

## Policy on Public Interest Disclosure 2016/17

### Introduction

Members of staff and students may be the first to realise that there is something wrong within the University. However they may not express their concerns, because they feel that speaking up would be disloyal to their colleagues or tutors. They may also fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.

The University encourages members of staff and students to raise genuine concerns about malpractice at the earliest practicable stage. This procedure aims to provide a rapid mechanism under which genuine concerns can be raised internally, and, if necessary, externally, without fear of adverse repercussions to the individual. It is also intended to promote throughout the University a culture of openness and a shared sense of integrity, by inviting all employees and students to act responsibly in order to uphold the reputation of the University and maintain public confidence.

This procedure also seeks to balance the need to provide safeguards for members of staff and students who raise genuine concerns about malpractice against the need to protect other members of staff, members of the Board of Trustees, students and the University against uninformed or vexatious allegations.

### Malpractice

The types of matters regarded as malpractice for the purposes of this procedure are as follows:

- Fraud or financial irregularity
- Corruption, bribery or blackmail
- Criminal offences
- Failure to comply with a legal or regulatory obligation
- Miscarriage of justice
- Endangering the health or safety of any individual
- Endangering the environment
- Improper use of authority
- Serious financial maladministration arising from the deliberate commission of improper conduct
- Research misconduct

## **Assessors**

The Vice-Chancellor will ensure that three members of staff of appropriate experience and standing within the University are designated at any time for the purposes of this procedure as Assessors. One of these shall be designated as Lead Assessor. The current Assessors are:

Lead Assessor - Professor Guy Orpen, Deputy Vice-Chancellor (0117 928 8038)

Assessor - Professor Tim Gallagher, Faculty of Science (0117 331 7479)

Assessor - Mrs Jane Bridgwater, Deputy Secretary (0117 394 1817)

Assessor - Sue Paterson, Deputy Secretary (0117 394 1826)

The Vice-Chancellor may revoke any such designation from time to time and appoint new Assessors. This will be reported to the next meeting of the Board of Trustees, together with brief reasons for the revocation. Where a revocation arises from the termination of an Assessor's employment, brief reasons for the termination will be given to the Board of Trustees.

The Lead Assessor will co-ordinate the training of the Assessors in the use of this procedure and will produce an annual report for the Board of Trustees on the number of occasions when the procedure has been formally invoked and the outcome in each case.

## **Disclosure**

This procedure applies to disclosure by an employee, an agency contract worker, a self-employed homeworker employed or engaged by the University, a student at the University or a Trustee, who has grounds to believe that malpractice has occurred, is occurring or is likely to occur in connection with the University. This malpractice may be on the part of an employee, a student, a Trustee or any other person or persons.

The person making the disclosure should as soon as practicable disclose in confidence the grounds for the belief of malpractice to any of the Assessors. An Assessor may decline to become involved on reasonable grounds. Such grounds include previous involvement or interest in the matter concerned, incapacity or unavailability or that an Assessor is satisfied, after consulting the Lead Assessor, that another Assessor would be more appropriate to consider the matter in accordance with this procedure.

Any disclosure to an Assessor under this procedure shall, wherever possible, be in writing. The person making the disclosure should provide as much supporting written evidence as possible about the grounds for the belief of malpractice.

On receipt of the disclosure, the Assessor will offer to interview, in confidence, the person making the disclosure. Such an interview will take place as soon as practicable after the initial disclosure. The purpose of the interview will be for the Assessor to obtain as much information as possible about the grounds of the belief of malpractice and to consult about further steps which could be taken. The person making the disclosure may be accompanied by a local trade union representative or work colleague at the interview.

The Assessor may be accompanied by an administrative assistant to take notes. The notes will not identify the person making the disclosure. For safeguards in relation to confidentiality, see below.

### **Further steps**

As soon as practicable after the interview (or after the initial disclosure if no interview takes place), the Assessor will recommend what further steps should be taken. Such recommendations may include one or more of the following:

- that the matter should be investigated internally by the University and/or by the University's external or internal auditors or other investigators appointed by the University;
- that the University's disciplinary procedures should be invoked;
- that a member of staff or a student should be given the opportunity to seek redress through the University's grievance or complaints procedures;
- that the matter should be reported to the police;
- that the matter should be reported to the HEFCE, the Department for Education and Skills, the National Audit Office or other appropriate public authority.

