

## Public Interest Disclosure Policy

### 1. Introduction

The University of Central Lancashire is committed to its duty to conduct its affairs in a responsible and transparent way taking into account the requirements of funding bodies and regulators and the standards required in public life<sup>1</sup>.

The University encourages the use of the procedure outlined below when a member of the University discovers information which they believe shows evidence of malpractice, corruption, wrongdoing or any form of impropriety within the organisation. Disclosures should be made without fear of reprisal and may be made independently of line management.

This procedure forms part of the regulatory framework for the implementation of the University's policy, procedures and regulations relating to Bribery and Corruption and compliance with the Bribery Act 2010. This policy does not form part of any employee's contract of employment and we may amend it at any time.

This procedure is designed to promote openness and communication by allowing employees or other members of the University, including students, to raise concerns at a high level or disclose information which the individual believes shows malpractice.

### 2. Public Interest Disclosure Act 1998

The Public Interest Disclosure Act 1998 provides legal protection to employees<sup>2</sup> against being dismissed or penalised by their employer as a result of making a "protected disclosure" i.e. disclosing information about malpractice where the employee reasonably believes the disclosure to be in the public interest.

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<sup>1</sup> See [Committee on Standards in Public Life](#)

<sup>2</sup> Employees are defined by the Act to include employees of the University and its wholly-owned subsidiaries, casual workers, agency workers and self-employed workers.

### **3. Scope of The Procedure**

#### **(a) Purpose**

The Public Interest Disclosure Procedure is intended to cover concerns regarding malpractice which are in the public interest. A number of policies and procedures are already in place including complaints, disciplinary and grievance for matters that fall outside of this Procedure.

This Procedure is designed to offer protection to those employees and other members of the University who disclose such concerns provided the disclosure is made:

- (i) In the reasonable belief of the individual making the disclosure that the disclosure tends to show malpractice, is made in the public interest; and
- (ii) To a designated person (**see section 4 (a)**).

#### **(b) Who the procedure applies to**

The University believes that every member of the University should have access to a procedure to raise concerns about malpractice within the University.

Whilst the Public Interest Disclosure Act 1998 only applies to employees the procedure below applies to Employees as defined in Section 3, Students, Students' Union Board of Trustees and University Governors who will be collectively referred to as members of the University.

#### **(c) What disclosures are covered by the procedure?**

Types of concerns might include but are not limited to the following:

- i. financial malpractice or impropriety or fraud;
- ii. failure to comply with a legal obligation or with the rules and regulations of the University;
- iii. dangers to health and safety or the environment;
- iv. criminal activity;
- v. academic malpractice;
- vi. improper conduct or unethical behaviour;
- vii. malpractice;
- viii. failure to declare interests/engaging in decisions when there is a conflict of interest;
- ix. misuse of University funds;
- x. attempts to conceal any of the above.

This Procedure is not designed to question academic judgements. If you are uncertain whether something is within the scope of this policy, please contact the University Secretary, or if the issue relates to Academic judgements, the Deputy Vice-Chancellor.

#### **(d) Confidentiality**

The identity of a person making a disclosure under this Procedure will be kept confidential, if requested, unless this is incompatible with a fair investigation or if there is an overriding reason for disclosure (e.g. if the matter is referred to an external body).

#### **(e) Anonymous Disclosures**

This Procedure encourages individuals to put their name to any disclosures they make. Concerns expressed anonymously are much less powerful, but they may be considered at the discretion of the University.

In exercising this discretion, the factors to be taken into account will include:

- the seriousness of the issues raised;
- the credibility of the concern; and
- the likelihood of confirming the allegation from alternative credible sources.

#### **(f) Protection from detriment**

Anyone raising a genuine concern under this Procedure is entitled to be treated with respect and not subjected to any detriment as a result of having done so.

The University will consider taking action against any member of the University who subjects an individual to a detriment because s/he has made a disclosure in accordance with this Procedure.

#### **(g) Untrue/Unsubstantiated Disclosures**

This Procedure protects members of the University who make disclosures in accordance with this Procedure. Therefore, if an individual makes a disclosure in good faith, which is not confirmed by subsequent investigation, no action will be taken against that individual. If, however, an individual makes a malicious or vexatious disclosure and, particularly if he or she persists with making them, disciplinary action may be taken against the individual concerned.

#### 4. Procedures For Making A Disclosure Informal

##### Disclosures

University Employees are encouraged to make a disclosure to their Line Manager or Head of Service in first instance, however if they do not feel able to do this they can go straight to the formal route, outlined below.

The Line Manager/Head of Service will consider the disclosure and, where appropriate, will refer it to be dealt with under the formal procedure below. If the individual making the disclosure is unhappy with the response from the Line Manager/Head of Service s/he may raise the matter through the formal procedure.

##### Formal Disclosures

###### (a) Initial Disclosure

All disclosures should be made in writing to the University Secretary as the Clerk to the University Board as the designated person. If the individual does not wish to raise the matter with the University Secretary then they may raise it with the Chair of the Audit and Risk Committee.

