

The University of Huddersfield

Whistleblowing (Public Interest Disclosure) Policy and Procedure

Policy statement

The University of Huddersfield is committed to the highest standards of openness, integrity and accountability and conducts its affairs in line with the requirements of its Instrument and Articles of Government, funding bodies and the Committee on Standards of Public Life. The University is committed to tackling any malpractice or alleged wrongdoing and this Policy is one component of that commitment.

The UK Government implemented legislation, known as the Public Interest Disclosure Act 1998 (“**the Act**”) to provide legal protection against victimisation or dismissal for workers reporting malpractices by their employers or third parties; such disclosures are commonly referred to as “whistleblowing”.

Whilst the Act specifically covers those working in the UK against detriment if they make ‘protected disclosures’ as defined in the Act (as subsequently amended), the University believes that to promote a culture of shared responsibility and transparency, students and External Council Members should also feel able to raise legitimate concerns without fear of their position within the University being jeopardised. This policy is intended to set out what a worker, student or External Council Member should do if they have such concerns. The University will treat all disclosures made under this policy consistently and fairly.

This policy takes account of the [Whistleblowing Code of Practice](#) issued by the Department for Business, Innovation and Skills and the Code of Practice issued by the Whistleblowing Commission.

This policy does not form part of any employee’s contract of employment and the University may amend it at any time.

Protection and support for whistleblowers

We aim to encourage openness and will support whistleblowers who raise genuine concerns under this policy, even if they turn out to be mistaken. The University will take all reasonable steps to prevent an individual from being subjected to any detriment as a result of raising a genuine concern under this Policy.

Whistleblowers must not suffer any detrimental treatment as a result of raising a concern. If you believe you have suffered any such treatment you should inform the University Secretary immediately. If the matter is not remedied you should raise it formally using the appropriate staff or student grievance procedure.

Members of the University community must not threaten or retaliate against whistleblowers in any way; such conduct may result in disciplinary action.

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Who can make a disclosure under this policy?

Anyone working for the University, including employees, those working under a contract for services and agency workers, students and External Members of University Council (or its committees).

What type of concerns should be reported?

You should use this procedure if you have a genuine concern that there are reasonable grounds for believing that one or more of the categories of wrongdoing listed below has taken place, or is likely to take place, at the University and that you reasonably believe that it would be in the public interest to disclose it:

- Criminal offence(s)
- Breach of any legal obligation
- Miscarriage of justice
- Danger to the health and safety of any individual
- Damage to the environment
- Actual or alleged financial irregularity, fraud or impropriety (please also refer to the University's Financial Regulations and its Anti-corruption, Bribery and Fraud Policy)
- Breach of internal policies and procedures
- The deliberate concealing of information about any of the above.

What concerns are not covered by this Policy/Procedure?

- Matters which relate to an individual's employment contract with the University are not covered by the Act. Such matters should be raised with the employee's immediate manager, Head of School or Department (as appropriate) and with reference to the Staff Handbook.
- In relation to students, concerns other than those falling in the categories set out above should be raised through the appropriate procedure (which include, amongst others, the student complaints procedure and academic integrity procedure) set out in the Students' Handbook of Regulations.
- Personal grievances or complaints, which do not amount to a disclosure made in the public interest; in such cases the appropriate staff or student grievance procedure should be used.
- Bullying and harassment in the Workplace, in such cases the University's Dignity at Work guide and procedure should be followed.

All of the above policies can be accessed via the University's Policies and Procedures [home page](#)

If you are uncertain whether something is within the scope of this Policy, you should seek advice from the University Secretary.

To whom should a disclosure be made:

We hope that in many cases you will be able to raise any concerns with the following people:

- Workers (as defined in the Act): Line Manager (where applicable) or Head of Department;
- Students: Your Personal Tutor, or Head of Department
- External Council Members: University Secretary

You may tell them in person or put the matter in writing if you prefer. They may be able to agree a way of resolving your concern quickly and effectively. In some cases they may refer the matter to the University Secretary.

If, however, you would prefer not to raise any concerns in this manner, or the allegations relate to those named above, they should be reported in writing to the University Secretary or, if the allegation relates to the conduct of the University Secretary or the Vice-Chancellor, the concerns should be reported to the Chair of the Audit Committee (whistleblowing@hud.ac.uk).

The aim of this Policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the University community. In most cases you should not find it necessary to alert anyone externally.

