discouraging the raising of concerns, many of which are relevant to GTCNI.

| The benefits to GTCNI of encouraging the raising of concerns include:   | The potential risks to GTCNI in discouraging the raising of concerns include:  |
|---|--|
| Identifying wrongdoing as early as possible.  | Missing an opportunity to deal with a problem before it escalates.   |
| Exposing weak or flawed processes and procedures which make the organisation vulnerable to loss, criticism or legal action. | Compromising GTCNI's ability to deal with the allegation appropriately.  |
| Ensuring critical information gets to the right people who can deal with the concerns.                                      | Serious legal implications if a concern is not managed appropriately.  |
| Avoiding financial loss and inefficiency.   | Significant financial or other loss.   |
| Maintaining a positive corporate reputation.  | The reputation and standing of GTCNI.  |
| Reducing risks to the environment or the health or safety of employees or the wider community.                              | A decline in public confidence in GTCNI and the wider public sector.   |
| Improved accountability.  | Referral by a worker to an external regulator or prescribed person, potentially bringing adverse publicity to GTCNI. |
| Deterring workers from engaging in improper conduct.  | Workers engage in improper conduct which results in wider issues within GTCNI and to its reputation.                 |

## Is it Whistleblowing?

### What Is Whistleblowing?

According to the NIAO 'The term 'whistleblowing' does not exist in law. It is a word that has become commonly associated with the action of raising a concern, usually by an employee or worker, about what they believe is wrongdoing within their organisation.

Raising a concern in the public interest is the action of telling someone in authority, either internally and/ or externally (e.g. regulators or media), about wrongdoing, risk or malpractice'.

The NIAO continues to define this further; 'There can be confusion around the terms 'raising a concern' and 'whistleblowing'. Some wrongly believe that they are separate steps involving an 'escalation', i.e. someone 'raises a concern' then, if they feel they have not been heard, they 'blow the whistle' within their organisation or to an outside body. This is a misunderstanding. **Whistleblowing and raising a concern are the same thing.**

[Protect](#), in interpreting [the Public Interest Disclosure Act 1998 \(PIDA\)](#), define whistleblowing as "***A worker raising a concern with someone in authority - internally and/or externally (e.g. to regulators, MPs, the media) - about wrongdoing, risk or malpractice that affects others***".

So then, in summary, whistleblowing occurs when a person raises a concern about past, present or imminent wrongdoing, or an attempt to cover up wrongdoing, in an organisation or a body of people. The information that they disclose should be in the public interest, i.e. the issue must affect others, for example the organisation, work colleagues or the general public.

A concern may be raised by someone internal to the organisation, generally a member of staff, or by someone external to the organisation.

The following guide is helpful in determining if a concern should follow the whistleblowing policy or whether it should be managed under a different GTCNI policy:

#### Concern

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's too late.

*Source: Protect (formerly Public Concern at Work)*

Whistleblowing can be about raising a concern about a risk, malpractice, wrongdoing or illegality. Examples could include:

- H&S risks;
- Unlawful Act;

- Unauthorised use of public funds;
- Maladministration;
- Failing to safeguard information;
- Concealment of information

Whistleblowing concerns could even be about the conduct of individuals within the organisation where GTCNI's Code of Conduct is systematically not being adhered to.

Whistleblowing could be about raising a concern about how information is handled, if it is being concealed, misused or insufficiently safeguarded.

If the concern raised relates to an alleged fraud, any resulting investigation will invoke GTCNI's Fraud Prevention and Fraud Response plan as allegations of fraud need to be handled in line with that policy and are likely be investigated differently to the Whistleblowing protocol described in this document.

#### **Grievance**

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.

*Source: Advisory, Conciliation and Arbitration Service (ACAS)*

#### **Complaint**

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.

*Source: The Institute of Customer Service*

As a matter of course, the following consequences of an action / omission / failure to act will automatically be considered under whistleblowing or raising a concern:

Does it pose a threat to National Security?

- failure to follow security vetting procedure.
- falsifying incident reports.

Is it a failure to comply with legal policy obligations?

- not protecting personal data as required by the Data Protection Act 1998, Gender Recognition Act 2004, Health and Safety regulations or any other relevant legislation.

