

St. Mary's University College Whistleblowing Policy

Introduction

The Public Interest Disclosure Act 1998, which came into effect on 1 January 1999, gives legal protection to employees against being dismissed or penalised by their employers as a result of disclosing serious concerns. Where an individual discovers information which is believed to show malpractice or wrongdoing within the institution, then this information should be disclosed by the individual without fear of reprisal.

This policy is intended to assist individuals, who believe that they have discovered malpractice or impropriety to raise any genuine concerns, at the earliest opportunity, and in the most appropriate way.

The Whistleblowing Policy covers the disclosure of information which, in the reasonable belief of the individual making the disclosure, tends to show one or more of the following:

- Failure to comply with a legal obligation or the College's Scheme of Management and Regulations;
- Financial malpractice, impropriety or fraud;
- Criminal activity;
- Dangers to health and safety or to the environment;
- Academic or professional malpractice;
- Improper conduct or unethical behaviour;
- Attempts to conceal any of the above.

The College is not just concerned about financial improprieties but also areas such as, but not limited to, fraud, corruption, bribery, blackmail and criminal offences.

Protection of Whistleblowers

Where an individual makes a disclosure under the Whistleblowing Procedure, they will be protected under the Act, provided the disclosure is made in good faith, and in the reasonable belief of the individual that it will highlight genuine impropriety or malpractice.

Any false or malicious allegations made may be treated as a disciplinary offence.

Other College Policies and Procedures

The Whistleblowing Procedure is not intended to be used where there are other more appropriate policies and procedures available – where this is the case, the individual raising the concern will be advised accordingly.

Who can raise a concern?

Any individual who has a reasonable belief that his/her disclosure will highlight impropriety or malpractice may make a disclosure under the Whistleblowing Procedure - this will include, inter alia:

- Members of staff;
- Students;
- Members of Board of Governors and its Committees;
- Members of the Public.

Individuals are encouraged to put their name to any disclosure they make, in the interests of openness and transparency. The College may not be in a position to effectively address a disclosure raised anonymously but may attempt to do so after taking account of the following:

- The seriousness of the issue raised;
- The credibility of the disclosure;
- The likelihood of being able to investigate the matter and to use alternative sources to verify the allegation;
- Fairness to any individual(s) mentioned in the disclosure.

What if the person does not want to reveal their identity?

The identity of the Whistleblower will be protected, if so requested, for as long as possible, provided that this is compatible with a full and proper investigation.

If the disclosure reveals an activity, which may have criminal implications, then it is unlikely that confidentiality will be preserved in a full and complete investigation. If this is the case,

the College may have no option but to relinquish confidentiality - in such circumstances, the College will discuss the requirement for disclosure with the individual making the disclosure, at the earliest opportunity.

Concerns raised by staff/students

An individual wishing to make a disclosure must do so, in writing, clearly stating that the disclosure is being made under the Whistleblowing Procedure. The correspondence should set out the full detail of the disclosure, along with any supporting evidence/documentation.

Stage One

A member of staff should make the disclosure, in the first instance, to his/her Head of Department, who may be able to address the concern at a local level. Alternatively, the employee may ask his/her Line Manager to make the disclosure on his/her behalf, or as a joint disclosure. If these approaches are not appropriate, for any reason, the disclosure should be made in line with Stage Two below.

A student should make the disclosure, in the first instance, to his/her Head of Department, who may be able to address the concern at a local level.

Under Stage One, the individual making the disclosure will be asked to meet with the Head Department, to discuss the disclosure further.

After this meeting, and as soon as practically possible, the Head of Department will write to the individual summarising his/her concerns, and setting out how these will be handled.

Stage Two

An individual who has raised a matter with a Head of Department, and is concerned about the response, or lack of response, should report their concern, in writing, to the Secretary to the Board of Governors. This correspondence should detail the nature of the disclosure, along with any previous action taken to address the disclosure under the Whistleblowing Policy.

Where a disclosure relates to a member of the Board of Governors or to a member of the College's Senior Management Team, the disclosure should be made directly to the Secretary of the Board.

Under Stage Two, the individual making the disclosure will be asked to meet with the Secretary to discuss the disclosure further.

After this meeting, and as soon as practically possible, the Secretary will write to the individual summarising his/her concerns, and setting out how these will be handled.

Stage Three

An individual who feels that they are unable to raise their concern under Stages One or Two, for whatever reason, should report their concern to the College internal auditors (Deloitte LLP).

In invoking this stage, the individual will be required to provide the internal auditors with a written statement outlining his/her concerns and detailing any previous action taken to address the disclosure under the Whistleblowing Policy. The auditors will liaise with the Secretary to consider how best the disclosure should be handled and, in particular, to agree the appointment of a Designated Officer. The auditors will advise the individual of this appointment and the individual will be invited to meet with the Designated Officer to discuss the disclosure further.

After the meeting, and as soon as practically possible, the Designated Officer will write to the individual summarising his/her concerns and setting out how these will be taken forward.

Audit Committee

Where the nature of the complaint requires it to be considered at a non-executive level, then the matter may be raised confidentially with the Chair of the Audit Committee. The Chair will liaise with the Principal and Secretary and the internal auditors, in determining how the issues raised should be handled in the most appropriate way.

Contact details for the Chair of the Audit Committee are available from the Principal's Office, on request.

Concerns raised by Members of the Board or by Members of the Public

Any member of the Board of Governors or member of the public wishing to make a disclosure should do so directly, in writing, to the Secretary to the Board of Governors.

If, for any reason, it is not appropriate to raise a concern internally, this should be directed to the internal auditors, or to the Chair of the Audit Committee, in line with the above.

Safeguards

Where an individual makes a disclosure under the Whistleblowing Policy, they will be protected under the Act, provided the disclosure is made in good faith, and in the reasonable belief of the individual that it will highlight genuine impropriety or malpractice.

Harassment or Victimisation

The College recognises that the decision to report a concern can be a difficult one to make not least because of the fear of reprisal from those responsible for the malpractice. Harassment or victimisation of individuals, who have raised concerns, will not be tolerated and will be treated as a serious disciplinary offence which will, where relevant, be dealt with under the appropriate disciplinary procedures.

Any investigation under the Whistleblowing Policy, into allegations of malpractice, will not influence or be influenced by other College procedures which may already be in train. Similarly, any ongoing internal procedures will not be halted as a result of an individual raising concerns under this policy.

False Allegations

If an allegation is made in good faith, but is not confirmed by the investigation, no action will be taken against the person making the allegation. If, however, an allegation is established to have been made frivolously, maliciously or for personal gain, disciplinary action may be taken against the individual, if an employee or student, in accordance with the appropriate disciplinary procedures.

If you are dissatisfied

If you are unhappy with the College's response to any disclosure made, please put your concerns, in writing, to the Secretary to the Board of Governors or, alternatively, to the Chair of the Audit Committee.

Contact details for the Chair of the Audit Committee are available from the Principal's Office, on request.