



PUBLIC INTEREST DISCLOSURE POLICY (WHISTLEBLOWING)

1.0 POLICY STATEMENT / PURPOSE

The University is committed to the highest standards of integrity, probity, and accountability. It seeks to conduct its affairs in a responsible manner taking into account the proper use of public funds, the requirements of its funding bodies and the standards required in public life.

However, from time to time, individuals may have genuine concerns about an actual or potential danger, fraud or other illegal or unethical conduct at the University. Through establishing a culture of openness and accountability, the University seeks to prevent such situations occurring and to address them when they do occur.

This policy and procedure has been developed to meet the requirements under the Public Interest Disclosure Act 1998 to give legal protection to workers, and students, against being penalised as a result of disclosing, in the public interest, certain serious concerns.

The aims of this Policy are:

1. To encourage individuals to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected.

2. To provide guidance on raising a concern.
3. To reassure individuals that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken.
4. All disclosures made under this policy will be treated in a sensitive and where possible confidential manner.

2.0 SCOPE

This Policy applies to all employees and those who are engaged to work in the University and includes apprentices, interns, atypical workers, agency workers and those with honorary contracts. The Policy also applies to any registered students and members of University bodies such as Council.

This Policy applies to any disclosure raised in the public interest and in good faith and cannot be used by individuals to challenge financial and business decisions properly taken by the University or seek reconsideration of any matter already addressed under other internal procedures, for example disciplinary and grievance procedures. This Policy should not be used for complaints relating to personal circumstances which should be raised under the Staff Concerns Policy or Student Complaint Procedure, or other internal policy as relevant.

Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work or study. This may include:

- Criminal activity.
- A failure to comply with any legal or professional obligation or regulatory requirement.
- A miscarriage of justice.
- Danger to health or safety.
- Financial or non-financial maladministration, malpractice, bribery or fraud (not covered under the University's Financial Regulations).
- Damage to the environment.
- Breach of University policy or procedures.
- Deliberately concealing information demonstrating that one or more of the above taking place.

Advice on whether something is within the scope of this policy can be sought from the Whistleblowing Officer or Whistleblowing Advisor. Individuals can also seek confidential advice from the independent charity, Protect. Contact details are at the end of this policy.

3.0 POLICY, PROCEDURES AND ENFORCEMENT

Raising a Concern

It is expected that most concerns will be raised openly with line managers or senior colleagues for staff, or for students with their academic department or College support teams, to enable swift and appropriate action as part of the day-to-day good practice of the University.

It is only when an individual considers that their concerns have not been appropriately dealt with or their concern is about their line manager, college or department or their concern is so serious that it should be considered at a more senior level that it may be raised under this Policy.

Where an individual considers that it may be necessary to make a disclosure under this Policy, the disclosure should be made in writing to:

1. The University Secretary: University Secretary's Office, Palatine Centre or email university.secretary@durham.ac.uk or
2. If the concern involves or implicates the University Secretary, the disclosure should be made to the Chair of Audit and Risk Committee: c/o University Secretary's Office, Palatine Centre or email m.l.towes@durham.ac.uk

The University Secretary/Chair of Audit and Risk Committee may designate an alternative senior officer in the University as the Whistleblowing Officer to deal with the disclosure.

An individual should make it clear that they are raising their concern under this Policy and they should provide sufficient information and detail to allow the concern to be meaningfully considered.

Confidentiality

This policy aims to support individuals to voice whistle blowing concerns openly. Where an individual making a disclosure requests their identity be kept confidential, the University will comply with this request provided it does not hinder or frustrate any investigation. However, the investigation process may reveal the source of the information. Where it is no longer possible to maintain confidentiality, this will be discussed with the whistleblower.

Anonymous Disclosures

Individuals are encouraged to put their name to any disclosure made. Anonymous disclosures are more difficult to investigate and impact the ability to assess the credibility of the complaint. The ability to provide feedback and protect against detriment will depend on the University knowing the identity of the individual making the disclosure.

The University's Response to a Disclosure

The Whistleblowing Officer will acknowledge receipt of the disclosure within two working days. An initial assessment of the disclosure will be undertaken by the Whistleblowing Officer in consultation with the Director of HR&OD and the Deputy Vice-Chancellor. The individual making a disclosure may be contacted for further information and may be accompanied to any meetings by a colleague, fellow student or union representative. The companion must respect the confidentiality of the disclosure and any subsequent investigation process and outcome.

The initial assessment will determine whether:

1. The disclosure should be investigated under another University procedure.
2. An investigation will be established under this policy.
3. The matter should be referred to an external authority e.g., police.
4. There are insufficient grounds for proceeding further.

The individual making the disclosure will be informed of the outcome of the initial assessment within five working days from receipt of the disclosure.

