

## **PUBLIC INTEREST DISCLOSURE POLICY AND PROCEDURE**

### **(‘WHISTLE BLOWING’)**

### **Quick Guide:**

#### **What is public disclosure (whistle blowing)?**

It is a process for individuals to raise a genuine concern on the delivery of the University’s services, which may include malpractice or wrongdoing in connection to the University or individual(s).

#### **When can it be used?**

Concerns may relate to:

- Someone’s health, safety and well-being
- Damage to the environment
- Criminal activity
- Fraud or financial irregularities
- Contravention of the Bribery Act 2010
- Nepotism
- Conflict of interests
- Failure to comply with legal duty and statutory instruments
- Miscarriages of justice
- Corruption or blackmail.

#### **When should it not be used?**

- Reconsideration of any matters already addressed under other internal procedures, for example complaints or disciplinary or grievance procedures;
- Individuals to challenge decisions properly taken by the University.

#### **What do I do if I think I have a whistle blowing matter to report?**

Raise a concern to an individual set out in the steps of action in paragraph 6.8 of the main document.

#### **Will my job/place on my university course be at risk/Will I be in trouble with the law?**

No. The aim is that concerns can be raised without the person raising the concern receiving any adverse consequence.

#### **Who should I go to for advice?**

There is an independent charity Public Concern at Work who operate a confidential helpline and has a list of regulators for reporting certain types of concerns (Protect Whistleblowing Advice Line: 020 3117 2520, email: [whistle@protect-advice.org.uk](mailto:whistle@protect-advice.org.uk)) or the Citizens’ Advice Unit.

Individuals who are part of the University can also go to their line manager (staff) or personal tutor/supervisor/head of subject the Students’ Union (students).

## **PUBLIC INTEREST DISCLOSURE POLICY AND PROCEDURE**

### **(‘WHISTLE BLOWING’)**

#### **1. POLICY STATEMENT**

- 1.1 The Public Interest Disclosure Act 1998, which came into effect on 2 July 1999, protects individuals (see 2.3) against detriment or dismissal for raising concerns about certain matters of public interest and encourages the resolution of problems within the workplace. A person making a disclosure, and in accordance with this Policy and Procedure will not be penalised for so doing. Disclosures are protected if they are believed to be made ‘in the public interest’.
- 1.2 Newman University has a duty to conduct its affairs in a responsible and transparent way and to take account of the requirements of its regulators for the proper use of public funds and the standards required in public life. Furthermore, it is a student-centred institution committed to providing high quality student experience with a strong value driven mission and ethos and, therefore, encourages individuals to raise genuine concerns which they believe to be in the public interest, about suspected wrongdoing at the University. The disclosure of such genuine concerns should be made at the earliest practicable stage.
- 1.3 The University is committed to taking seriously all disclosures raised by individuals and to investigate them as appropriate.
- 1.4 This Policy and Procedure is intended to provide safeguards to enable individuals to make a disclosure or raise genuine concerns on the delivery of services, which may include malpractice or impropriety in connection to the University or individual(s). The aim is to provide a rapid mechanism under which genuine concerns can be raised without fear of adverse repercussions or victimisation to the individual raising such concerns. It is also intended to promote a culture of openness and shared responsibility to uphold the reputation of the University and maintain public confidence in its services.
- 1.5 This Policy and Procedure seeks to balance the need to provide safeguards for individuals that raise genuine concerns about malpractice against the need to protect others and the University against uninformed and vexatious allegations.
- 1.6 The University prohibits confidentiality ‘gagging’ clauses in contracts of employment which seek to prevent the disclosure of information in the public interest.

#### **2. SCOPE OF POLICY**

- 2.1 This Policy and Procedure is incorporated within the legal framework of the Public Interest Disclosure Act 1998. The Act provides statutory protection to all individuals (see 2.3) who disclose information reasonably and responsibly, which they believe to be in the public interest, without fear of being victimised.

