UNIVERSITY OF KENT

Whistleblowing Policy

1. The University of Kent, like other public bodies, has a duty to conduct its affairs in a responsible and transparent way and to take into account both the requirements of funding bodies (including of course the Funding Councils) and the standards set out in the reports of the Committee on Standards in Public Life. In addition, it is committed to the principles of academic freedom embodied in its own charter, statutes and articles of government, and enshrined in the Education Reform Act 1988.

2. Whistleblowing is when a worker reports suspected wrongdoing at work. Officially this is known as “making a disclosure in the public interest”, from the Public Interest Disclosure Act 1998. This Policy is designed to ensure that employees and students who have genuine concerns about the conduct of others and believe that disclosure is in the public interest, have a safe and secure mechanism to raise this without fear of victimisation. The Policy applies to all students of the University and members of University staff, including temporary workers, agency staff, people working for sub-contractors, those training with the University but not employed (such as those on work placements), and self-employed workers, if supervised or working off-site.

3. It is recognised that members of staff are often the first to know when things are going wrong in an institution, whether this concerns financial malpractice, the abrogation of appropriate and agreed procedures, or departures from the statutory or other requirements for good governance. This Policy has been introduced to help members of staff raise concerns about malpractice such as fraud; dangers to health; safety or the environment; failure to comply with a legal obligation; academic malpractice; deliberate concealment or suppression of crime; as well as serious breaches of the University’s own policies; where the concern is risking the interests of others; such as students; members of the public; other members of staff or the University. From the Public Interest Disclosure Act 1998, a “qualifying disclosure” means any disclosure of information which, in the reasonable belief of the worker making the disclosure, tends to show one or more of the following:
   (a) that a criminal offence has been committed, is being committed or is likely to be committed;
   (b) that a person has failed, is failing or is likely to fail to comply with any legal obligation to which he is subject;
   (c) that a miscarriage of justice has occurred, is occurring or is likely to occur;
   (d) that the health or safety of any individual has been, is being or is likely to be endangered;
   (e) that the environment has been, is being or is likely to be damaged, or
   (f) that information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed.

4. In the normal course of events, concerns should be raised as soon as possible via line managers, or via heads of Schools or professional service departments, at official committees or through staff representatives, including the accredited trades unions. However in some cases members of staff may feel, rightly or wrongly, that their own position in the institution could be jeopardised if they raise a particular concern in this way, and sometimes the usual channels may indeed be inappropriate.

5. The University is committed to achieving the highest possible standards of quality, integrity, openness and accountability in all of its practices and has its own established Regulations, Codes of Practice, Policies and Procedures. This Whistleblowing Policy makes provision for students and members of staff to raise concerns about serious malpractice and to do so with the knowledge that they will be protected from victimisation, however, if other University Policies and Procedures apply and are more
appropriate, these other channels should be followed in the first instance. For example, allegations of injustice or discrimination against individuals should be dealt with under established policies and procedures. For students, issues can be raised using the Complaints Procedure for Students and the Dignity at Study Policy. For members of staff, issues can be raised using the Dignity at Work Policy and the appropriate grievance resolution procedures.

6. If the usual mechanisms (such as those listed above) are felt to be inappropriate, an internal disclosure may be made under this Policy using the following approaches:

   a. Allegations about an individual’s financial conduct should normally be made to the Director of Finance, who has a direct reporting relationship both with the Vice-Chancellor, as the officer designated by the governing body and by the Funding Council to be accountable for the control of the institution’s funds, and with the Audit Committee established by Council. The Director of Finance should investigate the allegation and report to a higher authority as appropriate. Where, for whatever reason, the person making the allegation considers it inappropriate to make it to the Director of Finance, the provisions of subparagraph b apply.

   b. Allegations about other issues could concern, for example, the behaviour of a senior officer of the institution, or a lay/independent member of the Council, or the propriety of committee or other collective decisions. Such allegations should be made, as the person making the allegation deems appropriate, to the Vice-Chancellor, or to the Secretary of the Council, or to the Chair of the Council. If for any reason none of these individuals is deemed to be appropriate, the allegation should be made to the Chair of the Audit Committee. The Chairs of the Council and of the Audit Committee can be contacted via Council Secretariat.

