Whistleblowing

1 Introduction

In accordance with the requirements of funding bodies, the standards in public life enunciated in the Report of the Committee on Standards in Public Life (the Nolan Report) and its commitment to the principles of academic freedom embodied in its Charter and Statutes, the University has adopted a policy and procedure in respect of disclosure of serious malpractice.

In addition, the Public Interest Disclosure Act 1998 gives legal protection to employees against being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns. This Act gives protection to all 'workers' and is binding upon the University. For advice upon its terms please refer to the Director of Personnel.

The University has endorsed the provisions set out below so as to:

- promote a climate of openness and accountability, and
- ensure that no member of the University should feel at a disadvantage in raising legitimate concerns.

This procedure provides a means whereby employees or other members of the University can safely raise, internally and at a high level, serious concerns and disclose information which the individual believes in good faith shows malpractice. The procedure covers concerns such as academic or professional malpractice, financial malpractice, the abrogation of appropriate and agreed procedures or departures from the statutory or other requirements for good governance and attempts to conceal any of these.

It does not apply to other concerns or grievances, such as those related to terms of employment or personal grievance and affecting persons as individuals; these concerns will be considered through the appropriate existing procedure such as the Grievance Procedure, Disciplinary Procedure, Harassment Policy and Procedure.

2 Protection

This procedure offers protection to those who disclose such concerns provided the disclosure is made:

- In good faith
- In the reasonable belief of the individual making the disclosure that it tends to show malpractice

if they make the disclosure to the appropriate person (see Para. 7).

No complaint that satisfies these conditions will result in dismissal or disciplinary action or any other form of detriment, including victimisation, for the complainant. Any acts of reprisal against or victimisation of a whistleblower shall be treated by the University as a serious disciplinary matter.

3 Confidentiality

The University will treat all such disclosures as confidential and sensitive. The University will exercise particular care to keep confidential the identity of any person making an allegation under this procedure until a formal investigation is launched. Thereafter the identity of the person making the allegation may be kept confidential, if requested, unless this is incompatible with a fair investigation or unless there is an overriding reason for disclosure. In this instance, the person making the disclosure will be so informed. Where disciplinary proceedings are invoked against any individual following a complaint under this
procedure the University will normally require the name of the complainant to be disclosed to the person subject to such proceedings (see para. 7).

The University encourages individuals to put their name to any disclosure they make. Anonymous complaints may be reported, investigated and acted upon, as the person receiving the complaint sees fit. In responding to an anonymous complaint the University will pay due regard to fairness to any individual named in the complaint, the seriousness of the issue raised, the credibility of the complaint and the prospects of an effective investigation and discovery of evidence.

Investigations will be conducted as speedily as possible, having regard to the nature and complexity of the complaint.

4 Unsubstantiated allegations

If an individual makes an allegation in good faith, which is not confirmed by subsequent investigation, no action will be taken against that individual. In making a disclosure the individual should exercise due care to ensure the accuracy of the information.

If, after investigation, a matter raised under this procedure is found to be without substance, and is judged to have been made for malicious or frivolous reasons, the complainant could become the subject of disciplinary action.

Where an allegation is not substantiated the conclusions of the investigation will be made known both to the person who made the allegation and to the person against whom the allegation is made and all papers relating to the allegation and investigation will be removed from the record.

5 Reporting of Outcomes

A report of all substantiated disclosures and any subsequent actions taken will be made to the Audit Committee in detail, where the issue falls within its purview, and in summary in all other cases. The Vice-Chancellor will report in summary to the Pro Chancellor unsubstantiated disclosures.

6 Feedback

The conclusion of the investigation will be communicated to the person or persons against whom the disclosure is made and to the person making the disclosure.

7 Procedure

7.1 An allegation made by a student against a member of staff or other student shall be dealt with, as appropriate, under the relevant student complaints or disclosure procedure.

7.2 Allegations of injustice or discrimination made by one member of staff against another affecting himself or herself as an individual should be dealt with under the established Grievance Procedure (or Harassment Policy).

