



STRANMILLIS UNIVERSITY COLLEGE  
A College of Queen's University Belfast

# **WHISTLEBLOWING POLICY AND PROCEDURES**

## Version Control

Version No:	Reason for Update	Date of Update	Updated By
1	To comply with Good Practice	October 2015	HR Manager
2			
3			
4			

## **1. Introduction**

Stranmillis University College (the College) is committed to the highest standards of openness, probity and accountability. The College seeks to conduct its affairs in a responsible manner, taking into account the Seven Principles of Public Life, set out by the Nolan Committee i.e. selflessness, integrity; objectivity; accountability; openness; honesty; and leadership.

It is therefore fundamental that any concerns, which you may have about suspected unlawful conduct or dangers to staff, the public or students within the College are raised in line with this Policy.

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.

## **2. Public Disclosure Act**

The Public Interest Disclosure (Northern Ireland) Order 1998 (the 'Order') provides protection to employees against being dismissed or penalised by their employers as a result of disclosing serious concerns.

## **3. Qualifying Disclosure**

Qualifying disclosures are disclosures of information which the employee/worker reasonably believes tend to show that one or more of the following matters is either happening now, took place in the past, or is likely to happen in the future:

- A criminal offence;
- Academic or professional malpractice;
- Improper conduct or unethical behaviour;
- A breach of legal obligation;
- A miscarriage of justice;
- A danger to the health or safety of any individual;
- Damage to the environment; or
- Deliberate covering up of information tending to show any of the above matters.

Examples of potential malpractice which could be viewed as grounds for disclosure could include:

- Misappropriation of funds;
- Bribery;
- Corruption;
- Blackmail;
- Conduct likely to prejudice the standing of the College;
- Misuse of College property;
- Breaches of internal rules and regulations;

- Criminal offences or breaches of civil law;
- Endangering the health and safety of any person;
- Environmental damage and the deliberate concealment of any malpractice.

#### **4. Making a Disclosure**

Where an individual makes a disclosure under this Whistleblowing Policy, they will be protected under the legislation, provided the disclosure is made in good faith.

In making a disclosure the individual must have a reasonable belief that the information disclosed tends to show one or more of the offences or breaches listed in Section 3 (“a relevant failure”). The belief may not be correct – it might be discovered subsequently that the individual was in fact wrong. The individual must show that he/she held the belief, and that it was a reasonable belief in the circumstances at the time the disclosure was made.

#### **Other University College policies and procedures**

This Whistleblowing Policy 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.

If the disclosure relates to fraud, suspected fraud or bribery, those raising a concern should, in the first instance, follow the Anti-Fraud and Bribery Policy and Procedures available on the key policies section of the website.

#### **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 Policy - this will include, inter alia:

- Members of staff;
- Students;
- Members of the Governing Body and its Committees;
- Members of the Public.

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

#### **Anonymised reports**

The purpose of the Public Interest Disclosure legislation is to encourage the open raising of concerns.

While the University College will investigate issues which are raised anonymously, it may be more difficult for your concerns to be investigated if you

cannot be contacted to provide further information and more difficult to protect your position.

It may not be possible to remain anonymous throughout the course of an in-depth investigation as documents or information provided might reveal your identity. However, the identity of whistle-blowers will be protected where possible as outlined below.

### **Individuals not wishing their identity to be revealed**

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 and fair 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.

## **5. Process: Concerns raised by staff or students**

### **Stage One**

**A member of staff** should make the disclosure, in the first instance, to his/her Head of Department or Head of Academic Area 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 Academic Area, who may be able to address the concern.

Where a disclosure relates to a member of the Governing Body or the Principal, the disclosure should be made directly to the Chair of the Governing Body via the Secretary to the Governing Body.

Under Stage One, the individual making the disclosure will be asked to meet with the Head of Department/Head of Academic Area, or nominee, to discuss the disclosure further.

After this meeting, and as soon as practically possible, the Head of Department/ Head of Academic Area or nominee 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 either a Head of Department/Academic Area, and is concerned about the response, or lack of response, should report their concern, in writing, to the University College

Principal. 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 University College's Management or Senior Management excluding the Principal, the disclosure should be made to the Principal.

Where a disclosure relates to the University College Principal or a member of the Governing Body the disclosure should be made directly to the Chair of the Governing Body via the Secretary to the Governing Body.

