



Policy title:	Whistleblowing Policy
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Whistleblowing Policy

1. Introduction

The School 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 and the standards in public life set out in the reports of the Nolan Committee.

Normally any concern about a workplace situation should be raised with the employee's immediate manager or Head of Department; in the case of students, concerns would normally be raised through the complaints procedures. However, it is recognised that because of the seriousness and sensitivity of some issues, together with the knowledge of who the employee (or student) thinks may be involved in wrongdoing, this may be difficult or even impossible.

The Public Interest Disclosure Act gives legal protection to employees against being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns provided that they are disclosed under procedures identified in the Act. It is a fundamental term of every contract of employment that an employee will faithfully serve his or her employer and not disclose confidential information about the employer's affairs. However, where an individual discovers information which they believe shows malpractice/wrongdoing within the organisation then there should be identified procedures to enable the individual to disclose the information without fear or reprisal, and it may be necessary for the disclosures to be made independently of line management.

This policy sets out arrangements for individuals to raise serious concerns about malpractice or serious wrongdoing in ways which will protect them from reprisal. This policy is intended to meet the requirements of the Act but it goes further in two aspects. Firstly, it extends the list of concerns where

a protected disclosure may be made beyond those identified in the Act. Secondly, it extends protection for disclosure beyond employees to students and to other members of the School.

It should be emphasised that this policy is intended to assist individuals who believe they have discovered malpractice or serious wrongdoing provided that they make the disclosure in accordance with the policy. It is not designed to question financial or business decisions taken by the University nor may it be used to reconsider any matters which have already been addressed under harassment, complaint or disciplinary procedures. Individuals who make disclosures outside the arrangements set out here will not be protected under this policy and may not be protected under the Act.

2. Scope of Policy

This policy is designed to enable employees or other members of the School to raise concerns or disclose information at a higher level which the individual believes shows malpractice.

A number of policies and procedures are already in place including grievance, discipline, complaints and guidelines for dealing with harassment. This policy is intended to cover concerns which are in the public interest and may (at least initially) be investigated separately but might then lead to the using of such procedures. These might include:

- financial malpractice or impropriety or fraud
- failure to comply with a legal obligation
- dangers to health and safety of the environment
- criminal activity
- miscarriage of justice
- academic malpractice
- improper conduct or unethical behaviour
- attempts to conceal any of the above

This is not intended to be a comprehensive list and any matters raised under this policy will be considered seriously.

3. Safeguards

Protection

This policy is designed to offer protection to those employees or other members of the School who disclose such concerns provided the disclosure is made:

- i. in accordance with the procedures laid down
- ii. in good faith, and
- iii. in the reasonable belief of the individual making the disclosure that it tends to show malpractice.

Confidentiality

The School will treat all such disclosures in a confidential and sensitive manner. The identity of the individual making the allegation may be kept confidential so long as it does not hinder or frustrate any investigation. However, 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.

Anonymous Allegations

This policy encourages individuals to put their name to any disclosures they make. Concerns expressed anonymously are much less powerful, but they will be considered at the discretion of the School.

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

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

Untrue 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. If, however, the investigation shows that an individual has made malicious or vexatious allegations, and particularly if he or she persists with making them, disciplinary action may be taken against the individual concerned.

4. Procedures for Making a Disclosure

Initial Step

The individual should make the disclosure to the Registrar & Secretary (the designated person). If, however, the disclosure is about the Registrar & Secretary then the disclosure may be made either to the Director or the Chair of Trustees.

If the individual does not wish to raise the matter with any of the above then they may raise with the Chair of the Audit Committee. The names of the Chair of Trustees and the Chair of Audit Committee are published in the Calendar and their addresses may be obtained from the Director's office.

Initial Response

In all cases, the person to whom the concern has been made should acknowledge its receipt in writing to the whistleblower at his/her home address, and record the subsequent action taken. The person to whom the concern has been made will make a preliminary investigation, normally by appointing someone who has not previously been involved in the case or is unlikely to subsequently be involved, and will report on the findings to the Chair of the Audit Committee. This process will normally be completed within a period of three working weeks.

Where the Internal Auditor suspects (or has been alerted to a suspicion) that a fraud or other irregularity has occurred he/she should advise the Director (or in his/her absence the Director of Legal and Governance) and the Chair of Audit Committee. The Internal Auditor should follow this up in writing setting out the following:

- the circumstances giving rise to the suspected action
- the control systems which appear to have been breached
- the name(s) of those believed to be involved
- any possible estimate of loss

On receipt of this the Director (or in his absence the Director of Legal and Governance) or the Chair of Audit Committee will decide on whether or not further action is required and if so will instruct the Internal Auditor or other appropriate person to act on his/her behalf.

Outcomes

The probable outcomes of this process are as follows:

- i) if, on preliminary examination, the concern is judged to be wholly without substance or merit, it will be dismissed.
- ii) if it is judged that a prima facie case may exist, the matter will normally be dealt with in accordance with the School's discipline procedure or as otherwise may be deemed appropriate according to the nature of the case.
- iii) in the case of fraud or financial irregularity the matter may require report to the police.

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 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 shall also be reported to the whistleblower.

5. The following conditions shall apply:

- i) all reasonable steps should be taken to deal with the matter as expeditiously as possible
- ii) all reasonable steps will be taken to protect the confidentiality of whistleblowers unless they waive their rights to confidentiality or it is deemed that through the nature of the concern raised, such confidentiality is incompatible with the implementation of fair disciplinary proceedings. In such cases those who raise the concern should be informed that no further action can be taken without their agreement to waive their rights to confidentiality;
- iii) any reprisals against or victimisation of the whistleblower will be treated by the School as serious disciplinary matter.