



# WHISTLE BLOWING POLICY

*Raising concerns at the University of St Mark & St John*

## Contents

1. About this policy .....	2
2. Purpose of the policy .....	2
3. Responsibility for this policy .....	3
4. What does this policy cover? .....	3
5. Who can raise a concern under this policy? .....	4
6. Safeguards.....	4
7. How to raise a concern .....	5
8. What we will do next .....	5
9. Protection for people raising concerns.....	6
10. Reporting concerns to an external organisation .....	7
Appendix A - Whistle Blowing – Step by Step Guide .....	8
Appendix B - Procedure for Investigations .....	9
Version Control .....	10

## **1. About this policy**

- 1.1 The University is committed to the maintenance of the highest standards. It seeks to conduct its affairs in a responsible manner taking into account the requirements of the funding bodies and general guidance and legislation on standards in public life, particularly in regard to probity, openness and accountability.
- 1.2 This policy and procedure is designed to allow concerns of public interest arising from the business and conduct of University affairs to be raised, investigated and where appropriate, acted upon.
- 1.3 This policy and procedure has been developed following publication of the Public Interest Disclosure Act 1998 (PIDA) which became effective on 2 July 1999.

## **2. Purpose of the policy**

- 2.1 The purpose of the procedure is to enable all staff and certain other contracted persons, with reasonable evidence or belief about suspected malpractice within the University, to raise their genuine concerns without being subject to any detriment, including victimisation and disciplinary action up to and including dismissal.
- 2.2 Complaints may be made by any member of staff, student, governor or those contracted to provide services to the University. Complaints that are not of a public interest will be dealt with by other procedures of the University.
- 2.3 Concerns about what is happening at the University can usually be dealt with through the normal channels of communication (through line managers or the People Team) and existing University procedures, as part of a commitment to continuous improvement. However, there may be times when members of the University feel that using existing procedures would be inappropriate or could in some way put their own position at risk. In those circumstances, this policy provides an alternative.
- 2.4 The aims of this policy are to:
- encourage people to report suspected wrongdoing as soon as possible without fear of reprisal (even if their concerns turn out to be mistaken);
  - make people aware of how to raise concerns;
  - protect people who raise concerns from repercussions as a result of having done so;
  - put in place appropriate procedures to investigate concerns; and
  - make sure that concerns are dealt with in a transparent and confidential way.

### **3. Responsibility for this policy**

3.1 The Board of Governors has overall responsibility for this policy, and for reviewing both how it works and how effective it is.

3.2 The Executive Director of People & Culture is responsible for managing the policy and for keeping a confidential record of all concerns raised and investigations carried out. They are required to deliver a report to the Board on concerns raised, investigations made and outcomes on an annual basis. The report will not contain the names of those involved.

3.3 All members of the University are welcome to comment on this policy and suggest ways in which we could improve it. If you have any comments, suggestions or questions, you should address them to the Executive Director of People & Culture.

### **4. What does this policy cover?**

4.1 This policy covers raising concerns about what is happening at the University, often referred to as whistleblowing. Whistleblowing is the term that is used for reporting information which relates to suspected wrongdoing or dangers at work.

4.2 In terms of the Public Interest Disclosure Act 1998, a 'protected' or 'qualifying' disclosure must relate to information that, in the reasonable belief of the individual, suggests that:

- A criminal offence has been committed
- A person has failed to comply with a legal obligation
- A miscarriage of justice has occurred
- A financial irregularity or fraud has been committed
- A person is involved with corruption, bribery or blackmail

Or, that:

- The health and safety of any individual is endangered
- The environment may be damaged
- The information relating to any of these matters is being deliberately concealed

4.3 In addition to these qualifying disclosures, the University would also consider the following general issues to be relevant matters to be handled under this policy, i.e. financial malpractice;

- corruption;
- bribery;
- dishonesty;
- abrogation of appropriate procedures,
- or departures from statutory or other requirements of good governance.

4.4 You should not normally use this procedure for complaints about your own personal circumstances, which should be dealt with under the relevant HR policies and procedures.

4.5 This policy may also be used to raise concerns about the integrity of research being conducted within the University.

4.6 If you have any questions about what can be dealt with under this policy, you can raise these confidentially with the Executive Director of People & Culture.

## **5. Who can raise a concern under this policy?**

5.1 You can raise a concern under this policy if you are a member of staff, a currently registered student, a Students' Union sabbatical officer, a consultant, an intern, or a member of the Board of Governors or any of its subcommittees. This also includes agency workers, hourly paid and guest workers, contract workers and work experience placements.

## **6. Safeguards**

6.1 We expect that the complainant has reasonable belief in any concerns raised. In return, we will take concerns seriously, investigate them appropriately and will not tolerate repercussions against anyone who has raised a genuine concern under this policy.

