



RAISING CONCERNS POLICY¹

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2. Introduction

Raising a concern in the public interest is the action of telling someone in authority, either internally and/or externally, for example regulators, about wrongdoing, risk or malpractice.²

As regards terminology used 'whistleblowing', 'raising a concern' or 'speaking up' generally refer to the same thing. In line with NI Audit Office guidance, this policy refers to raising concerns.

Why is a policy for Raising Concerns needed? All organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring and to address them when they do occur.

The Northern Ireland Audit Office's (NIAO) 'Raising Concerns: A Good Practice Guide' sets out the benefits to an organisation of encouraging the raising of concerns, including:

- Identifying wrongdoing as early as possible,
- Exposing weak or flawed processes and procedures which make the organisation vulnerable to loss, criticism or legal action,

¹ This policy does not form part of any contract of employment and BCC may amend it at any time.

² Raising Concerns: A good practice guide for the Northern Ireland public sector, NIAO June 2020

- Ensuring critical information gets to the right people who can deal with the concerns,
- Avoiding financial loss and inefficiency,
- Maintaining a positive corporate reputation,
- Reducing risks to the environment or the health or safety of workers or the wider community,
- Improving accountability, and
- Deterring workers from engaging in improper conduct.

Who can raise a concern?

A concern may be raised by someone internal to the council, such as a worker³ or by someone external, such as a member of the public. In developing this policy, the council recognises the need for an open and honest culture where our workers and others have clear information on how to raise concerns that are in the wider public interest and are encouraged to do so in the knowledge that they will be listened to and treated with respect.

If an Elected Member has concerns regarding wrongdoing, risk or malpractice, they are advised to refer to the Northern Ireland Code of Conduct for Councillors, or to seek the advice of the council's Legal Services section.

3. Aims of this Policy

Belfast City Council is committed to the highest possible standards of openness, probity and accountability. In line with this commitment, we want our workers and others that we deal with who have serious concerns about any aspect of the council's work to come forward and voice those concerns. This policy aims to:

- Make you feel confident to raise concerns within the council, as soon as possible, rather than overlooking a problem or raising the concern externally,
- Give you avenues to raise concerns and receive feedback,
- Inform you how to take the matter further if you are dissatisfied with our response, and
- Reassure our workers that, in line with [legislation](#), you will be protected from reprisals or victimisation for raising concerns that you reasonably believe to be true and in the public interest.

4. Types of Concerns Covered by this Policy

The **nature of the issue being raised** will determine whether it is a concern, a grievance or a complaint, and subsequently the appropriate policy under which it should be addressed.

Raising a concern is where an individual discloses information about suspected danger, wrongdoing or illegality that is in the **public interest** (i.e. that affects others). The individual raising the concern is usually not personally affected by the danger, wrongdoing or illegality. Consequently, they rarely have a personal interest in the outcome of the enquiries or investigation into their concern – they are simply trying to alert others.

³ Worker, as defined in legislation, includes staff and may also include agency assignees, volunteers, consultants, those on secondment and contractors.

The types of concerns covered by this policy include those matters that we, as a council, are the ‘prescribed’⁴ person for. Prescribed persons are responsible for the investigation of concerns that fall under their jurisdiction and protecting those raising concerns and their interests. For the council, these are:

- Matters which may affect the health or safety of any individual at work,
- Matters which may affect the health or safety of any member of the public, arising out of or in connection with the activities of persons at work,
- Compliance with the requirements of consumer protection legislation, and
- Compliance with the requirements of food safety legislation.

In addition, other types of concerns covered by this policy include, but are not restricted to:

- Risk to children and / or vulnerable adults,
- Conduct which is a criminal offence,
- Abuse of public funds,
- Potential fraud (see also the council’s fraud and bribery policy statement for more details),
- A breach of the employee **Code of Conduct**, and
- Conduct likely to damage the council’s reputation.

Personal grievances or dissatisfaction in respect of employment issues are not considered to be within the scope of this policy unless a particular case is in the public interest. These types of issues should be raised in line with our **Disciplinary and Grievance Procedure**. Examples of misconduct issues are set out under Appendix 2 of the procedure.

