

# UNIVERSITY OF ABERDEEN

## CODE OF PRACTICE ON WHISTLEBLOWING

1. The University Court of the University of Aberdeen recognises the duty of the University to conduct its affairs in a responsible and transparent way, taking account, not only of the legitimate requirements of the Scottish Higher Education Funding Council and other funding bodies, but also of the standards in public life enunciated in Lord Nolan's Reports on Standards in Public Life. Equally, the Court is committed to upholding within the University the principles of academic freedom as detailed in the Ordinance of the University Commissioners, Statutory Instrument 2794 (1992) viz -

"To ensure that academic staff have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy by losing their jobs or privileges."

More generally, the Court believes that the raising of legitimate concerns (by all staff, students or lay members of Court) in the interests of the University, its staff or students, or of the general public is a practice which should be encouraged.

2. In support of the University's commitment to transparency and propriety in its business practices and procedures, the Court has established official channels through which the concerns of both staff and students may be considered and addressed. These include the whole range of committees with staff and/or student representation, the liaison committees with campus unions (as well as less formal liaison between management and trades union officials), the appeals procedures for students against decisions affecting their academic progress, the staff and student grievance and complaints procedures, and the procedures for dealing with allegations of sexual harassment and racial discrimination. In normal circumstances, these are the arrangements by which staff or students should raise issues of concern, whether these relate to good governance, fulfilment of statutory requirements, faithfulness to agreed procedures, financial propriety, or any other serious matter affecting the University. The code described in this document is not intended to be used to reconsider matters already addressed under complaints or disciplinary procedures.

3. The Public Interest Disclosure Act, with effect from 1 January 1999, gives legal protection to employees against being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns. This policy is designed to allow employees and all other members of the University to raise concerns or to disclose information which, the complainant or informant believes, shows malpractice. It is reasonable to expect members of the University to use it, rather than to air concerns or disclose information outside the University and the Court commends the procedures set out in the following paragraphs to any individual who is satisfied that his or her concern is serious and needs to be formally reported and investigated. Such concerns might include the following: financial malpractice or impropriety or fraud; failure to comply with a legal obligation; dangers to health and safety or the environment; criminal activity; academic or professional malpractice; improper or unethical behaviour; attempts to conceal any of the above.

4. Allegations of the above should be made to the University Secretary, or if the allegation concerns the University Secretary, to the Principal. If for any reason neither of these is

deemed to be appropriate, the allegation should be made to the Convener of the Audit Committee.

5. (a) The person to whom the allegation is made will be responsible for acknowledging it immediately, for making a record of its receipt and of the subsequent action, and for reporting the outcome to the person making the allegation. He or she should also ensure that the Principal and the Senior Lay Member of Court is informed immediately, unless requested not to do so by the person making the allegation. When the issue concerns financial malpractice, the Secretary should act throughout in close consultation with the Principal, as the Designated Officer for the University's public funding. Where there is concern about the misuse of public funds, the person to whom the allegation is made will also inform the Funding Council and the Chairman of the Audit Committee at an early stage.

(b) 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. In no circumstances should the investigation be carried out by the person who may ultimately have to reach a decision on the matter. The investigation must be carried out as speedily and sensitively as possible. In cases alleging the misuse of public funds the Funding Council and the National Audit Office may wish to undertake their own investigation.

(c) Where no investigation is carried out, and the allegation is effectively dismissed, such a decision may only be reached by the person receiving the allegation in consultation and agreement with one other person named in paragraph 4 above. Thereafter, the person making the allegation shall be informed, given reason for the dismissal, and given one further opportunity to repeat the allegation to some other person or authority within the University who should normally be selected from the Principal, the Secretary, the Convener of the Audit Committee, or Senior Lay Member of Court. There will be no such opportunity when an allegation is dismissed after an investigation.

(d) In all cases, the person or persons against whom the 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 results of the investigation shall be reported to the Audit Committee, and the reports retained by the University Secretary for not less than three years. The outcome of any case involving the misuse of public funds will be reported to the Funding Council.

(e) Following upon such a report, if the allegation is made against a member of academic staff, a decision may be taken to institute Disciplinary Procedures in accordance with the Ordinance of the University Commissioners, Statutory Instrument 2794 (1992). Other consequential action may include invoking the University's internal grievance, complaint and disciplinary procedures, a special internal investigation or independent enquiry, or referring the matter to external authorities, for example, the Police.

(f) Any person making an allegation will be guaranteed that the allegation shall be regarded as confidential to the receiver until a formal enquiry 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. Individuals making disclosures or allegations under this procedure are encouraged to identify themselves, since cases made anonymously are much less powerful. Nevertheless, anonymous allegations may be considered at the discretion of the

University, depending upon the seriousness of the issues raised, the credibility of the allegations, and the likelihood of confirming the allegations from attributable sources.

(g) In all cases, provided that the allegation has been made lawfully, without malice and in the public interest, the employment position, academic standing, or other position within the University of the person making the allegation will not be disadvantaged for reasons of making the allegation.

(h) Persons found to have been deterring staff or students from raising a serious concern will be treated as having committed a serious disciplinary offence.

(i) The protection guaranteed at (g) above extends to any person who makes an allegation in good faith which is not confirmed in subsequent investigation. Persons found to have knowingly raised false allegations, however, may be treated as having committed a serious disciplinary offence.