

Policy

Raising Issues of Concern (Whistleblowing) Policy

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Introduction

- 1 The University is committed to maintaining an open culture with the highest standards of honesty and accountability where employees can report any legitimate concerns in confidence.
- 2 This policy is designed to allow employees to disclose information, which they believe shows malpractice or illegal practices in the workplace, without being penalised in any way and it reflects the legal protection given to employees under the Public Interest Disclosure Act 1998.
- 3 It is an express term of the contract of employment that an employee will not disclose confidential information about the University's affairs. However, where an individual discovers information which they believe shows malpractice or illegal practices within the University or those of its official partners, then the option to disclose the information independently of line management, and without fear of reprisal should be made available.
- 4 The policy is not designed to help anyone who wishes to question financial or business decisions which have been taken by the University; nor should it be used to seek reconsideration of matters which have already been addressed under the University's grievance, disciplinary, capability or dignity at work policies and procedures.
- 5 The policy applies equally to all employees of the University regardless of seniority or length of service. Other individuals performing functions for the University, such as agency workers and contractors will be encouraged to use the policy if appropriate.

Scope

- 6 The law provides protection for workers who raise legitimate concerns about specified matters. These are called 'qualifying disclosures'. A qualifying disclosure is one made in the public interest by a worker who has reasonable belief that one or more of the following have occurred:
 - a criminal offence
 - financial impropriety or fraud
 - failure to comply with legislation, the University's Articles of Government/Regulations
 - dangers to health, safety or the environment
 - criminal activity
 - academic or professional malpractice or witnessing unsafe practice/care whilst on official student placement or external business
 - improper conduct
 - attempts to conceal any of these

has been or is likely to be, committed. It is not necessary for the individual to have proof that such an act is being, has been or is likely to be committed, a reasonable belief is sufficient. The individual has no responsibility to investigate the matter, it is the University's responsibility to ensure that an investigation takes place.

- 7 Failure to notify the University when certain of an occurrence included in, but not limited to, the list of categories of qualifying disclosures stated above, will be regarded by the University as misconduct.
- 8 It is particularly important in matters concerning the health, safety and welfare of those working in University premises or those of its official partners, whether employees, students, contractors or visitors, that anyone including an elected health and safety representative, who becomes aware of a hazard, actual or potential, or a dangerous occurrence is expressly required to immediately notify their line manager or the Health and Safety Manager or the Human Resources Directorate.

Protection

- 9 This policy offers protection to those employees who disclose concerns. The University's aim is that the wellbeing of any employee should not in any way be harmed as a result of the protected disclosure, whether the item reported proves to be true or not, provided the reporting was carried out with reasonable belief of wrong doing. Any reprisal or similar action taken against an employee because of a protected disclosure, including an employee who has been investigated as part of the disclosure, may be regarded as gross misconduct which will result in disciplinary action.
- 10 The University undertakes to protect the employee from any personal claims and from any victimisation, harassment or bullying occasioned as a result of their disclosure.
- 11 The University undertakes to comply with all applicable laws relating to the prohibition of retaliation against whistle blowers who have reasonable belief of wrongdoing and raise issues of concern.

Confidentiality

- 12 The University will treat all disclosures in a confidential and sensitive manner. The identity of the individual making the allegation may be kept confidential so long as it does not hinder or frustrate any investigation. However, the individual making the disclosure may need to provide a statement as part of the evidence gathering process, and their identity may be revealed or implied as part of the investigating process. If a criminal investigation follows, the employee may be needed as a witness.

Anonymous disclosures

- 13 This policy encourages individuals to put their name to any disclosure they make. Concerns expressed anonymously are less powerful and may be less easy to investigate, but they will be considered at the discretion of the University.
- 14 In exercising this discretion, the factors taken into account will include the:
 - seriousness of the issues raised
 - credibility of the concern
 - likelihood of confirming the allegation from attributable sources

Untrue allegations

- 15 If an individual has a reasonable belief of wrong doing and makes an allegation, which is not confirmed by subsequent investigation, no action will be taken against them. If, however, they make malicious or vexatious allegations, particularly if they persist with making them, then disciplinary action may be taken against the individual concerned.

Procedure for making a disclosure

- 16 If an employee believes that a matter or practice within the scope of this policy (as referred to in 6 above) is being, is likely to be or has taken place, they are encouraged to immediately report it to their line manager. Should the matter or practice concern their line manager then it should be reported to their Human Resources Business Partner (HRBP). An employee may also report their concerns to the Deputy Vice Chancellor or confidentially to whistleblowing@bucks.ac.uk which will be received by the Human Resources Directorate.
- 17 An investigation will take place into the alleged matter or practice. When disclosing any concerns the employee would not be expected to have absolute proof of malpractice or illegal practices but would need to show the sound reasons for their concerns.
- 18 Independent external advice may be sought from 'Public Concern at Work', a charitable organisation which can provide free confidential telephone advice to people concerned about wrongdoing at work at www.pcaaw.co.uk

Raising issues of concern/whistleblowing investigation process

- 19 Once received, the disclosure will be referred to the Human Resources Services Director (HRSD) or nominee who will report it to the relevant Dean, Pro Vice Chancellor (PVC), Deputy Vice Chancellor (DVC) or Finance Director or as appropriate, giving details of the disclosure including the:
- date and substance of the disclosure
 - identity and level of seniority of the alleged wrongdoer(s)
 - level of risk associated with the alleged wrongdoing
- 20 The HRSD and the PVC/Dean/DVC/Finance Director will decide whether sufficient information exists to allow the allegation(s) to be investigated, and, if so, the appropriate raising issues of concern/whistle blowing investigation process, to determine:
- 21 the nature and scope of the investigation
- who will lead the investigation (that person may be external to the University)
 - the nature of any technical, financial or legal advice that may be required
 - a timeframe for the investigation (paying regard to the level of risk)
 - whether the individual(s) under investigation should be suspended

- 22 They will also consider the appropriate time to inform the alleged wrongdoer(s) of the investigation process.
- 23 Possible outcomes of the investigation may include:
- no further action
 - disciplinary action (and therefore a transfer to the disciplinary process)
 - further investigation by an external authority
- 24 It should be noted that cases relating to suspected criminal activity including but not limited to fraud would be reviewed by the HRSD and PVC/Dean/DVC or Finance Director to decide whether they should be referred to the police or other relevant body.
- 25 If on conclusion of the investigation the individual reasonably believes that the appropriate action has not been taken, they should report the matter to the proper authority. The legislation sets out a number of bodies to which qualifying disclosures may be made, but not limited to. These include:
- HM Revenue & Customs
 - Financial Conduct Authority (formerly the Financial Services Authority)
 - Health and Safety Executive
 - Environment Agency
 - Independent Police Complaints Commission
 - Serious Fraud Office

Review

- 26 The policy will be formally reviewed in June 2018 however reviews may take place in the interim to ensure the policy's effectiveness and compliance with legislation, with changes being made accordingly.