

# **ST MARY'S UNIVERSITY, TWICKENHAM**

## **PUBLIC INTEREST DISCLOSURE POLICY AND PROCEDURE (WHISTLEBLOWING)**

### **1. PURPOSE OF THE POLICY**

St Mary's University aims to conduct its affairs with honesty and integrity and we expect all staff to maintain high standards of conduct. However, all organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct.

A culture of openness, transparency and accountability is essential in order to prevent such situations occurring and to address them if they do occur.

This policy is intended 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;
- Provide staff with guidance as to how to raise any concerns and provide a mechanism for dealing with any concerns
- Support the University's values
- Ensure the highest standards of governance

This policy covers all employees, officers, consultants, contractors, casual workers and agency workers.

This policy does not form part of any employee's contract of employment and we may amend it at any time.

All staff are responsible for the success of this policy and should ensure that they use it to disclose any genuine suspected danger or wrongdoing. Staff are invited to comment on this policy and to suggest ways in which it might be improved.

### **2. WHAT IS 'WHISTLEBLOWING'?**

'Whistleblowing' is the disclosure of information which relates to suspected wrongdoing or dangers at work. The primary purpose of such disclosure is to allow the employer to assess and take any appropriate action to deal with such wrongdoing or remove or reduce the danger identified.

Suspected wrongdoing or dangers may include:

- Criminal activity;
- Failure to comply with any legal or professional obligation;
- Danger to health and safety;

- Damage to the environment;
- Conduct likely to damage our reputation;
- Unauthorised disclosures of confidential information;
- The deliberate concealment of any of the above matters.

A “whistleblower” is a person who raises a genuine concern relating to suspected wrongdoing or dangers at work.

If a member of staff has any concerns regarding a suspected wrongdoing or danger affecting any of the University’s activities they should report it under this policy.

### 3. RELATED POLICIES AND PROCEDURES

This Public Interest Disclosure policy should not be used for complaints relating to a member of staff’s own personal circumstances, such as the way they have been treated at work. In those cases staff should use the **Staff Grievance Procedure**.

In accordance with the **Financial Regulations**, if any member of staff has reason to believe that a fraudulent irregularity has taken place, or is about to take place with financial implications for the University (including cash, stores, physical or intellectual property) they should inform a Pro Vice-Chancellor immediately using the **Prevention of Fraud Policy and Response Plan**.

This Public Interest Disclosure policy should not be used by students, who should instead refer to the **Student Complaints Procedure** if they have any concerns about the activities of the University or its staff.

Where a member of staff has reason to believe that a serious incident has occurred, or is likely to occur, that might have a negative impact on or undermine the University’s status as a charity, they should refer to the Governors’ policy on **Reporting Serious Incidents to the Charity Commission and to HEFCE**.

### 4. MAKING A DISCLOSURE

#### 4.1 Principles

- All concerns raised will be treated fairly and properly;
- The University will not tolerate the harassment or victimisation of any worker because they have raised, or intend to raise, a genuine concern;
- While it is often more difficult or impossible to investigate anonymous disclosures effectively (see 4.2 below) the University will not reveal the name of any member of staff who has made a disclosure without their express permission;
- The University will ensure that the member of staff making the disclosure knows who is handling the matter.

## 4.2 Procedure

### 4.2.1 Who to raise concerns with

In many cases it will be appropriate for a member of staff who suspects wrongdoing or dangers at work to raise their concerns with their **Head of School or Service** in the first instance.

The member of staff might tell them in person or put the matter to them in writing if they prefer.

The Head of School or Service will either consider and respond to the matter him/herself or refer it to:

- The Director of HR; or**
- The Clerk to the Governors.**

If the member of staff feels unable to raise their concern with their Head of School or Service, or feels that their Head of School or Service has not adequately addressed a concern they have raised, they should raise their concern with **the ViceChancellor** as soon as possible (normally within 10 working days).

### 4.2.2 What happens

In either case, a meeting will normally be arranged to enable the member of staff to set out their concerns in more detail and for the relevant member of staff considering the concerns to establish the facts in order to investigate.

A member of staff who has raised a concern under this policy may bring a work colleague or union representative with them to any meetings under this policy. If a member of staff does bring a companion, the companion must respect the confidentiality of the disclosure and any subsequent investigation.