Disclosures relating to the Vice-Chancellor, the Chair of the University Board or the Clerk to University Board will follow the same steps as a standard disclosure, but will be processed through the routes detailed in Table A below.

Table A.

Disclosures Relating to:	Person to whom disclosure should be made	Designation for decision regarding investigation	Recommendations provided to for final decision
Vice-Chancellor	Chair of the University Board and Chair of the Audit and Risk Committee	Chair of the University Board	University Board
Chair of the University Board	Chair of the Audit and Risk Committee	Chair of the Audit and Risk Committee	University Board (Excluding the Chair)
Clerk to the University Board	Chair of the University Board	Chair of the University Board	University Board

Disclosures relating to financial malpractice or impropriety or fraud can be made via the above procedure or alternatively through the [Fraud Response Plan's process for reporting suspected fraud.](#)

#### **(b) Process**

Following the initial disclosure the discloser will be asked to provide as much supporting evidence as possible about the disclosure and the grounds for the belief of malpractice.

The designated person will advise the individual as set out in Table A whether there is a prima facie case, who will in turn determine whether there will be an investigation, its terms of reference and timescale, and will nominate a person or persons to conduct the investigation. Investigations will not be carried out by the person who will have to reach a decision on the matter.

Where a decision is made not to refer the disclosure for investigation, the discloser shall have the right to request a review of the decision in accordance with paragraph (f) below.

#### **(c) Investigation**

The person or persons tasked to investigate the disclosure will carry out a full investigation with the support of expertise and specialist advice as required. Any investigation will be conducted as sensitively and speedily as possible and within the terms of reference and timetables set.

The nature of investigation will depend on the matter raised and may be referred to an external body such as the Police.

It may become clear during an investigation that the issues raised do not come within the remit of the Public Interest Disclosure Procedure and ought to be referred to another procedure.

The University will not investigate the same disclosure through multiple routes. For example, if an issue has been raised and dealt with through the operation of this or another University procedure that will be deemed to be final. Continued making of allegations or disclosures once they have been properly dealt with within the University's procedures will be regarded as malicious.

#### **(d) Outcome of an Investigation**

Following the investigation, those tasked to carry out the investigation will provide the findings and recommendations to the Vice-Chancellor (or other body identified in Table A), who will make the final decision.

### **(e) Feedback**

The discloser will be kept updated throughout the process about the stage the investigation has reached and when an outcome is expected.

At the end of the process, the designated person will inform the discloser in writing of what action, if any, is to be taken, to the extent that the University is able. If no action is to be taken, then the individual concerned should be informed of the reason for this.

### **(f) Appeal**

If at the stage of initial disclosure it is decided that there is not a prima facie case or that the matter should be dealt with through another University Procedure the discloser shall be informed and given the opportunity to refer the matter in writing to the Chair of the Audit and Risk Committee (or if the disclosure has been made to the Chair of the Audit and Risk Committee the appeal shall be to the Chair of the University Board).

Where a disclosure has been investigated and found not proven, the person making the disclosure may raise it with the Chair of the Audit and Risk Committee (or if the investigation has been carried out by the Chair of the Audit and Risk Committee the appeal shall be to the Chair of the University Board).

A review of the case will be undertaken, the results of which will be communicated in writing to the person making the disclosure.

### **(g) Monitoring of Disclosures**

The Clerk to the University Board will maintain an anonymous register of all confirmed Public Interest Disclosure cases which are investigated within the University. This register will be available for external inspection and should include the following information:

- i. The date the disclosure was made;
- ii. The type of allegation made;
- iii. The potential risks to the University;
- iv. The status of the investigation.

In all cases a report of the outcomes of any investigation will be made to the Audit and Risk Committee. An annual report will also be made to the Audit and Risk Committee on the disclosures made during the academic year.

#### **4. External Disclosures**

##### **(a) Following an internal disclosure**

If a discloser is unsatisfied with the outcome of an internal investigation, they may raise the matter with the Police, OfS, QAA, the Department of Business Innovation and Skills or any other appropriate public authority.

##### **(b) Prior to an internal disclosure**

Whilst it is hoped that the Procedures outlined in this document would reassure and encourage members of the University sufficiently to make a disclosure internally, the discloser may also raise the matter externally, as set out in the paragraph above, if the discloser has reasonable grounds for believing that they will be subjected to a detriment as a result of making the disclosure, or that all persons that would receive the disclosure are or were involved in the alleged malpractice.

The discloser may at any time disclose the matter on a confidential basis to a professionally qualified lawyer for the purpose of taking legal advice.

Disciplinary action may be taken where an external disclosure is made in breach of this procedure without reasonable grounds.

#### **5. Independent advice**

Disclosers may wish to seek independent advice before submitting a formal public interest disclosure to an external body. [Public Concern at Work is one of a number of organisations which offer free advice.](#)

#### **6. Review and Amendment**

This procedure will be reviewed and amended as necessary by the Audit and Risk Committee on behalf of the University Board.