#### Is it dangerous to the environment?

- improper disposal of hazardous materials.
- failure to put in place proportionate controls to manage environmental risks that could cause harm to individual(s) or the environment.

Protect, the free confidential advice service to anyone wishing to raise a concern, advise that, in summary, the information an individual proposes to disclose tends to show that one of the following categories of wrongdoing, risk or malpractice has taken place:

- Miscarriage of justice.
- Damage to the environment.
- Danger to health and safety of anybody.
- Breach of a legal obligation –identify the obligation.
- A criminal offence – identify the offence.
- Cover up of any of the above categories of wrongdoing.

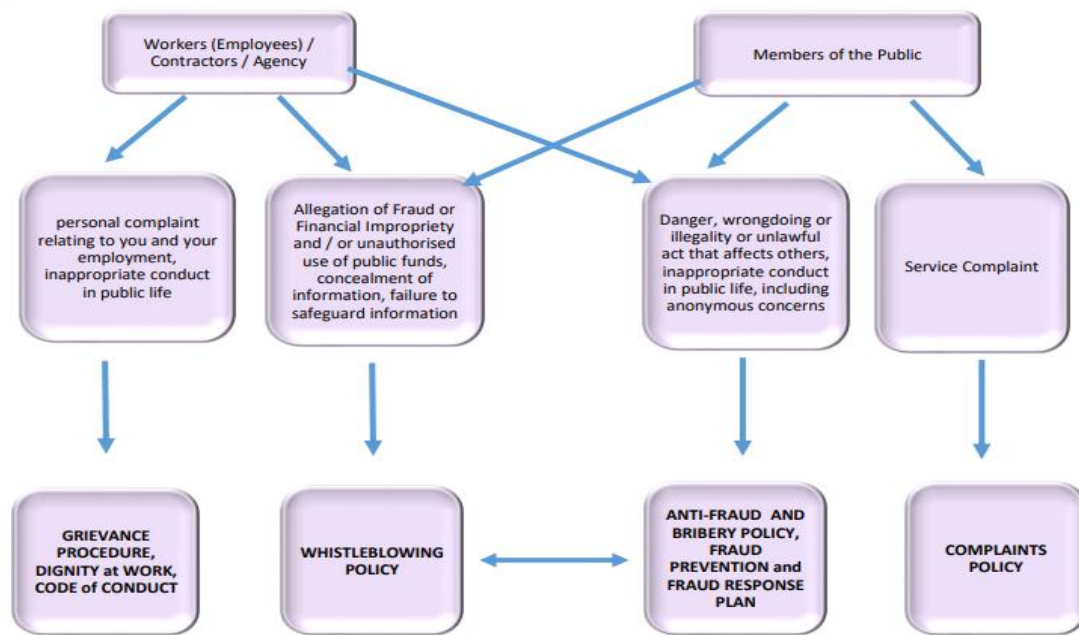
## What if the Issue is not so Clear Cut?

There can be instances where a person raises an issue which has elements both of a wider concern affecting others and of personal interest. The challenge for organisations is to disentangle the issues and deal with each in accordance with the relevant policy.

The above lists are not exhaustive. GTCNI's Head of Corporate Services can provide further advice if you are unsure whether your concern is covered by the whistleblowing policy. It is important that any concerns you may have are raised as soon as possible.

So, we can conclude that we need to look at the nature of the issue being raised. By reviewing the issue against the definitions and questions as above, we can determine whether it is a concern (whistleblowing), a grievance or a complaint, and therefore the appropriate policy (or policies) under which the issue being raised should be addressed:

**Figure 1** summarises the types of issues that may be raised and the relevant policies which should apply



## What is the difference between whistleblowing and raising a grievance?

This can be a really tricky distinction. If you are unsure whether your concerns are best raised as whistleblowing concerns or as grievances, have a look at the differences between the two processes, outlined below:

