

PUBLIC INTEREST DISCLOSURE POLICY AND PROCEDURES

1. Introduction

- 1.1 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 Higher Education Funding Council for England (HEFCE) and the standards in public life set out in the reports of the Nolan Committee.
- 1.2 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. 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 or impropriety within the organisation then this information should be disclosed without fear of reprisal, and may be made independently of line management.
- 1.3 It should be emphasised that this policy and procedure is intended to assist individuals who believe they have discovered malpractice or impropriety. It is not designed to question financial or business decisions taken by the University; nor should it be used to consider any matters which should be addressed under the University's separate procedures for:

Staff Discipline
Staff Grievance
Bullying and Harassment at Work
Student Complaints

Copies of these procedures are available from University Receptions, Human Resources, Information Centres and Faculty and Service Offices.

- 1.4 This policy and procedure has been approved by the recognised Trades Unions within the University.

2. Scope of the Policy

The policy is intended to cover concerns in regard to malpractice or impropriety within the University which are in the public interest and might include:

- financial malpractice or impropriety or fraud;
- failure to comply with a legal obligation or with appropriate regulations of the University;
- dangers to health and safety or the environment;
- criminal activity;
- academic or professional malpractice;
- improper conduct or unethical behaviour; and/or
- attempts to conceal any of the above.

3. **Safeguards**

3.1 **Protection**

This policy is designed to offer protection to those employees or other members of the University who disclose public interest concerns provided the disclosure is made in the reasonable belief of the individual making the disclosure that it tends to show malpractice or impropriety.

The individual will also be protected if he/she makes the disclosure to an appropriate person/body outside the University, e.g. HEFCE, although it is reasonable to expect members of the University to use this procedure rather than air complaints externally.

Independent advice on the protection offered to employees who disclose public interest concerns is available from Public Concern at Work. This charity offers free, impartial and confidential advice and guidance to potential whistleblowers. Its details are:

Public Concern at Work
3rd Floor, Bank Chambers
6-10 Borough High Street
London, SE1 9QQ
Tel: 0207 4046609

3.2 **Confidentiality**

The University 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.

3.3 **Anonymous Allegations**

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

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.

3.4 **Untrue Allegations**

If an individual makes an allegation in the genuine belief that it tends to show malpractice or impropriety, which is not confirmed by subsequent investigation, no action will be taken against that individual. If, however, an individual makes 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 Decision**

4.1 **Initial Step**

The individual should make the disclosure to the designated person, who is normally the University Secretary. If, however, the disclosure is about the University Secretary the disclosure may be made to the Vice-Chancellor.

If the individual does not wish to raise the matter with either of the above, then he/she may raise it with the Chair of the Audit and Risk Committee of the Board of Governors.

If the disclosure is received in writing a written acknowledgement must be provided within five working days.

4.2 **Process**

The designated person will consider the information made available to him/her and decide on the form of investigation to be undertaken. This may be:

- to investigate the matter internally;
- to refer the matter to the Police; and/or
- to call for an independent inquiry.

If the decision is that investigations should be conducted by more than one of these means, the designated person should satisfy him/herself that such a course of action is warranted, the possibility of double jeopardy notwithstanding.

Where the matter is to be the subject of an internal inquiry, the designated person will then consider how to conclude whether there is a prima facie case to answer. This consideration will include determining:

- who should undertake the investigation;
- the procedure to be followed; and
- the scope of the concluding report

4.3 **Investigation**

Normally the Internal Auditor or other independent officer of the University (normally a Senior Manager) will undertake this investigation and report his/her findings to the designated person. Investigations should not be carried out by the person who will have to reach a decision on the matter. Any investigation will be conducted as sensitively and speedily as possible.

Where a disclosure is made the person or persons against whom the disclosure is made will be told of it, the evidence supporting it and will be allowed to respond before any investigation, or further action, is concluded.

Using the report on the investigation the designated person will decide if there is a case to answer and whether informal procedures should be followed or it might form the basis of a special investigation.

In some instances it might be necessary to refer the matter to an external authority for further investigation.

4.4 **Feedback**

The designated person will inform the individual making the disclosure of what action, if any, is to be taken. If no action is to be taken, then the individual concerned will be informed of the reason for this and allowed the opportunity to remake the disclosure to another appropriate person. If the initial disclosure was made to an officer of the University then the subsequent disclosure should be made to the Chair of the Audit and Risk Committee. If the disclosure was made to the Chair of the Audit and Risk Committee then the subsequent disclosure should be made to the Chair of the Board of Governors.

This other appropriate person will consider all the information presented, the procedures that were followed and the reasons for not taking any further action. The outcome of this will be either to confirm that no further action is required or that further investigation is required and will follow the procedures referred to in 4.2 and 4.3 above.

4.5 **Reporting of Outcomes**

A report of all disclosures and any subsequent actions taken will be made by the designated person who will retain such reports for a period of three years. In all cases a report of the outcomes of any investigation will be made to the Audit and Risk Committee.

**Audit & Risk Committee
17 September 2013**

Equality issues have been taken into account during the development of this policy and all protected characteristics have been considered as part of the Equality Analysis undertaken.