Where a disclosure relates to the Chair of the Governing Body the disclosure should be made to the Permanent Secretary for the Department of Employment and Learning (DEL) by contacting DEL. (telephone 028 9025 7777)

Under Stage Two, the individual making the disclosure will be asked to meet with Principal/ Chair of the Governing Body (as appropriate) to discuss the disclosure further.

After this meeting, and as soon as practically possible, the Principal/ Chair of the Governing Body (as appropriate) 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 (currently 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 internal auditors will, as appropriate, liaise with the Principal or Chair of Audit and Risk Committee, to consider how best the disclosure should be handled and, in particular, to agree the appointment of a Designated Officer. The internal 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.

The internal auditors at Deloitte LLP can be contacted at the Internal Audit Department, Deloitte LLP Belfast. (Telephone 028 9032 2861).

## **6. Audit and Risk Assurance 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 internal auditors, in

determining how the issues raised should be handled in the most appropriate way.

Contact details for the Chair of the Audit and Risk Assurance Committee are available from the Secretary to the Governing Body, on request.

## **7. Concerns raised by Members of the Governing Body/Committees or by members of the public**

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

If, for any reason, it is not appropriate to raise a concern internally, this should be directed to the internal auditors or the Chair of the Audit and Risk Assurance Committee, in line with Sections 5 and 6 above.

## **8. How the matter will be handled**

The College will conduct an initial assessment to assess what action should be taken. This may involve an internal inquiry or a more formal investigation. The College procedures for investigations are contained at Appendix A.

The individual making the disclosure will be told who is handling the matter, how that person can be contacted and whether any further assistance may be needed from the individual making the disclosure.

The individual may also be asked how they think the matter might best be resolved and whether they have a personal interest in the matter.

The purpose of the Whistleblowing Policy is to enable the College to investigate and deal with possible malpractice. While the College will give the individual making the disclosure as much feedback as possible, it may not be able to tell the individual the precise action to be taken, where this would infringe a duty of confidence owed by the College to someone else, or where it might prejudice any future action the College might take (including legal action).

## **9. Safeguards**

As outlined in Section 4, 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 alleged 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.

### **Other University College procedures**

Any investigation under this 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.

#### **10. If an Individual is Dissatisfied**

If an individual is dissatisfied with the College's response to any disclosure made, concerns should be put in writing to the Chair of the Audit and Risk Assurance Committee.

#### **11. Further Information**

Independent advice concerning public interest disclosures is available from the independent charity – Public Concern at Work (PCAW) ([www.pcaw.co.uk](http://www.pcaw.co.uk)) on 0207 404 6609, or email [helpline@pcaw.co.uk](mailto:helpline@pcaw.co.uk). PCAW provides free and confidential advice on matters relating to public interest disclosures.

Members of College staff may also contact their Trade Union for appropriate advice.



**Whistleblowing Policy  
Investigation Procedure**

**1. Introduction**

- 1.1 The College's Whistleblowing Policy and Procedure have been designed to enable individuals to raise concerns, at a high level, and to disclose information which they believe shows impropriety or malpractice.
- 1.2 This procedure provides guidance to the discloser about how and with whom a concern should be raised and outlines how disclosures, made under the Whistleblowing Policy, will be handled.

**2. Initial Disclosure**

- 2.1 In line with Section 4 of the policy, any individual making a disclosure must do so, in writing, clearly stating that the disclosure is being made under the Whistleblowing Policy. The correspondence should set out the full detail of the disclosure, along with any supporting evidence/documentation.
- 2.2 For the purposes of this procedure, the individual receiving the disclosure (e.g. normally Head of Department/Academic Area under Stage 1) is referred to as the Designated Officer. The Designated Officer for disclosures made under Stage 3 of the policy will be determined by the internal auditors, in consultation with the Principal/Chair of Audit and Risk Committee as appropriate.
- 2.3 The Designated Officer should contact the individual making the disclosure within five working days of receipt of the disclosure to arrange a meeting to obtain further clarification on the issues raised, as required.
- 2.4 This meeting should take place within ten working days of the receipt of the disclosure (or within another mutually agreeable timeframe).
- 2.5 The individual making the disclosure should be advised that they have a right to be accompanied at the meeting by a work colleague or trade union representative.

**3. Initial Assessment of the Disclosure**

- 3.1 The Designated Officer should consider, based on the information disclosed and the seriousness of the disclosure, whether there are sufficient grounds for a formal investigation.
- 3.2 A note should be kept, setting out the basis for the assessment and the proposed action.
- 3.3 If an investigation is not warranted, the individual raising the concern should be advised accordingly. Advice should also be offered where the concern falls more appropriately within an alternative College policy.