Complaints are not within the scope of this policy. Raising a concern is very different to making a complaint. Complaints should be made in line with our **Complaints Handling Procedure** which defines a complaint as ‘an expression of dissatisfaction by one or more members of the public about our action or lack of action, or about the standard of service provided by us or on our behalf.’ Examples of types of complaints are set out in the procedure.

The Routemap in the [Appendix](#) shows the relationship between these policies. In addition, any concerns raised in relation to **safeguarding or modern slavery**, will be handled in line with the related council policy.

False Allegations

Although you are not expected to prove the truth of a disclosure, you will need to demonstrate that you have a reasonable belief that the concern is made in the public interest and that there is evidence of some malpractice.

If you raise a concern that you reasonably believe to be true which is subsequently not confirmed by initial enquiries or investigation, no action will be taken against you.

⁴ As set out in the Public Interest Disclosure (Prescribed Persons) Order (Northern Ireland) 1999. In addition, from December 2022, the Office for Environmental Protection is the prescribed body for raising concerns on matters relating to failures of public authorities to comply with environmental law.

However, to ensure the protection of all of our workers, those workers who raise a concern frivolously, maliciously or for personal gain and / or make an allegation that they do not reasonably believe to be true and not made in the public interest may be subject to disciplinary action.

5. Raising Concerns: General

Concerns can be raised in a number of ways, including in person or in writing, providing as much detail as possible. The background and history of the concern, giving names, dates and places where possible should be set out and the reason why you are particularly concerned about the situation. You should highlight if you wish to raise the matter under the council's Raising Concerns policy.

All concerns raised, regardless of their origin, will be subject to the same process as set out in [Section 8: Handling Concerns Raised](#).

[Raising Concerns Champion](#)

The council's Raising Concerns Champion is available for advice and guidance, either prior to formally raising a concern or at any stage during the process. The Raising Concerns Champion has a detailed knowledge of raising concerns and can provide advice to management, our workers, or any individual external to the council. Contact details can be found [here](#).

Openness, confidentiality and anonymity

In most cases the best way to raise a concern is to do so openly. By making their identity known, those raising concerns are more likely to secure a positive outcome. Openness makes it easier for us to address the issue, work out how to investigate the matter, understand the reasons for concern, get more information and report back on the outcome of preliminary enquiries / any investigation undertaken. This policy encourages you to put your name to your concern.

We recognise that there may be circumstances when you would prefer to speak to someone in confidence first. If this is the case, please state this at the outset. Confidentiality will only be breached if required by law and, where possible, we will gain your consent prior to undertaking any action that could identify you.

Concerns expressed anonymously are much less powerful as proper investigation may be impeded. Whilst we will accept anonymous concerns and commit to giving them due consideration, we would ask anyone thinking of making a disclosure to consider the following points:

- 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 be easily understood and may need clarification or further explanation,
- There is a chance the documents provided may reveal your identity,
- It may not be possible to remain anonymous throughout an in-depth investigation,
- It will not be possible to provide details of the outcome of any investigation to you if your disclosure is anonymous, and

- Statutory protection for a council worker is easier to obtain if a concern is raised openly. If a concern is raised anonymously, it may not be possible to afford protection. Furthermore, it may be difficult to demonstrate to a tribunal that any detriment you have suffered is as a result of raising a concern.

We will make every effort to preserve your anonymity if you so wish. Please be aware that the investigation process may inadvertently reveal the source of the information and a statement from you may be required as part of the evidence.

Data Protection Act and General Data Protection Regulations

Concerns raised will be treated in the strictest confidence and all personal data held securely in line with the requirements of the Data Protection Act and the General Data Protection Regulations (GDPR).

Information obtained during initial enquiries or subsequent investigation will be maintained securely and confidentially so as not to prejudice future investigations.

6. Raising Concerns: Our Workers

The importance of the Raising Concerns policy is explicitly covered in our ***Code of Conduct for Belfast City Council Employees***. Our workers are often best placed to identify deficiencies and problems before any damage is done, so the importance of their role as the ‘eyes and ears’ of organisations cannot be overstated. Our Raising Concerns policy provides our workers with an opportunity to raise serious, ***genuine*** concerns rather than overlooking the problem or raising the concern externally.