Should the concerns of the member of staff appear not to fall within the scope of this policy, the member of staff will be advised of any alternative courses of action or University policies and procedures which may be appropriate (see section 3).

After the meeting a written summary of the staff members concern will be provided to them. In addition the chair of the meeting will aim, where practical, to give the staff member an indication of how we propose to deal with the matter.

Where there is a person or persons against whom specific allegations are made, in most cases it will be necessary to tell them of the nature of the disclosure and the evidence supporting it, and allow them to comment on it as part of the investigation at the earliest possible moment.

Any investigation will not be carried out by a person against whom an allegation has been made.

### **4.2.3 Anonymity**

The University does not encourage anonymous disclosures. Proper investigation may be more difficult or impossible if we cannot obtain further information from the whistleblower. It is also more difficult to establish whether the allegations are credible. Members of staff who are concerned about reprisals if their identity is revealed should come forward to the Director of HR or the Clerk to the Governors and appropriate measures can then be taken to preserve confidentiality. Anonymous allegations will not normally be investigated other than in exceptional circumstances and where they are particularly serious in nature.

In any event, the identity of the member of staff making the disclosure will not be divulged without their consent.

### **4.2.4 Audit Committee: notes any whistleblowing disclosure**

At every meeting of the Audit Committee a note will be made of whether any whistleblowing disclosure has been made.

## **5. DISSATISFACTION WITH AN OUTCOME**

If concerns raised by a member of staff are judged inappropriate for investigation, or the member of staff remains otherwise dissatisfied with the outcome, they should raise their concerns with the Chair of the Audit Committee via the Clerk to the Governors.

A review of the case will be undertaken by the Chair or his/her nominee and the results will be communicated in writing to the member of staff. The review will focus on:

- Any procedural irregularities or errors
- Any new evidence that has subsequently come to light or that was not released previously for valid reason
- The reasonableness of any previous outcome provided
- Any other extenuating factors which he/she considers relevant to the review

The decision of the Chair of the Audit Committee will be the final stage in the procedure for any disclosure.

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

It is understandable that whistleblowers are sometimes worried about possible repercussions. The University aims to encourage openness and will support staff who raise genuine concerns under this policy, even if they turn out to be mistaken.

Whistleblowers must not suffer any detrimental treatment as a result of raising a genuine concern that is 'protected' under relevant employment law. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern.

If a member of staff believes that they have suffered any such detrimental treatment, they should inform the Director of HR or the Clerk to the Governors immediately. If the matter is not remedied as a result, they should then raise it formally using the Grievance Procedure.

Members of staff must not threaten or retaliate against whistleblowers in any way. If a member of staff is guilty of involvement in such conduct they will be subject to disciplinary action.

Support is available to whistleblowers who raise concerns under this policy. Contact details are set out at section 8 below.

## **7. FALSE OR MALICIOUS ALLEGATIONS**

While the University will ensure that the principles set out in section 4.1 are followed for any member of staff making a genuine disclosure, if upon investigation the University concludes that a member of staff has made an allegation:

- which is found to be false and/or malicious; or
- which is made with a view to personal gain;

that member of staff will be subject to disciplinary action.

## **8. SOURCES OF HELP AND ADVICE**

### **8.1 Internal**

The following are able to give help and advice on this policy:

- The Director of HR or
- The Clerk to the Governors

### **8.2 External**

The following provide help and guidance on whistleblowing in the workplace:

- [The government website](#)

- [The organisation 'Public Concern at Work' offers a guide to Public Interest Disclosure](#)

The campus unions, UCU and Unison, may also be able to help and advise.

### Document record

Document title	PUBLIC INTEREST DISCLOSURE POLICY AND PROCEDURE (WHISTLEBLOWING)			
Author (name/role)	Graham Fice, Clerk to the Governors			
Document date	February 2015			
Effective from	Finance and Staffing Committee approval: March 2015 Audit Committee approval: March 2015			
Equality Impact Assessment (EIA) completion date	February 2015			
History (where discussed/who circulated to/committees)	Director of HR (DMH Stallard legal advice) PRC and campus unions Board of Governors: Audit Committee and FSC			
Approval body and date	Finance and Staffing Committee: March 2015 Audit Committee: March 2015			
Review date including EIA	2017			
Document posted (specify Yes, No, N/A)	Website: NA	StaffNet: Y	SIMMSpace: NA	simmsCAPital: NA