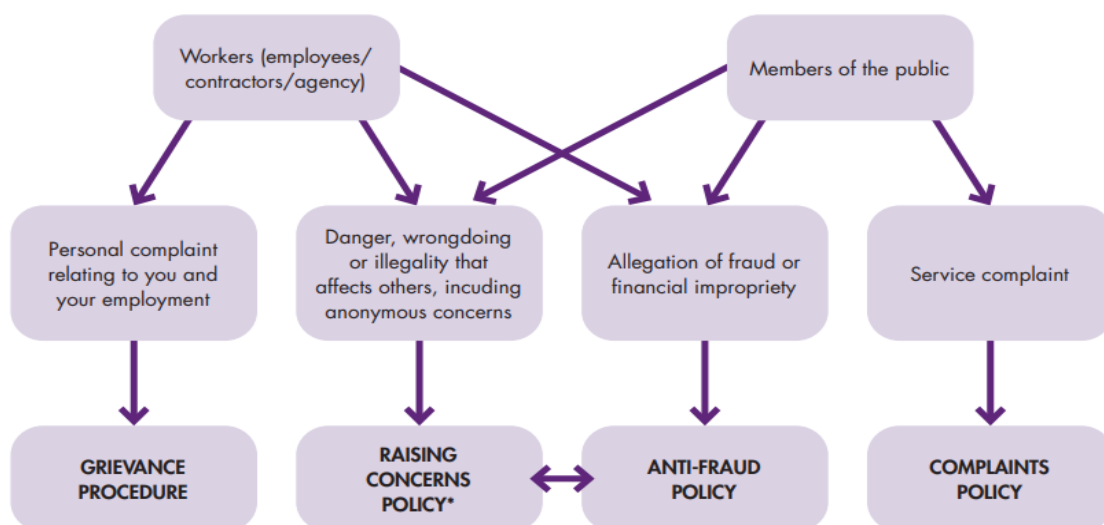
### Whistleblowing

- ✓ Risk to others – whistleblowing is about raising concerns relating to wrongdoing risk or malpractice that you witness in the workplace.
- ✓ Public interest – whistleblowing concerns should be in the public interest, and unlike grievances, the concerns may not even affect you. They should, in any case, have wider implications for other workers or the public.
- ✓ Process – there is no set process for investigating whistleblowing concerns. There is also no right to be accompanied to a meeting with your employer to discuss your concerns.
- ✓ Confidentiality – your employer should respect your wish for confidentiality.
- ✓ Feedback – you may never know the outcome of a whistleblowing concern. For example, if your employer investigates the behaviour of another individual and disciplines them as a result, that would be confidential information between the employer and that other individual.
- ✓ Appeal – there is no general right to appeal if you are unhappy with how your employer deals with your whistleblowing concerns. You may, however, consider escalating your concerns at this stage (it is worth checking your employer's

### Grievance

- ✓ Risk to self – grievances typically relate to how you, specifically, are being treated rather than relating to the treatment of others.
- ✓ Types of issues – grievances may be raised about various issues, including: things you are asked to do as part of your job; breaches by your employer of your employment rights / your contract of employment, or the way you are personally being treated at work.
- ✓ Process – the independent public body, ACAS, has set out [Codes of Practice](#) in relation to discipline and grievance procedures. You can find more information about how to raise a grievance on the [ACAS website](#).
- ✓ Support – you have the right to be accompanied at a grievance hearing if the complaint is about your employer breaching a term of your employment contract.
- ✓ Outcome – grievances result in a legal determination (decision) on the issue that you raise. The ACAS Codes provide for employees to be given the outcome of their grievance e.g. an apology, a payment due or a change to the working practices.
- ✓ Appeal – you should be given the opportunity to appeal should you feel unsatisfied with the outcome.

**Figure 1** summarises the types of issues that may be raised and the relevant policies which should apply:



### Is it a Crisis of Conscience?

A 'crisis of conscience' may occur when you are asked to do something which conflicts with your faith or personal beliefs. This is not the same as whistleblowing where there is suspicion of wrongdoing, or a breach of our values by GTCNI. If you have a crisis of conscience, as a GTCNI employee you should discuss this with your line manager in the first instance. For external contractors, visitors or members of the public, more advice can be obtained from GTCNI's Head of Corporate Services:

#### **General Teaching Council for Northern Ireland**

Albany House

73-75 Great Victoria Street

Belfast, BT2 7AF

E: [mary.jackson@gtcni.org.uk](mailto:mary.jackson@gtcni.org.uk)

T: 028 9082 8529

### I have no Proof of my Concern yet. What should I do?

You do not need to wait for proof when reporting a concern. When raising a concern, you only need to have a reasonable belief that wrongdoing has occurred, is occurring or is likely to occur. It is not for you to investigate or prove that your concerns are justified, as that is the responsibility of GTCNI.

