WHISTLEBLOWING POLICY AND PROCEDURE

(DISCLOSURE IN THE PUBLIC INTEREST)
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AIM
The aim of the Whistleblowing Policy and Procedure is to provide an open and transparent way to raise serious concerns that are in the public interest. The raising of such concerns can make a positive difference, alerting the University to serious risks or malpractice that might otherwise take time to come to light. Individuals who make disclosures under the terms of this policy will be protected and supported.

SUMMARY
“Whistleblowing” means the raising of a concern or making a disclosure that is in the public interest i.e. it is a disclosure of serious wrongdoing that has an impact beyond the individual making the disclosure. Concerns may be raised by employees, workers, students, contractors, visitors or members of the public.

Where concerns are of a personal nature, they must be raised under other procedures, such as the Grievance Procedure.

Although workplace concerns would normally be raised with line managers, it is recognised that the seriousness of some issues may require disclosure under this procedure.

Disclosure should normally be made to the Registrar and Secretary in the first instance. The next step may then be an investigation. The individual making the disclosure will be kept informed of progress in so far as possible, bearing in mind the need to protect confidentiality of other parties.
POLICY STATEMENT

1. POLICY STATEMENT

1.1 The University is committed to the highest standards of openness, probity and accountability. It seeks to conduct its affairs in a responsible manner taking into account the requirements of funding bodies and the principles of public life set out by the Nolan Committee, which are: Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty, and Leadership.

1.2 This policy sets out arrangements for individuals to raise serious concerns, which are in the public interest, at senior levels within the University.

1.3 It meets the legal requirements set out in the Employment Rights Act 1996 but goes further in two aspects. Firstly, it extends the list of disclosures where there is no public interest i.e. serious wrongdoing that has already been addressed under disciplinary, capability, or complaints procedures, or student conduct procedures. Individuals who make disclosures where there is no public interest will not be protected under this policy and may not be protected under the Act.

1.4 Individuals who raise concerns in the public interest under this policy will be taken seriously and treated fairly. They will be protected from detrimental treatment following their disclosure; any victimisation may result in disciplinary action for the perpetrator.

1.5 It should be emphasised that this policy is intended to assist individuals who believe they have discovered malpractice or serious wrongdoing provided that they make the disclosure in accordance with the policy. It is not designed to question financial or business decisions taken by the University unless these involve malpractice, nor may it be used to reconsider any personal matters which have already been addressed under disciplinary, capability, or complaints procedures, or student conduct procedures. Individuals who make disclosures where there is no public interest will not be protected under this policy and may not be protected under the Act.

2. LEGAL BACKGROUND AND PROTECTION

2.1 The Employment Rights Act 1996 (amended by the Public Interest Disclosure Act 1998 and the Enterprise and Regulatory Reform Act 2013) gives legal protection to employees being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns.

2.2 It is a fundamental term of every contract of employment that an employee will faithfully serve their employer and not disclose confidential information about the employer’s affairs. However, where an individual discovers information which they believe shows malpractice/wrongdoing within the organisation and there is a public interest at stake, there should be identified procedures to enable the individual to disclose the information without fear of reprisal, and it may be necessary for the disclosures to be made independently of line management.

3. WHO CAN RAISE CONCERNS?

3.1 This policy is designed to enable employees, workers, students, visitors or contractors to raise concerns or disclose information at a senior level where it is believed there is serious malpractice and where disclosure is in the public interest.

3.2 The University encourages individuals to put their name to any disclosures they make. Concerns expressed anonymously will be considered if possible but it is likely to be more difficult if full information is not provided.

4. WHAT CONCERNS OR COMPLAINTS ARE COVERED?

4.1 This policy covers concerns which are in the public interest i.e. serious wrongdoing that has an impact beyond the individual making the disclosure.

