

PUBLIC INTEREST DISCLOSURE (“WHISTLEBLOWING”) POLICY AND PROCEDURE

Introduction and Overview

The University is committed to the highest standards of openness, honesty, integrity and accountability and seeks to manage its affairs in a responsible manner in line with the Mission and the Core Principles and Values of the University and the external requirements of the Office for Students (OfS), the Charity Commission, and other relevant bodies.

However, large complex organisations such as the University face the risks of things going wrong on occasions, such as intentional or unknowing illegal or unethical behaviour taking place. While it is a University requirement that an employee will not disclose confidential information about any aspect of University business, employees have a responsibility to raise genuine concerns about possible illegal or dishonest behaviour at the earliest opportunity. It is important to emphasise that disclosures in the ‘public interest’ are made with the assurance that the discloser will neither suffer detriment or adverse treatment from the University as their employer or from their fellow employees.

The Nolan Committee on Standards in Public Life recommended that all public bodies should produce and review a code of practice or policy on ‘whistleblowing’. This Policy reflects the principles and the detailed process for the making of public interest disclosures (or ‘whistleblowing’) under the Public Interest Disclosure Act 1998. The University seeks to promote a culture of openness, transparency and accountability at all levels of the University, and this Policy is aimed at supporting individuals by providing accessible information on the principles and process for disclosing malpractice or wrongdoing in the workplace.

Section A: Definitions and Legislative Context

- A1. Public Interest Disclosures (or ‘whistleblowing’) have no strict definition in English Law, and refer to the right and responsibility of individuals to raise genuine concerns about possible illegal or dishonest behaviour at the earliest opportunity.
- A2. The Public Interest Disclosure Act 1998 provides protection for all employees when making a ‘protected disclosure’, provided that the individual making the disclosure reasonably believes that doing is in the ‘public interest’. This means that no detriment or disadvantage to the employment rights and privilege of an employee will occur as a result of making a protected disclosure. Under the Act, no disciplinary or other detrimental action will be taken against a ‘whistleblower’ making a disclosure which is not for personal gain, and is in the reasonable belief that the disclosure is in the ‘public interest’, substantially true, and indicates or shows malpractice. Any dismissal of the discloser on the grounds of the disclosure made would be automatically unfair in law. With effect from 25 June 2013, legislative

changes also require that those making a protected disclosure in the public interest should not suffer detriment, such as adverse treatment or harassment from a co-worker or any other employee as a result of making a disclosure.

Section B: Scope and Application of this Policy

- B.1 The following are encouraged to use this policy to raise genuine concerns about malpractice in the University at the earliest opportunity:
- members of the Board of Governors
 - current employees including senior management, part-time or fixed term staff, trainees, and casual and agency staff
 - providers of goods and services to the University
- B.2 This Policy does not form part of any employee's contract and may be amended at any time.
- B.3 The University has a number of related policies and procedures in place including the Financial Regulations, the Anti-Fraud and Bribery Policy, and the Grievance Procedure.
- B.4 The Policy is intended to be used in circumstances when a matter needs to be disclosed which is considered genuinely within the University's interests and the wider public interest. The University anticipates that the majority of areas of concern identified in the workplace can be dealt with at an informal level, through existing management channels through the line manager of the individual or Service Director or Executive Dean, without the need to make a protected disclosure. However, there will be instances when the nature of the alleged malpractice or wrongdoing is such that use of this Policy is appropriate, or in certain circumstances when the concern has not been properly addressed through the existing management channels.
- B.5. The following list is not exhaustive, but identifies areas of malpractice which may be the subject of a protected disclosure:
- that a criminal offence has been committed, is being, or likely to be committed, including financial malpractice, financial impropriety, or fraud including bribery, blackmail, money laundering or corruption;
 - failure to observe statutory and legal obligations;
 - breaches of the University's Policies and Regulations, including the Financial Regulations;
 - academic malpractice;
 - other forms of professional malpractice including financial and non-financial maladministration;
 - endangering health and safety, including exposure to stress;
 - damaging the environment;
 - abuse of authority for illegal or unethical purposes;
 - miscarriage of justice; and
 - deliberate concealment of any of the above.