- 2.2 This Policy and Procedure sets out how such disclosure should be made and how cases will be handled by the University.
- 2.3 The Policy and Procedure Policy applies to all students, workers (which includes paid employees, honorary attachments, agency workers, volunteers, contractors and trainees on vocational or work experience schemes) and Council members. All of these categories are referred to as 'individuals' throughout this policy and procedure.
- 2.4 This Policy and Procedure is intended to be used to raise matters of general concern in the public interest. It is hoped that staff and students feel able to raise the majority of their concerns with their line manager (staff) and tutor /supervisor / Head of Subject (students). Students may also seek advice from the Students' Union or the [Citizens Advice](#). A number of policies and procedures are already available to staff and students, through which individuals may raise and resolve many issues of concern. A list of relevant policies is attached at the end of this document. All other categories of individuals who may wish to make a disclosure, should contact a member of the University's Leadership Team, it may be that one of the University's policies and procedures are used as deemed appropriate in the circumstances in the first instance.
- 2.5 This Policy and Procedure does not apply to matters of concern or differences relating to individual or collective grievances or complaints by students.
- 2.6 To avoid possible prejudice to any internal investigation process, a disclosure should not normally be made to external bodies before it is raised through the internal mechanisms set out in this Policy and Procedure. However, under the Act and in limited circumstances, an individual making a disclosure to an external body (e.g. regulator or police authority) related to one of the matters covered by the Public Interest Disclosure Act 1998, may be protected from detriment or dismissal. It will rarely, if ever, be appropriate to inform the media. The University strongly advises any individual reporting a concern externally to seek advice. The independent charity Public Concern at Work ([Protect](#)) operates a confidential helpline and has a list of prescribed regulators for reporting certain types of concerns<sup>1</sup>.
- 2.7 Any malpractice, impropriety and wrongdoing within the University will be taken seriously. Examples of such malpractice and wrongdoing are outlined in Section 3 but this is not an exhaustive list.

### **3. DEFINITION OF A DISCLOSURE**

- 3.1 Whistleblowing is where an individual makes a disclosure which they believe to be in the public interest about suspected wrongdoing at the University. This disclosure may relate to:

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<sup>1</sup> Protect (<https://protect-advice.org.uk/>) Whistleblowing Advice Line: 020 3117 2520, email: [whistle@protect-advice.org.uk](mailto:whistle@protect-advice.org.uk)

- 3.1.1 Someone's health, safety and well-being
  - 3.1.2 Damage to the environment
  - 3.1.3 Criminal activity
  - 3.1.4 Fraud or financial irregularities
  - 3.1.5 Contravention of the Bribery Act 2010
  - 3.1.6 Nepotism
  - 3.1.7 Conflict of interests
  - 3.1.8 Failure to comply with legal duty and statutory instruments
  - 3.1.9 Miscarriages of justice
  - 3.1.10 Corruption or blackmail.
- 3.2 The procedure is **not** for:
- 3.2.1 Reconsideration of any matters already addressed under other internal procedures, for example complaints or disciplinary or grievance procedures;
  - 3.2.2 Individuals to challenge decisions properly taken by the University.

#### 4. ACCOUNTABILITY

- 4.1 Individuals have a contractual, and in some cases, a professional duty/obligation to bring to the attention of the University any matter they consider damaging to the interests of students or of malpractice.
- 4.2 Individuals who knowingly make malicious or vexatious allegations may be subject to action under the University's staff disciplinary procedure or other relevant procedures.
- 4.3 There is a duty of confidentiality and loyalty to the University not to unreasonably undermine public confidence in its services and an individual is, therefore, required to follow the procedure as laid down in this document in raising concerns of malpractice. The positive use of this Policy and Procedure should mean there would be no need for individuals to raise matters external to the University or to make public statements. If an individual remains dissatisfied then they should refer to Section 7 for guidance.
- 4.4 The University has a duty to ensure individuals are encouraged to express their concerns and to listen to any suggestions which may improve the services the University provides. Under no circumstances will individuals that make a genuine disclosure in accordance with this procedure be victimised or penalised for so doing.