Safeguards

The Public Interest Disclosure (NI) Order 1998 (amended in October 2017) defines an individual raising a concern as a “worker”, that is, someone inside the organisation. This policy therefore applies to Belfast City Council staff and may also include agency assignees, volunteers, consultants, those on secondment and contractors while they are engaged in carrying out duties for the Council.

The Order offers protection to ‘workers’ who disclose serious concerns made in the public interest. In accordance with this legislation workers ***must not*** suffer any detrimental treatment as a result of raising a concern. Detrimental treatment includes dismissal, disciplinary action, threats, withholding a pay rise, objecting to a promotion, not giving training or any other unfavourable treatment connected with raising a concern.

The council will fulfil its responsibility to ensure that you are NOT harassed, victimised or otherwise disadvantaged when you raise a concern. We will take appropriate action including the application of the disciplinary and grievance procedure to protect a worker who raises a concern that they reasonably believe to be true and in the public interest. If you believe you have suffered any such treatment, you should inform one of the named officers in [Section 10: How to Contact Us](#) immediately. If it is not remedied, you should raise it formally using our ***Disciplinary and Grievance Procedure***.

If a worker is already the subject of disciplinary or redundancy procedures, these HR procedures will not be halted as a result of their raising a concern.

We trust that our workers will feel able to raise their concerns openly under this policy, however we recognise that some may want to raise their concerns confidentially (and anonymously). This policy document makes it clear that you can raise any concerns you have without fear of victimisation, subsequent discrimination or disadvantage.

How to raise a concern

If you have a concern about a risk, malpractice or wrongdoing at work, we hope that you will feel able to raise the matter first with your immediate line manager, Director or Business Support Manager. [Section 10: How to Contact Us](#) sets out a number of alternative options to raise your concerns. Alternatively, you can raise concerns through your trade union.

We recognise that the decision to raise a concern can be a difficult one to make but in uncovering malpractice you will be doing a service to the council, our ratepayers and members of the public. The earlier you express the concern the easier it will be to take action.

Contractors

As a first step, if you are a contractor, you should normally raise concerns with your manager, who should inform the most senior council officer who is dealing with the particular contract. If you do not have a manager, you should raise your concerns directly with the most senior council officer who is dealing with the contract. If you believe that your manager or the most senior council officer who is dealing with the contract is involved, you should approach one of the named officers set out in [Section 10: How to Contact Us](#).

All concerns are handled in the same way as set out in [Section 8: Handling Concerns Raised](#). If the concern relates to fraud, bribery or financial impropriety it will be referred to the Head of Audit, Governance and Risk Services.

7. Raising Concerns: Others

Anyone external to the council can raise the same types of concerns as a worker. As highlighted in the NIAO's good practice guide, **it is the issue being raised that is important, not the person raising it**. While the Public Interest Disclosure (NI) Order 1998 does **not** extend protection to members of the public who raise concerns, the council will endeavour, as far as possible, to apply the same principles to these concerns.

Information on how to raise a concern, whether that be in writing, verbally or in person, is available on our website. These options are also set out in this policy at [Section 10: How to Contact Us](#).

8. Handling Concerns Raised

What should I expect from the Council when I raise a concern?

If you raise a concern the council will (so long as you have not submitted your concern anonymously):

- Formally respond to your concern within seven days of receipt. You will receive a written response acknowledging that the concern has been received and indicating how we propose to deal with the matter,
- Offer you the opportunity to meet to discuss the issue,
- Take steps to ensure that you have appropriate support and advice,
- Agree a timetable for feedback. If this cannot be adhered to, we will let you know,
- Provide you with feedback to demonstrate that the concern has been appropriately considered and addressed, and
- In the case of our workers, take appropriate and timely action against anyone who victimises you.

The council has arrangements in place around how concerns should be handled. This includes guidance and procedures for helping to preserve confidentiality and the integrity of evidence as well as undertaking preliminary enquiries, conducting investigations and reporting on the outcome of these investigations. We will respect your confidentiality where this has been requested. Confidentiality will not be breached unless required by law and we will consult with you prior to any action that could identify you.