B.6 However, there are clear circumstances when use of this Policy is not appropriate, including the following:

- complaints by an individual about breaches of their own employment contract;
- disagreements or discontent with the principles or substance of University policies and regulations;
- matters of individual discipline;
- personal and collective staff grievances;
- bullying or harassment on grounds of age, gender, race, religion, or sexual orientation;
- equal opportunity complaints;
- complaints about poor standards of service;
- matters covered by the University's Code of Practice on Free Speech; and
- complaints about the Students' Union under the 1994 Education Act.

Safeguards and Guarantees on Disclosure

B.7 Provided that a person making a Public Interest Disclosure ('the Discloser') [a] reasonably believes that they are making a disclosure in the 'public interest', and [b]complies fully with this Policy:

- the University will protect the identity of the subject/s of a public interest disclosure as far as is practicably possible, provided that it does not hinder an investigation or result in unfairness (or potential unfairness) to any other party who may be affected by the implementation of this procedure. The subject about whom the disclosure has been made will have the right to respond, and to have representation by a trade union representative or work colleague. On rare occasions, the type of information revealed may be such that it enables the identity of the Discloser to be inferred;
- the Discloser will be protected from reprisal or unfair treatment from the employer or other employees specifically in relation to the disclosure. This type of protection includes the careful consideration of 'counter' disclosures that might be used to cancel out or hinder the investigation of a disclosure. Usually the investigation into one disclosure will be completed before a 'counter' disclosure is considered;
- the Discloser will be kept informed at key stages of the procedure, where this would not in any way compromise the direction or outcome of the investigation.

Anonymous disclosures

B.8 Individuals are encouraged to put their name to any disclosure they make, in the assurance that their identity will be protected as summarised in B.7 above. Anonymous disclosures will only be reported, investigated or acted upon in exceptional circumstances at the sole discretion of the University.

Section C: Reporting Procedures

- C.1 A number of key stages are identified and will be followed in the event of a qualifying disclosure being made:

Stage 1

- C.2 A person who believes that they have discovered evidence of malpractice within the University should make a disclosure in writing (which may include an e-mail communication) to the Head of Governance as the 'Designated Person' under this Policy and Procedure. Where for whatever reason, the Head of Governance is not available to conduct the preliminary assessment it will be assigned to the Head of Legal.

- C.2.1 In the event that the Head of Governance is the subject of, or involved in, the content of the disclosure, the disclosure should be made directly to the Vice-Chancellor, as an alternative Designated Person.

Stage 2

- C.3 Within five working days, the Designated Person or his/her nominee will undertake an assessment of the information contained in the disclosure, which may include appropriate consultation and clarification of specific points with the Discloser. As an outcome of this process, the 'Designated Person will determine whether:

- an investigation should be undertaken into the matter; or
- the matter should be closed, providing a clear basis for making this judgment.

Stage 3

- C.4 In the event that the Designated Person confirms that the investigation should be undertaken, the Vice-Chancellor, the Chair of the Board of Governors, and the Chair of the Audit Committee should be notified and a further decision should be made by the Designated Officer at this stage to:

- Investigate the matter internally; or
- Refer the matter directly to the police or other external body

- C.5 A preliminary internal investigation will normally be necessary first. However, some disclosures may require immediate referral to an outside body for consideration and investigation.

- C.6 Where the matter is the subject of an internal investigation the Designated Person will appoint an 'Investigating Officer' to undertake the investigation on behalf of the University.

- C.7. Where the enquiry indicates that there may be significant internal control weaknesses, such as a material breach of the Financial Regulations, the internal auditor should normally be required to act as the Investigating Officer.

