

## **Public Interest Disclosure (Whistleblowing) policy and procedure**

### **SECTION 1 – THE POLICY**

#### **A. INTRODUCTION**

The University of Westminster (“the University”) is committed to achieving the highest possible standards of quality, integrity, openness and accountability in all of its practices. It can only do this with the help of all those who work or study with and for the University. This Public Interest Disclosure (Whistleblowing) Policy (“the Policy”) has been introduced to help you raise a concern you may have about malpractice (such as fraud; a danger to health, safety or the environment; a crime; a bullying culture; or a serious breach of the University’s internal policies and/or codes of practice) in the right way and without worry.

It is not unusual for colleagues<sup>1</sup> or students to have a concern about what is happening at work, 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 fellow students, other colleagues or the University itself. Perhaps you have tried to raise the matter, but found out you have spoken to the wrong person or raised the issue in the wrong way, and are not sure what to do next.

The University would prefer that you raise any genuine concern about malpractice at the earliest opportunity. With this in mind, the Policy has been introduced to help you raise concerns about malpractice quickly and appropriately. It explains the routes open to all persons working or studying at or for the University, including employees, temporary workers, agency staff, people working for sub-contractors, members of the Court of Governors, and independent (non-governor) members of Court committees as well as students at the University.

The Policy also 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, its colleagues and its reputation against uninformed or vexatious allegations. It does this by providing a formal route for individuals to raise concerns and to have these properly investigated.

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 and usually in the first instance with your line manager or tutor or if this does not resolve it, you may use the University’s Grievance Procedure. The Public Interest Disclosure (Whistleblowing) policy is to help you raise a concern where you believe the interests of others – such as colleagues, students, members of the public, or the University itself – are or may be at risk.

The Policy is designed to ensure that colleagues, students and governors who have genuine concerns about matters of significance have a safe and secure mechanism to raise these without fear of victimisation, and without resorting to complaints to the media which might unfairly bring individuals

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<sup>1</sup> Throughout the document ‘colleagues’ refers to all employees of the University of Westminster

or the institution into disrepute. It is designed to comply with the whistleblowing provisions of the Employment Rights Act 1996.

## **B. OUR ASSURANCES**

### **Leadership and governance**

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

### **Your safety**

You will not be at risk of suffering any reprisal as a result of raising a genuine concern in accordance with the Policy. Provided that 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, the University may take account of your help in coming forward and raising it.

The University 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 this Policy may be liable to disciplinary action and, in some circumstances, personal liability.

### **Confidentiality**

With these assurances, the University hopes you will raise any genuine concern openly and in the normal way, namely within the University, using Step One below. However, it is recognised that there may be some circumstances, involving criminal activity for example, when you may prefer to speak to someone outside the University. In such a situation you may speak to outside bodies, such as regulators or the police, in confidence using Step Two set out below. If you wish to make a disclosure in this way, please say so at the outset or simply contact the outside body directly.

If you ask the outside body not to disclose your identity to the University or otherwise, they will not do so without your consent, unless required otherwise by law or for some other reason which they consider to be of overwhelming importance. There may be times when the outside body is unable to resolve a concern without revealing your identity, for example where your personal evidence is essential. In such cases, they will discuss with you whether and how the matter can best proceed.

Note: If you do not tell the outside body who you are, or do tell them who you are but do not wish your name to be disclosed, it will be much more difficult for the outside body to look into the matter effectively. They may as a result be unable to protect your position or to give you feedback. Accordingly you should not assume that the outside body can provide the assurances described in the same way if you report a concern in a way which does not disclose your own identity or you ask that your identity is not disclosed.

## **C. INDEPENDENT ADVICE**

If you are unsure whether to use this Policy or you want independent advice at any stage, you may contact:

- if applicable, a trade union or professional or student body; or

- the independent charity Protect<sup>2</sup> (020 3117 2520). They can give confidential advice at any stage about how to raise a concern about serious malpractice at work.

## **D. EXTERNAL DISCLOSURE**

We hope this Policy provides the reassurance you need to raise such matters internally through one of the Designated Officers. In most cases you should not find it necessary to alert anyone externally. It would rarely if ever be appropriate to alert the 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. Protect should be able to advise you on such an option and on the circumstances in which you may properly contact an outside body. We encourage anyone considering disclosing concerns externally to first obtain appropriate, independent advice.

## **E. RESPONSIBILITY, MONITORING AND REVIEW**

The Policy is the executive responsibility of the University Secretary and Chief Operating Officer (the USCOO). 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.

### **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 University's Public Interest Disclosure (Whistleblowing) register is maintained by the Clerk to the Court of Governors and overseen by the USCOO. It contains a record of all concerns reported to a Designated Officer, the action taken, and the outcome.

The USCOO will submit the register to the University Executive Board and the Audit Committee for information annually. In the event that 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 Policy may be amended by the Court of Governors from time to time and a formal review will take place no less than once every three years.