6.2 We can offer pastoral support to anyone raising concerns during an ongoing case and after. The whistleblowing officer will be able to provide details of opportunities to talk to someone confidentially about how they are feeling.

6.3 We do not encourage anonymous complaints, since it is likely to be more difficult, or even impossible, for us to deal with these if we cannot ask you for more information as necessary, and we will not be able to report back to you on the outcome of any investigation. This does not mean that we will ignore anonymous concerns that are raised, just that it may be more difficult to deal with these unless there is other evidence which an investigation could uncover.

6.4 If you do not want your identity to be revealed, we will do what we can to keep your details confidential. We will let you know if this is not possible (because, for example, we need to give details of the complaint to someone who may be involved in the matter and that may allow them to guess your identity, or because you will need to give evidence as a witness).

## **7. How to raise a concern**

7.1 If you have a concern, we would encourage you to raise it first with your line manager or the People Team. If you do not feel able to do that, you should contact the Executive Director of People & Culture in confidence. Their contact details will be on the University web pages. They will be able to tell you whether your concerns should be dealt with under this policy or under another University procedure or policy.

7.2 If your concern relates to the Executive Director of People & Culture, you should write to the University Secretary & Registrar. If it relates to the Executive Director of People & Culture and the University Secretary & Registrar, you should raise it with the Vice-Chancellor. If it relates to the Vice-Chancellor, you should raise it with the Chair of the Board of Governors. Please visit our Board of Governors page of the website for information and contact details for the governance team. The person you contact will either act as Whistleblowing Officer themselves or tell you who will be taking that role.

7.3 If this policy applies, the Whistleblowing Officer will ask you to send them your concerns in writing. Your letter or email should include:

- a summary of your concern;
- a statement of all the relevant facts;
- copies of any evidence to support the allegation;
- the names of any witnesses who can provide supporting statements;
- whether you want to raise the concern in confidence;
- whether you have any personal interest in the matters you are concerned about; and
- wherever possible, your name and address so the Whistleblowing Officer can reply.

## **8. What we will do next**

8.1 Once you have told us about your concerns we will confirm receipt of the complaint and set out the University's immediate intended action, in writing, normally within five working days. Members of staff may also wish to consult and take advice from their trade union.

8.2 We will then review what action to take. This might mean an internal review, an investigation in line with section 0, a formal independent inquiry or sending the concern to the police or other external agency. The action we take will depend on how serious the concern is, how it could affect any other people involved or any external organisation, the best way to make sure that the investigation is handled by someone with appropriate expertise, and whether we have any formal duty or obligation to report the matter to an external agency.

### 8.3 Internal investigation

The Whistleblowing officer will discuss the complaint with a member of the Executive Leadership Team (ELT), who unless subject to the complaint themselves, will normally be the designated person to conduct an internal investigation. If the complaint relates to a member of ELT, the Vice-Chancellor will be the designated person to conduct an internal investigation.

8.4 The investigation will begin with a confidential interview, with you which will normally be held within ten working days from the date of the Whistleblowing Officer's written confirmation.

8.5 The allegation(s) will be investigated following the guiding principles of the University's agreed Investigation Procedure.

8.6 The outcome of the investigation will be passed to the individual responsible for the Hearing, as set out in Appendix B. This person will determine whether there is a case to answer and under what University policy the matter will proceed, for example the Disciplinary or Capability policies. If no suitable procedure is available, an *ad hoc* process may be needed, which would be shaped by the guiding principles in the University's other policies.

## 9. Protection for people raising concerns

9.1 Any report or recommendations following an investigation in relation to the matter raised will not identify you unless there is a legal obligation to do so; you consent in writing; or there are grounds to believe that you have acted maliciously.

9.2 All correspondence connected with the matter will be kept secure, confidential and, as far as practicable, will not reveal your identity. Other than the initial one-to-one confidential interview, you will not be required, without consent, to participate in any enquiry, investigation or hearing into the matter unless there are grounds to believe you may have been involved in misconduct or malpractice.

9.3 No detriment will be suffered by the you where the grounds for such a report or complaint, on the balance of probabilities, appeared to be reasonably valid at the time of using this procedure.

9.4 However, if following a report or complaint of alleged malpractice, an investigation determines that such a report or complaint was not based on reasonable belief or evidence and that the allegation(s) were motivated in order to cause harm or detriment to the alleged offender(s), this may, of itself, constitute an act of gross misconduct which will be dealt with in accordance with the University's Disciplinary Procedure.

