

## **Public Interest Disclosure ('Whistleblowing') Policy**

### **1. OVERVIEW AND PURPOSE**

1.1 The University believes that members of the University community should feel empowered to raise genuine concerns about serious wrongdoing without fear of receiving detrimental treatment as a result; the right for staff to do so is also set out in law.

1.2 The aims of this Policy are:

- To encourage reporting of concerns as soon as possible, which individuals reasonably believe show evidence of serious wrongdoing and which is in the public interest, in the knowledge that the concerns will be taken seriously and investigated, as appropriate;
- To define a public interest disclosure and differentiate it from the process of raising other types of concerns;
- To signpost the process regarding how to raise those concerns; and
- To outline the statutory protections afforded to staff raising such concerns, and to provide reassurance around fears of victimisation or unfair treatment to anyone raising genuine concerns in line with this Policy.

### **2. SCOPE**

2.1 This Policy primarily applies to staff, including agency workers and/or those working for the University via an intermediary, or '*workers*' as they are referred to in the Public Interest Disclosure Act 1998 ('the Act').

2.2 Although they are not covered by the Act, this Policy also applies to University of Sussex students and to workers of any subsidiaries, majority controlled associated undertakings, and joint ventures of the University, in circumstances where they are able to use the Raising Concerns process to report serious concerns, as outlined below. However, students and workers of any subsidiaries, majority controlled associated undertakings, and joint ventures of the University, are not entitled to the same protections detailed in the Act as University staff are.

2.3 This Policy does not apply to members of the general public. Where a member of the public wishes to raise a concern, they should use the complaints process for members of the public, as highlighted at the end of this Policy.

2.4 This Policy relates only to serious concerns about wrongdoing within the University that are in the public interest. The Policy does not relate to serious concerns about wrongdoing within any subsidiaries, majority controlled associated undertakings, and joint ventures of the University. Serious concerns are identified as '*protected disclosures*' or '*qualifying*

*disclosures'* in the Act and defined in section 4.1 below.

2.5 This Policy should not be used to raise concerns which relate to:

- the individual circumstances of a member of University staff, a University worker, a student or worker of any subsidiaries, majority controlled associated undertakings, and joint ventures of the University. Such concerns should be raised through the other relevant internal procedure(s) as applicable, for example, staff grievance or student complaints procedures, or through the internal procedures of those subsidiaries, majority controlled associated undertakings, and joint ventures of the University; or
- matters already addressed under other internal procedures.

2.6 If the concern does not fall within the scope of this Policy, then the individual may use other procedures to raise the concern as outlined in this policy and in the Raising Concerns process. If an individual is uncertain whether a concern is within the scope of this Policy, then advice should be sought from the Head of Information Management or the Information Manager.

### 3. **RESPONSIBILITIES**

#### 3.1 **Information Manager**

3.1.1 The Information Manager is responsible for the review and update of this Policy, as well as for administration of the Raising Concerns process.

#### 3.2 **University Executive Team (UET)**

3.2.1 UET is responsible for reviewing reports from the Head of Information Management regarding any concerns that have been raised and providing onward assurance to Audit & Risk Committee and Council regarding the effectiveness of actions taken in response to concerns raised and eligible for investigation under this Policy.

### 4. **POLICY DETAILS**

#### 4.1 **Public Interest Disclosure ('Whistleblowing') and Legal Protection**

4.1.1 Public Interest Disclosure, often known as whistleblowing, is the disclosure of information by a worker of suspected serious wrongdoing in the workplace that is in the public interest.

4.1.2 The Public Interest Disclosure Act 1998 gives statutory protection (for example not to be unfairly dismissed or receive detrimental treatment) to University workers who raise matters of serious concern which they reasonably believe provide evidence of wrongdoing within the University and which they reasonably believe are in the public interest.

4.1.3 The protection provided by the Act relates to disclosures of information which, in the reasonable belief of the University worker making the disclosure, tends to show one or more of the following has occurred, is occurring, or is likely to occur

(defined as a *'qualifying disclosure'* in the Act):

- the committing of a criminal offence;
- failure to comply with a legal obligation (this may include, for example, obligations relating to freedom of speech and academic freedom, obligations under the Equality Act 2010, or compliance with the University's Charter and Statutes);
- a miscarriage of justice;
- endangering the health or safety of any individual;
- damage to the environment; or
- deliberate concealment of information tending to show any matter failing within the above matters.

4.1.4 The University worker raising the concern must also reasonably believe that the disclosure is in the public interest.

4.1.5 Any member of the University community or workers of any subsidiaries, majority controlled associated undertakings, and joint ventures of the University, seeking to raise a concern that they believe constitutes a disclosure as outlined above, should follow the University's Raising Concerns process which is linked at the end of this Policy and published on the University's webpages.

## 4.2 **Process**

4.2.1 Where an individual wishes to raise a concern that falls within the scope of this Policy, they should use the Raising Concerns process, linked at the end of this Policy.

## 4.3 **Confidentiality**

4.3.1 Individuals should feel able to voice concerns openly, in line with this Policy, particularly in the case of University workers, given the protection afforded by the Act. All concerns raised will be treated in a sensitive manner.

