

Public Interest Disclosure (Whistleblowing Policy)

Introduction

Purpose

Confidentiality, protection and openness

Procedure

Sources

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Introduction

The University is committed to building a diverse and vibrant learning community which conducts its business with honesty and integrity.

The University expect all employees to maintain high standards, however, all organisations will face the risk of things going wrong from time to time, or of unknowingly harbouring unethical conduct and practice.

A culture of openness and accountability is essential in order to prevent such situations occurring and to address them when they do occur.

The public interest disclosure (whistleblowing) policy applies to all employees and workers of the University and sets out the way in which public interest disclosures may be raised openly, and details how those concerns will be dealt with.

All individuals performing functions in relation to the organisation, such as agency workers and contractors, are encouraged to use this policy.

This policy does not form part of any employee's contract of employment and may be amended from time to time. If you are uncertain whether something is within the scope of this procedure or another procedure or policy you should seek advice from HR. To report a concern, whistleblowers are encouraged to speak with their line manager in the first instance or by email to the whistleblowing address at [KU whistleblowing@kingston.ac.uk](mailto:KU_whistleblowing@kingston.ac.uk).

1. Purpose

1.1. The aims of this policy and its procedures are:

- To encourage reporting of suspected wrongdoing as soon as possible, in the knowledge that all concerns will be taken seriously, investigated as appropriate and that confidentiality will be respected.
- To provide guidance as to how to raise a concern and what qualifies as a public interest disclosure.
- To reassure individuals that they should be able to raise genuine concerns without fear of reprisals or impacts on career or function, even if they turn out to be mistaken.

1.2. The University expects that all fraud, misconduct or

wrongdoing by workers or officers of the University is reported and properly dealt with as matter of course under all applicable policies. This policy does not replace other procedures such as the Disciplinary and Grievance Procedure, Anti-Bribery Policy, or Fraud reporting under the Financial Regulations and should not be used when other procedures are more appropriate.

2. Definitions

2.1. **Whistleblowing** is the disclosure of information which relates to suspected wrongdoing or dangers at work.

2.2. Such disclosures are referred to as **qualifying disclosures** and may include the disclosure of information which reveals that one or more of the following concerns is either, happening, has already taken place, or is likely to happen in the future:

- a criminal offence
- breach of a legal obligation (for example not having the right insurance in place)
- a miscarriage of justice
- a danger to the health and safety of any individual
- damage to the environment
- a deliberate attempt to cover up any of the above.

2.3. Before making a disclosure you must have a reasonable belief that the allegation tends pertains to or more of the concerns, as referred to above in paragraph 2.2, and a reasonable belief that a disclosure would be in the public interest.

2.4. Generally, being in the public interest means that the issue affects other people, not just you, but it need not necessarily affect a large group. For this reason, personal grievances and complaints are not covered by this procedure.

2.5. A disclosure can be made by any **worker**, which means anyone who works in any capacity for the University and includes:

- an employee who works under a contract of employment (full-time, part-time or fractional)

- a self-employed person who works under a contract with the University to do or perform personally any work or services
- an agency worker
- a contractor
- a person engaged to provide general medical services
- those on work experience or vocational training schemes

2.6. The right to make a protected disclosure arises from day one of your work or employment. There is no qualifying period.

2.7. Confidentiality clauses in settlement agreements do not prevent workers from making disclosures in the public interest.

3. Confidentiality, protection and openness

3.1. The University encourages openness and will support staff who raise genuine concerns under this procedure, even if they turn out to be mistaken. Disclosures made under this procedure will be treated in a sensitive manner. Whistleblowers must not suffer any detrimental treatment as a result of raising a genuine concern.

3.2. A worker who raise a protected disclosure will be protected from victimisation, harassment and not suffer any detriment to their pay and conditions, opportunities for promotion or other personal or career development.

3.3. However, staff who make malicious or vexatious disclosures or with a view to personal gain, may be subject to disciplinary action under the Staff Disciplinary Procedure. A particularly serious view will be taken of malicious or vexatious disclosures made direct to third parties outside the University.

3.4. If you make a protected disclosure in good faith and later suffer from any perceived victimisation or harassment the University will treat any form of victimisation or harassment very seriously and swiftly in accordance with all relevant HR policies.

3.5. Accordingly, the University expects that no worker

shall suffer any detriment for raising a matter under this procedure. This means that the continued employment and opportunities for future promotion or training of the worker will not be prejudiced because they have raised a concern.

3.6. The University hopes that individuals will continue to feel able to voice whistleblowing concerns openly under this procedure and as required.

3.7. In some circumstances, if the whistleblower wants to raise concerns confidentially, the University will make every effort to keep their identity secret.

3.8. If requested, a whistleblower's identity will be kept confidential for as long as possible provided that this is compatible with an effective investigation and is reasonably practicable.

