

WHISTLEBLOWING POLICY AND PROCEDURE

FEBRUARY 2018

Whistleblowing Policy and Procedure

1. Introduction

- 1.1 The University of Hertfordshire Higher Education Corporation, its Board of Governors, senior executive and group companies are committed to a culture of honesty, openness and transparency and want to create an environment where staff feel able to raise any concerns about wrongdoing in the workplace.
- 1.2 This Whistleblowing Policy is a key part of the University's governance arrangements and is designed to encourage and enable staff to come forward to raise their concerns without fear of reprisals.
- 1.3 As a whistle-blower, you are protected by law under the **Public Interest Disclosure Act (PIDA) 2013**, which defends workers from unfavourable treatment, such as losing your job, or victimisation from your employer, if you blow the whistle on wrongdoing in the public interest.
- 1.4 This document sets out;
 - What whistleblowing is;
 - Who the Policy applies to;
 - How to report a concern;
 - How the University will respond to concerns raised;
 - Safeguarding processes; and
 - Contact details.
- 1.5 **Appendix 1** to this policy sets out an easy to use flowchart about how to report a concern, and further details on how to do this are given in section 4.

2. What is whistleblowing?

- 2.1 The term 'whistleblowing' refers to the reporting of a serious concern in the workplace by an employee of the University, that is in the public interest (a 'public interest disclosure'). See examples of what types of concern may be considered in the public interest in section 2.4 below.
- 2.2 Employees are often the first to notice that something is wrong within an organisation but may be worried about raising their concerns for fear of being discriminated against or victimised, or because they feel they are being disloyal to a colleague or manager, or they believe that their concerns will not be taken seriously or that action will not be taken to address their concerns.

- 2.3 It is recognised that raising a concern can be a very difficult decision to make, but the University will ensure that if you do raise a genuine concern, you are not treated unfairly, and it will act quickly to investigate the issue. Any concerns raised will always be treated seriously and where possible your identity will be protected.
- 2.4 It is not possible to provide an exhaustive list of the types of concerns that may be considered in the public interest, but these may include:
- Financial malpractice or fraud;
 - Serious risks to health and safety of staff or students, or to the environment;
 - A criminal offence;
 - Failure to comply with a legal requirement, or a serious breach of a University UPR;
 - Academic or professional malpractice, for example research misconduct;
 - Improper or unethical behaviour, such as abuse of position within the University;
 - General concern about a wrongdoing;
 - Dangerous or illegal activity;
 - Discriminatory behaviour in breach of the Equality Act 2010; and
 - Attempts to conceal any of the above.
- 2.5 The Whistleblowing Policy is not for raising personal complaints relating to issues such as bullying or harassment or issues concerning your terms and conditions of employment. These can be raised under the University's Policy to Promote Dignity and Respect: Preventing and Dealing with Harassment and Bullying (UPR EQ01) or the University's Grievance Policy (UPR HR03).

3. Who does the Policy apply to?

- 3.1 The policy applies to all University and University Group employees, including casuals, temporary and agency staff, contractors and those on placement, work experience, or University apprenticeships. It also applies to those working for suppliers or providing services under contract with the University.
- 3.2 Whilst the protection afforded by the PIDA is limited to employees, this policy will extend similar protection to Members of the Board of Governors.

4. How can I report a concern?

- 4.1 In the first instance, you should always try and report your concern to your immediate line manager or your Head of SBU/Dean of School. However, if this is not possible, for example, because your line manager is involved in the allegation, or because you have raised it with them already and they have failed to take action, then you should report your concern, in writing, to one of the designated officers listed below:

