

## APPENDIX 3

### Raising Serious Concerns at Work: Whistleblowing

#### 1. Purpose

The purpose of this policy is to ensure that members of the University feel able to raise issues of very real and significant concern at work, and have a clear procedure to follow.

The University is committed to promoting an open culture, which values transparency, fairness, and the reporting of concerns. It believes that accountability, integrity and professionalism are vital to the success of the University, and this is underpinned by its emphasis on the principles of academic freedom, high standards of scholarship and mutual respect for each other and those we serve.

Part of this commitment involves encouraging staff or others with serious concerns regarding any aspect of work, the conduct of others or the running of the University, to report such concerns in confidence and with confidence. Most people want to behave ethically and also know when things are not right. Everyone has a responsibility to report concerns: it allows the University to resolve problems as they arise and it contributes to a better work environment.

#### 2. Scope

The Policy is designed to deal with concerns of malpractice raised in relation to the specific issues which are in the public interest and which fall outside the scope of other University policies and procedures.

This policy applies to all individuals working at all levels of the organisation including members of the University Council, senior management, employees, officers, consultants, contractors, casual and agency staff. This policy does not form part of any employee's contract and may be amended at any time.

Complaints that are not of a public interest kind will be dealt with by other procedures of the University; the areas covered in this way are listed in Appendix 3(A) and should be used in such circumstances.

This procedure may not be used to re-open or review a matter already decided under those other procedures. However, if public interest issues were to become known for the first time through other procedures, they may be investigated under this procedure.

The Public Interest Disclosure Act 1998 and the Enterprise and Regulatory Reform Act 2013 protect employees who notify the University of malpractice under this policy from being subjected to any detriment or being unfairly dismissed as a result.

Public interest matters are defined as:

- commission of a criminal offence;
- failure to observe a legal obligation;
- miscarriage of justice (in the context of the criminal justice system);
- endangering health or safety or the environment;
- financial, academic or professional malpractice;
- suppression or concealment of any kind of information related to any of the above.

### **3. Principles**

All members of the University should feel able to raise concerns at work on the understanding that there is nothing to fear. The University undertakes to protect those who come forward from any reprisals or victimisation. This also applies if the concerns are raised and, after investigation, it turns out that the matter has a genuine and innocent explanation.

However, if the University discovers that this reporting process has been abused and that allegations have been raised maliciously or frivolously, it may treat this as a disciplinary matter.

When a problem is identified, the University will ensure that it is viewed with the seriousness it deserves and it will be dealt with promptly and appropriately. The University will pursue fraud, abuse, breaches of the law, breaches of University procedures and rules vigorously through its disciplinary procedures and/or if necessary through the courts and tribunals.

Investigations will be conducted as speedily as possible, having regard to the nature and complexity of the concern raised. The conclusion of the investigation will be communicated to the person(s) against whom the concern was raised and to the person who raised the concern.

### **4. Procedure**

#### **4.1 Concerns of Financial Malpractice**

Concerns of financial malpractice should be raised through the procedure set out in section 7 of the University Financial Regulations.

#### **4.2 Concerns of Non- Financial Malpractice**

Any other concern of malpractice covered by this policy should be raised initially with the University Secretary, or with the Vice-Chancellor if the concern is about or implicates the University Secretary. Where a concern relates to the Vice-Chancellor the concern should be made known to the Chair of Council. Where a concern relates to the Chair of Council, the concern should be made known to a Deputy Pro-Chancellor.

The person to whom the concern is reported will ensure that a written record is made of all stages of the process including the matters raised, the conduct of any investigation, the actions taken and the reasons they were taken.

The person to whom the concern is reported will decide, in conjunction with a member of the University Executive Board (UEB) not connected in any way with the case, whether the matter is to be investigated and, if so, by whom. The choice of investigator will be notified to the person raising the concern.

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

The person with whom the concern has been raised will either undertake a preliminary investigation themselves or appoint another person to undertake it and report back to them. The person conducting the investigation would not normally be the person who ultimately takes any decisions regarding actions required based on the investigation.

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

The University undertakes to investigate carefully and thoroughly any concern that is raised (although see below for concerns submitted anonymously) and will be fair to the individual who comes forward and to others who may be involved. If someone is potentially being accused of malpractice, the University must investigate and hear their side of the issue. The University will do all it can to respect any requests for confidentiality. This may not be possible, for example, if it is incompatible with a fair investigation, or if there is an overriding reason for disclosure; the University will discuss this with the person raising the concern to determine how best to proceed in these circumstances.

If, on preliminary investigation, the concern is judged to be without substance, it shall be dismissed. If it is judged that a prima facie case exists, the matter will 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.

Where a decision is taken not to investigate or take any further action, the person raising the concern will be informed in writing, normally within five working days of the decision. The Chair of the Council, the Vice-Chancellor and the Chair of the Audit Committee will also be informed (unless it was inappropriate to do so as the concern was about or implicated any of them as an individual).

Where the matter has been investigated, the recipient of the concern will decide after appropriate consultation what action if any should be taken, reporting the outcome to the person raising the concern in writing normally within five working days of the decision. The outcome will also be reported to the Vice-Chancellor and the Chairs of Council and the Audit Committee (unless it was inappropriate to do so as the concern is about or implicated any of them as an individual).

All concerns of malpractice notified under this policy, whether investigated or not, together with any outcomes will be reviewed by the Audit Committee at its regular meetings.

Some matters may need to be reported to the relevant external body, following investigation.

#### 4.3 Anonymity

The University does not encourage disclosures to be made anonymously as this makes it more difficult to establish whether the allegations are credible and have been made in good faith. Anonymous concerns may be reported, investigated and acted upon as the person receiving the concern sees fit if sufficient information is provided to permit independent verification. In responding to an anonymous complaint, the University will pay due regard to fairness to any individual(s) named, the seriousness of the issue raised, the credibility of the concern and the prospects of an effective investigation and discovery of evidence.

#### 5. Sources of advice

If a member of staff is uncertain whether something is within scope of this Policy, they should seek advice from the Deputy Chief Executive who shall decide whether the concern should be addressed under this or other University policies.

Alternatively, if the member of staff wants confidential and independent external advice, contact may be made with Public Concern at Work at:

3rd Floor, Bank Chambers 6-10 Borough High Street London, SE1 9QQ

Tel: 020 7404 6609 (for whistleblowing advice) 020 3117 2520 (for general enquiries)

Email: [whistle@pcaw.org.uk](mailto:whistle@pcaw.org.uk) (UK enquiries) [helpline@pcaw.org.uk](mailto:helpline@pcaw.org.uk) (UK helpline)  
[services@pcaw.org.uk](mailto:services@pcaw.org.uk) (UK services)

## **APPENDIX 3(A)**

Procedures for complaints falling outside the scope of this policy

- Grievances connected with employment can be found [here](#).
- Complaints by students about their programmes of study or research and the services the University provides can be found [here](#)
- Appeals against assessment decisions should be forwarded to the Finance Division in the first instance.
- Disciplinary procedures for staff can be found [here](#)
- Disciplinary regulations for students can be found [here](#)
- Harassment and bullying web pages can be found [here](#)