

## Public Interest Disclosure Policy and Procedure

### 1. Introduction

The University draws on guidance issued by:

- Public Concern at Work, (PCAW), an independent UK charity which addresses ethics, accountability and whistleblowing and
- the Higher Education Funding Council for England (HEFCE) and the Council of University Chairs (CUC) – see HEFCE publication 2008/06, Handbook for Members of Audit Committees in Higher Education Institutions

in order that issues of concern may be treated in a fair and transparent way.

Further information or advice about Public Interest Disclosure (PID) also referred to as 'Whistleblowing', can be obtained from:

- **Isabel Cherrett**, University Secretary & Clerk to the Governors, ☎01243 816051, [i.cherrett@chi.ac.uk](mailto:i.cherrett@chi.ac.uk)
- **Elisabeth Whitaker**, Director of HR, ☎01243 816119, [e.whitaker@chi.ac.uk](mailto:e.whitaker@chi.ac.uk)
- **Ian Child**, Chief Financial Officer, ☎ 01243 816110, [i.child@chi.ac.uk](mailto:i.child@chi.ac.uk)
- [www.pcaw.co.uk](http://www.pcaw.co.uk) ☎ 020 7404 6609

### 2. The Public Interest Disclosure Policy

2.1 The Public Interest Disclosure (PID) Policy and Procedure of the University of Chichester is designed to:

- Support the University's values
- Ensure that staff and students can raise concerns without fear of incurring retribution
- Provide a transparent and confidential process for dealing with concerns.

2.2 The Policy is in response to the Public Interest Disclosure Act 1998 which gives rights to employees who disclose certain types of information to their employer. The purpose of the Policy is to enable disclosures about serious malpractice, such as financial irregularity, a criminal offence, failure to comply with a legal obligation, dangerous working conditions or fraud, to be raised without fear of recrimination or victimisation. Within the context of Higher Education, the University extends this Policy to students who may become aware of serious malpractice.

2.3 All public bodies must conduct their affairs in a responsible and open manner and comply with the requirements of UK legislation, their funding bodies, accrediting organisations and the good practice set out in the reports of the Committee on Standards in Public Life. As a private company limited by guarantee, the University of Chichester must also comply with its Memorandum and Articles of Association, company and charity law.

2.4 Members of staff or students may be the first to know when something goes wrong; this Policy and Procedure is the mechanism through which concerns raised can be properly investigated and, if appropriate, corrective action taken.

2.5 This Policy covers matters relating to:

- Improprieties in matters of financial reporting
- Fraud
- Corruption, bribery or blackmail
- Criminal offences
- Failure to comply with a legal or regulatory obligation
- Failure to properly safeguard assets

- Miscarriage of justice
- Endangering the health and safety of an individual
- Concealment of any of the above

2.6 The University will not tolerate the harassment or victimisation of anyone raising a genuine concern. Any individual making a disclosure will retain their anonymity unless they agree otherwise. The University will ensure that any individual raising a concern is aware of the person who is handling the matter. The University will ensure that no-one will be at risk of incurring some form of retribution as a result of raising a concern, even if they are mistaken. This safeguard will **not** however, extend this assurance to someone who maliciously raises a matter they know to be untrue.

### 2.7 Public Interest Disclosure Act 1998

All UK employees are protected under the Public Interest Disclosure Act 1998 when they make a protected disclosure. This is a disclosure which, in the reasonable belief of the employee making the disclosure, covers the following employer activities:

- A criminal offence has been, is being, or is likely to be committed
- A person has failed, is failing, or is likely to have failed to comply with any legal obligation to which they are subject
- A miscarriage of justice has occurred, is occurring or is likely to occur
- The health and safety of an individual has been, is being, or is likely to be endangered
- The environment has been, is being, or is likely to be damaged
- Information relating to the above is being deliberately concealed.

## 3. **Raising concerns without blowing the whistle**

Members of staff or students may be the first to know when something goes wrong. The University has a number of mechanisms for these to be dealt with, where the Public Interest Disclosure Procedure does not need to be triggered.

### 3.1 Staff Concerns

In the normal course of events, staff are encouraged to raise concerns through the reporting channels which already exist. These include the Programme Co-ordinator, Subject Leader, Deputy Deans, Executive Deans or Director of the Professional Service, as appropriate. Alternatively, the following Policies and Procedures may be used:

- Financial Regulations – this Policy and Procedure forms part of the Regulations
- The Grievance Policy and Procedure – available via the HR pages on Portia or from your HR officer
- The Policy for addressing Harassment
- The Policy and Procedure on Collective Disputes

### 3.2 Student Concerns

Students are encouraged to raise concerns through a member of staff in their Subject, their academic adviser or seek guidance from the Director of Student & Academic Services or the Students' Union. The following policies and procedures indicate how these concerns should be raised:

- Academic Regulations - issues relating to a student's status should be raised using the Appeals procedure, in accordance with the published criteria
- Students' Complaints Procedure
- Policy for addressing Harassment
- Students' Union Complaints Procedure

## 4. Public Interest Disclosure Procedure

### 4.1 Within the University

In the normal course of events, concerns should be reported through the routes indicated in paragraph 3.1 above. However, staff or students may feel, rightly or wrongly, that their own position at the University will be jeopardised if they raise a particular concern in this way and sometimes the usual channels may seem inappropriate. These concerns could relate to the behaviour of:

- A student
- A member of staff
- A senior manager
- A member of the Board of Governors or a co-opted member of one of its Committees
- Or the propriety of decisions made by committees or other groups.