## Ways in Which Whistleblowing and Raising Concerns are Notified

### Receipt of Concern

There are many possible ways and routes for GTCNI to receive a potential whistleblowing allegation.

It could be sent by letter, email or by phone call and via a variety of routes including via DE, the NIAO or the Interim Chief Executive's Office among others. To assist you, various potential contact details are noted below:

In writing:

**General Teaching Council for Northern Ireland**

Albany House

73-75 Great Victoria Street

Belfast, BT2 7AF

By telephone:

T: 028 9033 3390

By email:

[complaintsofficer@gtcni.org.uk](mailto:complaintsofficer@gtcni.org.uk)

This list is not exhaustive. Indeed, concerns can actually be raised via an external body than to GTCNI itself and other helpful contact information is included at the end of this document.

## Should I Raise My Concern Anonymously or Not?

How you raise your concern is important and there are differences between raising concerns anonymously, openly and confidentially.

**Anonymously** – no-one knows who you are. This may seem like an appealing option but there are some downsides. The person who receives your concern will be unable to ask you follow-up questions for further information. It will make it harder for an employer or regulator to protect you from victimisation, as they will struggle to confirm your identity as the whistleblower. You will not be able to use PIDA, the legal protection for whistleblowers, as the protection is based on an ability to demonstrate you have blown the whistle – if the recipient of the concerns doesn't know who you are then this becomes impossible to establish.

**Openly** - you are not worried about being identified.

**Confidentially** - where the person you take your concerns to promises not to reveal your identity.

Raising your concerns either openly or confidentially are more effective ways to raise your concerns. Both methods mean follow-up questions can be asked, action can be taken against any victimisation against you, and both mean you can demonstrate blowing the whistle for the purposes of legal protection.

GTCNI will do everything possible to protect the individual(s) identity if known. However, where confidentiality cannot be maintained, the individual(s) will be consulted and consent obtained where this is possible. There may be circumstances where this is not possible and identity can be revealed in certain circumstances even if consent is not given.

It is an offence to cause detriment to a whistleblower as a consequence of them having raised a concern. No attempt must be made to identify an anonymous whistleblower or one who requests that their identity is protected.

## What Happens When I Raise a Concern?

The following actions will be taken:

- the concern will be reviewed to ascertain if GTCNI can consider it and, if necessary, re-direct the individual to a more suitable organisation;
- the concern will be formally logged by the Head of Corporate Services;
- the concern will be directed to the most appropriate person in the organisation for proper consideration and appropriate action using the Investigative Protocol described below;
- the Head of Corporate Services will liaise periodically with those in the organisation to whom any investigation has been delegated to ensure progress is made and appropriate feedback is provided to the member of the public; and
- where necessary, the concern will be escalated.

## It is Whistleblowing – What Next?

Every potential whistleblowing allegation is initially routed to the Head of Corporate Services who will determine if it should be considered as a whistleblowing allegation and dealt with under GTCNI's Whistleblowing and Raising Concerns at Work Policy. This is not always a straightforward decision.

*'There can be instances where a person raises an issue which has elements both of a wider concern affecting others and of personal interest. The challenge for organisations*

*is to disentangle the issues and deal with each in accordance with the relevant policy'*  
 NIAO Raising Concerns – A good practice guide for Northern Ireland Public Sector - June 2020.

Therefore, judgement is required as to the most appropriate process under which to progress the consideration of the allegations. Some allegations are actually complaints which are better dealt with under GTCNI's Complaints policy. Corporate Services will provide advice on the most appropriate organisation, Team or person and process to deal with the allegations.

