

UNIVERSITY OF ABERDEEN

**POLICY & PROCEDURE ON PUBLIC INTEREST DISCLOSURE
(WHISTLEBLOWING)**

Under Review September 2019

1 INTRODUCTION

- 1.1 The University of Aberdeen is committed to the highest standards of corporate governance, openness and accountability across all its activities. In conducting its business it takes account of the requirements of funding bodies and the standards for public life set out in *Reports of the Government's Committee on Standards in Public Life (Nolan Committee)*.
- 1.2 This Policy and procedure reflects the University's recognition that while it seeks the highest standards at all times, there may be events or circumstances where individuals feel the University does not meet these standards. Staff, students, members of Court or the general public are therefore encouraged to use this Policy and procedure, in its proper context, to draw the University's attention to any perceived malpractice, impropriety or wrongdoing, and will be supported in so doing. Examples of relevant activity are given in section 2 below. Indeed it is hoped that any inappropriate activities will be discouraged by the protection given to those who raise a matter of concern or disclose information when they have a reasonable belief that they are acting in the public interest.
- 1.3 The University will take seriously any submissions made under this Policy. Its attitude will be one of accepting that the person expressing a concern genuinely believes a problem exists and that if an individual has bypassed a normal line management structure, that they may have had a good reason to do so.
- 1.4 This Policy and procedure is not designed to provide a route through which individuals can publicly question financial or business decisions taken by the University. Neither can it be used to obtain a rehearing of matters which have already been addressed under other University policies and procedures, such as the Fraud Policy, Allegations of Misconduct in Research, Grievance or Disciplinary procedures or such other procedures as may be adopted by the University in the future.
- 1.5 This Policy also takes account of the provisions of the *Bribery Act 2010* which requires organisations to have procedures in place to prevent bribery. It also acknowledges the formal protections provided by the *Public Interest Disclosure Act 1998* which provides statutory protection for 'workers' who 'blow the whistle' on malpractice or breaches, against their being dismissed or suffering any detriment on the ground that they have raised a concern or disclosed information protected under that Act. It should be noted that the 1998 Act encourages employees to raise matters internally in the first instance.
- 1.6 No detrimental action will be taken against a person within the University raising a concern under this Policy, provided that it is done without malice and reasonably believing it to be true. The University will support those concerned and protect individuals from reprisals resulting from their raising a concern.
- 1.7 The following paragraphs set out how a concern or "public interest disclosure" should be raised and how each case will be handled. Members of staff are expected to use the Policy and procedure rather than air any concerns that they may have to bodies outside of the University, or on social media.
- 1.8 The University has a number of established channels through which concerns of staff or students may be considered and addressed. These include via line managers or student advisers, with campus unions, and through University procedures for dealing with complaints, grievances, or allegations of research misconduct, harassment or racial discrimination. Links to these and other relevant procedures can be found at www.abdn.ac.uk/staffnet/governance/policies-and-procedures-134.php. These routine opportunities for management action and other procedures should ideally largely eliminate a need for concerns to be raised through other routes. This Policy

and procedure is not intended to be used to reconsider matters already fully considered under other formal procedures.

2 SCOPE OF THE POLICY AND PROCEDURE

- 2.1 This Policy applies to staff, students, members of the University Court or University Committees, the general public and providers of services to the University.
- 2.2 It is not possible to provide a comprehensive list of concerns which might be covered, but these include financial impropriety or fraud, activities which might have the potential to involve bribery or corruption, improper conduct, unethical behaviour, crime, failure to properly safeguard assets or to not disclose serious conflicts of interest.

