

Public Interest Disclosure Policy (formerly 'Whistleblowing Policy')

1. OVERVIEW AND PURPOSE

1.1 The aims of this policy are:

- To define public interest disclosure (known as 'whistleblowing') and differentiate it from the process of raising other types of concerns;
- To encourage reporting of suspected serious wrongdoing as soon as possible and to guarantee that concerns will be taken seriously and investigated as appropriate;
- To signpost the process regarding how to raise those concerns; and
- To reassure anyone invoking this policy that they should be able to raise genuine concerns in good faith without fear of reprisals, even if they turn out to be mistaken.

1.2 This policy does not form part of a student contract or any employee's contract of employment and it may be amended at any time.

2. SCOPE

2.1 This policy applies to staff and others delivering services to the University, either remunerated or not, as well as students.

2.2 This policy relates only to serious concerns of a public interest and those which fall outside of this definition (see 4.1) will not be considered under this policy or dealt with via the related Raising Concerns process.

2.3 Other procedures, for instance, exist to deal with:

- grievances raised by staff connected with their employment;
- complaints by students about their courses of study or research and the services the University provides;
- appeals against assessment decisions;
- appeals from disciplinary procedures for staff and students; and
- harassment and bullying.

2.4 This policy does not relate to matters already closed and decisions already made via other procedures.

3. **RESPONSIBILITIES**

- 3.1 Council has overall responsibility for this policy, and for reviewing the effectiveness of actions taken in response to concerns raised under this policy. The Audit & Risk Committee supports Council with monitoring the policy and receives reports on its use at meetings.
- 3.2 Those covered by the policy have a responsibility for raising concerns falling within the scope of this policy via the Raising Concerns process.
- 3.3 Those covered by the policy must not threaten or retaliate against those raising concerns (known as 'whistleblowers' – see 4.1.4) in any way. Anyone involved in such conduct will be subject to disciplinary action.

4. **POLICY DETAILS**

4.1 **Public Interest Disclosure ('Whistleblowing')**

- 4.1.1 Public Interest Disclosure ('whistleblowing') is the disclosure of information which relates to suspected serious wrongdoing or dangers relating to the running of the University or to the work-related activities of staff and others delivering services to the University, either remunerated or not.
- 4.1.2 The Public Disclosure Act 1998 gives significant statutory protection to those who disclose information reasonably and responsibly in the public interest and may be victimised as a result. The Act provides protection for people who raise legitimate concerns about specified matters known as '*qualifying disclosures*.'
- 4.1.3 A qualifying disclosure is one made by a person who reasonably suspects:
- commission of a criminal offence;
 - failure to observe a legal obligation, or to comply with an instrument of governance including non-disclosure of a conflict of interest;
 - miscarriage of justice;
 - serious threat to health or safety;
 - damage to the environment;
 - bribery;
 - a breach of the Modern Slavery Act 2015 (such as exploitation);
 - administrative malpractice (financial or non-financial);
 - obstruction or frustration of the exercise of academic freedom;
 - academic or professional malpractice (including, for instance, violation of intellectual property rights or failure of integrity in research);

- improper conduct or unethical behaviour;
- unauthorised disclosure of confidential information;
- suppression or concealment of any of the above matters.

4.1.4 A whistleblower is a person who raises a genuine serious concern in good faith relating to any of the above. If someone has a genuine serious concern related to suspected wrongdoing or danger affecting any of the University's activities, it should be reported via the Raising Concerns process linked to this policy. In exceptional circumstances, where it is inappropriate for the Chief Operating Officer or the Director of Planning, Governance and Compliance to be involved, a whistleblower can report directly to the Chair of Audit & Risk Committee.

4.1.5 If there is uncertainty about whether something falls within the scope of this policy, advice can be sought from the University's Information Manager, who oversees the Raising Concerns Process.