The following guide will be applied in making that decision:

| <i>Each individual case is different</i>  |                      |                | <i>Corporate Services considers &amp; directs to most appropriate procedure</i> | <i>If confirmed as Whistleblowing Corporate Services agrees who the investigating officer should be</i> |
|---|----------------------|----------------|---|---|
| <b>Nature of the Whistleblowing/Complaint</b>   | <b>Procedure</b>     |                | <b>Authority/Organisation or Service responsible for management</b>             |   |
| Complaint from a member of the public about a teacher                                     | Regulation Procedure |                | GTCNI / DE / EA   |   |
| Complaint from a member of the public about a school                                      | School Procedure     | Complaints     | School  |   |
| Complaint from a member of the public about GTCNI   | GTCNI Procedure      | Complaints     | GTCNI   |   |
| Anonymous letter about the actions /behaviours or services of a school                    | School procedure     | Whistleblowing | Refer to DE/EA: School Board of Governors                                       |   |
| Anonymous letter about the actions /behaviours or services of GTCNI                       | GTCNI Procedure      | Whistleblowing | GTCNI   |   |
| Named or anonymous letter about the financial actions /behaviours or services of a school | DE/ EA Procedure     | Whistleblowing | DE/EA Audit   |   |

| <i>Each individual case is different</i>  | <i>Corporate Services considers &amp; directs to most appropriate procedure</i> |           | <i>If confirmed as Whistleblowing Corporate Services agrees who the investigating officer should be</i> |
|---|---|-----------|---|
| Named or anonymous letter about the financial actions / behaviours or services of GTCNI | GTCNI Whistleblowing Procedure  |           | GTCNI Internal Audit  |
| Member of staff with concerns about management and/or working conditions                | GTCNI Procedure   | Grievance | Corporate Services HR   |
| Child Protection allegation (Named or anonymous)  | DE / EA Child Protection Policy   |           | DE /EA Child Protection Services  |

### Seeking Clarity/Additional Information

Sometimes the exact nature of the allegations is unclear. Provided the whistleblower has provided contact details, then the Head of Corporate Services will acknowledge receipt and inform them that their allegations will be investigated under the GTCNI Raising Concerns at Work policy. They may also if required request additional information/clarity. This can include the offer of a meeting, but this is a matter for judgement by the Head of Corporate Services, supported by GTCNI SMT, as to whether this is appropriate or necessary.

### When It Is Considered To Be a Whistleblowing Allegation

The Head of Corporate Services will request from ITAssist that a new confidential restricted access folder is opened on GTCNI's shared drives as well as a restricted access Teams-share site. This is done via email providing the name of the file folder and Teams site (without providing specific details such as the name of any individual).

The Head of Corporate Services will record the case details on a spreadsheet database register. This will record summary details of the allegation only as well as how the allegation will be investigated and who it has been referred to for investigation.

## Will there be Repercussions if I Blow the Whistle?

GTCNI's Whistleblowing Policy and procedure, if correctly followed, will afford you protection from any detrimental treatment or victimisation on the grounds of raising your concern. You are afforded protection under the Public Interest Disclosure Act 1998 (PIDA) unless you have raised your concern anonymously – in this instance it is difficult to apply PIDA as the identity of the individual or individuals is unknown. If you feel you have been unfairly treated, you can obtain guidance on the steps open to you [here](#). This link will take you to .GOV resources on advice for whistleblowers which includes a further link to Protect, a free confidential whistleblowing advice service who also provide a list of **practical tips** and **legal factors** you should consider before speaking up.

If an employee raises a concern in the public interest, regardless of their motivation, they will have the protection of the legislation should it be required.

Further, in order to qualify for protection under PIDA, you must make a "*protected disclosure*". This has three main elements to it:

1. You must provide information of a concern that you "reasonably believe" shows a category of wrongdoing set out in the law.
2. You must reasonably believe that the concern is in the public interest.
3. You must raise your concern in accordance with the law – either internally to your employer or externally to an outside body.

## An Employee raises a Malicious, Vexatious or knowingly Untrue Concern

If an employee raises malicious or vexatious concerns other than in the public interest or raises knowingly untrue concerns in order to harm colleagues or their Team/GTCNI, they will face disciplinary action. This could result in dismissal, unless, they can demonstrate a reasonable belief that the concern was both true and in the public interest.