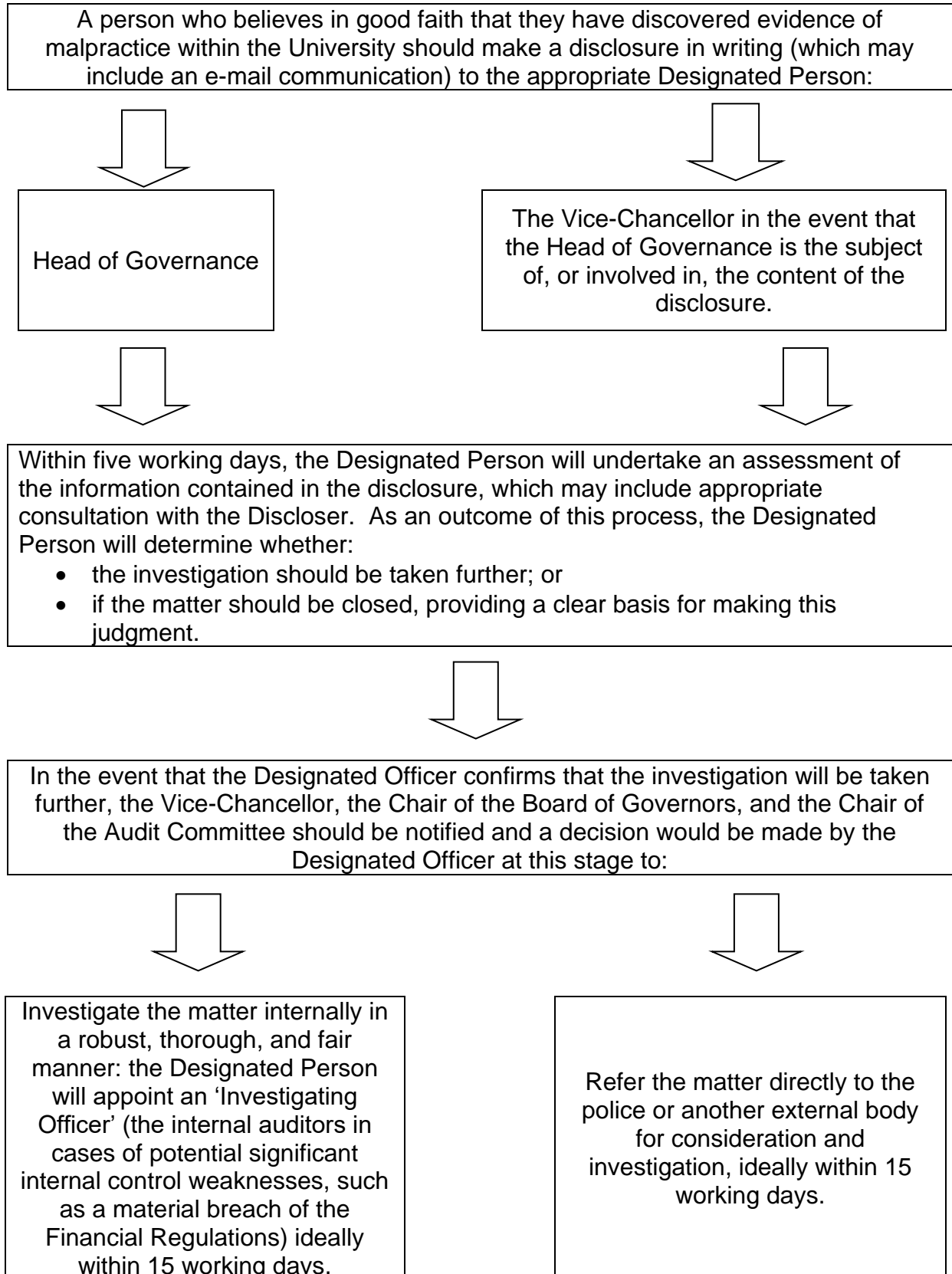
- C.8 It is important that the investigation is conducted in a robust, thorough, and fair manner. An indicative timeframe for completion of, and reporting on, the investigation is 15 working days.