**Recommended by University Executive Board:** 22 October 2019

**Reviewed by Audit Committee:** 14 November 2019

**Approved by Court of Governors:** 18 March 2020

**Effective date:** 1 April 2020

**Next review date:** November 2022

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<sup>2</sup> Previously called Public Concern at Work

## **SECTION 2 – THE PROCEDURE**

### **A. HOW TO RAISE A CONCERN**

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. The steps to take to raise a concern are as set out below. In most instances we anticipate that a concern can and should be raised in accordance with Step One and only in exceptional cases is Step Two required.

#### **Step One**

In the first instance it is hoped that you will feel able to first raise your concern openly with one of the University's Designated Officers. The Designated Officer will ask for details of the allegations and of any evidence or witnesses which may support the concern raised. The Designated Officer has discretion to decide whether the issue raised should be considered under this Policy or referred elsewhere. Contact details for the Designated Officers are available in the 'Contacts' section below. Raising a concern with a Designated Officer may be done orally, or if preferred, in writing.

If you raise a concern using Step One, the Designated Officer to whom the concern is addressed will take such steps as they regard as appropriate in handling that concern. This will normally comprise of an investigation, which may be undertaken either by the Designated Officer to whom the concern is initially reported, or such other person as the University considers appropriate. The identity of the investigator, and the scope of the investigation will be determined by reference to the nature of the concern raised and other factors as are considered relevant. You will be expected to provide reasonable cooperation with the University in such an investigation, including giving evidence in respect of the matter of concern you have raised.

If you want to raise the matter in confidence, you should say so at the outset so that appropriate arrangements can be made. The Designated Officer will agree to keep your name confidential unless required otherwise by law or for some other reason which s/he considers to be of overwhelming importance.

#### **Step Two**

If you still have concerns having followed Step One, or feel that the matter is so serious that it cannot be dealt with internally, then you may raise it with the independent governor nominated by the Chair of the Court of Governors. Contact details for the Nominated Independent Governor are available in the 'Contacts' section below.

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.

### **B. HOW THE DESIGNATED OFFICER WILL HANDLE THE MATTER**

Once you have reported any concern to a Designated Officer, s/he will, as soon as reasonably practicable, review it and consider what action may be appropriate. This may involve an informal review, an internal inquiry or a more formal investigation. The Designated Officer may also decide that the matter should be considered under an alternative procedure and refer it as appropriate. The initial investigation should take place as expeditiously as possible in the interests of all concerned, and every effort will be made to preserve the anonymity of University colleagues, students or governors who may be implicated during the investigation.

The Designated Officer may require one or more University colleagues to assist with the investigation and may delegate fully the investigation. Each Designated Officer, and any other post holders to whom an investigation may be delegated, will receive appropriate training on how to handle concerns raised under the Policy.

The investigation will produce a report with recommendations either for further action or to inform best practice for the future. Their recommendations may (without limitation) include one or more of the following:

- an 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.

The Designated Officer will tell you who will be handling the matter, how you can contact them, and what further assistance the Designated Officer or nominee may need from you. The Designated Officer may, for example, call you to attend a confidential interview. On request, the Designated Officer will write to you summarising your concern and setting out how s/he proposes to handle it.

When you raise a concern it will be helpful to know how you think the matter might best be resolved. If you have any personal interest in the matter, the Designated Officer will ask that you tell him/her at the outset. If the Designated Officer thinks that your concern falls more properly within the Grievance or other procedure, s/he will tell you.

Whenever possible, the Designated Officer will give you feedback on the outcome of any investigation. However, the Designated Officer 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.

Whilst we cannot guarantee that the University or the Designated Officer 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 you have reported it in accordance with the Policy, you can raise it with the nominated independent governor or an outside body (see Step Two).

## SECTION 3 - CONTACTS

### DESIGNATED OFFICERS

#### David Burt, Academic Registrar

Phone: 020 7911 5000 ext. 65135  
Email: [d.burt@westminster.ac.uk](mailto:d.burt@westminster.ac.uk)  
Mail: First Floor Cavendish House, 101 New Cavendish Street, London, W1W 6XH

#### John Cappock, University Secretary and Chief Operating Officer

Phone: 020 7911 5000 ext. 65833  
Email: [j.cappock@westminster.ac.uk](mailto:j.cappock@westminster.ac.uk)  
Mail: Second Floor Cavendish House, 101 New Cavendish Street, London, W1W 6XH

**In the event that concerns relate to the University Secretary and Chief Operating Officer, the Designated Officer is:**

#### Dr Peter Bonfield, Vice Chancellor and President

Phone: 020 7911 5115  
Email: [p.bonfield@westminster.ac.uk](mailto:p.bonfield@westminster.ac.uk)  
Mail: 309 Regent Street, London, W1B 2HW

### NOMINATED INDEPENDENT GOVERNOR

(Mark any correspondence 'Private and confidential')

#### David Stanton

Email: [D.Stanton@westminster.ac.uk](mailto:D.Stanton@westminster.ac.uk)  
Mail: David Stanton, Nominated Independent Governor, c/o Clerk to the Court of Governors, University of Westminster, 309 Regent Street, London W1B 2HW

### PROTECT<sup>3</sup>

**Whistleblowing Advice Line: 020 3117 2520**

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

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