## An Employee is treated badly by a Co-worker because they raised a Concern

It is GTCNI's responsibility as the employer to stop any bad treatment and take reasonable steps to prevent any further issues arising. If an employee feels they are being treated badly because they have raised a concern, they should report this to their line manager or someone else in their line management chain, or they should seek advice from the Head of Corporate Services.

Where an employee has been victimised for raising a concern, GTCNI will take appropriate action against those responsible, in line with our Disciplinary Policy and Procedures.

## Legal Remedy - Public Interest Disclosure (NI) Order 1998 / Public Interest Disclosure (Prescribed Persons) (Amendment) Order (NI) 2022

Workers have a retrospective remedy in employment law, in that they can take a case against their employer at an employment tribunal if they are victimised or suffer detriment as a result of raising a concern.

This legal remedy is not available to a member of the public raising a concern, as there is no employment relationship with the public sector organisation.

The Public Interest Disclosure (NI) Order 1998, as amended by the 2014 Amendment Order, subsequently revoked by the 2022 Amendment Order, provides recourse to an employment tribunal if you suffer detriment, such as dismissal or other sanction, as a result of raising concerns which you believe to be true. Your case at tribunal is strengthened if you raise your concerns with your employer in the first instance. Your employer's policy for raising concerns should tell you how you can do this safely. The Public Interest Disclosure Order will also apply if you raise your concerns externally to the relevant "prescribed person".

The following links will take you to the legislation:

- [Public Interest Disclosure \(NI\) Order 1998](#)
- [Public Interest Disclosure \(Prescribed Persons\) \(Amendment\) Order \(Northern Ireland\) 2022.](#)

## Helpful Contacts

### Department of Education

Rathgael House, Balloo Road, Rathgill, Bangor BT19 7PR

Contact: Carolyn Shaw, Head of Internal Audit

Tel: 028 9127 9977

Email: [carolyn.shaw@education-ni.gov.uk](mailto:carolyn.shaw@education-ni.gov.uk)

### Northern Ireland Audit Office

106 University Street, Belfast BT7 1EU

Tel: 028 9025 1000

Email: [raisingconcerns@niauditoffice.gov.uk](mailto:raisingconcerns@niauditoffice.gov.uk)

**Equality Commission for Northern Ireland**

Equality House, 7-9 Shaftesbury Square, Belfast BT2 7DP

Tel: 028 9050 0600

Email: [information@equalityni.org](mailto:information@equalityni.org)

**Police Service of Northern Ireland**

Tel: 101

Web: <https://www.psni.police.uk/contact-us/>

**Alternatively, free confidential advice can be obtained from Protect, the UK's whistleblowing charity, by ringing 020 3117 2520.** As a legal advice service, Protect offers free expert and confidential advice on how best to raise your concern and your protection as a whistleblower. If you are unsure or unaware of how to raise a concern, contact Protect. For more information, visit their website at [Protect - Speak up stop harm \(protect-advice.org.uk\)](https://protect-advice.org.uk).

## What Next? - GTCNI's Whistleblowing Investigative Procedure

It is essential that a clear process is in place for the management of whistleblowing cases. This provides officers with a guide to the steps and actions required to successfully manage whistleblowing. GTCNI will operate a 2-stage process for the management of whistleblowing cases outlined below;

### Stage One: Investigation

- If the whistleblowing is in relation to a dissatisfaction with a GTCNI employee, the service and/or delivery of duty then this should be managed by the Team in which the concerns are directed.
- The Head of Corporate Services should be informed and will provide advice on management of whistleblowing.
- Investigation officers should report to the Head of Corporate Services.
- *Note: where the complaint relates to the Corporate Services Team itself, the term 'Interim CEO' shall be substituted for Head of Corporate Services throughout.*
- Where a whistleblowing case refers to **financial misconduct and/or is about a Senior Manager/CEO this will be investigated by GTCNI's Internal Audit service provider**. If the case is in relation to a Senior manager, the IA service will report to the Interim CEO. If the case is in relation to the Interim CEO, the IA service provider will report directly to the DE Accounting Officer.
- Where a whistleblowing case refers to GTCNI Board Chairperson, this will be referred to DE (this is not currently relevant, as the GTCNI Board has been disbanded).

