1.0 Introduction

1.1 The University of Huddersfield is committed to the highest standards of openness, integrity and accountability in line with the requirements of its Instruments and Articles of Government, funding bodies and the Committee on Standards of Public Life.

1.2 The term “complaint” is used to mean an allegation or disclosure within an institution in areas identified in the Nolan Report and additional areas that now fall within the scope of the Public Interest Disclosure Act 1998. Therefore, the term “serious concern” is more appropriate than complaint in some instances and is used where it provides better sense.

1.3 This policy applies to students and all individuals working at all levels of the University (including agency workers, contractors and members of the University Council).

1.4 This policy and procedure is therefore intended to guide individuals who believe they have discovered matters of serious concern, such as malpractice or impropriety, and about which they wish to raise a complaint in the public interest. Such complaints are to be distinguished from grievances by staff related to their terms of employment and from student complaints or grievances. However, investigation of matters raised under this policy and procedure may subsequently lead to the invocation of other University procedures at the appropriate time, such as the disciplinary procedure.

1.5 In most cases it will not be necessary to alert anyone externally. However, the law recognises that in some circumstances it may be appropriate to report concerns to an external body such as a regulator. It will very rarely be appropriate to alert the media.

1.6 We strongly encourage individuals to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Public Concern at Work, operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern.

1.7 Whistleblowing concerns usually relate to the conduct of staff or students, but they may sometimes relate to the actions of a third party, such as a supplier or service provider. The law allows individuals to raise a concern with a third party, where s/he reasonably believes it relates mainly to their actions or something that is legally their responsibility. However, we encourage members of staff and students to report such concerns internally through their supervisory channels, tutor or the University Secretary.
2.0 Scope of the policy and procedure

2.1 This policy and procedure provides for individuals who believe that they have evidence of concerns (which would be in the public interest to disclose) in respect of the institution itself, or about an individual(s), and to raise those concerns with one of a number of designated people.

2.2 Instances of serious concerns might include:

- suspected or actual financial malpractice, fraud or impropriety;
- failure to comply with a legal obligation (including any breach of a statutory, common law or administrative law requirement) or to comply with the provisions of the Instrument and Articles of Government of the University;
- miscarriages of justice;
- dangers to health and safety of an individual;
- damage to the environment;
- committing a criminal offence;
- obstructing or frustrating the exercise of academic freedom;
- academic or professional malpractice;
- improper conduct or unethical behaviour;
- deliberate concealment of any information relating to the above;
- failure of an individual to disclose a serious conflict of interest.

3.0 Definitions

'public interest'

3.1 The Enterprise and Regulatory Reform Act 2013 gives protection only to individuals making complaints/disclosures ‘in the public interest’. For the purposes of this policy and procedure, a disclosure made by an individual shall be deemed to be in the ‘public interest’ if:

- the matter disclosed is of the nature described in 2.2 above; and
- it is reasonable for the individual to make the disclosure having regard to the seriousness of the complaint, and the likelihood of the malpractice or impropriety continuing, or being likely to occur in the future.

'good faith'

3.2 The Enterprise and Regulatory Reform Act 2013 removed the requirement for disclosures to be made ‘in good faith’, however it also accorded tribunals the ability to reduce compensation by up to 25% if the disclosure appeared not to be in good faith. A disclosure made in ‘good faith’ shall, for this purpose, be made:

- in the reasonable belief that the information disclosed, and any allegation contained in it, was substantially true; and
- without malice; and
- without a view to personal gain.
4.0 Safeguards

Confidentiality

4.1 All complaints made in accordance with this policy and procedure will be treated in a confidential and sensitive manner. The identity of the individual making the complaint will be kept confidential to the extent that the maintenance of such confidentiality does not hinder or frustrate any related investigation. However, the individual making the disclosure may need to provide a signed statement which will disclose their identity.

Anonymous Allegations

4.2 The University encourages individuals to put their names to their complaints. Concerns expressed anonymously are much less powerful and may affect the treatment of the complaint. The factors to be taken into account will include:

- the seriousness of the issues raised;
- the credibility of the concern;
- the likelihood of confirming the allegation from attributable sources; and
- fairness to any individual mentioned in the complaint.

Safeguards

4.3 The Enterprise and Regulatory Reform Act 2013 introduced protection for whistleblowers against detrimental treatment not only from their employer, but from their colleagues. The University will take all reasonable steps to prevent the individual from being subjected to any maltreatment as a result of making a disclosure.

Untrue Allegations

4.4 Where investigation reveals that the complaint has no substance, no action will be taken against the complainant, provided that the allegation had been made in the reasonable belief that it was substantially true. However, disciplinary action may be taken where there is evidence of malice or where the complainant persists in a malicious, vexatious or otherwise unreasonable use of this policy and procedure.

5.0 Procedures for making a complaint

Step 1: complaint made to one of the designated people

5.1 Members of staff and students should initially consider raising concerns through their respective supervisory channels/tutor (see attached flow chart for guidance), as it might be possible to resolve the matter quickly.

5.2 If you are unsure whether your concern falls within the scope of this policy, please seek advice from the University Secretary in the first instance.
5.3 If it is not possible to resolve the matter informally, as detailed in paragraph 5.1 above, a complaint should be processed through any one of the people listed below who have been designated by the University Council to receive complaints.

