

PUBLIC INTEREST DISCLOSURE (WHISTLEBLOWING) POLICY

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the place of useful learning

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PUBLIC INTEREST DISCLOSURE (WHISTLEBLOWING) POLICY

1. Introduction

The University is committed to the highest standards of openness, probity, and accountability. It seeks to conduct its affairs in a responsible manner taking into account the requirements of the funding bodies and the standards in public life set out in the reports of the Nolan Committee.

The Public Interest Disclosure Act (1998) gives legal protection to employees against being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns that they believe to be in the public interest. The aim of this policy is to encourage employees, or other members of the University, to report such matters internally so that, as far as possible, concerns can be raised and resolved at the lowest appropriate level within the University. However, this may not always be appropriate and matters may be raised through a different route. The following is the University's policy for handling any such disclosures.

2. Principles

The University expects individuals to work together in an open and honest environment, in compliance with the law, as well as University regulations and policies, and with integrity. However, where an individual discovers information which they believe shows malpractice or wrongdoing within the University that they believe to be in the public interest, then this information should be disclosed without fear of reprisal. Normally such disclosures will be made to the line manager or Head of Department in the first instance. However, this policy allows individuals to raise such matters at a senior level, independently of line management. Alternatively, if the circumstances are such that it is inappropriate to follow this route the disclosure can be made to the Head of Internal Audit or the Convener of the Audit Committee.

All concerns raised will be treated fairly and properly. Individuals raising a concern can expect to be treated with respect, and will be informed of who is handling the matter. The University will not tolerate harassment or victimisation of anyone raising a concern. Nor will any individual be disciplined as a result of raising a concern, even if they are mistaken. However, this assurance is not extended to someone who maliciously raises a matter they know to be untrue.

3. Scope of Policy

This policy is intended to assist individuals who believe they may have discovered malpractice or impropriety. This policy is designed to allow employees or other members of the University to raise concerns or to disclose information which the individual believes shows malpractice and is in the public interest.

A number of policies and procedures are already in place within the University including fraud prevention; grievance and complaints; discipline; dignity and respect. This policy is not intended to replace these other procedures but, rather, is intended to cover concerns which are in the public interest and may (at least initially) be investigated separately but might then lead to the invocation of such procedures. These concerns might include:

- Financial malpractice, impropriety, fraud or theft
- Corruption, bribery or blackmail
- Failure to comply with a legal obligation or with the Statutes, Ordinances and Regulations of the University
- Dangers to health and safety or the environment
- Criminal activity
- A miscarriage of justice
- Academic or professional malpractice
- Improper conduct or unethical behaviour
- Attempts to conceal any of the above

Any complaints from University employees regarding alleged breaches of their own contracts of employment would normally fall outwith the scope of this policy, but could instead be considered through the Grievance Procedure or Dignity and Respect Procedure as appropriate.

4. Safeguards

Protection

This policy is designed to offer protection to those employees or other members of the University who disclose such concerns in the reasonable belief of the individual making the disclosure that it tends to show malpractice and is in the public interest. The individual will also be protected if they make the disclosure to an appropriate person/body as identified in these procedures. Individuals are encouraged to follow these procedures so that the matter may be dealt with appropriately.

Confidentiality

The University will treat all such disclosures in a confidential and sensitive manner. The identity of the individual making the allegation will be kept confidential so long as it does not hinder or frustrate any investigation, or unless they agree otherwise. However, the investigation process may reveal the source of the information and the individual making the disclosure may need to provide a statement as part of the evidence required. When making such a statement the individual may wish to be accompanied by a work colleague or a Trade Union representative.

Anonymous Allegations

This policy encourages individuals to put their name to any disclosures they make. Concerns expressed anonymously are much less powerful, but they will be considered at the discretion of the University. In exercising this discretion, the factors to be taken into account will include:

- the seriousness of the issues raised;
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources.

