



## WHISTLEBLOWING POLICY

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| Accountable Committee: | Council  |
| Executive Sponsor:     | University Secretary   |
| Policy owner:          | Senior University Lawyer   |
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# WHISTLEBLOWING POLICY

## 1. INTRODUCTION

1.1 The University is committed to the highest standards of openness, probity and accountability. However, the University also acknowledges that there is a risk that things may go wrong, leading to illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring.

1.2 The purpose of this policy is:

- To encourage staff 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.
- To provide staff with guidance as to how to raise those concerns.
- To reassure staff that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken.

## 2. RESPONSIBILITY FOR THE POLICY

2.1 The University Council has overall responsibility for this policy.

2.2 The Audit Committee shall receive reports of any public interest disclosures received and shall generally have oversight of the implementation of this policy.

2.3 The University Secretary has responsibility for the implementation of this policy and for communicating any public interest disclosures received to the Audit Committee.

2.4 All staff at within the University are responsible for adhering to this policy.

## 3. SCOPE OF POLICY

3.1 This policy applies to all employees and workers, including those employed under agency contracts, consultants and casual workers (collectively referred to as staff for the purposes of this policy). Employees of Roehampton Education Services Limited and any other University subsidiaries established from time to time should follow the Whistleblowing Policy and Procedure set out in their employee handbook.

3.2 This policy is designed to allow staff to raise concerns through the disclosure of information which relates to suspected wrongdoing or dangers at work, including:

- The commission or likely commission of a criminal offence.
- A failure or likely failure to comply with a legal or professional obligation or regulatory requirements.
- 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, impropriety, fraud or bribery.
- Failure to comply with the Statutes, Ordinances and Regulations of the University.
- Academic or professional malpractice.
- Information tending to show any of the matters above has been, is being or is likely to be deliberately concealed.

- 3.3 If a member of staff has any genuine concerns relating to any of the above, they should report it under this policy.
- 3.4 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).
- 3.5 A concern which has been raised under this policy may be referred to an alternative procedure 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 either be invoked instead of or in addition to this procedure, at the discretion of the designated person.

#### **4. HOW TO RAISE A WHISTLEBLOWING CONCERN**

- 4.1 This is an internal procedure to be followed by a staff member who wishes to raise a whistleblowing concern. The University hopes that in many cases staff members will feel able to raise concerns with their line manager, as they may be able to resolve concerns quickly and effectively. However, where the matter is more serious, a staff member feels that their line manager has not addressed their concern, or a staff member does not feel able to raise the concern with their line manager, they should raise their concern with a designated person. A staff member may raise their concern with whichever designated person they feel is most appropriate.
- 4.2 The following individuals are designated persons:
- the Chief Operating Officer
  - the Director of Finance
  - the Deputy Vice-Chancellor & Provost
  - the Vice-Chancellor
  - the Chair of the Audit Committee, who is an independent member of the University Council.
- 4.3 It must be made clear by the staff member when advising the designated person of the concern that this policy is being invoked.
- 4.4 On receipt of a concern, the designated person should immediately notify the University Secretary, who shall notify the Chair of the Audit Committee within 3 days of the concern being raised (unless the Chair of the Audit Committee is the designated person who receives the concern, in which case they shall notify the University Secretary).
- 4.5 The designated person should acknowledge receipt of the concern, normally within 3 days of receipt.
- 4.6 The University Secretary should also notify the Chair of Council within 7 days of receipt that a concern has been raised. If the Chair of Council is implicated in the concern, then the University Secretary should notify the Vice-Chair of Council.

- 4.7 The University Secretary is responsible for notifying the Audit Committee of any concerns received under this policy at its next meeting. Such notification shall include a summary of the concern and the action taken in response.
- 4.8 If the University Secretary is implicated in the concern, then the designated person who received the concern shall assume all the responsibilities of the University Secretary as set out in this policy.
- 4.9 The University will treat all concerns in a confidential and sensitive manner and will if requested, so far as is reasonably practicable, protect the identity of the staff member making the allegation. However, the investigation process may reveal the source of the information and the staff member raising the concern may need to provide a statement as part of the evidence required.
- 4.10 Staff are encouraged to put their name to any concern. Any concern raised anonymously will be considered at the University's discretion, considering the credibility of the concern and the likelihood of being able to confirm the allegation from attributable sources.
- 4.11 A staff member may choose to retract a concern that they have raised at any time. However, the University may choose to proceed with the investigation, even if the staff member does not wish to proceed further.

