

**PUBLIC INTEREST DISCLOSURE (WHISTLEBLOWING)
POLICY AND PROCEDURES**

Date	Purpose of Issue/Description of Change	Equality Impact Assessment Completed
8 th June 2015	Amendment and reissue – Version 2	28 th July, 2015
16 th July 2018	Review and re-approval	
16 th October 2020	Review and re-approval	

Policy Officer	Senior Responsible Officer	Approved By	Date
Head of Governance and Compliance	Chief Operating Officer / University Secretary	Compliance Task Group	16 th October 2020

This Policy will be reviewed in three years

POLICY

1. Introduction

- 1.1 Bangor University is committed to the highest possible standards of openness, probity and accountability and seeks to conduct its affairs in a responsible manner, taking into account the requirements of its funding bodies and the expectations of the Committee on Standards of Public Life. In line with that commitment we encourage employees, students and other members of the University who have serious concerns about any aspect of our work to come forward and voice those concerns.
- 1.2 The Public Interest Disclosure Act 1998 gives legal protection to workers who make certain disclosures of information in the public interest. It is expected that an employee will faithfully serve his or her employer and not disclose confidential information about the employer's affairs. However, this policy permits members of the University to speak freely, and to raise at a high level any serious concerns which they might have about apparent malpractice within the University without fear of adverse repercussions or reprisals provided that they act lawfully, without malice, and in the public interest.
- 1.3 Protection under the Act does not extend to students and other non-employees. However, Bangor University is committed to the protection of all those who raise concerns in the public interest. In addition to staff, this policy and procedure may also be used by other members of the University (as defined in the Ordinances), including members of the Council, members of the Court, and students.
- 1.4 The University considers it reasonable to expect those who have such concerns to use this procedure rather than air their complaints outside the institution.

2. Aims and Scope of this Policy

- 2.1 This policy aims to provide avenues for members of the University to raise serious concerns, disclose information in circumstances which the individual believes shows malpractice, and receive feedback on any action taken. It also creates mechanisms so that the matter can be taken further if there is dissatisfaction with the University's response.
- 2.2 In addition to this policy, a number of other policies and procedures are already in place within the University including grievance, dignity at work and study (bullying) complaints, harassment and disciplinary procedures which should be followed in relation to such matters.
- 2.3 This 'whistleblowing' policy is intended to cover concerns which are in the public interest and may (at least initially) be investigated separately, although the invocation of the procedures outlined in 2.2 above might be a consequence of the investigation of the concern which is disclosed.
- 2.4 The University will treat all disclosures made under this Policy in a consistent and fair manner. All disclosures will be acknowledged, recorded and reviewed.
- 2.5 The types of concerns which the Act is intended to cover include:
 - criminal offences – this may include financial malpractice or fraud;
 - criminal activity in supply chains – this may include modern slavery or human trafficking;
 - failure to comply with legal obligations; including breaches of the University's Charter, Charity Law or other regulations;

- miscarriages of justice;
- endangering the health and safety of University members or the local community;
- damage to the environment;
- any attempt to conceal any of the above.

This list is not intended to be exhaustive, and members of the University are encouraged to use this policy on occasions where they believe they have discovered any malpractice or impropriety.

- 2.6 In relation to section 2.4 above it is immaterial where the reported concern occurred (whether it occurred in the UK or in any other country or territory) as long as it relates to the business of the University.
- 2.7 A disclosure of information is not a qualifying disclosure if the individual making the disclosure commits an offence by making it, however the University may still choose to investigate the allegation made.
- 2.8 This document does not establish a mechanism for questioning academic, business or financial decisions already taken by the University; nor does it provide a means for reconsideration of any matters already addressed under existing harassment, complaint or disciplinary procedures, or of matters which should properly be considered under those procedures; nor does it relate to the malpractice or wrongdoing of students.

3. Safeguards

3.1 Protection

This policy is designed to offer protection to members of the University who raise a concern in accordance with the procedure in section 4 below and who are acting both in good faith and in the reasonable belief that the disclosure tends to show malpractice.

3.2 Confidentiality

The University will treat all disclosures made in accordance with this policy in a confidential and sensitive manner. It will therefore endeavour to keep confidential the identity of the person who has raised the concern. However, it must be appreciated that the investigation process may reveal the source of the information and that a formal statement from the original complainant may be required as part of the investigative process.

The University will also take all reasonable steps to ensure that members of the University who have raised concerns under this procedure will not be victimised in any way by other members of the University. Victimisation or other detrimental treatment of an employee, student or other member of the University, as a result of that person raising concerns under this policy in good faith, will be treated as a serious disciplinary offence under the University's disciplinary procedures.

3.3 Anonymous Allegations

This policy encourages members of the University to put their name to any disclosures they might make. Concerns expressed anonymously are much less powerful, but they will be considered at the discretion of the University.

The factors which the University will take into account when exercising this discretion include:

- the seriousness of the issues raised;
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources.

3.4 ***Unfounded Allegations***

If an allegation made in good faith is not confirmed by subsequent investigation, the University will take no action against the person who originally raised the matter. If, however, an individual makes malicious or vexatious allegations, and particularly if that person persists with making them, disciplinary action may follow.

PROCEDURES

4. Procedure for Making a Disclosure

4.1 *STEP 1 - Initial Point of Contact*

Any member of the University who wishes to use this policy to make a disclosure should report the concern to the Designated Officer. The Designated Officer for Bangor University is the Chief Operating Officer / University Secretary.

If the disclosure is about the Chief Operating Officer / University Secretary then the disclosure should be made directly to the Vice-Chancellor.

