

PUBLIC INTEREST DISCLOSURE POLICY AND PROCEDURES

1. **Introduction**

- 1.1 Staffordshire University as a public body has a duty to conduct affairs in a responsible and transparent way and to take account of the requirements of its funding bodies for the proper use of public funds and of the standards required in public life.
- 1.2 The Public Interest Disclosure Act 1998 gives legal protection to employees against being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns. Where an individual discovers information which they believe shows malpractice or impropriety within the organisation then this information should be disclosed without fear of reprisal, and may be made independently of line management.
- 1.3 It should be emphasised that this policy and procedure is intended to assist individuals who believe they have discovered malpractice or impropriety, the disclosure of which would be in the public interest. It is not designed to question financial or business decisions taken by the University (save where that decision may involve malpractice or impropriety); nor should it be used to consider any matters which should be addressed under the University's separate procedures for:

Staff Discipline
Staff Grievance
Bullying and Harassment at Work
Student Complaints

Copies of these procedures are available *on IRIS, the intranet facility and by contacting the Clerk to the Board of Governors.*

- 1.4 The Board of Governors has overall responsibility for this policy.
- 1.5 This policy and procedure has been approved by the recognised Trades Unions within the University. This policy does not form part of any employee's contract of employment and the University may amend it at any time

2. **Scope of the Policy**

The policy is intended to cover concerns in regard to malpractice or impropriety within the University which are in the public interest and might include:

- financial malpractice or impropriety or fraud;
- a miscarriage of justice
- failure to comply with a legal obligation or with appropriate regulations of the University;
- dangers to health and safety of any individual
- damage to the environment;
- criminal activity;
- academic or professional malpractice;
- improper conduct or unethical behaviour; and/or
- attempts to deliberately conceal information relating to any of the above.

3. **Safeguards**

3.1 **Protection**

This policy is designed to offer protection to those employees or other members of the University who disclose public interest concerns provided the disclosure is made in the

reasonable belief of the individual making the disclosure that it tends to show malpractice or impropriety.

The individual will also be protected if they make the disclosure to an appropriate person/body outside the University, although it is reasonable to expect members of the University to use this procedure rather than air complaints externally.

Anyone raising a genuine concern under this procedure is entitled to be treated with respect and not subjected to any detriment as a result of having done so.

If you are uncertain whether something is within the scope of this policy, you should seek advice from the Clerk to the Board of Governors, whose contact details are at the end of this policy.

Independent advice on the protection offered to employees who disclose public interest concerns is available from Protect. This charity offers free, impartial and confidential advice and guidance to potential whistleblowers. Its details are:

Protect
The Green House
244 – 254 Cambridge Heath Road
London, E2 9DA
Email: whistle@protect-advice.org.uk
Tel: 020 3117 2520

3.2 **Confidentiality**

The University will treat all such disclosures in a confidential and sensitive manner. The identity of the individual making the allegation may be kept confidential so long as it does not hinder or frustrate any investigation. However, the investigation process may reveal the source of the information and the individual making the disclosure may need to provide a statement and engage in the process as part of the evidence required.

3.3 **Anonymous Allegations**

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

In exercising this discretion, the factors to be taken into account will include:

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

3.4 **Untrue Allegations**

If an individual makes an allegation in the genuine belief that it tends to show malpractice or impropriety, which is not confirmed by subsequent investigation, no action will be taken against that individual. If, however, an individual makes malicious or vexatious allegations, and particularly if he or she persists with making them, disciplinary action may be taken against the individual concerned.

4. **Procedures for Making a Decision**

4.1 **Initial Step**

The University hopes that in many cases an individual will be able to raise any concerns with their line manager in the first instance. The individual may tell them in person or put the

matter in writing if they prefer. They may be able to agree to a way of resolving the individual's concern quickly and effectively.

However, where the matter is more serious, or the individual feels that their line manager has not addressed their concern, or the individual would prefer not to raise it with their line manager for any reason, then they should make the disclosure to the designated person, who is the Clerk to the Board of Governors. If, however, the disclosure is about the Clerk to the Board of Governors then the disclosure may be made to the Vice-Chancellor. Contact details are listed at the end of this procedure.

If the individual does not wish to raise the matter with either of the above, then they may raise it with the Chair of the Audit and Risk Committee of the Board of Governors. Contact details are listed at the end of this procedure.

If the disclosure is received in writing, then a written acknowledgement must be provided within five working days.

4.2 **Process**

The designated person will consider the information made available to them and decide on the form of investigation to be undertaken. This may be:

- to investigate the matter internally;
- to refer the matter to the Police; and/or
- to call for an independent inquiry.

Where the matter is to be the subject of an internal inquiry, the designated person will then consider how to conclude whether there is a prima facie case to answer. This consideration will include determining:

- who should undertake the investigation;
- the procedure to be followed; and
- the scope of the concluding report

This will be reported to the next scheduled Audit and Risk Committee.

4.3 **Investigation**

Normally the Internal Auditor or other individual not connected with the allegations (normally a Senior Manager) will undertake this investigation and report their findings to the designated person. Investigations should not be carried out by the person who will have to reach a decision on the matter. Any investigation will be conducted as sensitively and speedily as possible.

Where a disclosure is made the person or persons against whom the disclosure is made will be told of it, the evidence supporting it and will be allowed to respond before any investigation, or further action, is concluded.

Using the report on the investigation the designated person will decide if there is a case to answer and whether informal procedures should be followed or it might form the basis of a special investigation.

In some instances it might be necessary to refer the matter to an external authority for further investigation.

4.4 **Feedback**

The designated person will inform the individual making the disclosure of what action, if any, is to be taken, unless the need for confidentiality may prevent the University from providing

the individual with specific details of the investigation or any disciplinary action taken as a result. The individual should treat any information about the investigation as confidential.

If no action is to be taken, then the individual concerned will be informed of the reason for this and allowed the opportunity to remake the disclosure to another appropriate person. If the initial disclosure was made to an officer of the University then the subsequent disclosure should be made to the Chair of the Audit and Risk Committee. If the disclosure was made to the Chair of the Audit and Risk Committee then the subsequent disclosure should be made to the Chair of the Board of Governors.

This other appropriate person will consider all the information presented, the procedures that were followed and the reasons for not taking any further action. The outcome of this will be either to confirm that no further action is required or that further investigation is required and will follow the procedures referred to in 4.2 and 4.3 above.

4.5 **Reporting of Outcomes**

A report of all disclosures and any subsequent actions taken will be made by the designated person who will retain such reports for a period of three years. In all cases a report of the outcomes of any investigation will be made to the Audit and Risk Committee.

5. **Contacts**

University website address:	www.staffs.ac.uk
Chair of the Audit and Risk Committee of the Board of Governors	Jonathan Chapman E: Jonathan.chapman@staffs.ac.uk
Clerk to the Board of Governors	Ian Blachford Chief Operating Officer E: i.blachford@staffs.ac.uk
Vice-Chancellor	Professor Martin Jones Vice Chancellor and Chief Executive E: martin.jones@staffs.ac.uk

Audit & Risk Committee March 2023

Equality issues have been taken into account during the development of this policy and all protected characteristics have been considered as part of the Equality Analysis undertaken.