3 PROCEDURE FOR MAKING A DISCLOSURE

- 3.1 Any allegations of public interest disclosure may be raised orally but preferably, they should be made in writing. They should be directed to the University Secretary, Secretary's Office, King's College, Aberdeen, AB24 3FX or 01224 272094. A dedicated whistleblowing email account within the Secretary's Office is available at whistleblowing@abdn.ac.uk. If the allegation concerns the University Secretary, it should be directed to the University Principal. Staff may also wish to direct allegations to their Head of School or Section. If for any reason any of these is deemed to be inappropriate, the allegation should be made to the Convener of the Audit Committee.
- 3.2 Any guidance required on making an allegation under this Policy is available through the University Secretary's Office.
 - (a) The person to whom the allegation is made will be responsible for acknowledging it immediately, for recording its receipt and the subsequent action, and for reporting the outcome to the person making the allegation. They will also ensure that where appropriate, the Principal and the Senior Lay Member of Court is informed, unless requested not to do so by the person making the allegation. When the issue concerns financial malpractice, the Secretary will act throughout in close consultation with the Principal who is the Designated Officer for the University's public funding. Where there is serious 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. Any other relevant external bodies may also be informed (e.g. General Medical Council (www.gmc-uk.org) or the Scottish Funding Council (www.sfc.ac.uk)).
 - (b) Any allegation made under this Policy and 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 cases involving finance the Director of Finance should be informed and involved in the appointment. The investigation will not be carried out by the person who may ultimately have to reach a decision on the matter. The investigation will be carried out as speedily and sensitively as possible. In any investigation, the person against whom the allegation or disclosure has been made will be entitled to be accompanied by his/her Trade Union representative or some other person of his/her choice. 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 will only be reached by the person receiving the allegation in consultation and agreement with one other person named in paragraph 3 above. Thereafter, the person making the allegation shall be informed, given the reason for the dismissal, and will have 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 the Senior Lay Member of Court. There will be no such opportunity when an allegation is dismissed after an investigation.

- (d) Whenever an allegation is made against a named individual, that person will be told of the allegation, and of the evidence supporting it, and will be allowed to respond before any investigation or further action is concluded. The point at which the individual is informed will depend on the nature of the case. The results of the investigation shall be reported to the Audit Committee in detail where the issue falls within its overview, and in summary in other cases, to allow the Committee to monitor the effectiveness of this Policy and procedure. Reports will be 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 Scottish Funding Council or other relevant funding body.
- (e) Following report, if the allegation is made against a member of academic staff, a decision may be taken to instigate Disciplinary Procedures. 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 an external authority, for example, the Police.

Confidentiality

- (f) The University will treat all disclosures under this Policy in a confidential and sensitive manner. The identity of the individual making an allegation will be kept confidential insofar as this is compatible with an effective and fair investigation and with an individual's rights under Data Protection legislation.

Anonymous Allegations

- (g) Individuals making disclosures or allegations under this Policy and procedure are encouraged to put their name to any disclosure they make, since part of the purpose of this Policy and procedure is to promote openness and discourage a fear of reprisals. Concerns expressed anonymously are much less powerful and far less capable of being addressed, but they will be considered at the discretion of the University, which will take account of the seriousness of the issues raised, the credibility of the concern and the likelihood of confirming the allegations from alternative credible and attributable sources.

Untrue Allegations

- (h) If an individual makes an allegation having a reasonable belief that they are acting in the public interest, and the allegation is not confirmed by subsequent investigation, no action will be taken against them. An individual making malicious or vexatious allegations may however face disciplinary action, particularly if they persist in making allegations when they have been declared after due process to be without foundation. An allegation or disclosure may be declared malicious or vexatious at any stage of the procedure.

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.

- (i) Anyone found to have deterred a member of staff or a student from raising a serious concern will be treated as having committed a serious disciplinary offence.

5 Review

- 5.1 This Policy will be kept under review by the Audit Committee and any major changes will be subject to the approval of the University Court.

Revised 24.03.2015 (PPG) *Under review by the University Secretary's office, September 2019*

This Policy updates and replaces the Code of Practice on Whistleblowing which was approved by the University Court on 15.12.1998. It also takes account of changes introduced by the Enterprise and Regulatory Reform Act 2013.

Review date – every 2 years.

Title	Policy and Procedure on Public Interest Disclosure (Whistleblowing)
Author / Creator	Jennifer Sewel
Owner	University Secretary
Date published / approved	Revisions approved by Court 24 March 2015
Version	Version 2
Date for next review	Review underway September 2019
Audience	Staff, students, members of Court or the general public
Related policies	Code of Practice on Conflict of Interest Bribery Act 2010 Public Interest Disclosure Act 1998 Disciplinary Procedure Fraud Policy Statement on Handling Allegations of Unacceptable Research Conduct
Subject / description	To draw to the University's attention any perceived malpractice, impropriety or wrongdoing in the Public Interest and to enhance its reputation as an institution which champions the highest standards of accountability in public life.
Equality Impact Assessment	Not required
Section	University Secretary's Office
Theme	Governance
Keywords	Corporate, governance, Nolan, audit, risk, accountability, malpractice, fraud, public interest, whistleblowing, impropriety, wrongdoing, allegation

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