

Whistleblowing Policy

From: Director of Legal Services

Date: 26 April 2017

1. INTRODUCTION

- 1.1 The University, like all other public bodies, has a duty to conduct its affairs in a responsible and transparent way and to take into account in so doing the requirements of funding bodies as well as the standards in public life set out by the Nolan Committee. In addition, the University is committed to the principles of academic freedom embodied in its Charter and enshrined in Statute. The University wishes to foster an open and transparent culture where members of staff are able to speak freely and without being subject to disciplinary sanctions or detrimental treatment, about academic standards, research conduct, business dealings and related matters.
- 1.2 It is important to the University that any fraud, misconduct or wrongdoing by staff or others is reported and dealt with properly. The University therefore expects and encourages all individuals to raise any concerns that they may have about the conduct of others in the business or the way in which the business is run. Certain individuals, by virtue of the requirements of their profession may also have a professional duty to make a disclosure.
- 1.3 This Policy sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.

2. LEGISLATION AND RELATED POLICIES

Public Interest Disclosure Act 1998

[Policy – Anti-Corruption, Fraud and Bribery](#)
[BIS Whistleblowing Guidance and Code of Practice](#)

3. POLICY STATEMENT

- 3.1 The aims of this policy are:
- 3.1.1 to encourage staff to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected.
 - 3.1.2 to provide staff with guidance as to how to raise those concerns.
 - 3.1.3 to reassure staff that if they raise a genuine concern they will not be at risk of losing their job or suffering any form of reprisal as a result, even if they turn out to be mistaken.

4. APPLICATION OF THE POLICY

- 4.1 This Policy applies to all members of the University (as defined by Ordinance at Section III Part 1 of the University Calendar) and any third party acting on its behalf; a non-exhaustive list of which includes permanent and fixed term staff, students, consultants, contractors, trainees, seconded staff, homeworkers, casual workers, agency staff, those engaged as visitors, volunteers, interns, agents, sponsors, agents or any other person associated with

the University, any of its subsidiaries or their employees, wherever they may be located in this Policy.

- 4.2 This procedure is for disclosures about matters which a staff member believes are in the public interest. Personal grievances and complaints are not usually covered by whistleblowing law and should be raised under the University's [grievance procedure where they cannot be adequately resolved via informal means](#).
- 4.3 Appropriate procedures also exist for investigating the following issues:
 - 4.3.1 [Bullying](#) and [Harassment](#);
 - 4.3.2 [Academic Appeals](#);
 - 4.3.3 [Student Discipline](#);
 - 4.3.4 [Student Academic Complaints](#);
 - 4.3.5 Procedures for Investigating Alleged Misconduct in Research;
 - 4.3.6 [Conflicts of Interest](#).
- 4.4 If you are uncertain whether something is within the scope of this Policy you should seek advice from [Human Resources](#).

5. WHAT IS WHISTLEBLOWING?

- 5.1 A qualifying whistleblowing disclosure is a disclosure of information made in the public interest by a staff member who has a reasonable belief that:
 - 5.1.1 a criminal offence has been committed, is being committed, or is likely to be committed;
 - 5.1.2 a person has failed, is failing or is likely to fail with any legal obligation;
 - 5.1.3 a miscarriage of justice has occurred, is occurring or is likely to occur;
 - 5.1.4 the health or safety of an individual has been, is being or is likely to be endangered;
 - 5.1.5 the environment has been, is being or is likely to be damaged; or
 - 5.1.6 information about one of these matters has been or is likely to be deliberately concealed.
- 5.2 A disclosure made under this policy may also concern any other matter of a serious nature, such as unauthorised disclosure of confidential information, abrogation of proper academic procedures, and departures from requirements for good governance.
- 5.3 Reasonable belief: It is not necessary for the staff member to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient. The staff member has no responsibility for investigating the matter - it is the University's responsibility to ensure that an investigation takes place.
- 5.4 Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Staff members should be watchful for illegal or unethical conduct and report anything of that nature when they become aware of it.
- 5.5 An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, workers should not agree to remain silent. They should report the matter to the Chief Operating Officer.
- 5.6 If a staff member is not sure whether or not to raise a concern, he/she should discuss the issue with his/her line manager or [Human Resources](#).