7.3 A person who wishes to raise matters relating to an individual's financial conduct, should in the first instance use the procedure described in full in the Financial Regulations (section 8.3).

See here. This provides that concerns may be reported to one of the following as appropriate:-

- through line management channels
- directly to the Director of Finance
- directly to the Chair of the Audit Committee
• directly to Internal Audit

Complaints regarding the Director of Finance should be made to the Chair of the Audit Committee or Internal Audit. The result of any investigation under this paragraph shall be made known to the complainant.

7.4 A person who remains unsatisfied following the procedure set out in para 7.3 may invoke this paragraph. Concerns about other issues, including for example the behaviour of a senior University officer or a lay member of Council or the propriety of committee or other collective decisions, should be made known to the designated officer (normally the University Secretary) or to the Deputy Vice-Chancellor who shall refer the matter to the University Secretary. The University Secretary 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 where the matter falls within the purview of that Committee.

The University Secretary 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 University Secretary, 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 University Secretary 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 him or her in writing after undertaking a preliminary investigation on his or her behalf. Serious concerns relating to the Pro Chancellor should be disclosed to the Higher Education Funding Council for England.

7.5 Some complaints may be of such a nature that they require immediate referral to an outside body for consideration and investigation (e.g. the Police, Health & Safety Executive, HEFCE), but normally a preliminary internal investigation will precede referral outside.

7.6 If on preliminary examination the concern is judged to be wholly without substance or merit, it shall be dismissed and the complainant informed of the decision and the reasons for it. 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. The outcome of the investigation will be reported to the complainant. In either case, where the complainant is not satisfied with the outcome of the preliminary examination of the University’s disciplinary procedures, he or her will have the right to raise the matter with the Chair of the Council, who will follow the procedure set out in para 7.4 concerning complaints against the Vice-Chancellor or the University Secretary.

7.7 In all instances in which a concern leads to formal disciplinary proceedings, there shall be full disclosure of the name of the complainant the nature of the allegation and the available evidence to the person against whom the allegation has been made to enable him or her to have the opportunity to defend him/herself against such allegation.

7.8 No person involved with the conduct of or in deciding action following the initial investigation under the procedures set out above will form part of any subsequent disciplinary panel.

8 Review

This procedure will be reviewed periodically and any necessary adjustments made after consultation with Trade Union representatives and other parties to ensure it is working effectively.
**Complaint**

- **Student against member of staff**
  - Student Complaints or Disclosure Procedure

- **Staff against staff**
  - Grievance Procedure or Harassment Policy/Procedure

- **Other Serious Concerns 'Whistleblowing'**
  - Does the concern relate to the Vice-Chancellor (VC) or the University Secretary (US)?
    - **NO**
      - Refer concern to US or Deputy Vice-Chancellor (who refers matter to US)
      - US conducts Preliminary Investigation or appoints an Investigator (who reports back to US)
      - Reports to VC (and Chair of Audit Committee if appropriate)
      - Is concern judged to be wholly without merit or substance?
        - **NO**
          - Case considered through Disciplinary Procedure or other appropriate mechanism
          - Complaint dismissed. Complainant informed.
          - Outcome of investigation reported to complainant
        - **YES**
          - Concern dismissed. Complainant informed.
          - Outcome of investigation reported to complainant
    - **YES**
      - Refer concern to Chair of Council or Chair of Audit Committee
      - The reportee will then inform the other
      - Chair of Council appoints a person to undertake preliminary investigation and report
      - Is concern judged to be wholly without merit or substance?
        - **NO**
          - Case considered through Disciplinary Procedure or other appropriate mechanism
          - Concern dismissed. Complainant informed.
          - Outcome of investigation reported to complainant
        - **YES**
          - Concern dismissed. Complainant informed.

- **Financial Conduct* against any member of staff**
  - Line Manager or
  - Director of Finance or
  - Chair of Audit Committee or Internal Audit (See Financial Regulations)

- **Financial Conduct* against Director of Finance**
  - Chair of Audit Committee or Internal Audit (See Financial Regulations)

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Whistleblowing 30th April 2001

*see Financial Regulations*