4.3 This includes concerns:

- That a criminal offence has been committed, is being committed or is likely to be committed.
- That a person has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject.
- That a miscarriage of justice has occurred, is occurring or is likely to occur.
- That the health or safety of any individual has been, is being or is likely to be endangered,
- That the environment has been, is being or is likely to be damaged,
- Academic malpractice,
- Improper conduct or unethical behaviour,
- Financial malpractice, impropriety or fraud,
- That evidence tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed or tampered with.

4.3 This is not intended to be a comprehensive list and any matters raised in the public interest under this policy will be considered seriously.

4.4 However, where concerns are of a personal nature, these must be raised under the Grievance Procedure, or Complaints of Harassment or Bullying Procedure, the Code of Student Conduct, or the Student Concerns and Complaints Procedure.

5. CONFIDENTIALITY

5.1 The University will treat all disclosures made in line with this policy in a confidential and sensitive manner. The identity of the individual making the allegation will be kept confidential as far as possible under the terms of the investigation.

6. PROTECTION OF THOSE RAISING CONCERNS

6.1 Employees or other members of the University who disclose such concerns must be supported and taken seriously. They must not suffer any detriment provided the disclosure is made:

- in accordance with these procedures
- in the reasonable belief of the individual making the disclosure that it tends to show malpractice and that disclosure is in the public interest.

6.2 Detriment might include disciplinary action, termination of employment, unfavourable treatment, or removal from studies. Anyone making a disclosure may seek advice from HR if they have any concerns.
6.3 All complaints about victimisation because of concerns raised in line with this policy will be taken seriously and may result in an investigation and disciplinary action for the perpetrator.

7. PROCEDURES FOR MAKING A DISCLOSURE

7.1 Informal Process
Normally any concern about a workplace situation should be raised in the first instance with the employee’s immediate manager or Head of Department. In the case of students, concerns would normally be raised through the complaints procedures. However, it is recognised that because of the seriousness and sensitivity of some issues, together with the knowledge of who the employee (or student) thinks may be involved in wrongdoing, this may be difficult or even impossible. In this case, the formal process should be used.

7.2 Formal Process
The individual should make the disclosure to the Registrar and Secretary (the designated person). If, however, the disclosure is about the Registrar and Secretary, then the disclosure may be made either to the Vice-Chancellor, the Chair of Council, or the Chair of the Audit and Risk Management Committee. Correspondence marked for the attention of the Chair of Council or the Chair of the Audit and Risk Management Committee can be sent via the Vice-Chancellor’s Office.

7.3 Disclosures should be made in writing, making clear that this is being done within the terms of this policy. The disclosure should include the nature of the concern and why it is believed to show malpractice and that the disclosure is in the public interest. The background and all relevant evidence should be included.

7.4 Following receipt of a disclosure, the designated person will acknowledge the disclosure in writing within 10 working days, and at their discretion will discuss next steps with HR or another senior independent member of staff, dependant on the nature of the disclosure. Next steps might be:
- An investigation under the University’s Conducting Investigations Guidance.
- An ‘ad hoc’ investigation depending on the nature of the disclosure.
- A referral to the police.
- No further action if, on examination, the individual has concern about malpractice or a serious risk.
- Is the disclosure of serious wrong doing that has an impact beyond the individual making the disclosure?
- Is the issue of a personal nature i.e. it does not affect anyone else?

8. EXTERNAL DISCLOSURES

8.1 The University recommends that concerns are raised internally in the first instance. This policy and the procedure and protection it provides are intended to support individuals to do so.

8.2 However, there may be occasions where individuals feel they need to report matters outside of the University. To retain whistleblowing legal rights, these disclosures must be made to a prescribed person. A complete list of prescribed persons can be found here. Concerns about health and safety can also be raised with the Health and Safety Executive.

8.3 If disclosures are made publicly to the media, in most cases the individual will lose their whistleblowing legal rights.

8.4 Further information is available at GOV.UK. The charity Public Concern at Work provides advice and a confidential helpline. It is also possible for concerned individuals to get legal advice.