

Public Interest Disclosure (Whistleblowing) policy and procedure

SECTION 1 – THE POLICY

A. ABOUT THIS POLICY

1. The University of Westminster (we/our/us) are committed to achieving the highest possible standards of quality, integrity, openness, and accountability in all our practices. We can only do this with the help of all those in our University community. This Public Interest Disclosure (Whistleblowing) Policy (the/this Policy) has been implemented to help you raise a concern you may have about wrongdoing at the University.
2. It is not unusual for colleagues¹ or students to have a concern about what is happening at their place of work or study, and normally these concerns are easily resolved. However, when the concern is about potentially serious malpractice, it can be difficult to know what to do. You may feel worried about raising an issue and decide to keep your concern to yourself, perhaps feeling that it is none of your business or that it is only a suspicion. Or you may feel that raising the matter would be disloyal to other colleagues, fellow students, or the University itself.

This Policy seeks to balance the need to provide safeguards for individuals who raise genuine concerns about malpractice in good faith against the need to protect the University, our colleagues and our reputation against uninformed or vexatious allegations. It does this by providing a formal route for individuals to raise concerns and, where appropriate, to have these investigated.

3. The Policy is designed to comply with the whistleblowing provisions of the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998). The Public Interest Disclosure Act protects whistle blowers from detrimental treatment by their employer because of making a public interest disclosure.
4. You are invited to comment on this policy and suggest ways in which it might be improved. Comments, suggestions, and queries should be directed to the Clerk to the Court of Governors and Head of University Governance (the Clerk to the Court). Contact details are provided in Section 3 below.

Aims of the Policy

5. The aims of the Policy are to:
 - encourage colleagues and other members of our University community to report suspected wrongdoing at the earliest opportunity;
 - provide guidance on how to do that and how we will respond; and
 - reassure our community that they can raise genuine concerns without fear of reprisals, even if they turn out to be mistaken.

Scope of the Policy

6. The Policy covers all persons working for the University, including employees, temporary workers, agency staff and people working for sub-contractors. Although they are not covered by the Public Interest Disclosure Act, we have decided that it shall also apply to our students, members of our Court of Governors, and independent (non-governor) members of Court committees.

¹ Throughout the document 'colleagues' refers to all employees of the University of Westminster

7. To be covered by the Policy, the wrongdoing you disclose must be in the public interest. Information disclosed under the Policy would usually relate to one or more of the following:
 - a) a criminal offence;
 - b) failure to comply with a legal obligation or the University's governing instruments;
 - c) a miscarriage of justice;
 - d) danger to health and safety or the environment; and/or
 - e) attempts to deliberately conceal any of the above.
8. The Policy is not designed to provide a route through which individuals can question financial or business decisions appropriately taken by the University. The Policy also cannot be used to obtain a rehearing of matters that have already been addressed under other routes, e.g., grievance, complaints, or disciplinary procedures. Action taken under this Policy may however lead to a referral to such procedures.
9. If you want to raise a concern or bring a complaint or grievance that is about your personal position, you should raise this through other appropriate mechanisms.
10. If you are not sure whether a concern is within the scope of the Policy, you can contact the Clerk to the Court or the University Secretary and Chief Operating Officer (USCOO) for advice – contact details in Section 3 below. You could also seek advice from your trade union, professional body or UWSU.

B. OUR ASSURANCES

Leadership and governance

Our Court of Governors and University Executive Board take malpractice seriously and are committed to this Policy.

Protections for those raising concerns

You will not be at risk of suffering any reprisal because of raising a genuine concern in accordance with the Policy. If you reasonably believe that raising the concern is in the public interest, it will not matter if your concern proves to be mistaken. Obviously, if you have done something wrong yourself, raising it as a concern under the Policy will not provide you with immunity for your own wrongdoing. However, we may take account of your help in coming forward and raising it.

We will treat all genuine concerns raised in accordance with the Policy seriously and sensitively with proper investigation, proportionate to the issues raised, and carried out in as timely a manner as reasonably possible. Equally, you are expected to raise concerns within a reasonable timeframe.

Anyone who abuses the Policy by raising a matter they do not reasonably believe to be true may be liable to disciplinary action. Anyone found to have engaged in victimisation of an individual who has raised a concern in accordance with the Policy may be liable to disciplinary action and, in some circumstances, personal liability.

Confidentiality

With these assurances, we hope you will raise any genuine concern openly with us. However, if you wish to raise your concern confidentially, we will make every effort to keep your identity secret. If it is necessary for anyone involved in an investigation to know your identity, we will discuss this with you first. In certain circumstances, we may be required to disclose your identity by law.