Independent Advice

If anyone has concerns about raising such matters, or if they wish further advice, then they can contact the Head of Internal Audit. If they would prefer to speak to someone outwith the University then they can contact Public Concern at Work for free, confidential advice on 020 7404 6609 or at: helpline@pcaw.co.uk. Or they may visit Public Concern at Work's website at: www.whistleblowing.org.uk

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PROCEDURES FOR MAKING A DISCLOSURE

a. Initial Step

The individual should make the disclosure to their line manager in the first instance.

If the disclosure is about the line manager then the disclosure should be made to the relevant Head of Department/School or Director.

If the disclosure is about the Head of Department/School or Director then the disclosure should be made to the relevant Executive Dean, Chief Operating Officer or Chief Financial Officer.

Possible alternative routes

In cases involving suspected financial malpractice, the disclosure should be made to the Chief Financial Officer, who will inform the Principal, as the Accounting Officer for the institution's public funding. Also, under the terms of the Financial Memorandum, the University is required to inform the Funding Council of any instances of financial irregularity involving funds provided by SFC.

If the disclosure is about the Chief Operating Officer or the Chief Financial Officer or the individual making the disclosure is an Executive Dean or other Senior Officer then the disclosure should be made to the Principal. However, there may be instances when the individual does not wish to raise the matter with the Principal, or it may be inappropriate to follow this route. Under these circumstances he or she may raise it with the Head of Internal Audit, or whom failing, the Convener of the Audit Committee or the Convener of Court.

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b. Process

On receipt of a disclosure the information will be assessed and consideration will be given to what action may be appropriate. This may take the form of

- an informal review,
- an internal inquiry, or
- a more formal investigation which may involve the police or other external authority.

If an informal review is to be conducted, this may be conducted by the line manager or the Head of Department/School or Director, following advice from the Head of Internal Audit. Alternatively, the line manager or Head of Department/School or Director may ask the Head of Internal Audit to conduct such a review.

If an internal inquiry or more formal investigation is to be conducted then the Designated Person must be notified so that a decision can be taken regarding the nature of the inquiry to be conducted and who will lead it (the Designated Person will, in most cases, be the Chief Operating Officer, however, the Designated Person may be the Convener of Court or Convener of Audit Committee if this is more appropriate). If the decision is that investigations should be conducted by more than one of these means, the Designated Person should satisfy himself/herself that such a course of action is warranted, the possibility of double jeopardy notwithstanding.

c. Internal Inquiry or Investigation

Normally, the Head of Internal Audit will undertake such investigations and report his/her findings to the Designated Person. However, there may be instances when it would be more appropriate for another officer of the University to conduct such an investigation, in which case the Designated Person will decide who should undertake this.

The Designated Person will consider the information arising from this investigation and will take appropriate advice before deciding what further course of action, if any, should be followed. Any investigation will be conducted as sensitively and speedily as possible and is to establish the facts of the matter only.

Where a disclosure is made the person or persons against whom the disclosure is made will be told of it, the evidence supporting it and will be allowed to comment before any investigation, or further action, is concluded.

d. Outcomes of Investigations

Once all the facts are established the Designated Person will decide whether further action should be taken or not. If further action is to be taken then this will normally be through using existing University procedures, such as disciplinary procedures.

In some instances, it might be necessary to refer the matter to an external authority for further investigation. The Designated Person will consider the circumstances and take advice as appropriate before deciding if the matter should be referred to an external authority for further investigation.

e. Feedback

The Designated Person will inform the individual making the disclosure of what action, if any, is to be taken. If no action is to be taken then the individual concerned should be informed of the reason for this.

f. Reporting of Outcomes

A report of all disclosures and any subsequent actions taken will be made by the Designated Person. Such reports will be retained for a period of three years. In all cases a report of the outcomes of any investigation will be made to the Audit Committee as a means of allowing the Committee to monitor the effectiveness of the procedure. Audit Committee will, in turn, provide summary information to Court on an annual basis of cases dealt with under this procedure.