The grounds on which the Assessor may recommend that no further action by the University should be taken are as follows:

- that the Assessor is satisfied that the person making the disclosure does not have a reasonable belief that malpractice within the meaning of this procedure has occurred, is occurring or is likely to occur; or
- that the Assessor is satisfied that the person making the disclosure is not acting in good faith; or
- that the matter concerned is already the subject of legal proceedings, or has already been referred to the police, the HEFCE or other public authority; or
- that the matter is already (or has already been) the subject of appropriate proceedings under one of the University's other procedures relating to staff or students.

Any such recommendations will be made by the Assessor to the Vice-Chancellor, unless it is alleged that the Vice-Chancellor is involved in the alleged malpractice or unless there are other reasonable grounds for not doing so, in which case the recommendations will be made to the Chairman or the Vice-Chairman of the Board of Trustees. The recommendations will be made without revealing the identity of the person making the disclosure save as provided below.

The recipient of the recommendations will take all steps within his or her power to ensure that they are implemented, save to the extent that in the view of the recipient there are good reasons for not doing so. If the Vice-Chancellor decides not to implement any such recommendations, that decision will be notified in writing to the Chairman of the Board of Trustees as soon as practicable, together with the reasons for it.

Once the Vice-Chancellor or other recipient has decided what further steps (if any) should be taken, the Assessor will inform the person making the disclosure of the decision. If no further steps by the University are proposed, the Assessor will give the reasons for this.

## **External disclosure**

If, having followed this procedure, the person making the disclosure is not satisfied with the further steps decided upon, or the outcome of any such steps, he or she may raise the matter on a confidential basis directly with the police, the HEFCE, the Department for Education and Skills, a Member of Parliament or other appropriate public authority. Before taking any such action, the discloser will inform the Assessor.

The person making the disclosure may also raise the matter externally, as set out in the paragraph above, if he or she has reasonable grounds for believing that he or she will be subjected to a detriment as a result of making the disclosure, or that all the available Assessors are or were involved in the alleged malpractice.

The person making the disclosure may at any time disclose the matter on a confidential basis to a professionally qualified lawyer for the purpose of taking legal advice.

## **Safeguards**

Any report or recommendations by the Assessor in relation to the matter will not normally identify the person making the disclosure, save on a strictly confidential basis to the Assessor's administrative assistant or to a professionally qualified lawyer for the purpose of obtaining legal advice, unless:

- the discloser consents in writing
- there are grounds to believe that the discloser has acted maliciously
- the Assessor is under a legal obligation to do so
- the information is already in the public domain
- it is essential to do so in order to deal appropriately with the matter disclosed

Any documentation (including computer files and disks) kept by the Assessor relating to the matter will be kept secure, so that as far as practicable only the Assessor and his or her administrative assistant shall have access to it. As far as practicable, any documentation prepared by the Assessor will not reveal the identity of the individual as the discloser of information under this procedure.

Where the person making the disclosure involves a local trade union representative or work colleague in this procedure, the discloser will be under an obligation to use all reasonable endeavours to ensure that the representative or work colleague keeps the matter strictly confidential save, as permitted under this procedure, as required by law or until such time as it comes into the public domain.

The discloser will not be required by the University without his or her consent to participate in any enquiry or investigation into the matter, unless there are grounds to believe that the discloser may have been involved in misconduct or malpractice.

Where the person making the disclosure participates in any such enquiry or investigation, that participation will usually be required to be on an open rather than a confidential basis, although the obligations of the Assessor will remain in relation to the identity of the individual as the original discloser of information under this procedure.

Subject to the paragraphs below, the University will not (and it will use all reasonable endeavours to ensure that its employees do not) subject the discloser to any detriment on the grounds of the disclosure of information under this procedure. The person making the disclosure should report any complaints of such treatment to an Assessor. If the discloser wishes the Assessor to take action in relation to such complaints, the discloser may be asked to consent in writing to the Assessor revealing the discloser's identity for the purposes of any such action.

### **Protection against disciplinary action**

No disciplinary action will be taken against anyone for making a disclosure in accordance with this procedure. This will not prevent the University from bringing disciplinary action in cases 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 procedure without reasonable grounds or otherwise than to an appropriate public authority.

### **Research students**

Where a research student raises concerns about his or her supervisor under this procedure and as a consequence feels that the supervisory relationship cannot continue, the University will endeavour to find a replacement supervisor and will take all reasonable steps to ensure that the student's research is not disrupted.

### **Amendments/Review**

This procedure may be amended by the Board of Trustees from time to time. Any comments or suggestions about the procedure should be referred to an Assessor or to the University Secretary.