3.9. If it is necessary for anyone investigating your concern to know your identity, this will be discussed with you.

3.10. The investigation process may at some stage have to reveal the source of the information and you may need to make a statement as part of the evidence required and in any subsequent disciplinary proceedings or enquiry. This will always be discussed with you first.

3.11. You should also be aware that during the course of investigations, even if we keep your identity confidential, it may become apparent to colleagues based on the evidence submitted as part of an investigation.

4. Procedure

4.1. Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the worker who raised the issue.

4.2. The University does not encourage staff to make disclosures anonymously. Proper investigation may be more difficult or impossible if we cannot obtain further information from you.

4.3. It is also more difficult to establish whether any allegations are credible. Whistleblowers who are concerned about possible reprisals if their identity is revealed should come forward to HR and appropriate measures can then be taken to preserve confidentiality.

- 4.4.** If in any doubt, whistleblowers can also seek advice from Public Concern at Work, the independent whistleblowing charity, which offers a confidential helpline. Their contact details can be found online (at the end of this document).
- 4.5.** In the first instance, it is hoped that a whistleblowers will be able to raise any concerns with their line manager, either in person or in writing, or via email to the whistleblowing address [KU whistleblowing@kingston.ac.uk](mailto:KU_whistleblowing@kingston.ac.uk).
- 4.6.** Once a concern has been raised with a line manager, they will liaise with HR and may also advise the Dean/ Directorate lead, who may decide to take charge of any investigation that is deemed necessary.
- 4.7.** Once a concern has been raised through the email address, HR will liaise with the Dean or Directorate lead for the area.
- 4.8.** If a whistleblower feels unable to disclose the information to a line manager or through the confidential whistleblowing email address, for any reason, or feel that these areas have not addressed the concern, they should email contact a member of the University's SLT who is outside the line management structure. The SLT member or their nominee, along with HR, will then consider the matter.
- 4.9.** In cases where the nature of the disclosure is such that you wish to bypass University management altogether, for example if it concerns suspected wrongdoing of a member of SLT, you may wish to approach directly the Chair of the Board of Governors.
- 4.10.** The Chair is not an employee of the University and their role is to scrutinise the operation of the University. The Chair or their nominee will consider the matter, along with HR.
- 4.11.** Where your concerns relate solely or mainly to the conduct of a person where someone other than the University has legal responsibility, you may make a protected disclosure to that person. An example might be a direct disclosure to a building contractor or catering provider in respect of their workers failing to meet health and safety requirements. However, you are encouraged to report such concerns internally first as above.
- 4.12.** Following a concern being raised, the University will arrange a meeting with you as soon as possible to discuss your concern. You can be accompanied at any meetings in relation to your disclosure by a colleague or trade union representative. Your companion must respect the confidentiality of your disclosure and any subsequent investigation.
- 4.13.** The University will take down a written summary of your concerns and provide you with a copy after the meeting, normally within 10 working days. You will also be given an indication of how it is proposed to deal with the matter.
- 4.14.** The person with whom you have raised your concern will have notified the HR team that a whistleblowing allegation has been made.
- 4.15.** Following an investigation, the University may recommend a number of outcomes (including but not limited to):
- To take no further formal action
 - To make recommendations, for example policy review, training, mediation
 - To refer the matter for appropriate action within existing University procedures (e.g. procedures for dealing with allegations of misconduct in research, Fraud Response Plan, Health and Safety policies and procedures, Disciplinary procedures (staff/students), Dignity at Work procedure, Student Complaints procedure)
 - To refer the matter to the police in the case of alleged criminal activities
 - That as false allegations have been raised maliciously or with a view to personal gain the whistleblower should be subject to disciplinary action
- 4.16.** Wherever possible the University will aim to keep the whistleblower informed of all progress made and any decisions taken and the reasons for them. However, sometimes, the handling of the matter may have to remain confidential if disclosure would infringe on the duty of confidence the University owes to someone else (for example if it results in disciplinary action against another member of staff).
- 4.17.** It will not be possible to provide anonymous whistleblowers with any information or feedback in relation to any consideration or investigation.
- 4.18.** If you do not feel your concern has been addressed

adequately you may raise it with a member of the University's SLT or the Chair of the board of governors.

4.19. The Audit and Risk Assurance Committee will receive an executive summary every year from HR detailing, for the previous year:

- the number and type of concerns raised under this procedure
- the number of enforcement actions taken as a result
- the number of references to this procedure within any employment tribunal proceedings;
- the number of complaints of victimisation made as a result of raising a concern under this procedure

5. Sources

- [Senior Leadership Team](#)
- [Board of Governors](#)
- www.acas.org.uk/
- www.gov.uk/whistleblowing
- www.pcaw.org.uk/
- www.ucu.org.uk/
- www.unison.org.uk/