

Whistleblowing Policy and Procedure

1. Scope

Amity University [in] London encourages a free and open culture in its dealings between its Fellows, employees and all people with whom it engages in business and working relations. In particular, the University recognizes that effective and honest communication is essential if malpractice is to be effectively dealt with and the University's success ensured.

This policy is designed to provide guidance to all those who work with or within the University who may from time to time feel that they need to raise certain issues relating to the University with someone in confidence.

2. The Public Interest Disclosure Act 1998

The public Interest Disclosure Act 1998 protects workers and employees whose employer dismisses them or subjects them to detriment on grounds that they have a "qualifying disclosure".

A qualifying disclosure is the disclosure of information which relates to suspected wrongdoing or danger at work.

A whistleblower is a person who raises a genuine concern relating to any of the above. Any such concerns relating to Amity in London University's activities should be reported under this policy. The employee raising the concern must reasonably believe they are doing so in the public interest.

3. Aims of the University Policy

This policy aims to: Encourage staff to feel confident in raising concerns and to question and act upon concerns about practice; Provides avenues for staff to raise those concerns and receive feedback on any action taken; Reassure staff that they will be protected from possible reprisals or victimisation if they have a reasonable belief that they have made a disclosure in the 'public interest'.

4. PROCEDURE

4.1 Subject Matters of Disclosure

4.1.1 This policy will apply in cases where genuinely and in good faith an employee believes that one of the following sets of circumstances is occurring, has occurred or may occur within the organization:

- that a criminal offence has been committed, is being committed or is likely to be committed
- that a person has failed, is failing or is likely to fail to comply with any legal obligation to which he or she is subject
- that a miscarriage of justice has occurred, is occurring or is likely to occur
- that the health and safety of any individual has been, is being or is likely to be endangered
- that the environment has been, is being or is likely to be damaged
- that information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed.

While it is not necessary to prove the malpractice or misconduct is being alleged, but may simply raise a reasonable suspicion, please note that the person raising the matter will not be protected from the consequences of making such a disclosure if, by doing so, commits a criminal offence.

4.1.2 If any worker wish to raise or discuss any issues which might fall into the above category individuals should contact the Principal who will treat the matter in confidence. In such cases it is likely that further investigation will be necessary and you may be required to attend a disciplinary or investigative hearing as a witness. Appropriate steps will be taken to ensure that the working environment and/or working relationship is/are not prejudiced by the fact of the disclosure.

4.1.3 If any worker reasonably believe that the relevant failure (ie one of the set of circumstances listed above) relates wholly or mainly to the conduct of a person other than the University or any other matter for which a person other than the University has legal responsibility, then the individual should make that disclosure to that other person.

Also, it is possible to make such a disclosure to <http://www.pcaw.co.uk>, the leading

authority on public interest whistle blowing, if you consider that they have an interest in the matter and, despite the best efforts of the University, is believed that disclosure within Amity is inappropriate or has been unsuccessful. Disclosures made legal advisers in the course of obtaining legal advice will be protected.

4.1.4 Employees should be aware that the policy will apply where a disclosure is made in good faith and where it is reasonably believed that the information disclosed and any allegation contained in it are substantially true. If any disclosure is made in bad faith (for instance, in order to cause disruption within Amity), or concerns information which the person raising the matter do not substantially believe is true, or indeed if the disclosure is made for personal gain, then such a disclosure will constitute a disciplinary offence for the purposes of the University's Disciplinary Policy and Procedures and may constitute gross misconduct for which summary dismissal is the sanction.

4.1.5 While Amity hopes that such disclosures will never be necessary, it also recognizes that it may find itself in circumstances which are new to it. Each case will be treated on its own facts.

4.1.6 All workers making a qualifying disclosure in line with the legislative requirements are protected under the PIDA from detriment, whilst employees in addition, have the right not to be dismissed, if the reason is the protected disclosure. It is important to note the PIDA and its protections do not apply to students or lay members of the University bodies, however, the University will also afford equivalent worker protections to such individuals making a qualifying disclosure to the University's designated persons (i.e. an internal disclosure).

4.2 Process for Making an Internal disclosure

4.2.1 It is recognised and expected that many concerns will be raised openly with managers as part of day to day practice. Where a manager is uncertain as to which procedure is most appropriate to address an issue, advice can be sought in confidence from a member of the Human Resources team.

4.2.2 Where an individual considers that it may be necessary or appropriate to raise the matter formally under this procedure, i.e. their concerns fulfill the criteria defined in section 4.1.1 above, such a disclosure should be made verbally or in writing to a designated person. The individual should advise the designated person that they are

raising their concern under this policy. If a disclosure involves or implicates a designated person then it should be made to another of the designated persons, as appropriate.

