



Liverpool John Moores University

WHISTLEBLOWING POLICY
(Disclosure under the Public Interest Disclosure Act 1998)

Document Author(s):	Peter Hinton
Relevant to:	All staff and other workers
Approved by:	SMT on 9 October 2012; Employment Committee of the Governors, 22 October 2012
Responsibility for Policy:	University Secretary & Deputy Chief Executive
Responsibility for Document Review:	Director of Legal & Governance Services
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1. **What is Whistleblowing?**

Whistleblowing is the term used to describe where concerns are expressed to an organisation about misconduct, malpractice, bribery, fraud or corruption in the workplace.

The Public Interest Disclosure Act 1998 was introduced to provide a route by which workers who raise legitimate concerns or 'qualifying disclosures' within an organisation are protected from dismissal or any other detriment because of making such a disclosure.

'Workers' include those who are directly employed by the organisation and also agency workers and contractors.

Public Interest Disclosure Act 1998

The Public Interest Disclosure Act provides protection for members of staff who raise legitimate concerns about specified matters which are known as 'qualifying disclosures'. A qualifying disclosure is one made in the public interest by a member of staff who has a reasonable belief that any of the following are taking place:

- A criminal offence
- An act creating a risk to health and safety
- A miscarriage of justice
- An act that causes harm to the environment
- A breach of any other legal obligation
- Actions which are intended to conceal any of the above

Managers should take the issue of whistleblowing very seriously and this policy can increase the University's chances of detecting any malpractice before it becomes more serious.

Any individual who makes a disclosure in the public interest has the right not to be dismissed or subjected to any detriment and will be afforded protection against victimisation and bullying and harassment from another worker. The whistleblower's identity will so far as possible be kept confidential.

Anyone who victimises a whistleblower or subjects him/her to bullying and/or harassment will be subject to disciplinary procedures.

2. Statement by the Chairman of the Board of Governors

Liverpool John Moores University values its reputation and is committed to openness and accountability in conducting its business.

The Board of Governors expects that all staff, agency workers and contractors will raise any genuine concerns that they may have about the conduct of others in the University or the way in which University business is conducted and would expect that this is done through the usual channels of communication and reporting in the first instance.

The University encourages individuals who are aware or have reasonable suspicion of any fraud, misconduct or wrongdoing by members of staff of the University to raise such concerns.

This document sets out the procedure by which individuals can report their concerns about suspicions of serious issues of malpractice to the University if the normal channels of reporting have failed to address the issue or concern.

Findings of malpractice will be acted upon quickly to remedy the situation, including reporting the matter to an appropriate Government or Regulating Agency if necessary.

It should be noted that this University policy is concerned specifically with matters arising as qualifying disclosures, of malpractice, impropriety or wrongdoing in the workplace. It is not designed to provide individuals a channel of enquiry or comment on the financial or business operations of the University.

The raising maliciously of an untrue allegation is a serious disciplinary offence and would be dealt with under the University's Disciplinary Procedure.

3. Scope of this Policy

This policy applies to serious concerns as outlined in Section 1 and provides a procedure for such concerns to be raised without fear of reprisal.

The Public Interest Disclosure Act 1998 affords protection more widely than other employment legislation. This procedure will apply to all University employees, including temporary staff, agency workers, contractors, consultants and suppliers.

Anonymous disclosures will not be dealt with under this procedure but will be reviewed in the way that the University considers any third party complaints where there appear to be issues of substance.

This procedure does not apply to a breach of an employee's contract of employment. If an employee is concerned that his/her contract has been broken he/she should use the grievance procedure to raise such concerns.

4. Procedure for Making a Disclosure

4.1 If an individual has a concern and wishes to make a disclosure he/she should inform the Director of Legal & Governance Services. The Director of Legal & Governance Services will normally report to the Vice-Chancellor as the Chair of the Strategic Management Team (SMT) that a concern has been raised as a disclosure.

The Investigation

4.2 The Director of Legal & Governance Services will appoint an appropriate individual to carry out an investigation of the matter. This could be the individual's line manager or the manager supervising the work of the consultant, contractor or supplier. However, if the individual believes his/her line manager or supervisor is involved in the matter the Director of Legal & Governance Services will appoint a suitable investigating officer.

4.3 The Director of Legal & Governance Services will ensure that a record of the matter is made and any decisions and/or subsequent actions with the reasons for such decisions/actions. This information will be retained for a period of three years.

Reporting

4.4 The Investigating Officer concluding the investigation will report back to the Director of Legal & Governance Services who will inform the individual of the outcome.

4.5 The Director of Legal & Governance Services will report the findings to SMT.

Appeal

- 4.6 If the individual is dissatisfied with the outcome of the investigation he/she can appeal against the outcome. Any appeal should be in writing to the University Secretary & Deputy Chief Executive within 14 calendar days of the outcome of the decision. The matter will be referred to a senior manager of the University to review and consider if the investigation has been properly handled.
- 4.7 If after the investigation the individual believes the appropriate action has not been taken, he/she should report the matter to the proper authority as listed below;
- H.M. Revenue & Customs:
 - The Financial Services Authority:
 - The Office of Fair Trading:
 - The Health & Safety Executive:
 - The Environment Agency:
 - The Director of Public Prosecutions and
 - The Serious Fraud Squad:
 - The Information Commissioner:

This list is not exhaustive.

5. Confidentiality

All disclosures will be treated in a confidential manner. The identity of the worker making the disclosure will be kept confidential and will not be disclosed without his/her consent for as long as possible provided it is compatible with an effective investigation. However, it may be necessary to reveal the source of the information in certain instances and, if so, this would never be done without the individual's prior knowledge.

6. Monitoring and Review

The Policy Lead will action a review of this policy statement and related policies every three years. Any changes needed to ensure effectiveness will be drawn to the attention of SMT.

7. Key Contacts

- Policy Owners – the Board of Governors of the University.
- Policy Lead – University Secretary & Deputy Chief Executive.
- First point of contact for reporting suspected breaches – Director of Legal & Governance Services.

RELEVANT DOCUMENTS

- Staff Handbook
- Anti-Bribery Policy
- Code of Conduct for Staff
- Disciplinary Procedure
- Grievance Procedure
- Bullying & Harassment Policy
- Financial Regulations
- Gifts & Hospitality Policy

RELATED POLICIES & DOCUMENTS

- Employment Rights Act 1996
- Public Interest Disclosure Act 1998
- Public Interest Disclosure (Prescribed Persons) Order 1999 SI1999/1549
- Public Interest Disclosure (Compensation) Regulations 1999 SI 1999/1548
- Public Interest Disclosure (Prescribed Persons) (Amendment) Order 2004 SI 2004/3265
- Public Interest Disclosure (Prescribed Persons) (Amendment) Order 2005 SI 2005/2464
- Public Interest Disclosure (Prescribed Persons) (Amendment) Order 2008 SI 2008/531
- DPA
- FOIA
- Bribery Act 2010
- Enterprise and Regulatory Reform Act 2013