In such cases, staff and students are encouraged to use the Public Interest Disclosure procedure, as in section 5 below. Special arrangements are available for students on Social Work programmes in accordance with the requirements of the General Social Care Council (GSCC), whilst on work placement – see Appendix A.

### 4.2 Outside the University

Staff and students may also 'blow the whistle' to someone outside the University. They are protected under the terms of the Public Interest Disclosure Act in doing so when they:

- a. reasonably believe the information tends to show a specific malpractice;
- b. are acting in good faith;
- c. do not make the disclosure for personal gain; and
- d. believe that the information is substantially true.

Issues may only be raised with an external person where they relate to:

- A crime or breach of regulatory, administrative or common law;
- A miscarriage of justice;
- Danger to health and safety; or
- Damage to the environment

Guidance on whether a concern is relevant for this Policy and Procedure can be obtained from Public Concern at Work, [www.pcaaw.co.uk](http://www.pcaaw.co.uk)

## 5. Procedure

### 5.1 Confidentiality

Any person making an allegation should be guaranteed that the allegation shall be regarded as confidential by the receiver until a formal investigation is launched. Thereafter, the identity of the person making the allegation may be kept confidential, if required, unless this is incompatible with a fair investigation, or if there is an over-riding reason for disclosure.

The University reserves the right not to investigate allegations which have been made anonymously.

## 5.2 The Allegation

- 5.2.1 Any allegation by a member of staff should normally be made to their line manager; if the allegation concerns the line manager, the allegation should be made to the next line manager. The person to whom the allegation is made should make a record of its receipt and of what subsequent action has been taken.
- 5.2.2 Students should refer allegations to their Academic Adviser, Programme Co-ordinator, Subject Leader or one of the two Deputy Deans in the Faculty.
- 5.2.3 Where an allegation relates to a senior member of staff, for example, a member of the Vice-Chancellor's Group, the University Secretary or a Governor, please see paragraph 7.
- 5.2.4 Provided the allegation has been made lawfully, without malice and is in the public interest, the employment or academic position of the person cannot be disadvantaged for reasons of making the allegation. Action by a manager or others to deter a member of staff or a student from raising a concern about an irregularity or other malpractice may be considered as a disciplinary offence.

## 5.3 The Investigation

- 5.3.1 Any allegation made under this procedure shall normally be the subject of a prompt and thorough investigation, either by the person to whom the allegation is made or more usually by a person or persons appointed by him or her. The University will take steps to ensure that the investigation is not carried out by the person whom may ultimately have to reach a decision on the matter. The investigation may involve the Internal Audit Service.
- 5.3.2 If the matter to be investigated is thought potentially to involve gross misconduct, and where a member of staff or student is the subject of the allegation, the individual may, with the approval of the Vice-Chancellor, be immediately suspended while the investigation proceeds. Similarly if, during the investigation, the Investigating Officer believes that a serious breach of discipline may have occurred, he or she may make a recommendation to the Vice-Chancellor that the individual be suspended. Any decision to suspend will be confirmed in writing as soon as reasonably practicable; suspension is a precautionary measure pending the outcome and should not be considered as a disciplinary issue.
- 5.3.3 Other than in exceptional circumstances, the investigation will always include an interview with the individual concerned, [who may be accompanied by a work colleague, Trade Union or Students' Union representative] as well as other relevant witnesses. The individual, against whom the allegation is made, will have the right to representation and copies of any witness statements collected.
- 5.3.4 The Investigating Officer will summarise the facts in a brief report to the Vice-Chancellor and a copy will also be sent to the individual who is the subject of the allegation. The investigation and report must be completed within fifteen working days of the allegation being made.
- 5.3.5 Throughout the process, the Investigating Officer will give as much feedback as possible, without any infringement of a duty of confidence owed by the University to someone else.

#### 5.4 The Outcome

The Vice-Chancellor will consider the investigation report and inform the individual in person of any action which he or she proposes to take, within five working days of receipt of the report. The Vice-Chancellor's decision will be confirmed in writing to the person who made the allegation and the person against whom the allegation was made.

### 6. **Further investigation**

Where no investigation is carried out, and the allegation is effectively dismissed, the person making the allegations shall be informed and given the opportunity to resubmit the allegation to some other person or authority within the University.

### 7. **Senior Managers**

7.1 Allegations against a senior manager, for example a member of the Senior Managers' Forum, should be reported to the Vice-Chancellor in the first instance or, if more appropriate, to the Chair of Governors.