6. HOW TO RAISE A CONCERN

- 6.1 Concerns should first be raised with the staff member's line manager. If the staff member believes their line manager to be involved, feels that their line manager has not addressed their concern, or for any reason does not wish to approach their line manager, they should notify the appropriate person (depending on the nature of the concern):
 - 6.1.1 In the case of concerns relating to financial conduct (including any concern that an individual has offered or accepted a financial or other advantage contrary to the

Bribery Act, or any other irregularity in financial or other resource related transactions) – the Chief Operating Officer who shall inform the Director of Finance.

6.1.2 In the case of concerns relating to other issues - to the Chief Operating Officer or to a Vice-President, who shall refer the matter to the Chief Operating Officer.

6.2 The person to whom a concern has been made known shall acknowledge its receipt in writing to the whistleblower at their home address, and keep a record of the subsequent action taken as set out in section 7.

6.3 Any matter raised under this procedure will be investigated thoroughly, confidentially, and without unreasonable delay. The University will aim to keep the individual who raised the issue informed of the progress of the investigation, unless there are good grounds not to do so, or not to provide any specific details. Any such information disclosed should be treated as confidential.

7. INVESTIGATIONS

7.1 Once a concern has been raised, it will be investigated as speedily as possible. It may be necessary to suspend one or more members of staff while such investigation is being carried out. Such suspension should be carried out in accordance with the University's disciplinary procedures.

7.2 In the case of financial concerns:

7.2.1 The Director of Finance will refer the matter to the person in charge of the local office of the partnership providing the University's internal audit service.

7.2.2 This person will undertake a preliminary investigation of such concerns and report any findings and conclusions in writing either:

7.2.2.1 to the Chief Operating Officer and to the Chair of the Audit Committee; or

7.2.2.2 if the concern relates to the President and Vice-Chancellor or to the Chief Operating Officer, to the Chair of Council and to the Chair of the Audit Committee.

7.3 Where for any reason it is considered inappropriate to refer the matter to the internal audit service, the procedures for 'other concerns' shall apply.

7.4 In the case of other concerns:

7.4.1 The Chief Operating Officer shall undertake a preliminary investigation of such concerns and report in writing to the President and Vice-Chancellor and to the Chair of the Audit Committee.

7.4.2 The Chief Operating Officer may appoint another person to undertake the preliminary investigation, provided that the findings and conclusions of the person so appointed shall be reported to, and endorsed by, the Chief Operating Officer before the report is made to the President and Vice-Chancellor and the Chair of the Audit Committee.

7.5 Where a concern relates to the President and Vice-Chancellor or to the Chief Operating Officer, the concern should be made known to the Chair of Council or to the Chair of the Audit Committee (the person to whom the concern has been reported shall inform the other).

7.6 The Chair of Council shall then appoint another person to report to them in writing after undertaking a preliminary investigation on their behalf.

7.7 If following a preliminary investigation it is judged that a prima facie case may exist, the matter shall be dealt with in accordance with the University's normal disciplinary procedures or as otherwise may be deemed appropriate according to the nature of the case, including any appropriate external measures.

7.8 In all instances in which a concern leads to disciplinary proceedings, the person or persons in respect of whom it is made shall be informed of the concern and the evidence supporting it and be allowed to comment on it before the proceedings are concluded.

- 7.9 All concerns, including those dismissed after preliminary investigation, and the outcome of their investigation shall be reported to the Audit Committee. The outcome of all concerns raised shall also be reported to the whistleblower, unless there are good grounds not to do so, or not to provide any specific details. Any such information disclosed should be treated as confidential.
- 7.10 If on preliminary examination the concern is judged to be wholly without substance or merit, it shall be dismissed.
- 7.11 Making a false allegation maliciously or with a view to personal gain will be treated as a serious disciplinary matter.