Receipt of concerns raised

It is essential that anyone who raises a concern is supported and, as such, **managers who receive disclosures** should:

- Have a positive and supportive attitude towards the individual raising a concern,
- Record as much detail as possible about the concern being raised and agree this record with the individual,
- Be aware of the process following the raising of the concern and explain this to the individual,
- Make sure the person raising the concern knows what to expect, for example feedback in relation to their concern,
- Assure the individual their confidentiality will be protected as far as possible,
- Make no promises and manage the expectations of the individual,
- In the case of one of our workers raising a concern, make clear that the organisation will not tolerate harassment of anyone raising a genuine concern and ask the individual to let you know if this happens,
- Refer the individual to available sources of support and advice, for example to Protect, a trade union or a professional association,
Pass the information as quickly as possible to the council's Head of Audit, Governance and Risk Services (AGRS) or the Raising Concerns Champion who will log the case and consider the best way in which to respond (see below).

Cases will be carefully logged by the Raising Concern Champion in Audit, Governance and Risk Services to enable the investigation's progress to be monitored in a way that, where

requested, safeguards the identity of the individual raising the concern. The Raising Concerns champion will refer the concern to the appropriate person for initial enquiries.

Initial Enquiries

In order to protect individuals and the council, initial enquiries will be made by the appropriate person(s) to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations which fall within the scope of other existing procedures will normally be referred for consideration under these procedures. It may not be necessary to carry out a formal investigation in every case. The action taken by the council will depend on the nature of the concern. There may be a range of possibilities, depending on the nature of each case, for example:

- Explaining the context of an issue to the person raising the concern may be enough to alleviate their concerns,
- Minor concerns may be dealt with straight away by line management,
- A review by Audit, Governance and Risk Services as part of planned audit work might be sufficient to address the issue, for example, through a change to the control environment,
- There may be a role for the Northern Ireland Audit Office (NIAO) in addressing the concerns raised and either providing assurance or recommending changes to working practices,
- The matters raised may require a detailed internal investigation, or
- In some instances, concerns raised will be referred directly to the police or other statutory agencies.

The course of action will normally be agreed by Audit, Governance and Risk Services, Corporate Human Resources and Legal Services in consultation with senior departmental management, as appropriate. Audit, Governance and Risk Services will, in consultation, with these services, agree the approach to be taken and the appointment of officers to undertake a detailed investigation where this is required.

Detailed investigation

During any investigation, the amount of contact between you and the investigating officer considering the issues will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the investigating officer will seek further information from you. Where any meeting is arranged, this can be off-site if you so wish and you can be accompanied by a trade union representative, a colleague or friend. We will take down a written summary of your concern and provide you with a copy after the meeting. We will also aim to give you an indication of how we propose to deal with the matter.

After the Investigation

The council accepts that you may wish to be assured that the concern you have raised has been properly considered and appropriately addressed. Feedback will be as set out in [Section 11: Outcomes](#).

Governance, Oversight and Monitoring

AGRS will liaise with the investigating officer(s) regarding progress updates; to support the oversight, governance and reporting processes and, to provide advice and assistance where appropriate.

AGRS will provide a high level update quarterly to the Audit Assurance Board and Audit & Risk Panel on the progress of ongoing investigations. An annual report will also be provided on cases handled in the year.

9. If you are the Subject of a Concern Raised

If you are the subject of a concern raised, we will endeavour to inform you as soon as is practically possible. There are occasions when it may be necessary for initial enquiries to be undertaken first. In addition, where the concern raised is potentially serious in nature, the council may initially seek to validate the concern raised through observation, enquiry and / or liaison with the Police. Following these initial enquiries, you will then be informed of the allegations made and you will be given an opportunity to provide an explanation. We will apply the same considerations of confidentiality to the worker at the centre of the concern raised, as far as appropriate.

If following explanation and, if necessary, further investigation, there is no evidence to suggest misconduct, the matter will not be referred for disciplinary action. However, if there is evidence of potential misconduct there is a possibility that the council's Disciplinary and Grievance Procedure may be invoked to further investigate the matter.

10. How to contact us

There are several ways concerns can be communicated to the council. The options are set out below.

Option 1 – Raise your concern with management

We hope that our workers will feel able to raise the matter first with their immediate line manager, Director or Business Support Manager. Concerns can be raised verbally or in writing.

Option 2- Raise your concern by email

Concerns can be raised using the council's dedicated Raising Concerns mailbox, managed confidentially by the council's Audit, Governance & Risk Services.