### Stage Two: Review

- If the **whistleblower is dissatisfied** with the outcome of stage 1:
- The stage 1 investigation should be **fully reviewed independently** by another Team.
- **Officers reviewing** stage 1 should report to the Head of Corporate Services (Interim CEO by exception as above).

- Stage 2 review is a review of the process only and is designed to provide further assurance that the stage 1 investigation followed the protocol guidance.
- Where a whistleblowing case refers to **financial misconduct and/or is about a Senior Manager/CEO this will be investigated by GTCNI's Internal Audit service provider**. If the case is in relation to a Senior Manager, the IA service provider will report to the Interim CEO. If the case is in relation to the Interim CEO, the IA service provider will report directly to the DE Accounting Officer.
- Where the process is found not to have been implemented in line with the protocol, this may lead to reinvestigation at stage 1.

GTCNI has a clear process for managing whistleblowing cases, this is essential to providing a quality service, finding resolution and to learn as an organisation. The below diagram outlines the steps in managing a whistleblowing case.

## The Investigation

### When Is An Investigation Required?

An investigation is required when concerns are raised in line with the GTCNI Whistleblowing Policy and the Head of Corporate Services has assured themselves that the whistleblowing procedure is the correct procedure to address the matter. All considerations must be given to the appropriateness of the application of the procedure.

### When Is An Investigation Not Required?

An investigation under the Whistleblowing Policy is not required when there is a more appropriate procedure, for example if a complaint is made, this should be managed under GTCNI's complaints procedure, if a staff member is unhappy about working conditions this should be managed under GTCNI's Grievance Procedure and if an allegation in relation to a teacher / school / the safety of children and/or young people, this should be managed under GTCNI's Regulation Procedures.

An investigation is not required when the person or correspondence is deemed to be vexatious in line with the GTCNI procedure.

## Who Should Conduct The Investigation?

The Head of Corporate Services will determine how the allegation should be investigated and who is best placed to conduct / oversee that investigation.

Sometimes it will be appropriate for the allegation to be fully independently investigated by GTCNI's Internal Audit service provider, particularly where there is any allegation of fraud or misuse of public money involved.

Sometimes it is more appropriate for the cases to be allocated and investigated by operational managers depending on the subject of the allegations. Examples of this can include HR and Recruitment allegations which may be referred to an appropriate individual within Corporate Services HR etc. This is a matter for experience and judgement.

Internal Audit may be contacted to offer advice and assist with operational management in progressing the investigation.

The below diagram illustrates the involvement and role of officers when investigating whistleblowing. Please note that further delegation is permitted upon approval from the Head of Corporate Services and Interim CEO, to a relevant member of staff who is best placed to undertake the investigation.



## Conducting The Investigation

This should be done as expeditiously as possible with priority given to conducting the investigation. All appropriate sources of evidence should be reviewed and any determination of the accuracy of the allegations must be based on consideration of the

facts and supporting evidence. The outcome of the investigation should be notified to the Head of Corporate Services who will record the outcome and update the whistleblowing register. Where the whistleblower's contact details are known, then the Head of Corporate Services will contact the whistleblower by the most appropriate means and advise them of the outcome of the GTCNI investigation into their concerns.

For cases that were notified to GTCNI via DE, then the Head of Corporate Services will update the Interim CEO who, in turn, will advise the DE GIST Grade 5 to notify them of the outcome. It is normal practice for DE to withhold the identity of a whistleblower who has contacted them, and so DE will be responsible in such cases for notifying the whistleblower of the outcome.

In rare cases, the allegations may be deemed to be malicious – that is deliberately and knowingly false. This is distinct from them simply being wrong but made in good faith. In such cases, proving that the allegations were malicious is very difficult, but consideration may be given to disciplinary action or reporting to the PSNI if there is clear evidence of malicious intent and the identity of the whistleblower is known.