## 10. Reporting concerns to an external organisation

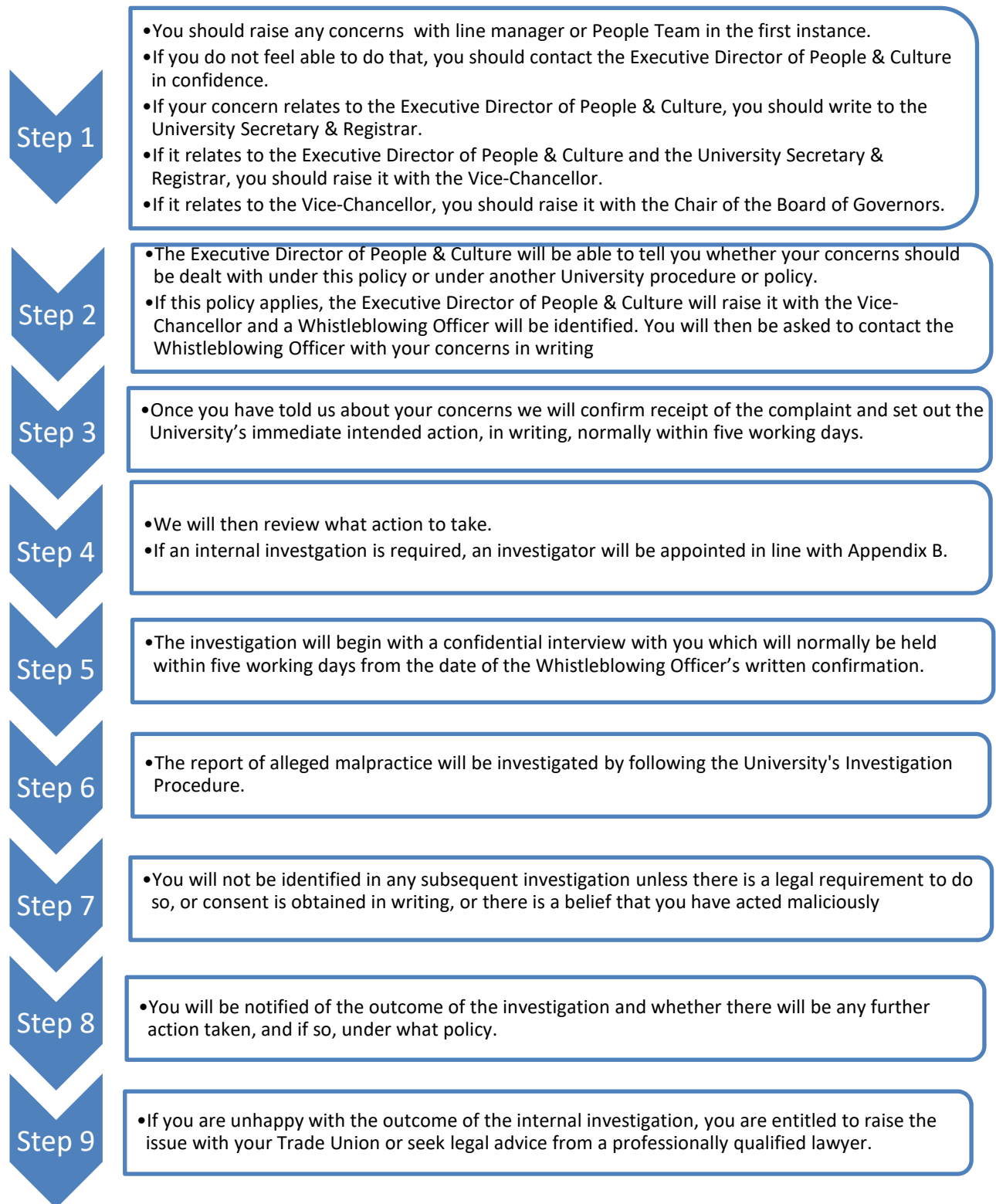
- 10.1 We would always hope that we can deal with concerns through this policy. However, in some circumstances it may be necessary for us to report the matter to an external regulatory or other body.
- 10.2 If you feel that you want to report your concerns to an external organisation, we strongly encourage you to get advice first. The independent whistleblowing charity Protect has a confidential helpline and can give you a list of regulators who you can report particular types of concern to. Contact details can be found at their website <https://protect-advice.org.uk/>
- 10.3 If you are dissatisfied with the outcome of the internal procedure when it has been followed to its conclusion, you are entitled to raise the issue on a confidential basis with your trade union or a professionally qualified lawyer for the purpose of taking legal advice and/or the appropriate public body..
- 10.4 If you have reasonable evidence and belief that the substance of the complaint or issue could involve an internal conspiracy within and across sufficient of the executive management, including the University's advisers and Board of Governors or its sub-committees, then you are, after informing the Executive Director of People & Culture, entitled to raise the issue as above.
- 10.5 Notwithstanding your rights under 10.2 and 10.3, the University has the right to invoke the agreed Disciplinary Procedure against you, in circumstances where it considers that it has carried out the internal procedures fairly and reasonably but has concluded that in reporting the alleged malpractice:
- you did not reasonably believe that the allegation was substantially true.

