

Governors' Policy on the Reporting of Serious Malpractice and Abuse

1. St Mary's University has a duty to conduct its affairs in a responsible way and to take into account the requirements of funding bodies as well as the standards in public life enunciated in Lord Nolan's Reports. The University takes failures to conduct its affairs properly and the effect of wrongdoing seriously.
2. The University recognises the need to protect the personal confidentiality of those who work within the University. In addition the University is committed to the principles of academic freedom and therefore to permit staff to speak freely and without being subject to disciplinary sanctions or victimisation, about academic standards and related matters, providing that they do so lawfully, without malice, and in the public interest and in a way which respects proper confidentiality.
3. Those who work within the University are probably the first to know, on the relatively infrequent occasions when things are going wrong in the University, whether these things concern questions of financial malpractice, the abrogation of appropriate and agreed procedures or departures from the statutory or other requirements for good governance (collectively referred to in this document as a "Concern"). Channels exist through which such Concerns can be raised in an informal and relatively low key way. But members of staff may feel, rightly or wrongly, that their own position in the University will be jeopardised if they raise such Concerns in this way, and sometimes the usual channels may, indeed, be inappropriate. This document sets out the Policy of the University in relation to such Concerns.
4. Those who become aware of a Concern (and who feel after following any informal consultation that may be appropriate that the Concern is serious and needs to be formally reported and investigated) should follow the procedures set out in the following paragraphs. The intention of this Policy is to deal with serious Concerns (whilst respecting the fact that precise definitions may prove difficult) and it is not the intention of the Policy to address trivial Concerns.
5. A Concern relating to injustice or discrimination against individuals should normally be dealt with under established grievance procedures. If it is a student grievance, the machinery established under the University's student charter for this purpose is appropriate. It is expected that a Concern relating to these areas will only be pursued under the following procedures if it has not been satisfactorily resolved under the grievance procedures or student charter procedures.

6. Concerns about an individual's financial conduct or about other issues, for example the behaviour of any senior University officer, or a member of the Board of Governors, or about the propriety of committee or other collective decisions, should be made in writing to the Vice-Chancellor. If for any reason it is not possible or appropriate to report the Concern to the Vice-Chancellor, it should be reported to the Chairman of the Audit Committee. Where the concern is specifically directed at the Vice-Chancellor, the Chairman of Governors should be informed in writing.
7. The University recognises that in exceptional circumstances the use of an appropriate external body, to whom concerns can be raised and advice sought, may necessary. The University recognises the registered charity Public Concern at Work as a source of guidance.
8. In any case where a Concern has been reported, the Vice-Chancellor (or Chairman of the Audit Committee) will make a record of its receipt and of subsequent action taken.
9. The Vice-Chancellor (or Chairman of the Audit Committee) may decide to investigate the matter personally or (more usually) may appoint others to investigate the matter. The investigation should not be carried out by the person who may ultimately have to make a decision in the matter. The investigation will be carried out as a matter of urgency and a report made to the Vice-Chancellor (or Chairman of the Audit Committee) who will consider carefully the report of the investigation with a view to taking appropriate action. The Vice Chancellor (or Chairman of the Audit Committee) will report in writing to the person reporting the Concern indicating the outcome of the investigation and any action proposed.
10. If the matter is judged inappropriate for investigation and the Concern is effectively dismissed, the person raising the Concern shall be informed, and given the opportunity to refer the matter in writing to the Chairman of the Audit Committee (or if the investigation has been carried out by the Chairman of the Audit Committee the reference shall be to the Chairman of the Board of Governors) who will take such steps as is deemed necessary to review the case and will communicate the results of the review in writing to the person raising the Concern. This need not be done when a Concern is dismissed after an investigation. Where a Concern is reported, the person or persons in respect of whom it is made must be told of the Concern and the evidence supporting it and be allowed to comment on it before the investigation is concluded and a report made.
11. In the conduct of investigations regarding the Concern:
 - 11.1 All reasonable steps will be taken to protect the confidentiality of the person reporting the Concern until a formal investigation is

launched, and thereafter so far as such confidentiality is consistent with a fair investigation and with the right of the person being investigated to be aware of the nature of the Concern. All reasonable steps are taken to ensure anonymity and that there is no subsequent victimisation.

11.2 Any reprisals against or victimisation of the person reporting the Concern will be treated by the University as a serious disciplinary matter.

11.3 If the investigation establishes that the reporting of a Concern appears to have been made for malicious or frivolous reasons the person making the report may be dealt with under the University's disciplinary procedures.

11.4 If the investigation referred to in the paragraphs above discloses a prima facie case that the Concern is justified, the University will immediately take appropriate action.

12. This Policy and its operation will be kept under review by the University's Audit Committee and a full review undertaken after no more than 2 years of operation; any proposals resulting from this review process will be taken to the Board of Governors as necessary.

This policy is intended for the guidance of and use by University staff, students and other stakeholders.

With acknowledgement and appreciation to the University of Hull upon whose document the overall structure and many sections of this document are based.

Approved in this form February 1998

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