

Public Interest Disclosure ("Whistleblowing") Policy

Purpose

This Policy sets out the University's response to the Public Interest Disclosure Act 1998 (as amended) "PIDA".

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 the funding bodies (HEFCE/FEFC) and the standards in public life set out in the reports of the Nolan Committee.

Whilst it is a fundamental term of every contract of employment that an employee will not disclose confidential information about the employer's affairs, where an individual discovers information that s/he believes shows malpractice within the organisation then this information should be appropriately disclosed without fear of reprisal.

The Public Interest Disclosure Act 1998 provides protection to certain workers against being dismissed or penalised by their employer as a result of raising certain serious concerns.

This Policy is intended to assist individuals who believe they have discovered malpractice within the University. It is not intended to be used to question financial, business or academic policy decisions taken by the institution save for where a qualifying disclosure under the PIDA is related to such a decision, nor may it be used to reconsider any matters which have either, already been addressed or should be addressed, under other institutional processes, including Grievance and Disciplinary Procedures and the Student Complaints Procedure.

The University expects concerns that are within the scope of this Policy to be raised within the Procedure detailed below in the first instance.

Scope

The Scope of this Policy goes beyond the PIDA as the Act is aimed at the protection of employees and workers. This Policy applies equally to:

- Employees of the University;
- Agency workers;
- Self-employed people working for the University;
- Students; and
- Members of the Board of Governors.

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This Policy is therefore designed to allow all members of the University to express concern and disclose information at an appropriate level when it is reasonably believed that there is evidence of malpractice and it is in the public interest that the matter be exposed. It is not designed as alternative forum to air grievances or revisit disciplinary matters that have already been considered or are being considered or complaints by students under the Student Complaints Procedure.

The concerns relating to malpractice that are covered by this Policy include reports about information which tends to show that one or more of the following concerns has happened, or is likely to happen:

- failure to comply with financial obligations or allegations of fraud;
- failure to comply with a legal obligation or with the Rules and Regulations of the University;
- actions which endangers the health or safety of any individual or to the environment;
- criminal activity;
- miscarriages of justice; or
- attempts to conceal any of the above.

Roles and Responsibilities

| Role | Responsibility |
|---|---|
| “Designated Person” - University Registrar | Executive responsible for all aspects of this Policy and the person to whom concerns should be reported. |
| Vice Chancellor | Takes the place of the Designated Person in the event that allegations involve the University Registrar. Hears any appeals relating to decisions taken by the Designated Person under this Policy. |
| The Chair of the Board of Governors | Takes the place of the Designated Person in the event that allegations involve the Vice Chancellor. May also, at the discretion of the Vice Chancellor, take the place of the Vice Chancellor in the event that allegations involve the University Registrar. |
| Audit Committee | Responsible for approving this Policy and for oversight of implementation. |

Safeguards

Protection

This Policy is designed to offer protection against dismissal or any other detriment to those members of the University who disclose such concerns provided the disclosure is made:

- in the public interest; and
- in the reasonable belief of the individual making the disclosure that it tends to show malpractice and relates to a concern as set out within the Scope of this Policy.

Confidentiality

The University will seek to treat all such disclosures in a confidential and sensitive manner. The identity of the individual will be kept confidential, if possible, and so long as it does not hinder or frustrate any investigation. 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, either as part of the University's investigations or any resulting external investigations (for example, if the disclosure results in criminal investigations).

Anonymous Allegations

Individuals are expected to put their name to any disclosures they make. Concerns expressed anonymously may be given less weight although they will be considered at the discretion of the University.

In exercising this discretion, the factors to be taken into account will include:

- the gravity of the issues raised;
- the credibility of the concern; and
- the likelihood of confirming the allegation from alternative credible sources.

Untrue Allegations

No action will be taken against any member of the University who makes an allegation that is not subsequently substantiated provided that the individual held a reasonable belief that the allegation raised and information disclosed showed one of the potential concerns as set out within the Scope of this Policy and was made in the public interest. In certain circumstances, where, an individual is adjudged to have made malicious or vexatious allegations, then disciplinary action may be taken against her/him in accordance with the appropriate Disciplinary Procedure.

Procedures for Making a Disclosure

Initial Step

The disclosure should be made in writing to the “Designated Person”. This will normally be the University Registrar. If, however, the matter directly concerns the holder of that post then the disclosure should be made to the Vice-Chancellor. If the matter directly concerns the Vice Chancellor, then the Chairman of the Board of Governors should be approached.

Process

The Designated Person will consider (taking any necessary legal advice) the written disclosure and decide:

- whether or not the matter falls to be dealt with under the Procedure; and, if so
- whether or not there is a prima facie concern which warrants investigation.

If the Designated Person decides that there is a prima facie concern which warrants investigation, then a decision should be taken as to whether a formal investigation is necessary. The investigation will depend on the nature of the matter raised and may, in the discretion of the Designated Person, involve:

- an internal investigation conducted by an independent senior member of the University or by the University’s Internal Audit Service; and/or
- referral to an appropriate external person (eg police if the matter involves allegations of criminal activity).

Should a formal investigation be instituted, the Designated Person will use the outcome of this to decide whether or not the matter should be pursued further.

If the Designated Person decides that the matter does not fall within the Procedure or that a prima facie case has not been made, the individual making the disclosure will be informed of this in writing within a reasonable period of time and given the reasons.

If the individual believes:

- that any decision that the matter does not fall within the Procedure is incorrect; or
- that any decision that a prima facie case has not been made is wrong; or
- the concern has been investigated unfairly

the matter should be raised in writing specifying the relevant reason above, with another appropriate person being the Vice-Chancellor. The appropriate person will be identified in the outcome letter from the Designated Person.

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The person or persons against whom the disclosure was made will be informed of the evidence supporting it and will be allowed to respond at an appropriate stage. If appropriate, action under the appropriate Disciplinary Procedure will be instigated.

Any individual that has raised a concern and made a disclosure will receive written notification of the outcome whether or not the case of concern was upheld. However, it may not always be possible, due to issues of confidentiality or data protection, to provide full details of any action taken against another individual or organisation.

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| Version | 3 | Author Name & Job Title | Karen Moore (Registrar) |
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