7. In any case where an allegation is made under sub-paragraphs 6(a) and 6(b), the person to whom the allegation is made should make a record of its receipt and of what action is taken. Any allegation made under this procedure shall normally be the subject of a preliminary investigation either by the person to whom the allegation is made or more usually by a person or persons appointed by him/her, unless it is deemed more appropriate to review the matter under an alternative procedure. The initial investigation should take place as expeditiously as possible in the interests of all concerned and every effort should be made to preserve the anonymity of any members of University staff who may be implicated while the investigation is underway. This preliminary investigation will produce a report with recommendations either for further action or to inform best practice for the future. The recommendations may (without limitation) include one or more of the following:

   a. a further, formal investigation by the person to whom the allegation has been made, either singly, in a group or as part of a panel set up for the purpose;

   b. an internal investigation by the University, or by the Audit Committee, or some other Committee of the Council and/or external or internal auditors appointed by the University;

   c. that the matter be reported to the Higher Education Funding Council for England, the Office of the Independent Adjudicator, the Department for Business, Innovation and Skills, the National Audit Office or some other public authority;

   d. that the matter be reported to the Police.

Where no further investigation is carried out, and the allegation is effectively dismissed, the person making the allegation should be informed, given feedback where possible and given the opportunity to repeat the allegation to some other person or authority within the University. This need not be done where an allegation is dismissed after a formal investigation. The person or persons against whom the allegation is made must also be told of it (at the formal investigation stage) and the evidence supporting it. They should be allowed to comment before the formal investigation is concluded and a formal report
made. The results of the formal investigation should be reported to the Audit Committee. If disciplinary or other action is taken (following a formal investigation) the feedback to the whistleblower will take account of data protection requirements and may be limited to a statement that action is being taken.

8. Any person making an allegation under sub-paragraphs 6(a) or (b) should be guaranteed that the allegation will be regarded as confidential to the receiver until a formal investigation is launched. Thereafter, the identity of the person making the allegation may be kept confidential (if requested), unless this is incompatible with a fair investigation; or if there is an overriding reason for disclosure (for example, if police involvement is required). Provided the allegation has been made lawfully, in the public interest and with reasonable grounds, the employment position of the person should not be disadvantaged because he/she made the allegation. Anyone who maliciously raises a matter they know to be untrue may be liable to disciplinary action themselves. Raising a concern under this Policy will not provide anyone with immunity for any wrongdoing that they have committed, although the University may take into account the fact that they have raised the matter themselves. Concerns can be expressed anonymously in the first instance and these will be investigated to determine whether there is a "prima facie" case for further enquiry.

9. This Policy seeks to balance the need to provide safeguards for individuals who raise genuine concerns about malpractice, against the need to protect the University, its staff and its interests against uninformed, inaccurate or vexatious allegations which can cause serious difficulties for innocent individuals. It is designed to comply with the Public Interest Disclosure Act 1998, but protection under this Act does not extend to students and other non-employees. The University is wholly committed to the protection of all bona fide whistleblowers however, whatever their status, and will regard any subsequent victimisation as a disciplinary offence.

10. Independent advice regarding whistleblowing is available for members of staff via trade unions or professional bodies (such as the AUA). Alternatively, there is the independent charity Public Concern at Work (PCAW), which can be contacted via its website http://www.pcau.org.uk/ or via the telephone number 0207 404 6609. PCAW offers advice on raising a concern about serious malpractice at work and would be able to advise on the circumstances (for example criminal activity) in which actions could be reported directly to an outside body, such as a regulator or to the Police. Further information about the prescribed people and bodies to which, in exceptional circumstances, external disclosures can be made can be found using the following link: https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2

11. Once approved, the University Council will monitor this Policy and will retain responsibility for the Policy, with no amendments made to it without Council approval. Incidents will be reported to the Council and the Policy reviewed after a significant investigation or at intervals of three years.

Council Secretariat
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