There is more information about whistleblowing at: [www.gov.uk/whistleblowing](http://www.gov.uk/whistleblowing)



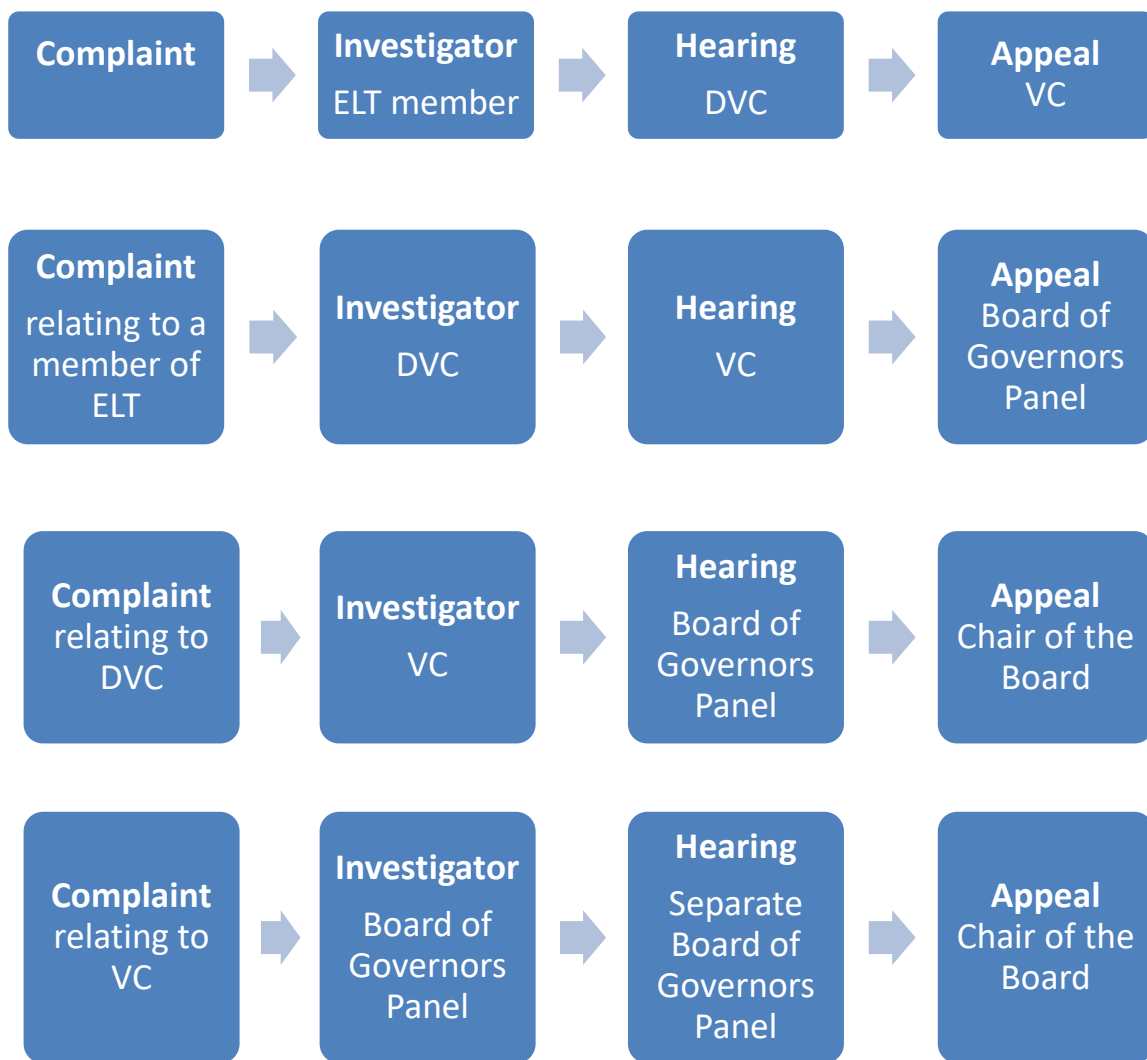
## Appendix A - Whistle Blowing – Step by Step Guide

The purpose of the procedure is to allow all staff and certain other contracted persons, with reasonable evidence or belief about suspected malpractice within the University, to raise genuine concerns without being subject to any detriment, including victimisation and disciplinary action up to and including dismissal.



## Appendix B - Procedure for Investigations

The report of alleged malpractice will be investigated by the Vice-Chancellor or other designated senior manager as appropriate, by following the University's agreed formal Disciplinary Procedure where the nature of the complaint and/or initial investigation concerns a qualifying disclosure and appears serious enough to warrant its immediate use. The individual investigating such a complaint will not be the person who will decide the outcome of the complaint – the process will be considered by a Hearing as set out in the University's formal Disciplinary Procedure.



## Version Control

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