- i. The Secretary and Registrar (**01707 284080** or s.c.grant@herts.ac.uk);
 - ii. The Head of Internal Audit, or a member of the Internal Audit Team (**01707 285987** or b.j.bishop@herts.ac.uk);
 - iii. The Head of Governance Services (**01707 285126** or j.hughes20@herts.ac.uk); or
 - iv. The Director of Legal and Compliance Services (**01707 284719** or a.hall7@herts.ac.uk);
 - v. The Vice Chancellor (**01707 284031** or g.mckellar@herts.ac.uk).
- 4.2 Alternatively, you can report your concern via the University's **Whistleblowing Hotline on 01707 285842**.
- 4.3 If your concern is about the Vice Chancellor, then this should be reported to the Chair of the Audit and Risk Committee. If your concern is about the Chair of the Audit and Risk Committee, then this should be reported to the Chair of the Board of Governors. Both the Chair of Audit and Risk Committee and Chair of Board of Governors can be contacted through the Head of Governance Services – see 4.1. above.
- 4.4 Full contact details for all designated officers are provided in **Section 7** of this policy.
- 4.5 Any concerns relating to possible fraud or financial malpractice should **always** be raised with the Head of Internal Audit.
- 4.6 Where possible, you are encouraged to put your concerns in writing, including as much information as possible, such as: who the allegation is against; the nature of the wrongdoing; any evidence to support your allegation and the reasons for your concern.
- 4.7 Where a concern is raised via the Whistleblowing hotline, a confidential note of the declaration will be made and directed to the Vice Chancellor, or other designated officer, as appropriate.
- 4.8 Individuals are encouraged to provide their contact details, in confidence, so that the matter can be properly investigated. This also allows the investigating officer to check details with you and to ask further questions for clarification, if necessary. It also allows the University to let you know what action is being taken to address your concerns.
- 4.9 Alternatively, you can ask your Trade Union representative to raise a matter on your behalf.
- 4.10 Allegations that are made anonymously will be considered by the designated person, but will only be investigated in exceptional circumstances, for example where the matter is considered by senior officers to be serious enough to merit further investigation.

5. How will we respond to concerns raised?

- 5.1 Where you have provided your contact details, the designated officer will acknowledge receipt of your concern within five working days.
- 5.2 The designated officer will consider the information provided in any declaration raised to decide whether the matter falls within the scope of this policy and if so, whether there are grounds to proceed with a preliminary investigation.

- 5.3 You will be informed if, at this stage, it is considered that the matter would be better dealt with under another policy, such as the Grievance Policy (UPR HR03).
- 5.4 The purpose of a preliminary investigation is to confirm the details of the allegation and to decide whether there is a case to answer. The outcome from this may be:
- That there are insufficient grounds to warrant a further investigation;
 - To conduct a wider, internal investigation;
 - To refer the matter to the police; or
 - To refer the matter for an independent enquiry.
- 5.5 The preliminary investigation will be conducted by an independent person identified by the designated officer and will normally be completed within four weeks of the concerns being raised. The person making the allegation will be told which course of action has been decided upon, as identified in 5.4 above, and the likely timescales for completing any further investigation. All investigations will be completed sensitively and as speedily as possible. The person conducting an investigation will be independent of any decision-making in relation to the case.
- 5.6 If it is decided that there are insufficient grounds to warrant a further investigation, the whistleblower will be informed of this to allow them the opportunity to provide more evidence in support of the case.
- 5.7 Where an allegation concerns a named individual, that person will be informed of the allegations against them, and any supporting evidence, at an appropriate point during an investigation and will be given an opportunity to respond to the allegations before any conclusion is reached. The point at which they are informed will depend on the nature of the allegation. Allegations concerning a member of UH staff will be shared with the Head of HR.
- 5.8 The findings arising from any investigation will be reported to the designated officer for them to make a decision on the course of action to be taken and whether any other internal procedures will be invoked, for example, via the University's disciplinary policies.
- 5.9 Details of all allegations raised will be recorded by the Head of Internal Audit in a 'Whistleblowing Register' and a summary of this will be reported on annually to the Audit and Risk Committee, excluding details of who reported the allegation to maintain confidentiality.
- 5.10 The Audit and Risk Committee will review the effectiveness of this policy and procedure on an annual basis, considering whether it continues to be fit for purpose and whether staff have confidence in using it.