Email: raisingconcerns@belfastcity.gov.uk

Option 3 – Raise your concern in writing or by telephone

Concerns can be raised in writing, by telephone or in person with the following officers:

- Raising Concerns Champion - Liam Mulholland, AGRS Manager and Cathy Haughey, Principal Auditor

These officers can be contacted at:

*Corporate Services
9-21 Adelaide Street
Belfast BT2 8DJ*

Tel. council switchboard on **028 90320202**.

Option 4 - Raise your concern with senior, designated officers

If you feel unable to raise the matter with management or the Raising Concerns Champions, you should raise it with one of the following people:

- Chief Executive
- Deputy Chief Executive and Strategic Director of Corporate Services
- Director of Human Resources
- City Solicitor and Director of Legal and Civic Services
- Head of Audit, Governance and Risk Services

These senior, designated officers can be contacted via the council switchboard on **028 90320202**.

Option 5 - Raise your concern with a regulator

We hope that this policy gives you the reassurance to raise a concern internally. However, it is also recognised that there may be circumstances where you may wish to report a concern to an outside body, such as a regulator. You can seek independent advice from an experienced organisation before doing this. **Protect** is an independent, charitable organisation that runs a free, confidential whistleblowing advice line. The number is 020 3117 2520 or you can contact them online via their website www.protect-advice.org.uk

In addition you may wish to report the concern to the Local Government Auditor (including the NIAO), who has been prescribed as a person to whom protected disclosures can be made under the Public Interest Disclosure (NI) Order 1998 in relation to the proper conduct of public business, value for money, fraud and corruption in relation to the provision of centrally funded public services and health service bodies. More information can be obtained from the Northern Ireland Audit Office (NIAO) on **028 9025 1062 or 028 90251000 or email raisingconcerns@niauditoffice.gov.uk**

11. Outcomes

The council accepts that you may wish to be assured that the concern you have raised has been properly considered and appropriately addressed. Subject to legal constraints, we will inform you of the outcome of any enquiries / investigation undertaken.

The response will be issued by AGRS, who will consult with the investigating officer(s), relevant Departmental Business Manager, Departmental Human Resources, Corporate Human Resources and Legal Services, where appropriate.

If you are not satisfied with the outcome, you can write to the Chief Executive and ask for the investigation and outcome to be reviewed. If you remain dissatisfied and you feel it is right to take the matter outside this process, the following are possible contact points:

- NI Commissioner for Complaints,
- Northern Ireland Audit Office (the Local Government Auditor),
- Relevant professional bodies or regulatory organisations,
- Your solicitor or
- The police.

Workers can rely on their rights under the Public Interest Disclosure (NI) Order 1998 (amended in October 2017). The Order gives you protection from victimisation if you make certain disclosures of information in the public interest. The provisions are quite complex and include a list of prescribed people outside of the council who can be contacted in certain circumstances. You should seek advice from your solicitor, your local Citizens Advice Bureau, the Ombudsman or Protect on the effect of the Order.

If you take the matter outside the council, you should make sure that you do not disclose confidential information. In order to make sure that you do not make any such disclosures you may want to check the position with the council's Legal Services section.

12. Summary of Roles and Responsibilities	
Members	Leadership, approve policy, receive and consider high level progress updates at the Audit & Risk Panel on concerns raised (as appropriate).
Chief Executive, Deputy Chief Executive and Strategic Director of Corporate Services, City Solicitor and Director of Legal and Civic Services, Director of Human Resources, Head of AGRS	Potential contact points for those individuals raising concerns
Deputy Chief Executive and Strategic Director of Corporate Services,	Responsible for policy ownership and implementation.
Departmental management	<p>Management should ensure that their workers are aware of relevant council policies and procedures and ensure they are complied with.</p> <p>Management should be aware of what to do if someone raises a concern with them. (Refer to Section 8: Handling Concerns Raised) This includes notifying AGRS / Raising Concern Champion as soon as a concern has been raised, <u>prior to</u> any initial enquiries being undertaken.</p> <p>Managers may be asked, where appropriate, to undertake enquiries / investigations including liaising with the individual raising the concern, where possible.</p> <p>Business Support Managers will, where appropriate, be consulted on the investigation of concerns raised and will, where appropriate, keep senior departmental management and AGRS informed of the progress of investigations.</p>
Our Workers	<p>Worker, as defined in legislation, includes staff and may also include agency assignees, volunteers, consultants, those on secondment and contractors.</p> <p>Our workers should ensure they comply with relevant council policies and procedures.</p> <p>Our workers should be aware of what to do if someone raises a concern with them. (Refer to Section 8: Handling Concerns Raised)</p>
Audit, Governance and Risk Services	<p>Nominated officers in AGRS will undertake the role of the Raising Concern Champion.</p> <p>AGRS will undertake or provide advice and assistance to management in undertaking investigations.</p>