If the person wishing to express concern considers it inappropriate to raise the matter with either the Chief Operating Officer / University Secretary or the Vice-Chancellor, the concern should be reported either to the Chair of the Audit Committee (if the issue falls within the remit of that Committee) or the Chair of Council. They will then become Designated Officers under this procedure.

If a concern raises issues of financial malpractice, the Designated Officer will be expected throughout to act in close consultation with the Vice-Chancellor (as the Accounting Officer of the University).

The Designated Officer can appoint a nominee to undertake Step 2 below where it is appropriate to do so.

4.2 *STEP 2 - Action to be taken by the Designated Officer*

The Designated Officer will acknowledge receipt of the concern and will note the likely timescale of any investigation. The Designated Officer will consider the information which has been presented and determine the form of the investigation to be undertaken. This could result in a decision:

- to investigate the matter internally;
- to refer the matter to the police;
- to call for an independent inquiry;
- to pursue the investigation by more than one of these or other means;

In exceptional cases, the Designated Officer may decide not to investigate or take any further action. In which case, the complainant and the Audit Committee will be informed, in line with reporting procedures in 5 below.

If it is decided to investigate the matter internally, the Designated Officer will then consider how to establish whether there is a *prima facie* case to answer. This consideration will include determining:

- who should undertake the investigation;
- the procedure to be followed;
- the scope of the concluding report;
- where the information relevant to the investigation may be held and securing the information (where relevant).

The Designated Officer can raise the matter, informally, with the Director of Human Resources in order to obtain further advice prior to undertaking the investigation.

4.3 ***STEP 3 - Internal Investigation***

Investigations will not be undertaken by the person who initially received the complaint and normally another independent officer within the University will be asked to undertake the investigation.

The Investigating Officer will be required to undertake the investigation as sensitively and speedily as possible and to submit a written report to the Designated Officer.

Upon receipt of this report the Designated Officer will decide whether any further action is required by the University. This could include invoking other established internal processes including disciplinary or grievance procedures, undertaking a special investigation or deciding to refer the matter to an external authority (such as the police, HEFCW, or other bodies) for further investigation.

4.4 ***STEP 4 - Feedback***

The Designated Officer will inform the member of the University who expressed the concern (where known) at the earliest opportunity of what action, if any, is to be taken.

The Designated Officer will also ensure that the person or persons against whom the initial allegation was made is informed of the allegation and the evidence supporting it and has the opportunity to comment before any investigation or further action is concluded.

Anonymous whistleblowers will not ordinarily be able to receive feedback, however individuals may seek feedback through a telephone appointment or by using an anonymous email address.

4.5 ***STEP 5 - Remaking of Disclosures***

If the Designated Officer has decided that no further action should be taken, the individual concerned must be informed in writing of the reasons for this and given the opportunity to remake the disclosure to another appropriate person (the Designated Reviewer).

Designated Officer:
Chief Operating Officer / University Secretary
Vice-Chancellor
Chair of Audit Committee
Chair of Council

Designated Reviewer:
Any other Designated Officer
Any other Designated Officer
Chair of Finance & Strategy Committee
Deputy Chair of Council

The Designated Reviewer will be required to consider all the information presented, the procedures followed after the initial disclosure was made and the reasons given for not taking any further action. The outcome of this consideration will be either to confirm that no further action by the University is required or that further investigation is called for in accordance with the procedures outlined in steps 2 and 3 above.

4.6 **STEP 6 – External Review**

A person who remains dissatisfied after all internal mechanisms for dealing with a complaint or concerns have been exhausted may consider whether it is appropriate to petition the Visitor. Information on how this may be done is obtainable from the Chief Operating Officer / University Secretary.

There may be circumstances where members of the University feel unable to make a disclosure to their employer. External disclosure can be made to prescribed persons. These are mainly regulators and professional bodies but include other persons and bodies such as MPs. The relevant prescribed person depends on the matter of the disclosure and a complete list of prescribed persons can be found on the government website¹.

5. **Reporting of Outcomes**

Any Designated Officer to whom a disclosure is made is required to prepare a report of the disclosure and the subsequent actions taken and to forward this to the Chief Operating Officer / University Secretary who will retain all such reports for a period of three years from the date of the initial disclosure. The Chief Operating Officer / University Secretary will ensure that in all cases a report of the outcomes of any investigation is submitted to the Audit and Risk Committee in order to allow the Committee to monitor the effectiveness of this disclosure procedure. Such reports will normally be in summary form, but in the event of a disclosure relating to matters within the purview of the Audit and Risk Committee, a full report must be submitted.

6. **Misuse of Policy and Procedures**

As outlined above, employees and other members of the University will be protected by the University against any victimization as a result of proper use of the procedures laid out in this policy. However, frivolous, vexatious or malicious allegations may be dismissed and may result in appropriate disciplinary action being taken against the discloser.

Disclosure to the media is not normally covered by this policy. According to guidance published by the Department for Business Innovation and Skills², *“if a worker goes to the media, they can expect in most cases to lose their whistleblowing law rights.”*

1 <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>

2 <https://www.gov.uk/government/publications/whistleblowing-guidance-and-code-of-practice-for-employers>

TRAINING AND AWARENESS RAISING

1. The University is committed to ensuring that this Policy is promoted to all members of staff and members of Council
2. In addition, training will be provided on whistleblowing legislation and the requirements of the Policy to those who will be called upon to undertake investigations.

REPORTING

The University Council will receive an annual report related to whistleblowing, which will include how incidents have been managed and what lessons have been learnt.