Nothing in this procedure prevents a Worker from exercising their statutory rights under the Act. Workers are, however, advised to seek professional or trade union advice before deciding to disclose matters to a third party/prescribed person outside the University without first attempting to use this procedure; advice can also be obtained from Public Concern at Work, which operates a confidential, whistleblowing helpline: www.pcaw.org.uk

Investigating allegations

On receipt of a disclosure, the University will endeavour to deal with this in a timely and professional fashion, in accordance with the indicative timescales detailed below:

Event	When will you hear from us
Submission of original disclosure by discloser	An acknowledgement will normally be sent within 5 working days. Please note an acknowledgement does not mean that we will be pursuing your disclosure.
Notification of action to be taken or closure	The University will write to you within 20 working days of our receipt of your original disclosure to let you know if we are taking any further action or if your disclosure is closed.
Notification of outcome of investigation	The University will write to you within 3 months of the receipt of your original disclosure with the outcome of our investigation into your specific disclosure and/or to advise you if we require more time, and the reasons for this.

If the University Secretary (or Chair of Audit Committee, if appropriate) considers that the concerns raised do not potentially concern matters covered by this Policy s/he may choose to take no further action. Alternatively, s/he may find that the matter should be dealt with under a different policy/procedure, in which case s/he will advise the person raising the concerns as to the appropriate policy/procedure to be followed.

If the University Secretary (or Chair of Audit Committee) considers that the concerns raised fall within this Policy s/he will arrange for an investigation and a report to be made. In arranging the investigation the University Secretary will consider (in conjunction with a member(s) of the Senior Management Team not connected in any way with the case):

- 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; and
- Whether any individual(s) under investigation should be suspended.

Some complaints may require immediate referral to an outside body for consideration and investigation (e.g. the police, the Health and Safety Executive or the Funding Council), but usually a preliminary internal investigation will first be undertaken. Financial matters may also require early notification to the Funding Council and the Audit Committee.

The person conducting the investigation shall not be the person who will ultimately take decisions based on the investigation. Complaints concerning financial matters will normally be referred to the Director of Finance for investigation (unless s/he, or their department, is the subject of the complaint), who may commission the internal audit service to undertake the investigation on his/her behalf. The University Secretary (or Chair of Audit Committee) will not personally conduct the investigation and will remain separate from it.

In all but the most exceptional cases, the person against whom an allegation is made must be told of the allegation and of the evidence supporting it and be allowed to comment before the investigation is concluded and a report made.

The possible outcomes of the investigation may include:

- No further action
- Review and revisions to a University policy or procedure
- Disciplinary action (and therefore transfer to the disciplinary process)
- Further investigation by an external authority.

Individuals making a disclosure under this Policy should be informed of the general outcome of the investigation, as should any individual against whom an allegation is made, but neither are entitled to receive a copy of the report which is confidential to the investigator, the University Secretary (or Chair of Audit Committee), any staff responsible for administering the process, the appropriate regulatory authority (if appropriate) and the Audit Committee. Where any disciplinary procedure is initiated as a result of an investigation under this Policy, the person subject to that procedure would also receive a copy of the report to the extent it applies to them and the disciplinary proceedings being undertaken.

If an investigation concludes that a disclosure has made false allegations maliciously, or with a view to personal gain, the individual making the disclosure may be subject to disciplinary action through relevant University procedures.

The University will always endeavour to handle investigations promptly and fairly, but if on conclusion of the investigation, the individual believes that appropriate action has not been taken they may refer the matter to the Chair of Council, who will take such steps as s/he deems necessary to review the case. The decision of the Chair shall be final.

What about confidentiality and anonymity?

If confidentiality is requested, the person should be assured that this will be respected as far as is possible, consistent with a fair investigation or legal process, as there may be an overriding reason for disclosure. However, where it is proposed to take disciplinary action, as a result of the investigation, information disclosed by the complainant, where relevant, may need to be used in that disciplinary investigation and, in such circumstances, confidentiality cannot be guaranteed. A person should be assured that, although confidentiality cannot be guaranteed in all circumstances, the University will support them and protect them from detriment having raised a concern, unless it is later proved that the individual has knowingly provided false information.

Individuals making a disclosure may do so anonymously, although the University encourages individuals to put their name to their allegations. If an anonymous allegation is made, the University will assess the information as best it can to establish whether there is substance to the concern and whether it can be addressed. In assessing the allegation, the factors to be taken into account will include the seriousness of the issues raised, the credibility of the concern and the likelihood of being able to confirm the allegation from attributable sources.

Top level commitment

This policy is periodically reviewed and approved by the University Council. It has the full support of the Vice-Chancellor and the Senior Management of this University. An anonymised, annual report of any concerns raised and subsequent actions will be made to the Audit Committee, the Senate and University Council.