4.2.3 Where the member of staff believes that their disclosure relates to a financial irregularity they can choose to raise any financial concerns directly with the Chair of Audit and Risk Committee and/or Head of Department (unless otherwise implicated), instead of the above designated persons. If the concerns are not deemed to fall under fraud, will refer this issue to a designated person, to be considered under the below process.

4.3 Responding to a disclosure

4.3.1 The designated person to whom the disclosure has been made will acknowledge receipt of a disclosure to the individual (where their identify is known), usually within 3 working days, before initially considering the matters disclosed, and, if there are grounds for proceeding further, will:

- decide whether an investigation should be conducted;
- determine what form the investigation should take;
- appoint a relevant person to carry out the investigation where an internal investigation is deemed appropriate.

4.3.2 If the designated person decides that there are no grounds for proceeding further, the person making the disclosure will be informed of this decision and the reasons for this.

4.3.3 If the designated person considers that the concern falls within the scope of another procedure, they will advise the individual of this and refer it to the relevant manager for appropriate action. This does not mean that a concern is not taken seriously but that it can be addressed more effectively using another procedure. The individual will be informed which procedure will be used to address the concerns they have raised.

4.4 Investigation

4.4.1 As the person conducting the investigation must not be the person who would

ultimately take decisions based on the outcomes, the designated person to whom the disclosure has been made will not personally conduct the investigation and will remain separate from it, having assigned a relevant person(s) to undertake the investigation.

4.4.2 The investigation may involve the individual making the disclosure and others giving a written statement. The individual's statement will be taken into account, and s/he will be asked to comment on any additional evidence obtained, as appropriate.

4.4.3 Any individual wishing to make a disclosure verbally or to give further details as the matter is investigated may be accompanied by another person of his or her choice.

4.4.4 When an allegation is made against a named individual, s/he will be informed of the allegation and supporting evidence. The point at which this occurs will depend on the specific nature of the case. S/he will be given an opportunity to respond either in writing or verbally and, if interviewed about the matter, will be given an opportunity to be accompanied by a person of his/her choice.

4.5.5 Disclosures relating to financial matters may be investigated by the chair of Audit and Risk Committee.

4.5.6 When the matter has been investigated the designate person will determine what action, if any, should be taken in the circumstances. This may include the initiation of formal procedures within the University or reference to an appropriate government department or regulatory agency depending upon the circumstances of the case.

4.5.7 The outcome will be reported, as appropriate, depending upon the nature of the disclosure, to the Principal and (in cases with a financial aspect) the Audit and Risk Committee.

4.5.8 If no action is to be taken, the reason for this will be explained to the individual who has made the disclosure.

4.6 Seeking Independent Advice

4.6.1 An individual considering reporting a concern may wish to seek independent advice, before doing so, particularly if (ideally having first sought to address the concern under this internal procedure) they are considering making a disclosure to a regulator/prescribed person or other external body, as this must be made to the correct

prescribed person or body for the issue and has additional requirements that will need to be met in order to qualify for the protections provided under the Public Interest Disclosure Act. The independent whistleblowing charity, [Public Concern at Work](#), operates a confidential helpline. Their contact details are found at www.pcaw.co.uk. A list of the prescribed people and bodies to whom a disclosure can be made is available at: <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies>.

4.7 Victimisation

4.7.1 It is unacceptable to subject an individual to a detriment or victimisation because they have made a qualifying disclosure under this policy. All such complaints will be treated seriously and may provide grounds for grievance, disciplinary or other appropriate action. It is important to note that individual members of staff who victimise or cause a detriment to an individual who has made a disclosure can be named personally in a legal complaint and may be required to pay compensation personally to a successful claimant.

4.8 Reporting of Outcomes

4.8.1 A report of all disclosures, preserving confidentiality where appropriate, and any subsequent action will be made by the Chair of Governance Body, which will have the responsibility for the maintenance of oversight of this policy and procedure.

4.9 Protection of Involved Parties

4.9.1 The University recognises that the decision to make a disclosure can be a difficult one. However, if this is done in good faith and is based on genuine belief of malpractice, staff have nothing to fear. They will be acting in a manner which is consistent with their duty to the University and the public. In such circumstances the University will neither initiate nor tolerate harassment or victimisation of disclosers and will invoke disciplinary procedures against those who might react in this way.

4.9.2 Conversely the University has an obligation to protect its staff and other parties from deliberately untrue, vexatious and/or malicious disclosures. Where there are reasonable grounds to believe that this is the case or where an external disclosure is made in breach of these procedures without reasonable grounds or otherwise than to

an appropriate regulatory body, the University reserves the right to initiate disciplinary procedures.