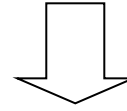
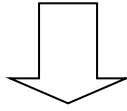
Stage 4

- C.9 The Investigating Officer will report the findings to the Designated Person, who will determine as a result of this report whether there is adequate evidence to merit further action, and if so, what further action is required, which may include:
- Appropriate management action to correct the error, including revisions to procedures or other controls;
 - Further action under the University's disciplinary procedures; and/or
 - Referral to an external body such as HEFCE or the police.
- C.10 The Investigating Officer will not take part in any of the decision making process associated with the report.
- C.11 The Designated Person will inform the Discloser in writing of what action, if any, is to be taken. Where the decision is that no action is to be taken, the Discloser shall be informed of the reasons for this.
- C.12 The Discloser has the right to make a wider disclosure and raise their concern with an external body, where no action is to be taken by the University and they have, in their opinion, good reason and evidence to support their concern. In the case of the regulation of the University, HEFCE has its own Policy on 'Public Interest Disclosures concerning Higher Education Institutions', with specific grounds on which HEFCE is able to investigate disclosures in relation to institutional affairs.
- C.13 The University advises that any Discloser wishing to make a wider disclosure should seek advice, where possible and appropriate, from their trade union. Alternatively, if an employee wants independent advice at any stage they may contact the independent national charity 'Public Concern at Work' <http://www.whistleblowing.org.uk/>.
- C.14 A confidential report of the outcome of the consideration of disclosures should be presented to the Audit Committee by the Designated Person, as part of the Reportable Incidents process.
- C.15 A log of all disclosures, including where a decision was taken not to investigate the matter further, should be maintained by Governance Services, including:
- the date the disclosure was made;
 - the file reference number;
 - the type of allegation made;
 - the potential risks to the University;
 - the status of the allegation;
 - the reporting route and outcomes
- C.16 The Audit Committee may determine a number of actions arising from the report on the disclosure, which may include:

- a request for the University Executive to improve specific procedures and controls where weaknesses have been identified;
- a request for the internal auditor to undertake a relevant audit where wider control weakness or more systemic actions are indicated by the report; and
- referral of the matter to the Board of Governors, where the nature of the disclosure and findings are so significant, severe or novel to warrant Board attention.

Public Interest Disclosures - Reporting Procedures Flowchart

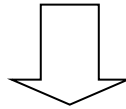




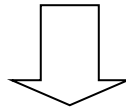
The Investigating Officer will report the findings to the Designated Person, who will determine, as a result of this report, whether there is adequate evidence to merit further action, and if so, what further action is required, which may include:

- appropriate management action to correct the error, including revisions to procedures or other controls;
- further action under the University's disciplinary procedures;
- referral to an external body, such as OfS or the police.

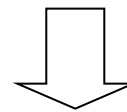
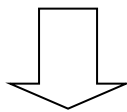
The Investigating Officer will not take part in any of the decision making process associated with the report.



The Designated Person will inform the Discloser in writing of what action, if any, is to be taken. Where the Designated Person's decision is that no action is to be taken, the Discloser shall be informed of the reasons for this.

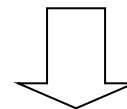
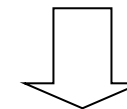


The Discloser has the right to make a wider disclosure and raise their concern in good faith with an external body where no action is to be taken by the University and they have, in their opinion, good reason and evidence to support their concern.



The University would advise that anyone wishing to take this step should seek advice, where possible and appropriate, from their trade union.

Alternatively, if a member of staff wants independent advice at any stage, they may contact the independent national charity 'Public Concern at Work'
<http://www.whistleblowing.org.uk/>



A confidential report of the outcome of the consideration of disclosures should be presented to the Audit Committee by the Designated Officer.

Version	1.2	Author Name [s] and Role Title	Adam Dawkins Head of Governance
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