

# Policy

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**Title:** WHISTLEBLOWING

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**Ref:** HR/LS/Version 1.6

**Last updated:** 1 November 2011

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THIS POLICY IS THE LATEST VERSION & SUPERSEDES ANY OTHER POLICY THAT YOU MAY HAVE IN YOUR TERMS & CONDITIONS BOOKLET

Please note that this version of the policy has been amended to take into account the Bribery Act 2010.

## **Procedure for the reporting of serious malpractice and abuse**

The University, like all other public bodies, has a duty to conduct its affairs in a responsible way and to take into account the requirements of funding bodies as well as the standards in public life enunciated in Lord Nolan's Reports. In addition the University is committed to the principles of academic freedom embodied in its charter and enshrined in statute, and therefore to permit staff to speak freely and without being subject to disciplinary sanctions or victimisation, about academic standards and related matters, providing that they do so lawfully, without malice, and in the public interest and in a way which respects proper confidentiality.

Staff who make a 'protected disclosure' are given legal protection against dismissal, or being subjected to a detriment, as a result. (See Part IVA of the Employment Rights Act 1996).

Members of the University and those who work within the University are probably the first to know on the infrequent occasions when things are going seriously wrong in the University, whether these things relate to financial malpractice, the abrogation of proper academic or other procedures, or departures from the statutory or other requirements for good governance (collectively referred to in this document as "Concerns"). Serious matters which, if disclosed through this procedure, may qualify as 'protected disclosures' under the ERA, also come within the definition of Concerns. This would include information that tends to show:

- 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 with any legal obligation;
- That the health or safety of an individual has been, is being or is likely to be endangered;
- That the environment has been, is being or is likely to be damaged; or
- That information about one of these matters has been or is likely to be deliberately concealed.

Should a member of staff have information relating to a Concern that falls within one of the areas mentioned above or concerns any other serious matter of a similar nature, it should be raised in accordance with this Policy.

Channels exist through which such Concerns can be raised in an informal and relatively low-key way. But members of staff may feel that their own position in the University could be jeopardised if they raise such Concerns in this manner and sometimes the usual channels may be inappropriate. Members of staff may, therefore, choose to raise a Concern in the first instance with a Dean, other than their line manager, or with a trades union representative or another colleague and ask that person to bring the matter forward.

Those who become aware of a Concern and who feel after following any informal consultation that the Concern should be formally reported and investigated (Whistleblowers) should follow the procedures set out in this document. The procedures are intended to deal with serious Concerns (whilst respecting the fact that precise definitions may prove difficult), rather than to address trivial Concerns. The document does not relate to alleged grievances and disputes between individuals or with complaints made by students which will be dealt with in accordance with the established procedures.

Concerns about an individual's financial conduct should be made known to the Chief Operating Officer who shall inform the Director of Finance and refer the matter to the person in charge of the local office of the Partnership providing the University's internal audit service. This person shall make a preliminary investigation of such Concerns and report any findings and conclusions in writing either to the Chief Operating Officer and to the Chair of the Audit Committee or, if the Concern relates to the Vice-Chancellor or to the Chief Operating Officer, to the Chair of Council and to the Chair of the Audit Committee. Where for any reason it is considered inappropriate to refer the matter to the internal audit service, the procedures in Section 5 shall apply.

Concerns about financial conduct would include 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, in any area of the University.

Concerns about other issues, including for example the behaviour of a senior University officer or of a lay member of Council or the propriety of committee or other collective decisions, should be made known to the Chief Operating Officer or to a Deputy Vice-Chancellor who shall refer the matter to the Chief Operating Officer. The Chief Operating Officer shall then make a preliminary investigation of such Concerns and report in writing to the Vice-Chancellor and to the Chair of the Audit Committee. 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 Vice-Chancellor and the Chair of the Audit Committee. However, where a Concern relates to the 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), and the Chair of Council shall then appoint another person to report to them in writing after undertaking a preliminary investigation on their behalf.

In all cases under Sections 4 and 5 above, the person to whom a Concern has been made known shall acknowledge its receipt in writing to the Whistleblower at his/her home address, and record the subsequent action taken.

If on preliminary examination the Concern is judged to be wholly without substance or merit, it shall be dismissed. If 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.

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. All Concerns, including those dismissed after preliminary examination, 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.

The following stipulations and conditions shall also apply:

- All reasonable steps shall be taken to deal with the matter as expeditiously as possible.
- All reasonable steps shall be taken to protect the confidentiality of Whistleblowers unless they waive their rights to confidentiality or unless the person or persons dealing with a Concern determine(s) that confidentiality is incompatible with the implementation of fair disciplinary proceedings or that there is otherwise an overriding reason for disclosure. Persons raising a Concern shall be informed if for whatever reason their anonymity is not to be maintained.
- Any reprisals against or victimisation of a Whistleblower shall be treated by the University as a serious disciplinary matter.

Unless it is established that the reporting of a Concern has been made for malicious or frivolous reasons, the employment position of persons making the report shall be fully protected in accordance with the University's legal obligations. However, it should be noted that no protection from internal disciplinary procedures is offered to those who do not use this Procedure.