#### 5. DESIGNATED OFFICER

- 5.1 The University has nominated the University Secretary & Registrar (or the Deputy Registrar) to be the **Designated Officer** with specific responsibilities for addressing concerns raised in confidence which need to be handled outside the usual line management chain.
- 5.2 The Designated Officer will be the point of contact for individuals who wish to express concerns under this Policy.

## **6. PROCEDURE**

- 6.1 The aim of this procedure is to resolve matters of concern at the earliest opportunity.
- 6.2 If line management is implicated in some way, then the individual making the disclosure should approach the next level of management or the Designated Officer.
- 6.3 Those persons disclosing do not need to have firm evidence before raising a concern; however, they will be required to have reasonable grounds for believing that the relevant matter of concern does exist or has arisen. It is important for those making a disclosure to explain as fully as possible the information or circumstances that have given rise to the concern being disclosed, providing as much supporting evidence as possible.
- 6.4 The rules of procedural fairness and natural justice will be followed, namely that anyone making a decision under this procedure should have no personal interest in the outcome of the case and there should be no real likelihood of bias.
- 6.5 Anyone conducting an investigation under this procedure should not be the person who will ultimately take the decision based on the outcomes.
- 6.6 Disclosures relating to financial matters will normally be investigated as set out in the Corporate Governance section of the [Financial Statements](#) (page 16 – 18).
- 6.7 When an allegation is made against a “named individual”, that individual will be informed of the allegation and supporting evidence. The point at which this occurs will depend on the specific nature of the case. They will be given an opportunity to respond either in writing or orally and, if interviewed about the matter, will be given the opportunity to be accompanied.
- 6.8 **STAGE 1**
  - 6.8.1 Wherever possible, a concern should be raised initially with the individual’s line manager, giving details, where available, and the reason why the concern is being raised. The line manager will note the concern and agree to a meeting as soon as practically possible, where the individual will be invited to expand upon their concern. The line manager will undertake the following:-
    - i. If the matter does not warrant further action, this will be explained to the individual raising the concern, confirming the same in writing.
    - ii. If the matter warrants further action, the line manager may either deal with it themselves, refer the matter to the University Leadership Team (ULT) to action, refer the matter to the Designated Officer under Stage 3 or refer the matter to be dealt with under an alternative University procedure.
  - 6.8.2 If the individual does not feel that the matter has been appropriately dealt with, they can proceed to Stage II.

## 6.9 STAGE II

- 6.9.1 The individual can refer the matter to a member of the ULT outlining their concern in writing. The ULT member must respond to the individual in writing as soon as is practically possible following receipt of the written concern. The ULT manager will undertake the following:-
- i. If the matter does not warrant further action, this will be explained to the individual raising the concern, confirming the same in writing.
  - ii. If the matter warrants further action, the ULT manager may either deal with it themselves, refer the matter to the Designated under Stage 3 or refer the matter to be dealt with under an alternative University procedure.
- 6.9.2 If the individual does not feel that the matter has been appropriately dealt with, they can proceed to Stage III.

## 6.10 STAGE III

- 6.10.1 If the individual continues to feel that the issues have not been completely dealt with, or where the matter concerns a member of the ULT or it is not appropriate to raise it at either Stage I or Stage II, then they can raise the matter with the Designated Officer who may:
- i. decide that no further action is warranted;
  - ii. initiate a full investigation into the matter, as appropriate. The scope of the investigation will be determined by reference to the nature of the concern raised and such other factors as are considered relevant;
  - iii. decide that the matter should be considered under an alternative University procedure and refer it as appropriate.
- 6.10.2 Those persons involved in the investigation will be expected to provide reasonable cooperation with the investigation, including giving evidence.
- 6.10.3 The Designated Officer will provide a report for consideration by the Audit Committee, which may take any action it considers appropriate in the circumstances. This may include the initiation of formal procedures within the University or reference to an appropriate government department or regulatory agency.
- 6.10.4 A written response to the individual will be actioned by the Audit and Risk Committee through the Designated Officer.
- 6.10.5 This will be the final stage of the internal process.
- 6.10.6 The requirements described in Stage III are to be addressed within a reasonable time scale.
- 6.10.7 If the concern is about the Designated Officer or any member of Council, it should be raised with the Chair of Council (or if about the Chair, with the Vice Chair), with any report being considered by Council.

