

# National College of Ireland

## Good Faith Reporting Policy

(March 2014)

### Introduction

This statement sets out NCI's policy and procedure for any person (Staff, Associate Faculty or Students) to raise concerns (whether based on specific knowledge or properly grounded suspicions) in good faith that they may have about actual, or potential, material irregularities in the running of NCI or the activities of colleagues, contractors, suppliers or students to the extent that they relate to the running of NCI.

NCI is committed to maintaining the highest standards of honesty, openness and accountability and does not believe that it is in anyone's interests for those with knowledge of wrongdoing not to come forward.

NCI takes all malpractice very seriously, whether it is committed by Staff, Associate Faculty /Contractors or Students.

NCI's existing management structure and system of internal financial control are the normal mechanisms to detect and/or draw attention to irregularities of all kinds.

NCI's existing policies and procedures in relation to grievances, prevention of bullying and harassment, protection of children or vulnerable adults or other complaints are the appropriate procedures to use in respect of grievances or complaints affecting an individual and such matters are therefore outside the scope of this policy.

However, it is sometimes necessary to have an alternative reporting line available to staff in the event that they feel the above mentioned systems are not appropriate or sufficient. In such instances, this Good Faith Reporting policy applies.

Persons making genuine, supported, material allegations in good faith should be assured that their concerns will be treated seriously and sensitively. NCI acknowledges the potential difficulties facing persons who raise concerns. NCI will provide reasonable support to all persons making genuine, supported, material allegations and will aim to protect them from detriment, provided that at all times the person making the allegation has acted in good faith and that the allegations made are material and are properly grounded.

A person who is mistaken in raising a concern should not suffer any form of detriment as a result of raising that concern. However, this assurance will not apply to someone who maliciously raises a matter that he/she knows to be untrue.

*Examples of Concerns to which this policy may apply:*

Serious concerns about perceived material irregularities in relation to the running of NCI, which do not fall within the scope of other reporting mechanisms or complaint procedures in the College, may be reported within the scope of this Good Faith Reporting Policy.

By way of example, these concerns could be regarding:

- a. Breach of NCI policy or procedures or legal obligations;
- b. Improper departures from good governance;
- c. Deliberate failure of health and safety management procedures;
- d. Concerns regarding potential criminal activities;
- e. Financial malpractice, impropriety or fraud – e.g. materially excessive or fraudulent travel or expense claims, inappropriate ordering / financial commitments, misappropriation of assets or fraudulent reporting of financial matters;
- f. Academic or professional misconduct;
- g. Improper conduct or unethical behaviour or bribery;
- h. Improper use of authority;
- i. Miscarriage of justice;
- j. Active suppression or concealment of any of the above activities.

*Raising a concern*

Allegations or concerns may be raised by contacting one of the individuals set out below. It is desirable that the individual raising the concern identifies himself/herself at the outset. NCI will treat all such disclosures in a confidential and sensitive manner, to the extent possible, consistent with the need to conduct an adequate investigation. The identity of the individual raising the concern may be kept confidential so long as it does not hinder or frustrate any investigation. However, the investigation process may reveal the source of the information and the individual making the disclosure may need to provide a statement as part of the evidence required.

This policy encourages individuals to put their name to any disclosure they make. However, NCI acknowledges that, in certain limited cases, a person may wish to raise a concern on an anonymous basis, without identifying himself/herself to the individual receiving the complaint. Anonymous complaints are much less credible, but they may be considered at the discretion of NCI.

Action by a manager or others to inappropriately deter a potential complainant from raising valid concerns about a material irregularity or other significant malpractice may result in disciplinary procedures, up to and including dismissal, against the manager or colleague concerned. Likewise, complainants abusing the process by raising malicious or vexatious allegations or unfounded, unsupported and/or immaterial allegations or repeating allegations previously investigated and found to be false may also be subject to disciplinary procedures, up to and including dismissal. However, persons who make a genuine supported material complaint in good faith, in ignorance of the fact that the same complaint has already been investigated and proven to be false, need have no concerns in this regard.

## Procedures

These procedures set out the steps at NCI for handling material allegations of irregularities relating to the running of NCI or to the activities of members of management, staff, contractors, students or other relevant parties, where such activities adversely affect the interaction of these parties with NCI and have the potential to damage NCI. Such material allegations may concern, for example, questions of financial malpractice, serious breaches of appropriate and agreed procedures, or significant departures from statutory or other requirements of good governance. NCI takes such actual or alleged irregularities very seriously.

Allegations should be raised and dealt with through one of the routes indicated below, depending on the nature of the allegation.

1. Allegations should be made in writing to the President, marked Strictly Private and Confidential, OR
2. Where, for any reason, the person making the allegation considers it inappropriate to refer the matter to the President, material allegations can be made to the Chair of the Finance, Audit and Organisation Sub-Committee of the Governing Body, who is independent of NCI and is contactable as set out in the footnote below<sup>1</sup>.

The President or the Chair of the Finance, Audit and Organisation Sub-Committee, as appropriate, will

- Acknowledge, in writing, receipt of the allegation, and
- Record details of the allegation and decide on the appropriate course of action, and
- Record details of the subsequent action taken.

If on preliminary examination, the allegation is judged to be wholly without substance or merit, the allegation may be dismissed. The person making the allegation will be so informed and may appeal the result to the Chair of the Finance, Audit and Organisation Sub-Committee of the Governing Body or, if he/she has previously been involved in the matter, to the Senior Independent Director of the Governing Body<sup>2</sup>. (Please note, in the case of anonymous allegations, it may not always be possible to contact the individual making the allegation).

If the preliminary investigation finds that there is *prima facie* substance to a complaint:

- 1) The matter may:
  - a) Be the subject of a formal investigation; and/or
  - b) Be referred to an outside body including the Garda Síochána.
- 2) The person or persons against whom a material allegation is made must be informed of the allegation and all evidence supporting it, and must be allowed full opportunity to comment before the investigation is concluded.

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<sup>1</sup> Mr B McGinty, Chair of Finance Sub-Committee, c/o NCI (marked Strictly Private and Confidential)

<sup>2</sup> Mr E Sullivan, Senior Independent Director, c/o NCI (marked Strictly Private and Confidential)

All material, genuine allegations, including those dismissed after preliminary investigation, and the results of their investigation will be reported to, and minuted by, the Finance, Audit and Organisation Sub-Committee of the Governing Body.

### Confidentiality

NCI will treat all disclosures made under this policy in a confidential and sensitive manner, to the extent possible. The identity of the individual raising the concern may be kept confidential so long as it does not hinder or frustrate any investigation. However, the investigation process may reveal the source of the information and the individual making the disclosure may need to provide a statement as part of the evidence required.

### Communication of outcome

The individual making allegations shall (if their identity is known) be informed of the general outcome of the investigation and of the person and/or committee to whom the report of the investigation is issued, but are not entitled to receive a copy of the report. The report is confidential to the investigator, the President, the members of the Executive with managerial responsibility for the area in question, NCI's legal advisers, the appropriate disciplinary authority (if relevant) and the Finance, Audit and Organisation Sub-Committee of the Governing Body.

The person against whom the allegation is made will be informed of the outcome of the investigation and will be entitled to a copy of the report if the investigation concludes that a breach has occurred.

### **Updates**

This policy will be kept under periodic review. Any changes will be notified to staff, and the most up-to-date version of the policy will be available on the Staff Portal.

In particular, this policy will be formally reviewed if/when the *Protected Disclosures Bill 2013* (published on 3 July 2013) is enacted by Government, to ensure that NCI is in compliance with legislation in this area.

**END**