4.2 Confidentiality

4.2.1 The University hopes that people will feel able to voice concerns openly under this policy.

4.2.2 The University does need to know the identity of the whistleblower. If an individual wants to raise a concern confidentially, however, the University will make every effort to keep his/her identity confidential. This may not be possible if it is incompatible with a fair investigation (e.g. the need of the person(s) against whom the allegation is made to know the identity of his/her accuser) or if there is another overriding reason for disclosure.

4.2.3 If in any doubt, students can seek advice from the Students' Union, and members of staff and others delivering services to the University can seek advice from Public Concern at Work, the independent whistleblowing charity, who offer a confidential helpline. Their contact details can be found at the end of this policy.

4.3 External Disclosures

4.3.1 As the aim of this policy and the Raising Concerns process is to provide an internal mechanism for reporting, investigating and remedying any suspected wrongdoing at the University, in most cases, whistleblowers should not find it necessary to alert anyone externally.

4.3.2 The law recognises that in some circumstances it may be appropriate for whistleblowers to report concerns to an external body such as a regulator. It will very rarely, if ever, be appropriate to alert the media. The independent whistleblowing charity, Public Concern at Work, has a list of prescribed persons and bodies for reporting certain types of concern and also operates a confidential helpline.

4.3.3 Whistleblowing concerns usually relate to the conduct of University staff and/or students, but they may sometimes relate to the actions of a third party, such as a

supplier or service provider. The law allows concerns to be raised in good faith with a third party, where a person reasonably believes it relates mainly to their actions or something that is legally their responsibility. However, the University encourages reporting of such concerns internally first.

4.4 Protection for whistleblowers

- 4.4.1 It is understandable that whistleblowers are sometimes worried about possible repercussions. The University aims to encourage openness and will support those who raise genuine concerns in good faith under this policy, even if they turn out to be mistaken.
- 4.4.2 Students, members of staff, and others delivering services to the University will not suffer any detrimental treatment as a result of raising a concern without malice, in good faith, reasonably believing it to be true.
- 4.4.3 Detrimental treatment includes suspension/removal from studies, dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If the whistleblower believes that he/she has suffered any such treatment, he/she should inform the relevant contact outlined in the Raising Concerns process guidance immediately. If the matter is not remedied the whistleblower should raise it formally using the relevant Grievance Procedure.

5. LEGISLATION AND GOOD PRACTICE

- 5.1 The Public Disclosure Act 1998: <http://www.legislation.gov.uk/ukpga/1998/23/contents>
- 5.2 Public Concern at Work, the whistleblowing charity and leading authority in the field: <http://www.pcaw.org.uk/>

Review / Contacts / References	
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Related internal policies, procedures, guidance:	<p>Raising Concerns Process http://www.sussex.ac.uk/ogs/policies/goodconduct/raisingconcerns</p> <p>Anti-Bribery Policy & Guidance http://www.sussex.ac.uk/ogs/documents/anti-bribery-policy-2018.pdf http://www.sussex.ac.uk/ogs/documents/anti-bribery-policy-2018---related-guidance.pdf</p> <p>Anti-Money Laundering Policy http://www.sussex.ac.uk/ogs/documents/anti-money-laundering-policy-final-approved-july-2017-.pdf</p> <p>Modern Slavery Act Statement https://www.sussex.ac.uk/about/documents/modern-slavery-act-statement-19-20.pdf</p> <p>Grievance Procedure https://www.sussex.ac.uk/webteam/gateway/file.php?name=regulation30.pdf&site=76</p> <p>Donations Policy http://www.sussex.ac.uk/ogs/documents/donationspolicy.doc</p> <p>Policy on External Professional Activities https://www.sussex.ac.uk/webteam/gateway/file.php?name=external-professional-activities.pdf&site=377</p> <p>Financial Regulations (https://www.sussex.ac.uk/webteam/gateway/file.php?name=uos-financial-regulations-2015.pdf&site=262)</p> <p>Fraud Response Plan https://www.sussex.ac.uk/webteam/gateway/file.php?name=fraud-response-plan-2016-update.pdf&site=76</p>
Policy owner:	Planning, Governance and Compliance
Lead contact(s):	Information Manager Head of Governance Services Director of Planning