



PUBLIC INTEREST DISCLOSURE POLICY

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1. INTRODUCTION

The University is committed to the highest standards of openness, probity and accountability. It seeks to conduct its affairs in a responsible manner, and all employees of the University (for the purposes of this policy the term employee not only includes individuals employed under a contract of employment with the University but also workers including individuals under agency contracts, consultants and other staff members) are expected to act in a similar manner.

It is an implied term of every contract of employment that employees will give honest and faithful services to the University as their employer. This includes an obligation not to divulge confidential information acquired during the course of their employment, or act in such a way that the mutual trust and confidence on which the employment relationship is based is undermined. An important aspect of accountability and transparency is a mechanism to enable employees to be able to voice concerns, without fear of reprisal, if they discover information or wrongdoing which may amount to malpractice or impropriety.

The purpose of this policy is to provide such a mechanism, taking into account the requirements of the Public Interest Disclosure Act 1998 and the Enterprise and Regulatory Reform Act 2013 which provide a framework of protection for employees against detriment or dismissal in connection with "blowing the whistle" on illegal practices in the workplace. This policy further aims to encourage employees to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected; and to provide employees with guidance as to how to raise such concerns.

2. RESPONSIBILITY FOR THE POLICY

- 2.1 The Audit Committee has overall responsibility for this policy on behalf of Council, and for reviewing the effectiveness of actions taken in response to concerns raised under this policy.
- 2.2 The University Secretary and Registrar has day-to-day operational responsibility for this policy, and for reviewing the effectiveness of actions taken in response to concerns raised under this policy.
- 2.3 The Audit Committee should review this policy from a legal and operational perspective annually.
- 2.4 All employees are responsible for the success of this policy and should use it to disclose any suspected danger or wrongdoing.
- 2.5 The Chair of the Audit Committee shall be informed by the University Secretary and Registrar within 7 working days of any Public Interest Disclosure made under this Policy, and a summary of such disclosure and action taken by the University in response to the disclosure shall be presented to the Committee at its next scheduled meeting.

3. SCOPE OF POLICY

- 3.1 This policy is designed to allow employees to raise internally and at a high level, concerns and/or to disclose information which is/are in the public interest and which in the reasonable belief of the employee making the disclosure shows any one of the following protected matters (hereinafter disclosures):
 - the commission or likely commission of a criminal offence
 - a failure or likely failure to comply with a legal obligation

- the occurrence or likely occurrence of a miscarriage of justice
- that the health and safety of any individual has been, is being or is likely to be endangered
- that the environment has been, is being or is likely to be damaged
- financial malpractice or impropriety or fraud
- failure to comply with the Statutes, Ordinances and Regulations of the University
- academic or professional malpractice, or
- that information tending to show any of the protected matters above has been, is being or is likely to be deliberately concealed.

3.2 The policy is not intended to apply to matters which are dealt with under other existing University policies and procedures nor should it be used when other procedures would be more appropriate. In particular, the policy is not intended to apply to personal grievances relating to an employee's terms and conditions of employment or other aspects of the working relationship (which are dealt with under the [Grievance Procedure](#)), complaints of bullying and harassment (which are dealt with under the [Dignity and Respect Policy](#)), or disciplinary matters (which are dealt with under the [Disciplinary Procedure](#)).

3.3 A disclosure investigated under this policy may, lead to the invocation of other procedures as appropriate if during the course of investigation it appears to the investigator that the matter relates more appropriately to such procedures. In such instances, those procedures may be invoked instead of or where appropriate, in addition to this procedure.

4. SAFEGUARDS

4.1 The University will ensure that any employee who makes a disclosure in accordance with the provisions of this policy will not be subject to any detrimental or adverse treatment by the University for doing so.

No protection from disciplinary action is given to those who unreasonably choose not to use the procedure set out under paragraph 5 below.

4.2 Contractual liability

It is an implied term of contracts of employment that employees will observe a duty of fidelity, thereby requiring them to refrain from disclosing their employer's confidential information and acting in a way which is likely to destroy the "mutual trust and confidence" on which the employment relationship is based. In addition, the University has required certain categories of employee to sign a confidentiality clause within their contract of employment. Notwithstanding this, a disclosure made under this policy would not be considered a breach of either an implied or express term unless it was found to have been made maliciously or unreasonably.