4.3.2 Whilst the University does ask for the identity of the individual raising the concern when submitting a report via the Raising Concerns process, this identity will be kept confidential if required, provided that is compatible with an effective investigation and the University's other legal responsibilities. The individual may need to make a statement as part of the investigation and their identity may need to be disclosed, but the individual will be made aware of this as part of the process, if required.

4.3.3 Though it is much more difficult to investigate anonymous disclosures, they may still be considered in accordance with this Policy, depending on the seriousness of the issue raised, the credibility of the concern and the feasibility of carrying out an investigation.

#### 4.4 External Disclosures

- 4.4.1 The aim of this Policy and the Raising Concerns process is to provide a safe and straightforward internal mechanism for reporting, investigating, and remedying suspected wrongdoing at the University. As such, in most cases, individuals should not find it necessary to make a disclosure externally.
- 4.4.2 Whilst the Act recognises that in some circumstances it may be appropriate for individuals to report concerns externally (e.g. to a regulator), any University worker making a disclosure should be aware that there are more robust requirements that must be met to qualify for the same protection under the Act when making external disclosures.
- 4.4.3 Protect, the independent whistleblowing charity, provides detailed guidance on its webpages – linked at the end of this Policy – that should be considered prior to making a disclosure externally.

#### 4.5 Protection for whistleblowers

- 4.5.1 It is understandable that individuals who wish to raise concerns are sometimes worried about possible repercussions, but the University wants to encourage openness. It will support those who raise genuine concerns in accordance with this Policy, even if they turn out to be mistaken.
- 4.5.2 In particular, University workers who raise concerns they reasonably believe to be in the public interest in accordance with this Policy and the Act, will not suffer any detrimental treatment from the University as a result, given the statutory protections afforded them by the Act.
- 4.5.3 However, if the University concludes that an individual has made malicious or vexatious allegations, that individual may be subject to the University's disciplinary processes or other appropriate action.

#### 4.6 Reporting Other Concerns

- 4.6.1 There are a number of other procedures at the University which exist to deal with other types of matters falling outside the scope of this Policy. These are outlined at the end of this Policy and as part of the Raising Concerns process and guidance on our webpages.

### 5. LEGISLATION AND GOOD PRACTICE

- 5.1 The Public Interest Disclosure Act 1998: [Public Interest Disclosure Act 1998 \(legislation.gov.uk\)](https://legislation.gov.uk)
- 5.2 The Employment Rights Act 1996: [Employment Rights Act 1996 \(legislation.gov.uk\)](https://legislation.gov.uk)
- 5.3 Protect is the whistleblowing charity and leading authority in the field, and provides a wealth of guidance, case law, and information on their webpage: <https://protect-advice.org.uk/>

### Review / Contacts / References

Policy title:	Public Interest Disclosure ('Whistleblowing') Policy
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Revision history:	Version 3: July 2024 Version 2: April 2022 Version 1: October 2017
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Related internal policies, procedures, guidance:	<p>Raising Concerns Process: <a href="http://www.sussex.ac.uk/ogs/policies/goodconduct/raisingconcerns">www.sussex.ac.uk/ogs/policies/goodconduct/raisingconcerns</a></p> <p>Raising Concerns online reporting form: <a href="http://www.sussex.ac.uk/ogs/policies/goodconduct/raisingconcerns/raising-concerns-form">www.sussex.ac.uk/ogs/policies/goodconduct/raisingconcerns/raising-concerns-form</a></p> <p><b>Reporting processes for matters falling outside the scope of this Policy:</b></p> <p>Staff Grievances: <a href="http://www.sussex.ac.uk/ogs/complaintsappeals/staff">www.sussex.ac.uk/ogs/complaintsappeals/staff</a></p> <p>Research Misconduct: <a href="http://www.sussex.ac.uk/webteam/gateway/file.php?name=procedure-for-the-investigation-of-allegations-of-misconduct-in-research-june-2018.pdf&amp;site=377">www.sussex.ac.uk/webteam/gateway/file.php?name=procedure-for-the-investigation-of-allegations-of-misconduct-in-research-june-2018.pdf&amp;site=377</a></p> <p>Report + Support: <a href="https://reportandsupport.sussex.ac.uk/">https://reportandsupport.sussex.ac.uk/</a></p> <p>Student Complaints: <a href="http://Complain about the University : University of Sussex">Complain about the University : University of Sussex</a></p> <p>Student Discipline: <a href="http://Report a student's behaviour : University of Sussex">Report a student's behaviour : University of Sussex</a></p> <p>Alumni and Fundraising complaints: <a href="http://www.sussex.ac.uk/alumni/support/complaintsprocedure">www.sussex.ac.uk/alumni/support/complaintsprocedure</a></p> <p>Complaints about the University from members of the public: <a href="http://Complaints procedure for the public : Complaints and appeals : Governance and Compliance : University of Sussex">Complaints procedure for the public : Complaints and appeals : Governance and Compliance : University of Sussex</a></p>
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