3.4 If further investigation is warranted, the individual making the disclosure should be advised on how this will be handled.

#### **4. Completion of Investigation**

4.1 If sufficient grounds for an investigation exist, the Designated Officer, in consultation with the Human Resources Department, will appoint an Investigating Officer to pursue the investigation internally.

4.2 The selection of the Investigating Officer will depend on the nature of the disclosure received.

4.3 It is the Investigating Officer's role to:

- fully investigate the disclosure with the assistance, where appropriate, of College colleagues;
- interview staff affected by the disclosure and advise them of their right to be accompanied at the meeting by a work colleague or Trade Union representative;
- report on the outcome of the investigation to the Designated Officer.

4.4 A judgement concerning the validity of the disclosure will be made by the Designated Officer. This judgement will be detailed in a written report containing the findings of the investigation and the reasons for the judgement.

4.5 The Designated Officer will determine the most appropriate action to take, arising from the investigation. If the disclosure is shown to be justified, then he/she will be entitled to invoke the disciplinary or other appropriate College procedures against those under investigation.

#### **5. Involvement of Internal Audit**

5.1 Where the Designated Officer considers that Internal Audit should be appointed as the Investigating Officer this should be discussed and agreed with the Principal. The required investigation will be factored into the Internal Audit Operational Plan, either by postponing a lower priority review and reallocating the days accordingly, or by increasing the total days allocated to the Operational Plan.

5.2 The Internal Auditor will present the revised Operational Plan, including an overview of the additional work required, at the next scheduled meeting of the Audit and Risk Assurance Committee – this overview will include a request for retrospective approval for the agreed reallocation of resources.

#### **6. Keeping the Discloser Informed**

6.1 Contact will be maintained with the individual making the disclosure, throughout this process, to advise on progress where appropriate.

6.2 Where possible, the individual making the disclosure will be advised of the outcome of the investigation and on any action that will be taken as a result. It may not, however, be appropriate to tell the discloser the precise action to be taken where this would infringe a duty of confidence owed by the College to someone else or where it might prejudice any future action the College might take (including legal action).

## **7. Disclosure Notification**

7.1 The Human Resources Office should be notified of all disclosures made under this policy – this will help the College assess the effectiveness of the Whistleblowing Policy and to identify any emerging issues/trends.

7.2 In notifying the Human Resources Office of any disclosures received, a summary should be provided, detailing the action taken to resolve the issues or, where the matter was more appropriately handled under another College policy and the advice given to the individual making the disclosure.

## **8. Audit and Risk Assurance Committee Reporting**

8.1 The Human Resources Office will retain a log of disclosures made under this policy, and will report on the effectiveness of the policy and emerging trends, to the Audit and Risk Assurance Committee, on an annual basis.

## Whistleblowing Policy

### Key Contacts

Summary of the key contact information outlined in the Whistleblowing Policy

- Head of Department or Head of Academic Area  
Internal website contact details (Staff Finder)  
<http://info.stran.ac.uk/>
- Chair of the Governing Body via the Secretary to the Governing Body  
**Karen Robinson**  
Email: [K.Robinson@Stran.ac.uk](mailto:K.Robinson@Stran.ac.uk)  
Telephone: 028 9038 4438
- University College **Principal**  
Email: [principal@stran.ac.uk](mailto:principal@stran.ac.uk)  
Telephone: 028 9038 4260
- Permanent Secretary for the **Department of Employment and Learning** (DEL)  
Telephone: 028 9025 7777
- College internal auditors (currently **Deloitte LLP**)  
Address: Internal Audit Department, Deloitte LLP Belfast  
Telephone: 028 9032 2861
- **Chairperson** of the Audit and Risk Assurance Committee  
*Contact details are available from the Secretary to the Governing Body, on request.*
- Human Resources Department  
**Investigating Officer**  
Email: [hr@stran.ac.uk](mailto:hr@stran.ac.uk)  
Telephone: 028 9038 4436
- Public Concern at Work (**PCAW**)  
Website: [www.pcaw.co.uk](http://www.pcaw.co.uk)  
Email: [helpline@pcaw.co.uk](mailto:helpline@pcaw.co.uk)  
Telephone: 0207 404 6609