6. Safeguards

- 6.1 All concerns raised under this policy will be treated in confidence and the identity of the person raising their concerns will be kept confidential as far as possible. The University would prefer an anonymous disclosure to silence about serious wrong-doing. However, if the matter becomes subject to a disciplinary process, involves unlawful activity, or is referred to the police, then the individual raising the concern may need to be called as a witness or provide a witness statement.
- 6.2 This policy offers employees, who raise their concerns in good faith and in the belief that their disclosure is true, protection against dismissal and the University will not tolerate any harassment or victimisation of such individuals. Any such abuse will be subject to disciplinary action. This policy offers the opportunity for employees (and others) to speak up without the threat of retribution, as required by law.
- 6.3 If you raise a concern in good faith, but the investigation does not substantiate your claims, we will not take any action against you. However, if you deliberately raise a concern, which is subsequently found to be malicious or vexatious, or made for personal gain, then disciplinary action may be taken against you.
- 6.4 If you are not happy with the way that your concern has been investigated, and with the outcomes resulting from an investigation, then you can make an appeal to the Chair of the Audit and Risk Committee, who is an independent member of the Board of Governors and not an employee, on procedural grounds. The Chair of the Audit and Risk Committee may then instruct a procedural review of the investigation.
- 6.5 You are encouraged to raise your concerns **internally** in the first instance, using this policy and procedure. However, if you feel you cannot do so then a disclosure can be made to a 'protected person'. This is someone who is independent of the University, but does have an authoritative relationship with the University, including:
- The University's External Auditor, BDO;
 - Higher Education Funding Council for England (HEFCE) [until its formal replacement by the Office for Students];
 - The Health & Safety Executive (HSE);
 - Public Concern at Work.
- Trade Unions and Professional Associations will also be able to advise on disclosure.
- 6.6 This policy is designed to clarify the process for raising a concern at work and to assure individuals that where they do raise a genuine concern that this will be taken seriously and acted upon appropriately.
- 6.7 This policy and procedure should be read in conjunction with the University's Anti-Fraud Strategy and Fraud Response Plan (UPR FR08) and the Bribery and Corruption Policy (UPR GV12).

7. Contact Details

- 7.1 Contact details for the key (internal) officers and external organisations identified in this policy are set out below:

Internal Contacts

Whistleblowing Hotline: 01707 285842

Head of Internal Audit: Extension: 5987 Direct Line: 01707 285987 or b.j.bishop@herts.ac.uk

University of Hertfordshire
2nd Floor, MacLaurin Building
4 Bishops Square
Hatfield, AL10 9NE

Secretary & Registrar: Extension: 4080 Direct Line: 01707 284080 or s.c.grant@herts.ac.uk

Head of Governance Services: Extension 5126 Direct Line: 01707 285126 or
j.hughes20@herts.ac.uk);

Director of Legal and Compliance Services: Extension 4719 Direct Line: 01707 284719 or
a.hall7@herts.ac.uk)

Vice Chancellor: Extension: 4031 Direct Line: 01707 284031 or g.mckellar@herts.ac.uk

The above officers and the **Chair of the Audit and Risk Committee** and **Chair of the Board of Governors** can be written to at the address below:

University of Hertfordshire
College Lane
Hatfield
Hertfordshire AL10 9AB

External Organisations:

BDO:

(For financial irregularities)

James Aston, Audit Partner
Tel: 07899 052989
James.aston@bdo.co.uk

HEFCE:

(For financial irregularities or concerns relating to Prevent monitoring duties)

Use link below for guidance on making a referral to HEFCE:

http://www.hefce.ac.uk/media/HEFCE,2014/Content/Regulation/Notifications/Public_interest_disclosures/PID_guidance_v1.3_Nov_2017.pdf

Tel: 0117 931 7381
PID@hefce.ac.uk

Health and Safety Executive (HSE):

Tel: 0300 0031647

www.hse.gov.uk

Public Concern at Work:

Tel: 020 7404 6609 (for whistleblowing advice)

whistle@pcaw.org.uk

CAN Mezzanine

7-14 Great Dover Street

London SE1 4YR

Appendix 1 – How to Report a Concern