	<p>Provide the framework for the management of all concerns raised and the related investigations.</p> <p>Supporting the Deputy Chief Executive and Strategic Director of Corporate Services with policy maintenance and communication.</p> <p>Supporting the governance, oversight and monitoring processes.</p> <p>Ensuring staff awareness and training on the Raising Concerns policy is adequate for their specific needs, that is, workers, line managers, senior managers and Members.</p>
Raising Concerns Champion	<p>Potential contact point for those individuals raising concerns and available for advice and guidance, either prior to formally raising a concern or at any stage during the process.</p> <p>Will understand the types of public interest concerns the council can consider and redirect concerns where necessary to the appropriate body.</p> <p>Log concerns and ensure they are directed within the council to the most appropriate person for proper consideration and appropriate action, in liaison with Corporate Human Resources, Legal Services and senior departmental management, as appropriate.</p> <p>Liaise on an ongoing basis with those in the organisation handling concerns, to ensure progress is made and that appropriate feedback is provided to those raising the concerns.</p> <p>Where necessary, escalate concerns higher up the organisation.</p> <p>Raise awareness of the policy and the related roles and responsibilities across the organisation.</p>
External Audit – NI Audit Office	<p>Local government auditors have been prescribed as persons to whom protected disclosures can be made under the Public Interest Disclosure (NI) Order 1998 in relation to the proper conduct of public business, value for money, fraud and corruption in relation to the provision of centrally funded public services and health service bodies. More information can be obtained from the Northern Ireland Audit Office (NIAO) on 028 9025 1102 or 02890 251000 or email raisingconcerns@niauditoffice.gov.uk</p>
Departmental HR, Corporate HR and Legal Services	<p>Provision of specialist advice on investigations as well as potential disciplinary and or criminal matters.</p>

13. Policy Control	
Policy or template title	Raising Concerns Policy (formerly Whistleblowing)
Document version	Updated April 2025
Departmental ownership	Corporate Services
Document owner	Deputy Chief Executive and Strategic Director of Corporate Services
Officer responsible or document authority	Claire O’Prey, Head of Audit, Governance and Risk Services (AGRS)
Date of approval	TBC (Prev Full Council January 2023)
Date of last review	April 2024
Date of last update	
Updated by	Liam Mulholland, AGRS Manager
Date of next review	April 2026
Approval details	Audit Assurance Board / Audit & Risk Panel / Full Council
Locations of where document is held and referenced	AGRS / Interlink
Intended audience	Communication process
Workers	Intercom, Interlink, and departmental briefings.
Elected members	Audit & Risk Panel training and reports, Member briefings
Contractors	BCC website, contract documents
Members of the public	BCC website

Appendix Routemap

The table below provides an overview of the relationship between the following council policies / procedures – Complaints Handling Procedure, Fraud and Bribery, Raising Concerns and the Disciplinary & Grievance procedures. Note that only workers are protected by legislation. More detail is provided in each policy.

<i>Issue</i>	<i>Policy / Procedure</i>
<i>Service complaint, including anonymous complaint?</i>	Complaints Handling Procedure
<i>Allegation of fraud or financial impropriety?</i>	Fraud & Bribery Policy
<i>Danger, wrongdoing or illegality that affects others, including anonymous complaints?</i>	Raising Concerns Policy
<i>Concern, problem or complaint relating to you and your employment?</i>	Disciplinary and Grievance Procedures
<i>Alleged employee misconduct?</i>	Disciplinary and Grievance Procedures
<i>Alleged criminal misconduct?</i>	Procedure on Criminal Misconduct
<i>Concern relating to council's prescribed activities? (Refer to section 4 above)</i>	Referral to City Protection Services
<i>Concern relating to safeguarding?</i>	Safeguarding Policy