## **5. HOW THE CONCERN WILL BE INVESTIGATED**

- 5.1 The designated person will decide in consultation with the University Secretary on the form of the investigation to be undertaken. The designated person may determine that it is appropriate to take no action, including where the concern has been raised anonymously, or that the concern should be referred to another internal process or external body.
- 5.2 An investigation may be by one or more of the following means:
- Appointment of an internal investigator to investigate.
  - Appointment of an external investigator or external body to investigate.
- 5.3 The designated person will determine:
- Who should conduct the investigation.
  - The procedure to be followed.
  - The scope of the final written report.
- 5.4 The following factors will be considered in determining the form of investigation to be undertaken:
- The nature of the allegation.
  - The seriousness of the allegation and likely outcomes if proven.
- 5.5 Where a concern is raised regarding a named person, the named person will normally be advised of the concern and the evidence supporting it and will be given the opportunity to respond. If the named person is to be interviewed, they will be entitled to be accompanied by a trade union official, staff representative or work colleague.
- 5.6 An employee under investigation may be suspended in line with the relevant Disciplinary Procedure if it is not considered appropriate for them to remain at work whilst the investigation is carried out.

- 5.7 Any internal investigation will be carried out as expediently 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 advised of the delay and given an updated timescale.
- 5.8 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 advised of the delay and given an updated timescale.
- 5.9 The investigator shall provide a copy of their report to the designated person and the Chair of Council (or if the Chair of Council is implicated, the Vice-Chair of Council).

## **6. OUTCOME OF AN INVESTIGATION**

- 6.1 The report of any investigation will be considered by the designated person to determine what, if any, further action is required. Such action may include (but is not limited to):
- Invoking the Disciplinary Procedure.
  - Invoking the Grievance Procedure.
  - Commissioning further investigation either internally or externally.
  - Taking specific action, for example reviewing policies or procedures.
  - Making a referral to an external body, for example a regulatory body or the police.
- 6.2 The University will aim to keep the staff member informed of the progress of the investigation and its likely timescales. However, sometimes the need for confidentiality may prevent the University from being able to provide specific details of the investigation, the outcome or any action taken as a result. All staff members should treat any information about an investigation as confidential.
- 6.3 If, on conclusion of the investigation, an allegation is deemed to be malicious or vexatious, disciplinary action may be taken against the staff member who made the report.
- 6.4 The University will always seek to deal with concerns raised in a fair and appropriate manner. However, if the staff member is dissatisfied with the outcome, they may refer their concern to the Chair of Council for review (or if the Chair of Council is implicated or otherwise unable to act impartially, the Vice-Chair of Council).
- 6.5 The review will consider the information available, the procedures that were followed and the reasonableness of the decision reached. The Chair of Council (or Vice-Chair) has absolutely discretion to determine the outcome of a review, including whether any further action or investigation is required.
- 6.6 Where a decision is made to institute further investigation, the University will aim to keep the staff member informed of the progress of the investigation and likely timescales.

## **7. REPORTING OF OUTCOMES**

- 7.1 The University Secretary shall be responsible for providing a report of concerns

raised and the action taken under this policy to the Audit Committee at each meeting, to be reported to Council thereafter. The Council will consider whether wider publication of the report, or its findings, should be undertaken.

## **8. DISCLOSURE TO AN EXTERNAL BODY**

- 8.1 This policy provides an internal system for the reporting, investigation and resolution of relevant wrongdoing at work (see Paragraph 3.2).
- 8.2 In most cases, it would not be necessary for a staff member to alert anyone externally of their concerns. The law recognises however, that in some circumstances, it may be necessary for staff to report their concerns to an external body such as a professional, statutory or regulatory body (PSRB).
- 8.3 In certain cases, matters considered under this policy may also constitute a Reportable Event to the Office for Students (OfS). The University Secretary is responsible for advising on such matters and for submitting any reports to the OfS.
- 8.4 The University may at any stage decide to report a matter to the police for investigation.
- 8.5 The University encourages staff members to seek advice before reporting a concern to anyone external (for example, the independent whistleblowing charity Protect operates a confidential hotline).
- 8.6 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 staff if they raise the concern with the third party directly. The University however encourages staff to report such concerns internally in the first instance.

## **9. PROTECTION AND SUPPORT FOR WHISTLEBLOWERS**

- 9.1 It is understandable that staff members may be worried about potential repercussions if they raise a whistleblowing concern. The University aims to encourage openness and will support staff members who raise genuine concerns under this policy, even if they turn out to be mistaken.
- 9.2 Staff members must not suffer any detrimental treatment as a result of raising a concern under this policy. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If a staff member feels they have suffered such treatment, they should contact Human Resources for advice regarding submitting a grievance. Unfavourable treatment towards staff members who have raised a concern under this policy may be dealt with under the University's Disciplinary Procedure.