7.2 Members of the Vice-Chancellor's Group<sup>1</sup>, the University Secretary and the Principal Chaplain are referred to in the Articles of Association as the 'Designated Staff' and are appointed by the Board of Governors. The suspension or discipline of any member of the Designated Staff require special arrangements in accordance with the Articles of Association, paragraphs 18 and 19, available on the University website, [www.chiuni.ac.uk/Governors](http://www.chiuni.ac.uk/Governors)

7.3 Allegations against the Vice-Chancellor or a Governor should also be reported to the Chair of Governors or the Chair of the Audit Committee or the Chief Executive of the Higher Education Funding Council for England ([www.hefce.ac.uk](http://www.hefce.ac.uk)).

7.4 Post to the Chair of Governors and/or the Chair of the Audit Committee can be directed through the University Secretary or the Director of HR or the Chief Financial Officer. Similarly, the University Secretary or the Chief Financial Officer can forward allegations for investigation to the Internal Audit Service – the name and address of the Internal Audit Service is available on the Governors' pages on the University website, [www.chiuni.ac.uk](http://www.chiuni.ac.uk) – Facts and Figures see the most recent Annual Report.

### 8. **Final Report**

The University Secretary will report all allegations and the action taken to members of the Audit Committee as soon as possible. All allegations relating to Equality and Diversity target groups will also be reported to the Equality and Diversity Committee.

Approved by the Board of Governors: 30 June 2009

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<sup>1</sup> VCG comprises the Vice-Chancellor, Deputy Vice-Chancellor, Pro Vice-Chancellor, the Chief Financial Officer and the two Executive Deans

## Public Interest Disclosure Policy for social work students on work placements

[This procedure is in accordance with the General Social Care Council's (GSCC) requirement, (2002) that students on Social Work degrees should be given details regarding whistleblowing procedures which cover the placement.]

### Introduction

The University of Chichester (the University) has an established public interest disclosure procedure which will be available for all students, including those registered on the BA Social Work degree. The policy relates to incidents occurring within the University or to matters when on placement directly related to the educational process.

In addition, the University recognises that students on placements have a duty (under the GSCC's Code of Practice for Social Care Workers and Employers) to report dangerous, abusive, discriminatory or exploitative behaviour and practice that sits outside their immediate learning activity. The relative powerlessness and vulnerability of students who may well be undergoing a process of assessment by work-based staff during their placement is also recognised. The University takes seriously its duty of care for students, and regards as important that students are able to voice their concerns, and that their interests are safeguarded as far as possible.

The University also recognises that where a concern unrelated to the learning experience is raised about an external body, the University's own powers to investigate may be limited both by practical considerations and legal constraint. Accordingly, where an incident results in disclosure outside the institutional and academic context of learning the following procedure shall apply:

### Procedure

1. A student wishing to report a matter should, in the first instance, report their concerns to the Programme Coordinator.
2. The Programme Coordinator will advise the student on the preparation of a statement setting out the issue ('Statement of Issue') and of the procedure that will be followed. This advice shall include advising the student on the possible limits placed on any investigation as a result of protecting anonymity. It is **not** the role of the Programme Coordinator to draft the Statement of Issue or to counsel for or against its submission. It is however appropriate for the Programme Coordinator to advise the student in circumstances where the alleged incident is in fact part of normal practice such that the evidence identifies no malpractice (e.g. misinterpretation of legal methods of constraint in appropriate circumstances).
  - a) The Statement of Issue will be submitted by the Programme Coordinator to the Deputy Vice-Chancellor on behalf of the student. This action will not imply any endorsement or support for the allegation by the Programme Coordinator. The student's name will be disclosed to the Deputy Vice-Chancellor.
  - b) The Deputy Vice-Chancellor will forward the Statement of Issue to a named person at the organisation concerned requesting that the matter be investigated. The identity of the student will only be disclosed by the Deputy Vice-Chancellor with the express written permission of the student.
  - c) All organisations accepting students on placements must identify an appropriate contact person for the purposes set out above, who is competent to implement an appropriate internal investigation. Normally this will be via the organisation's own established disclosure process. Where no such process currently exists, the placement organisation will be required to put in place an appropriate process which will be specified in an annex to their Service Level Agreement with the University. This will set out the circumstances in which such a procedure might be invoked, and confirm the rights of anonymity and freedom from discrimination for the student submitting a Statement of Issue. The University's own Public Interest Disclosure procedure should be used as a guide for this.
  - d) On conclusion of the investigation by the organisation concerned a report setting out the findings will be submitted by the organisation to the Deputy Vice-Chancellor, who will forward the findings to the Programme Coordinator and student.

**(Revised version of that produced by University of Sussex and University of Brighton Joint BA Social Work. [www.swap.ac.uk/quality/whistleblowing.asp](http://www.swap.ac.uk/quality/whistleblowing.asp))**