List of designated people to whom a complaint may be made

The Vice-Chancellor
The University Secretary
The Director of Finance
The Chair of the University Council
The Chair of the Audit Committee

5.4 Although an initial oral approach to one of those people listed is acceptable, the complaint will need to be written down by the designated person and agreed with the complainant before a formal investigation can commence. If the complaint does not involve the University Secretary then the person receiving the complaint may consult the University Secretary as to the procedure to be followed and at each stage of the subsequent process.

5.5 In cases involving financial malpractice or impropriety, the person to whom the complaint is made will inform the Vice-Chancellor, as the Accounting Officer for the University’s public funding, and/or the Director of Finance, unless both are involved in which case the Chair of the Audit Committee and the Chair of the University Council will be informed without delay. In the event that either the Vice-Chancellor or the Director of Finance are involved then the Chair of the Audit Committee, the Chair of the University Council and the University Secretary will be informed without delay.

Step 2: initial assessment of complaint

5.6 The designated person will acknowledge receipt of the complaint and will consider the information it contains and determine whether the complaint properly falls for consideration within the terms of this policy and procedure.

Step 3: action upon outcome of initial assessment

5.7 If the designated person determines that the complaint is a matter for consideration within this policy and procedure, s/he will decide in consultation with the Vice-Chancellor or the Chair of Council (unless the complaint involves them), on the form of the investigation to be undertaken and who should undertake it, using the attached flow chart as an aid. This may include:

- setting up an internal inquiry, subject to agreed internal practices, for example, the staff disciplinary procedure;
- referring the matter to an outside body such as the Health and Safety Executive, Funding Council or the police; or
- setting up an independent inquiry (e.g. by internal or external audit or a professional body or expert).

5.8 Some complaints may require early notification to the Audit Committee and to the Funding Council. Some may require immediate referral to an outside body for consideration and investigation.
5.9 In some cases, a complaint might be appropriately dealt with by action agreed between the designated person and the complainant without the need for further investigation.

5.10 The University will co-operate fully with requests for disclosure, whenever reasonably practical, save that personnel records will not be disclosed.

5.11 If a complaint is to be referred to the police, the University will co-operate fully with the police in the course of police enquiries.

5.12 If a complaint is to be referred for independent inquiry, then the internal inquiry will normally be suspended pending completion of such an independent inquiry.

5.13 If a complaint is to be the subject of an internal inquiry, the designated person will determine, in consultation with the Vice-Chancellor or the Chair of Council (unless the complaint involves them), who should undertake the inquiry and its terms of reference. The Internal Audit Service will normally be instructed by the person receiving the complaint to investigate complaints relating to financial malpractice or impro priety.

**Feedback to complainant following initial assessment of complaint**

5.14 The designated person will, as soon as is reasonably practicable, inform the person making the complaint (in writing) of what action, if any, is to be taken and the envisaged timescale for consideration of the case. The whole procedure will be implemented as quickly as is reasonably practicable.

5.15 If the decision is that no action is to be taken, then the designated person will inform the person making the complaint (in writing) of the reason.

**Step 4: action upon completion of inquiry**

5.16 Upon completion of an internal or independent inquiry established under these procedures, a written report will be made and a copy sent to the person receiving the complaint.

5.17 The designated person will determine from this report whether further action should be taken and, if so, the nature of the action which might include the invoking of other approved University procedures such as grievance, disciplinary or harassment procedures, or reference to an appropriate external authority. The person receiving the complaint will ensure the appropriate action is taken and make a record of that action.

**Step 5: request for a review of outcome of initial assessment and/or initial investigation**

5.18 The person making the complaint will have the opportunity to request a review of the complaint, from another designated person if no action is recommended or action is taken and s/he is dissatisfied with the response. The second designated person will consider the matter and will either confirm the decision, in writing, that
no further action be taken, or determine what further action is to be taken and through what process and to initiate that action as in Step 3.

6.0 External review

6.1 When all internal procedures have been exhausted in the consideration of the complaint, and there are no opportunities for taking the matter further internally, the complainant, if dissatisfied, may ask the second designated person to refer the matter for external independent review. Such a request may not be unreasonably refused.

6.2 The University Council has agreed that the University shall make use of a panel of independent persons, or an ombudsman, and accepts that the University will be bound by the recommendations of such a review.

7.0 Formal reporting

7.1 An anonymised report of all complaints, and subsequent actions, will be made annually to the Audit Committee, the Senate and the University Council.
FLOWSHART FOR THE WHISTLEBLOWING POLICY AND PROCEDURE

**STAFF CONCERN**

- Optional

**UNIVERSITY SECRETARY**

**FOR ADVICE**

Optional

**COUNCIL/COMMITTEE MEMBER CONCERN**

**STUDENT CONCERN**

Optional

**STUDENTS' UNION**

**LINE MANAGER**

- Not Resolved

**DESIGNATED PERSON**

(who will inform the Vice-Chancellor or Chair of Council unless the complaint involves them)

**H.O.D.**

**OR DEAN**

Preferred/optional

**TUTOR**

Not Resolved

**INTERNAL INVESTIGATION**

- Not Resolved

**REVIEW OF INTERNAL INVESTIGATION**

**INVESTIGATION WITH AN EXTERNAL INPUT**

- Not Resolved

**RESOLVED**

* The person receiving the complaint may consult the University Secretary as to the procedure to be followed (if the complaint does not involve the University Secretary)

**H.O.D.** = Head of Department

**LINE MANAGER** (for example) - Deans, Heads of Divisions/Departments, School Administrators, Directors/Heads of Service, Supervisors

For further information please consult the policy, especially section 5, on the detailed procedure for making a complaint.