4.3 Confidentiality

The University will treat all disclosures in a confidential and sensitive manner and will if requested, so far as is reasonably practicable, protect the identity of the individual making the allegation. 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.

4.4 Anonymous Allegations

Employees are encouraged to put their name to any disclosure. Any concern raised anonymously will be considered at the University's discretion, taking into account the following factors:

- the seriousness of the issue raised

- the credibility of the concern
- the likelihood of confirming the allegation from attributable sources.

4.5 Malicious Allegations

If an allegation is subsequently deemed to be deliberately malicious or vexatious, disciplinary action may be taken.

4.6 Retraction of Allegation

Once the disclosure has been made it may be retracted at any time but the University reserves the right to proceed with the investigation, even if the individual does not wish to proceed further.

5. PROCEDURE FOR MAKING A DISCLOSURE

5.1 Who can raise a concern?

Any employee who has a reasonable belief that there is serious malpractice or impropriety relating to any of the protected matters set out at paragraph 3.1 above may make a disclosure under the procedure detailed in paragraph 5.2 below.

The individual must reasonably believe that relevant malpractice or impropriety has occurred or is likely to occur and that matter is in the public interest.

5.2 How to make a disclosure

5.2.1 This procedure is an internal procedure to be followed by an employee who wishes to make a disclosure. An employee should make a disclosure under this procedure to a designated person, the details of which are outlined below. An individual may make the disclosure to whichever designated person they feel is most appropriate.

5.2.2 The following individuals are designated persons:

- the Vice-Chancellor
- Pro Vice-Chancellor & Director of Finance
- The Chair of Council.

5.2.3 It must be made clear in the disclosure that this procedure is being invoked.

5.2.4 If the employee does not wish to raise the matter with any of the designated persons because he or she is of the reasonable belief that they may be involved in the malpractice or impropriety, or may attempt to conceal the matter, then a disclosure may be made to the Chair of the Audit Committee. An investigation by the Chair of Audit Committee will be conducted, so far as is possible, in the same manner and with the same considerations as an internal investigation, as set out above.

5.2.5 The Chair of Council must be immediately informed of the disclosure, unless this would be inappropriate for reasons outlined above. Contact details for the Chair of Council or Audit Committee can be obtained from the University Secretary and Registrar.

5.2.6 All internal disclosures will be acknowledged within 3 working days of receipt.

5.3 How the disclosure will be investigated

5.3.1 The designated person will decide, in consultation with the appropriate Chair of any University Committee and any University senior manager as appropriate, as long as no such

individual is implicated in the disclosure, on the form of the investigation to be undertaken or, if the allegation is anonymous, whether to take no action. An investigation may be by one or more of the following means:

- to investigate the matter internally
- to refer the matter to the police (if a potentially criminal act has occurred the matter must be referred to the police)
- to call for an investigation by independent external investigator or an external body.

5.3.2 If the matter is to be investigated internally a decision will also be taken as to who should conduct the investigation, the procedure to be followed and the scope of the final written report. The following factors will be taken into account:

- the nature of the allegation
- the seriousness of the alleged malpractice and likely outcomes if proven
- that any individual likely to be involved, including the person who will have to reach a decision on the matter, will not conduct the investigation if they may be perceived to have a conflict of interest.

5.3.3 Where the disclosure is made against a named person or persons, they will be advised of the disclosure as soon as is reasonably practicable, of the evidence supporting it, and will be allowed to respond, having regard to the nature of the disclosure. If they are to be questioned about the disclosure, they will be entitled to be accompanied by a trade union official, staff representative or work colleague. Where the disclosure is made against a named person or persons or potentially implicates any named person or persons in wrongdoing, they will be told at an early stage of it and of the evidence supporting it and they will be allowed to respond.

5.3.4 An employee under investigation may be suspended if it is not considered appropriate for them to remain at work whilst the investigation is carried out. Suspension does not imply that the employee has committed the offence, and they should be on full pay. If the investigation shows that the disclosure is without foundation, the employee should be allowed to return to work immediately. Any decision to suspend must be taken by the Vice-Chancellor or the Chair of a Council Committee.