The Whistleblowing Officer may bring the disclosure to the attention of the Vice-Chancellor, Chair of Council and the Chair of Audit and Risk Committee.

Investigation

When investigation is required, an investigator(s) with relevant experience of investigations or specialist knowledge of the subject matter will be appointed to undertake the investigation.

When an allegation is made against a "named individual", the named individual will normally be informed of the allegation and of any supporting evidence and may be given a right to respond to any allegations. The point at which this may occur will depend on the specific nature of the case. The University's duty of care to staff or students extends to the named individual during the investigation and particularly in the case of a vexatious claim.

The investigator(s) will present their findings to the Whistleblowing Officer to determine the action to be taken.

The whistleblower will be informed of the progress of the investigation, its likely timescale and outcome. However, sometimes the need for confidentiality may prevent the release of specific details of the investigation or any disciplinary action taken as a result. All information about the investigation should be treated as confidential.

The outcome of any investigation may be reported to the Vice-Chancellor, the Chair of Council, Chair of Audit and Risk Committee, and the Director of Human Resources or Director of Student Support and Wellbeing (as appropriate).

If the investigation concludes that a whistleblower has made false allegations maliciously, the whistleblower may be subject to disciplinary action.

Right of review

Through this policy, the University seeks to deal with concerns fairly and in an appropriate way.

On being informed of the outcome of the investigation, the whistleblower has the right to submit a written request for a review, within ten working days, to the University Secretary or the Chair of the Audit and Risk Committee or the University external auditors. The request must state the grounds for a review based on either:

1. The procedures were not followed properly.
2. There is evidence of prejudice or bias in the handling of the case.
3. There is further evidence that was not available at the time of the original disclosure.

The outcome of the review will either confirm that no further action should be taken, in which case the decision is final, or determine what further action is to be taken and through what process.

The whistleblower will be informed of the outcome of the review. The Audit and Risk Committee will also be informed of any reviews.

External disclosures

The aim of this policy is to provide an internal mechanism for reporting, investigating, and remedying any wrongdoing in the workplace. In most cases individuals should not find it necessary to alert anyone externally.

The law recognises that in some circumstances it may be appropriate for individuals to report concerns to an external body such as a regulator. It will very rarely if ever be appropriate to alert the media. The University strongly encourages individuals to seek advice before reporting a concern to anyone external.

Whistleblowing concerns usually relate to the conduct of University staff, but they may sometimes relate to the actions of a third party, such as a student or supplier. In some circumstances the law will protect individuals when raising the matter with the third party directly. However, the University encourages individuals to report such concerns internally first with the line manager, academic department or College support teams or the University Secretary.

Protection and support for whistleblowers

It is understandable that whistleblowers are sometimes worried about possible repercussions. The University aims to encourage openness and will support staff and students who raise genuine concerns under this Policy, even if they turn out to be mistaken.

Whistleblowers must not suffer any detrimental treatment as a result of raising a concern, even if they turn out to be mistaken. Detrimental treatment includes dismissal, disciplinary action, threats, or other unfavourable treatment connected with raising a concern. Individuals involved in such conduct may be subject to disciplinary action.

If a whistleblower believes they have suffered detrimental treatment, they should inform the University Secretary immediately. If the matter is not remedied it should be raised formally using the University's Staff Concern Policy or Student Complaint Procedure.

Records

All concerns raised and action taken in response to any disclosures under this Policy, including a copy of any investigation reports, will be retained for five years. An annual report of disclosures which have been made under this Policy will be submitted to Council and the Audit and Risk Committee.

4.0 EQUALITY AND DIVERSITY

This policy has been designed to ensure that no-one receives less favourable treatment due to protected characteristics.

5.0 CONTACT DETAILS AND RELATED INFORMATION

Contacts

- **Whistleblowing Officer:** University Secretary; Tel: 0191 333 6144; university.secretary@durham.ac.uk
- **Whistleblowing Advisor:** Tess Mantzoros, Head of Legal Services; Tel 0191 334 4640; tess.mantzoros@durham.ac.uk
- **Chair of Audit and Risk Committee:** Kay Boycott; m.l.towes@durham.ac.uk
- **External Auditors:** Grant Thornton; gareth.j.hitchmough@uk.gt.com
- **Protect** (Independent whistleblowing charity): Tel 020 3117 2025; protect-advice.org.uk

Related information

- Financial Regulations – FinProc Governance Hub - Home
- Disciplinary Regulations – Disciplinary Regulations
- Staff Concerns – Staff Concerns Policy
- Student Complaints – Student Complaint Procedure (University & Services) - Durham University

VERSION CONTROL

Approval date: 14 May 2024

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Contact for further information: University Secretary's Office