8 CONFIDENTIALITY AND ANONYMITY

- 8.1 The University does not encourage staff to make disclosures anonymously. Proper investigation may be more difficult or impossible if the University cannot obtain further information from the individual making the disclosure. It is also more difficult to establish whether any allegations are credible.
- 8.2 The University therefore hopes that staff will feel able to voice whistleblowing concerns openly under this Policy. However, if an individual is concerned about possible reprisals if their identity is revealed and wants to raise their concern confidentially, the University will make every effort to keep their identity secret. If it is necessary for anyone investigating the concern to know the individual's identity, this will be discussed with the person concerned.
- 8.3 All reasonable steps shall be taken to protect the anonymity of whistleblowers unless they waive their rights to anonymity or unless the person investigating the disclosure reasonably believes that anonymity is incompatible with the implementation of fair disciplinary proceedings. The whistleblower shall be informed if for whatever reason their anonymity is not to be maintained.
- 8.4 Whistleblowers who are concerned about possible reprisals if their identity is revealed should come forward to the Chief Operating Officer and appropriate measures can then be taken to preserve confidentiality. If an individual is in any doubt they can seek advice from Public Concern at Work, the independent whistleblowing charity, who offer a confidential helpline (details in section 9).

9 EXTERNAL DISCLOSURES

- 9.1 While the University cannot guarantee the outcome the individual making the disclosure may be seeking, it will try to deal with their concern fairly and in an appropriate way. By using this Policy employees can help the University to achieve this.
- 9.2 The aim of this Policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases staff should not find it necessary to alert anyone externally. However, the law recognises that in some circumstances it may be appropriate for an individual to report their concerns to an external body such as a regulator. Please note that it will very rarely if ever be appropriate to alert the media.
- 9.3 The University strongly encourages individuals to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Public Concern at Work (www.pcaw.co.uk), operates a confidential helpline (020 7404 6609 or whistle@pcaw.co.uk). They also have a list of prescribed regulators for reporting certain types of concern.

10 RESPONSIBILITIES

- 10.1 Ultimate responsibility for this Policy rests with the University Council. However, Council will require the President and Vice-Chancellor to ensure that this Policy is applied effectively.
- 10.2 The President and Vice-Chancellor will delegate responsibility for the application of this Policy to the Chief Operating Officer.
- 10.3 All Members of the University are responsible for the success of this Policy and should ensure that they use it to disclose any suspected danger of wrongdoing.

11 PROTECTION AND SUPPORT FOR WHISTLEBLOWERS

- 11.1 It is understandable that whistleblowers are sometimes worried about possible repercussions. The University aims to encourage openness and will support members of the University who raise genuine concerns under this Policy, even if they turn out to be mistaken.
- 11.2 No staff member will suffer any detrimental treatment as a result of raising a concern. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment. This means that the continued employment and opportunities for future promotion or training of the staff member will not be prejudiced because they have raised a legitimate concern.
- 11.3 If any individual believes that they have suffered any such treatment, they should inform their manager or (if their manager is the subject of the complaint) the Chief Operating Officer immediately. If the matter is not remedied they should raise it formally using the University's grievance procedure.
- 11.4 Detrimental treatment of, threats or any retaliation against a staff member for raising a qualified disclosure will be treated as a serious disciplinary matter.

12 MONITORING AND REVIEW

- 12.1 The University will monitor the effectiveness of this Policy and its general compliance within the organisation considering its suitability, adequacy and effectiveness. This Policy will be kept up to date and amended accordingly to reflect any improvements identified and changes to legislation and applicable standards and guidelines.
- 12.2 The Chief Operating Officer shall make an annual report to the Audit Committee at the start of each financial year, detailing the number of issues raised under this Policy, and a summary of the outcomes and the actions taken.

DATE	REV No	CONTENT	PREPARED BY	APPROVED BY
April 2017	1	Review and updating of content	B Halliday	