## **7. REFERENCE TO EXTERNAL BODIES**

If, having followed this procedure, the individual continues to feel their concerns have not been dealt with appropriately, they may wish to refer the issue on a confidential basis directly with a prescribed person or body as outlined by the Department for Business, Energy and Industrial Strategy (BEIS) - for example, The Charity Commission or The Audit Commission.

A full list of prescribed persons and bodies can be found on the BEIS web site by following the link: <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>

## **8. PROTECTION AGAINST DISCIPLINARY ACTION**

- 8.1 No disciplinary action will be taken against an individual on the grounds of a disclosure made in accordance with this Policy and Procedure. This will not prevent the University bringing disciplinary action in a case where there are grounds to believe that a disclosure has been made maliciously or vexatiously or where an external disclosure is made in breach of this Policy and Procedure without reasonable grounds, other than to a prescribed person or body (outlined above).

## **9. CONFIDENTIALITY**

- 9.1 The individual will be responsible at all times for maintaining confidentiality as defined in the current data protection laws and should bear in mind the need to maintain public confidence in the University.
- 9.2 The University may consider an individual's request for the protection of their identity on the understanding that, by doing so, anonymity may place limitations on the University conducting a full and proper investigation. Such requests should be treated with caution and, when a situation arises where it is not possible to resolve the concern without revealing the identity of the individual concerned, then an agreed way forward will be discussed. In general, individuals are encouraged to put their name to any disclosures they make since part of the purpose of this Policy and Procedure is to promote openness and discourage fear of reprisals.

## **10. MONITORING AND REVIEW**

- 10.1 The Director of Human Resources will be responsible for monitoring this Policy and Procedure to ensure consistency within the University. In this regard, the officer undertaking any investigation must communicate confidentially in writing with any disclosures made under this Policy and Procedure to the Director of Human Resources and work with them to manage the process.
- 10.2 This Policy and Procedure will be reviewed after 3 years or earlier if there is a change to the relevant regulations or at the request of the Designated Officer.

The following is a list of university policies procedures which may be appropriate to refer to when considering making a declaration related to this policy – not exhaustive:

### General Policies

- [Children on University Premises](#) (Intranet)
- [Complaints Policies](#)
- [Data Protection Policy](#)
- [DBS Policy](#)
- [Disability Policy](#)
- [Equality and Diversity Policy](#)
- [Research Ethics Approval Framework](#) (Intranet)
- [Research Ethics Governance](#)
- [Social Media Framework](#)

### Policies for conducting University Business

- [Anti-Bribery Statement](#)
- [Financial Regulations](#)
- [Freedom of Expression Code of Practice](#)
- [Gifts and Hospitality Policy](#)
- [Value for Money and Procurement Policy](#)

### Human Resources Policies

- [Dignity at Work Policy](#)
- [Grievance Policy and Procedure](#)
- [Recruitment of Ex-Offenders Policy](#)
- [Staff Disciplinary Policy and Procedure](#)

### Regulations and Policies Relating to Students

- [Admissions Policy](#)
- [Dignity at Study Policy](#)
- [Fitness to Practice and Study Policy](#) (Intranet)
- [General Academic Regulations](#)
- [Sexual Harassment, Assault and Violence; student policy and guidance](#) (Intranet)
- [Student Alcohol and Substances Policy](#) (Intranet)
- [Student Disciplinary Procedures](#)
- [Student Mental Health Policy](#) (Intranet)
- [Students under the age of 18 years Policy](#) (Intranet)

### Health and Safety Policies

- [Health and Safety Policies, including Risk Assessment](#) (Intranet)