

Introduction

1. The University is committed to the highest standards of openness, probity and accountability. It seeks to conduct its affairs in a responsible manner, taking into account the requirements of the funding bodies and the standards in public life set out in, for example, the reports of the Nolan Committee. The University wishes to ensure that anyone who discloses wrongdoing at work can do so without fear of sanction.
2. The Public Interest Disclosure Act, which came into effect on 1 January 1999, gives legal protection to employees against being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns. It is a fundamental term of every contract of employment that an employee will faithfully serve their employer and not disclose confidential information about the employer's affairs. However, where an individual discovers information which they believe shows wrongdoing within the organisation then this information should be disclosed without fear of reprisal and may be made independently of line management.
3. It should be emphasised that this policy is intended to assist individuals who believe they have discovered wrongdoing in the University. It is not designed to question financial or business decisions taken by the University; nor may it be used to reconsider any matters which have already been addressed under dignity and respect at work, grievance or disciplinary procedures. The policy is intended to supplement the provisions of the Act. Nothing in it is intended to affect any individual's rights under the Act. However, the additional protection it offers to a 'whistleblower' will only apply to those who comply with the Policy. It is reasonable to expect members of the University to use the procedures set out in this policy rather than air their complaints outside the University. The disclosure may only be made under this policy to the University or a legal representative.

Scope of Policy

4. This policy is designed to allow employees, students and contractors of the University to raise concerns at a high level and/or to disclose information which they believe shows wrongdoing relating to the University.
5. A number of policies and procedures are already in place including Grievance, Dignity and Respect at Work and Discipline. This policy is intended to cover concerns which are in the public interest that may (at least initially) be investigated separately and might then lead to the invocation of such procedures. These might include:-
 - financial malpractice or impropriety or fraud;
 - failure to comply with a legal obligation or with the Statutes, Ordinances and Regulations of the University;
 - dangers to health and safety or the environment;
 - criminal activity;
 - academic malpractice;
 - improper conduct or unethical behaviour;
 - miscarriages of justice;

- attempts to conceal any of the above.

For the avoidance of doubt, any concerns raised which relate to the treatment of an individual by other members of staff, will normally be dealt with in accordance with the University's Grievance procedure or Dignity and Respect at Work policy.

Provision of safeguards for a member of staff who raises a matter of concern

6. Protection

This policy is designed to offer protection from dismissal and other detrimental treatment to those covered by it, who disclose such concerns provided the disclosure is made to an appropriate person or body (see paragraph 1 of the Public Interest Disclosure Procedure):

- (a) in good faith, and
- (b) in the reasonable belief of the individual making the disclosure that the matter(s) disclosed show(s) evidence of the matters listed in paragraph 5.

Aberystwyth University will not tolerate any harassment or victimisation of a 'whistleblower' and any such allegations found to be substantiated may be dealt with under the relevant Disciplinary Policy and Procedure.

7. Confidentiality

The University will treat all such disclosures in a confidential and sensitive manner. The identity of the individual making the allegation shall be kept confidential so long as it does not hinder or frustrate any investigation. In the event that it is deemed necessary to reveal the identity of the individual making the disclosure, the individual will be consulted prior to the release of their identity. The investigation process may require that the source of the information and the individual making the disclosure provide a statement as part of the evidence required or assist in further investigations. All reasonable steps to ensure that the 'whistleblower' suffers no detriment as a result of their identity becoming known will be taken. Where the person wishing to make the disclosure is an employee of the University, it is recognised that they may wish to discuss the matter in confidence with their legal advisor.

8. Malicious or Vexatious Allegations

If an individual makes an allegation in good faith, which is not confirmed by subsequent investigation, no action will be taken against that individual. If, however, an individual makes malicious or vexatious allegations, and particularly if they persist with making them, disciplinary action will be taken against the individual concerned.

9. Policy Review

The Director of Human Resources will co-ordinate a review of the University's Public Interest Disclosure Policy on an annual basis (or more frequently as necessary) to maintain compliance with legislation and good practice. All reviews will include consultation with the recognised Trade Unions and any proposed amendments will be submitted to Staffing Committee for approval.

1. Making a Public Interest Disclosure

- The individual should make the disclosure in person and/or in writing to the designated person, normally the Registrar and Secretary, who will immediately inform the Vice-Chancellor.
- In cases involving alleged financial malpractice, the Registrar and Secretary should act throughout in close consultation with the Vice-Chancellor, as the Accounting Officer for the University's public funding.
- If the disclosure is about the Registrar and Secretary then the disclosure should be made directly to the Vice-Chancellor. If the disclosure is about the Vice-Chancellor the Registrar and Secretary will immediately inform the President of the University.
- If the individual does not wish to raise the matter with either the Registrar and Secretary or the Vice-Chancellor, they may then raise it with the Chair of the Audit Committee or directly with the President of the University.

2. Process

The designated person will consider the information made available to them and decide on the form of the investigation to be undertaken. This may include but is not limited to

- investigating the matter internally
- referral of the matter to the Police
- calling for an independent inquiry.

If the decision is that investigations should be conducted by more than one of these means, the designated person should satisfy them self that such a course of action is warranted, the possibility of double jeopardy notwithstanding. The designated person may decide in the case of any investigation to cease or suspend that investigation to allow further police or independent inquiry.

Where the matter is to be the subject of a potential internal inquiry, the designated person will exercise their discretion to consider how to determine whether there is a *prima facie* case to answer. This consideration will include but will not be limited to determining

- who should undertake the investigation
- the procedure to be followed
- the scope of the concluding report.

3. Investigation

Normally, an independent officer of the University will undertake this investigation and will report their findings to the designated person. Investigations should not be carried out by the person

who will have to reach a decision on the matter. Any investigation will be conducted as sensitively and speedily as possible.

As a result of this investigation other internal procedures may be invoked, such as

- the disciplinary procedure
- the grievance or complaints procedures
- the Dignity and Respect at Work policy

or it might form the basis of a special investigation.

In some instances it might be necessary to refer the matter to an external authority for further investigation.

4. Feedback

Except in exceptional circumstances, the designated person will inform the individual making the disclosure of what action, if any, is to be taken. If no action is to be taken then the individual concerned should be informed of the reason for this. The 'whistleblower' shall be entitled to request that an initial decision to take no action be reviewed by another appropriate person, to be determined by the University; for example, if the initial disclosure had been made to an officer of the University then the subsequent review might be referred to the Chair of the Audit Committee or the President.

This other person will consider all the information presented, the procedures that were followed and the reasons for not taking any further action. The outcome of this will be either to confirm that no further action is required or that further investigation is required and will follow the procedures referred to in paragraph 3 above.

Where a disclosure is made, the person or persons against whom the disclosure is made will normally be told of it and the evidence supporting it, They will be allowed to comment before any investigation, or further action, is concluded. However, where disclosure would jeopardise the ability of the University, the police or an independent investigator to conduct a proper inquiry, in such cases the persons against whom disclosures are made may not be told prior to an initial investigatory stage.

5. Reporting of Outcomes

A report of all disclosures and any subsequent actions taken will be made by the designated person who will retain such reports for a specified period of time (e.g. three years). In all cases a report of the outcomes of any investigation will be made to the Audit Committee in detail where the issue falls within its purview, and in summary in other cases, as a means of allowing the Committee to monitor the effectiveness of the procedure.