Anonymous disclosures

We discourage anonymous disclosures. If you raise a concern anonymously, it will be much more difficult for us to establish whether a concern is genuine, to look into it effectively, to protect you or give you feedback.

C. EXTERNAL DISCLOSURE

We hope this Policy provides the reassurance you need to raise such matters internally. In most cases you should not find it necessary to alert anyone externally and usually you would not disclose the matter to a person externally or an external body until the internal procedures have been completed. It would rarely, if ever, be appropriate to alert the media or to share your concern via social media.

However, we recognise that there may be circumstances, involving criminal activity for example, where you can properly report matters to outside bodies, such as regulators (e.g., the Office for Students) or the police. We strongly encourage you to seek advice before reporting a concern to anyone external. Protect is a whistleblowing charity that can advise you about the prescribed regulators, the circumstances in which you may properly contact an outside body, and what protections you may be entitled to if you do so - contact details in Section 3 below.

D. RESPONSIBILITY, MONITORING AND REVIEW

The USCOO is the Designated Officer and has executive responsibility for the Policy. The USCOO may delegate this responsibility in part or in full. The USCOO, and any other post holders to whom responsibility for the policy may be delegated, will receive appropriate training, as necessary.

Monitoring

The Audit Committee monitors this Policy on behalf of the Court of Governors. The University Executive Board considers a review of its effectiveness at appropriate intervals and reports the outcomes to the Audit Committee and Court of Governors.

The Clerk to the Court maintains our Public Interest Disclosure (Whistleblowing) register, which is overseen by the USCOO. It contains a record of all concerns reported to the Designated Officer, the action taken, and the outcome.

The Clerk to the Court submits the register to the University Executive Board and the Audit Committee for information annually. If an outside body notifies the USCOO that they are investigating a concern raised in relation to the University, the USCOO will notify the University Executive Board and Audit Committee at the next scheduled meeting (or sooner if considered necessary) and in such detail as is appropriate; the outcome of the investigation will be reported in a similar manner.

Review

The Court of Governors may amend the Policy from time to time and a formal review will take place no less than once every three years.

Recommended by University Executive Board: 10 January 2023

Reviewed by Audit Committee: 24 January 2023

Approved by Court of Governors: 15 March 2023

Effective date: 1 April 2023

Next review date: November 2025

SECTION 2 – THE PROCEDURE

A. HOW TO RAISE A CONCERN

If you discover wrongdoing, you should inform someone promptly.

Most concerns can be dealt with informally and your first step should be to report your concern to your line manager, Head of School or College, the Director of your department, your personal tutor, or the Clerk to the Court. If you are not sure who to tell, email either the Clerk to the Court or the USCOO – contact details in Section 3 below.

You do not need to have firm evidence of malpractice before raising a concern; however, you are required to have reasonable grounds for believing that the relevant matter of concern does exist or has arisen. It is important that you explain as fully as you can the information or circumstances that gave rise to your concern, providing as much supporting evidence as possible.

If you have been unable to resolve your concern informally, report your concern to the Designated Officer (contact details in Section 3 below). It is helpful to us if you provide a summary of your concern, as much supporting evidence as possible and if you let us know how you think the matter might best be resolved. Please inform the Designated Officer at the outset if you want them to keep your name confidential and if you have any personal interest in the matter.

We prefer that you raise your concern in writing; however, if this is not possible you can speak with the Designated Officer instead.

If your concern relates to the Designated Officer, report your concern to the Vice-Chancellor (contact details in Section 3 below). If your concern relates to both the Designated Officer and the Vice-Chancellor, report it to the Chair of the Court of Governors (via the Clerk to the Court – contact details in Section 3 below). In these cases, the person you report your concern to replaces the Designated Officer in Part B below.

As mentioned above, we encourage you to identify yourself when you raise a concern. If you give your name, we will do all we can to protect your identity. We will treat all disclosures in a confidential and sensitive manner and we expect you to respect the confidentiality of the process too.

B. HOW WE WILL RESPOND TO YOUR CONCERN

The Designated Officer will liaise with the Clerk to the Court, the Director of Finance and/or the Director of HR and Organisation Development and Wellbeing as necessary to decide:

- a) whether the concern raised is in the public interest and eligible to be considered under this Policy;
- b) whether to refer the matter to another procedure; and
- c) whether to undertake an investigation.

The Designated Officer will inform you of their decision and any further action.

If the concern is to be considered under this Policy, the Designated Officer will take such steps as they regard as appropriate in handling that concern. This will normally comprise of an informal review, an internal audit review or an investigation.

