



University of Brighton

Whistleblowing Policy

1.0 Background

The University, as a public body, has a duty to conduct its affairs in a responsible and transparent way, and to take into account both the requirements of its funding bodies (especially the Higher Education Funding Council for England) and the general expectations which society has of public bodies, which are set out in the reports of the Committee on Standards in Public Life. The University has also adopted a Statement of Shared Values, which stresses the need for the utmost integrity and accountability on the part of those chosen to manage the University's affairs.

The Committee on Standards in Public Life (Nolan Committee) sets out seven principles of public life which it believes should apply to all in public service. The seven principles of conduct underpin the work of public authorities and form part of the relevant Codes of Conduct (as set out in the Financial Regulations, governors and staff are asked to recognise the importance of the principles and to uphold them at all times (see Appendix 1).

The Whistleblowing Policy is based statute and involves raising an issue of concern under specific circumstances, further details are provided in section 2 below.

2.0 Purpose

The purpose of the University Whistleblowing Policy (sometimes known as 'making a disclosure in the Public Interest' or 'Public Interest Disclosure Policy') is to assist all staff employed by the University i.e. contracted staff, voluntary workers, students and those on employment training provisions (work experience, apprentices, interns) in understanding the procedure when making a disclosure and demonstrates the university's commitment in dealing with an issue. The Whistleblowing policy also applies to workers such as contractors and agency workers who are included in the references throughout the guidance.

Whistleblowing is the process by which an employee in an organisation raises concerns about possible unethical or illegal behaviour, misconduct or wrongdoing, fraud, crime, or other serious risk that could threaten students, staff, the public or the University's own reputation. It also provides an appropriate method to allow a complaint to be investigated. Essentially whistleblowing is the raising of a concern about a danger or risk so that it may be investigated.

This policy has been developed in the context of the following legislation:

- Employment Rights Act 1996

- Public Interest Disclosure Act 1998 (PIDA)
- Enterprise and Regulatory Reform Act 2013 (ERRA)

3.0 Definition of a Qualifying Disclosure

A 'qualifying disclosure' means any disclosure of information where a worker reasonably believes (and it is in the public interest to report it) that one or more of the following matters is either happening, has taken place or is likely to happen in the future:

- **A criminal offence e.g. violence or damage**
- **A miscarriage of justice** – (a failure of a court or judicial system to attain the ends of justice, especially one which results in the conviction of an innocent person).
- **An act creating risk to health and safety e.g. not reporting damaged equipment.**
- **An action causing damage to the environment e.g. unsafe disposal of toxic waste**
- **A breach of any other legal obligation; e.g. breach of legislation**
- **Concealment of any of the above**

It is not necessary for the worker to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient. The worker has no responsibility for investigating the matter - it is the University's responsibility to ensure that an investigation takes place.

This procedure is for disclosures about matters other than a breach of contract of employment (i.e. terms and conditions of employment). If the worker is concerned that their own contract of employment has been, or is likely to be, broken, they should refer to the Grievance Procedure.

(Please refer to the Financial Regulations for any matters arising which involve, or are thought to involve, irregularities, including fraud, bribery, corruption or any other impropriety).

<https://staff.brighton.ac.uk/finance/PublishedDocuments/Financial%20Regulations%20Version%2006%20August%202013.pdf>

4.0 Guiding principles

- Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Workers should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of.
- Any matter raised under this policy will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the worker who raised the issue.

- No worker will be victimised for raising a matter under this procedure. This means that the continued employment and opportunities for future promotion or training of the worker will not be prejudiced because they have raised a legitimate concern.
- Maliciously making a false allegation is a disciplinary offence.
- An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, workers should not agree to remain silent. They should report the matter further to their senior manager.
- A worker may make a qualifying disclosure directly to their employer, or to an appropriate authority (person or body) and will be entitled to protection under the legislation providing they reasonably believe that the information disclosed, and any allegation contained in it, are substantially true and it is reasonable for them to make the disclosure.

Whistleblowing Policy
Human Resources Department
May 2014

Appendix 1

The following are the Seven Nolan Principles:

Selflessness

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their families or their friends.

Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that may influence them in the performance of their official duties.

Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness

Holders of public office should be as open as possible about all their decisions and the actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

Holders of public office should promote and support these principles by leadership and example.