### Investigation Reports & Outcome

Complaint files can be complex, often consisting of various elements. They often contain details of evidence sources and witnesses who were interviewed as part of the investigation. Data Protection considerations are paramount along with the need to preserve the integrity of the investigation process. For these reasons, FoIA requests to release such reports need to be considered carefully in the light of:

- the complainant's personal data;
- third party personal data;
- a mix of the complainant's data and the third party data which is inextricably linked and cannot be separated; and
- information that is not personal data at all.

This means that each document within a complaint file, and even the content of particular documents, will need to be considered separately to assess the status of the information they contain. There may be grounds for application of partial or full exemptions that may be applicable or the release of information subject to redaction in such cases by the GTCNI FoIA team.

## Management of Outcomes

| Outcome          | Procedure   | Service                                  | Sign off                  |
|------------------|---|--|---------------------------|
| Not Upheld       | Sign off whistleblowing case.   | Corporate Services and Relevant Team     | Head of CS                |
| Partially Upheld | Case to be reviewed and the most appropriate procedure(s) applied in relation to the Upheld elements. | Relevant Team<br>Corporate Services      | Head of CS                |
| Upheld           | Case to be review and the most appropriate procedure(s) applied.                                      | Corporate Services<br>Interim CEO Office | Head of CS<br>Interim CEO |

## Conclusion & Organisational Learning

### Organisational Learning

Learning from the Renewable Heat Incentive (RHI) inquiry has been taken on-board by the wider public sector in NI and by GTCNI and the recommendation in relation to concerns from members of the public has been noted;

*“Better systems are needed for spotting early warnings and concerns from the public and businesses that something unexpected could be happening or going wrong. Simply updating existing complaints and whistleblowing policies, although helpful, will not be sufficient, since relevant intelligence often does not come through these routes. The default response amongst officials should be one of curiosity rather than assuming the concern is misplaced. We recommend that all Northern Ireland departments review their processes for obtaining, handling and responding to information from multiple routes, to ensure that they have robust systems to pick up early warnings and repeated signals, as well as evidence that a policy is working as intended.”*

(RHI March 2020)

## Monitoring Progress

Progress against outstanding whistleblowing cases is conducted by the investigating / nominated officer, who will, in turn liaise with the Head of Corporate Services to follow up and report on progress against outstanding cases on a monthly basis to the interim CEO.

*“Once a concern is raised formally, it is essential that organisations provide a straightforward system for logging them. This will...facilitate monitoring of trends and themes for organisational learning.”*

Source: Freedom to Speak Up, February 2015

## Reporting to DE

The Head of Corporate Services will report progress against whistleblowing cases as part of GTCNI's regular Governance and Accountability Review meetings with DE, and also through its CRR reporting process. DE ARAC will be informed of any whistleblowing cases in GTCNI.

## Conclusion

Proper management of whistleblowing in line with a clear protocol aligns with GTCNI's values of openness and honesty.

In demonstrating a transparent approach to how cases are handled, GTCNI strives to be a learning organisation.

## Appendix A

### Protocol for Investigation of GTCNI Whistleblowing Allegations

|   |   |
|---|---|
| <b>1. Receipt of allegations</b>  | Variety of routes involved but all potential whistleblowing allegations should be directed initially to the Head of Corporate Services. |
| <b>2. Decision on whether allegations are whistleblowing</b>  | Head of Corporate Services.   |
| <b>3. Seeking clarity / additional information</b>  | Head of Corporate Services in consultation with Operational Management as appropriate.  |
| <b>4. When it is considered to be a whistleblowing allegation / Who should conduct the investigation?</b> | Anonymised details registered sequentially on shared drives / Teams by Head of Corporate Services with assistance by IT Assist.         |
|   | Full details registered on monitoring spreadsheet by Head of Corporate Services.  |
| <b>5. Conducting the investigation / Notifying the outcome</b>  | Case allocated by Head of Corporate Services to most appropriate person to investigate.   |
|   | Allocated Officer / Internal Audit Service provider.<br>Outcome notified to whistleblower where possible by Head of Corporate Services. |
| <b>5. Investigation Reports</b>   | Held by Head of Corporate Services.   |
| <b>6 Monitoring and Reporting Progress</b>  | Monthly by Directorate Management Teams for outstanding cases.  |
|   | At each GAR meeting with DE.  |