Investigations

If an investigation is appropriate, the Designated Officer will nominate one or more person/s to conduct the investigation and establish all the facts. The Clerk to the Court will provide support to the Designated Officer, and the investigator/s on how to handle concerns raised under the Policy.

The Designated Officer will decide on the scope and timescale of the investigation referring to the nature of the concern raised and other factors they consider relevant. We aim to complete investigations as speedily as possible.

We expect you to provide reasonable cooperation with us in such an investigation, which may include giving evidence about the concern you have raised. The Designated Officer will communicate with you about the

timescale of the investigation and may invite you to an interview with the investigator/s (the Designated Officer may ask the Clerk to the Court to communicate with you on their behalf).

We will usually tell the subject/s of your disclosure that a concern has been raised and the evidence supporting it and they will be given the opportunity to respond. In some circumstances (e.g., where there are wellbeing concerns relating to the subject/s of your disclosure or where their work may be impacted by the investigation) we may also inform their line manager. If you have asked to remain confidential, we will not tell either the subject of the disclosure or their line manager your name.

The investigator/s will provide the Designated Officer with a report including their findings and any recommendations. Based on this report, the Designated Officer will decide either that there is no case to answer or that further action is required. The investigator/s' recommendations may (without limitation) include one or more of the following:

- a further investigation by the Designated Officer or nominee either singly, in a group, or as part of a Board of Enquiry set up for the purpose;
- an internal investigation by the University, or by the Audit Committee, or some other Committee of the Court of Governors and/or external or internal auditors appointed by the University;
- that the matter be reported to the Office for Students, the Office of the Independent Adjudicator, the Department for Education, the National Audit Office, or some other public authority;
- that the matter be reported to the Police.

If possible, the Designated Officer will give you feedback on the outcome of any investigation. However, they will not be able to give details of any disciplinary or other action when to do so would infringe a duty of confidence owed to another person. Any information the Designated Officer sends to you must be kept confidential and may not be disclosed to others without the prior agreement of the Designated Officer.

Appeals

If the Designated Officer decides that there is no case to answer or you disagree with the outcome of the investigation, you may appeal in writing to the Chair of the Audit Committee (via the Clerk to the Court – contact details in Section 3 below) within 10 working days of receipt of the outcome.

The Chair of the Audit Committee will consider only whether due process has been followed. If the Chair of the Audit Committee finds that due process has not been followed, they will refer the matter to the Vice-Chancellor² for consideration and a final decision.

Whilst we cannot guarantee that we will respond to all matters in the way that you might wish, we will handle the matter fairly and properly, and by using this Policy, you will help us to achieve this. Note: If the malpractice remains ongoing after the matter has been dealt with through this Policy, you can raise it with an outside body (see Part C below).

C. RAISING A CONCERN EXTERNALLY

In some circumstances, where your concerns involve criminal activity for example, you may raise the matter directly with an outside body, such as a regulator or the police. We would emphasise that it is only in exceptional cases that the involvement of an outside body will be appropriate. Note: We encourage anyone considering disclosing concerns externally to first obtain appropriate, independent advice.

² If the Vice-Chancellor was the person who received the initial report the Chair of the Audit Committee will refer the matter to the Chair of the Court of Governors. If both the Vice-Chancellor and the Chair of the Court have been involved earlier in the procedure, the Chair of the Audit Committee will refer the matter to a Deputy Chair to the Court.

SECTION 3 – CONTACTS

John Cappock, University Secretary and Chief Operating Officer/Designated Officer

Phone: 020 7911 5000 ext. 65833
Email: j.cappock@westminster.ac.uk
Mail: 309 Regent Street, London, W1B 2HW (mark the envelope 'Private and confidential')

Dr Peter Bonfield, Vice Chancellor and President (only for concerns relating to the Designated Officer)

Phone: 020 7911 5115
Email: p.bonfield@westminster.ac.uk
Mail: 309 Regent Street, London, W1B 2HW (mark the envelope 'Private and confidential')

Chair of the Court of Governors (only for concerns relating to both the Designated Officer and the Vice-Chancellor):

Via the Clerk to the Court

Chair of the Audit Committee (appeals only):

Via the Clerk to the Court

Elaine McMillan, Clerk to the Court of Governors:

Phone: 07870 902276
Email: e.mcmillan@westminster.ac.uk
Mail: 309 Regent Street, London, W1B 2HW (mark the envelope 'Private and confidential')

PROTECT³

Whistleblowing Advice Line: 020 3117 2520

Fax: 020 7403 8823
Email: whistle@protect-advice.org.uk
Address: The Green House, 244-254 Cambridge Heath Road, London E2 9DA

³ <https://protect-advice.org.uk/contact-us/>