5.3.5 The internal investigation will be carried out as speedily and sensitively as possible. The University will endeavour to conclude the investigation within 6 weeks of the disclosure being made. If this is not possible the discloser will be informed of the reason.

5.3.6 Where an external investigation is commissioned, the University will endeavour to conclude the investigation within 3 months of the disclosure being made. If this is not possible the discloser will be informed of the reason.

5.3.7 Where the disclosure has been referred to the Police, the University will make every effort to work with the Police to conclude matters within 3 months of the disclosure being made, however this may not always be possible and when there is a delay, the discloser will be informed of the reason.

5.4 Outcome of investigation

5.4.1 The report of the investigation, inquiry or police action and any recommendations will be considered by the Vice-Chancellor, or other designated person, and a decision taken in consultation with any advisers deemed appropriate on what, if any, further action is required. Such action may include:

- invoking the disciplinary procedure

- invoking the grievance procedure
- instituting further investigation either internally or externally
- taking specific action, for example reviewing policies or procedures.

5.4.2 The employee who made the disclosure will be advised of the outcome in writing and, if no action is to be taken, the reasons for it. If the employee is dissatisfied with the outcome they may remake the disclosure to another designated person; for example, if the initial disclosure was made to an officer of the University then a subsequent disclosure may be made to the Chair of Council. Alternatively, they may make a disclosure to the Chair of Audit Committee. This other person will consider the information presented, the procedures that were followed and the reasons for the decision reached. The outcome of this will be to decide whether any further investigation or action is required and to make a report to Council.

5.4.3 Any named person or persons against whom a disclosure is made (referenced at paragraph 5.3.3 above) will also be advised of the outcome at the same time that the discloser is advised.

5.4.4 Where a decision is made to institute further investigation either internally or externally, the investigation will be concluded within three months of the decision to further investigate. In the event this is not possible, the discloser will be informed of the reason.

5.5 Reporting of outcome

A report of all disclosures and the action taken will be made by the Vice-Chancellor, Pro Vice-Chancellor & Director of Finance or Chair of Council, or other designated person, to the next Council meeting following completion of the report as reserved business. Council will consider whether wider publication of the report, or its findings, should be undertaken.

6. DISCLOSURE TO AN EXTERNAL BODY

6.1 This policy provides an internal system for reporting, investigation and remedying any wrongdoing in the workplace and in most cases it would not be necessary for an employee to alert anyone externally of any such wrongdoing. The law recognises however, that in some circumstances, it may be necessary for employees to report their concerns to an external body including:

Such body or person (if any) prescribed by the Secretary of State under Section 43F of the Employment Rights Act 1996, as amended by Section 1 of the Public Interest Disclosure Act 1998 as being a prescribed person to whom the particular type of issue in question can be disclosed (a 'Prescribed Person'). An up to date list is available at the following link <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies>.

In addition, other prescribed persons include a Government Minister and a legal adviser in the course of taking legal advice.

It will very rarely if ever be appropriate to alert the media.

6.2 An external disclosure can made in the first instance or where an employee has made an internal disclosure but remains dissatisfied with the outcome of the internal procedures.

6.3 Any individual making an external disclosure must notify the Chair of Council that they have taken such action.

6.4 Whistleblowing concerns usually relate to the conduct of the University's staff but sometimes

they may relate to the actions of a third party such as a supplier or service provider. In some circumstances, the law will protect employees if they raise the concern with the third party directly. The University however encourages employees to report such concerns internally first.

- 6.5 A member of staff who makes an external disclosure of the kind described at paragraph 3.1 above to a Prescribed Person who reasonably believes that the information disclosed, and any allegations contained in it, are substantially true, and that the default lies within the remit of the Prescribed Person in question, will be protected against victimization or other adverse treatment.

7. COMPLAINTS OF RETALIATION AS A RESULT OF DISCLOSURE

- 7.1 The University will ensure that any employee who makes a disclosure in good faith in accordance with this policy is protected. An employee who has made a disclosure and who feels that he or she has suffered adverse treatment as a result, should submit a formal complaint under the relevant grievance procedure, detailing the adverse treatment. Adverse treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern under this policy.
- 7.2 An investigation will be undertaken to determine whether the employee has suffered adverse treatment as a result making a disclosure and disciplinary action may be taken against the perpetrator in accordance with the relevant procedure.