

PUBLIC INTEREST DISCLOSURE (WHISTLEBLOWING) POLICY

1. INTRODUCTION

- 1.1 The University of Liverpool is committed to conducting its affairs in accordance with the highest standards of integrity, and therefore will ensure that it has the appropriate policies and procedures in place, to enable concerns to be raised regarding malpractice, corruption, wrongdoing and any form of impropriety.
- 1.2 The Public Interest Disclosure (Whistleblowing) Policy has been devised to enable individuals to raise concerns at an appropriate level and is in line with the legal requirements contained within the Public Interest Disclosure Act.¹
- 1.3 If there is apparent evidence of malpractice, corruption, wrongdoing or any form of impropriety, then the University positively encourages the use of the procedures outlined below, to make a disclosure.
- 1.4 Furthermore, the University wishes to state that should such a disclosure of information be made which, in the reasonable belief of the worker making the disclosure, is made in the public interest and tends to show one or more of the types of wrongdoing or failure set out in the Public Interest Disclosure Act¹, the individual or individuals concerned will not be penalised or suffer any form of detriment.
- 1.5 Through the Public Interest Disclosure (Whistleblowing) Policy, the University wishes to give a clear message that allegations of malpractice, corruption, wrongdoing, or any form of impropriety will be dealt with most seriously; for the policy to act as a deterrent to potential perpetrators of misconduct; and to provide a rigorous process for concerns to be raised, investigated and, where appropriate, acted upon.

2. CIRCUMSTANCES IN WHICH THE PUBLIC INTEREST DISCLOSURE (WHISTLEBLOWING) POLICY SHOULD BE ACTIVATED

- 2.1 Examples of serious malpractice, corruption, wrongdoing or impropriety which may prompt a disclosure may include:
 - Criminal activity
 - Failure to comply with a legal obligation
 - A miscarriage of justice
 - The endangerment of health and safety
 - Damage to the environment
 - Financial or non-financial maladministration, malpractice or fraud
 - The obstruction or frustration of academic freedom²
 - Serious failure to comply with the statutes, ordinances and regulations of the University
 - Evidence of academic or professional malpractice
 - Failure to disclose a serious conflict of interest
 - Abuse or misuse of University property
 - Improper conduct or unethical behaviour
 - Unauthorised disclosure of confidential information
 - Research integrity or misconduct
 - Attempts to suppress or conceal information relating to any of the above
- 2.2 Please note it is hoped that individuals who have day-to-day concerns on any matter would feel able to raise them in the first instance with their Head of Department. They may be able to agree a way of resolving your

concern quickly and effectively and in some cases they may refer the matter to be dealt with under this policy. However, where the matter is more serious, or you feel your line manager has not addressed your concern, or you prefer not to raise it with them for any reason, you may wish to raise it under this policy.

- 2.3 This policy should not be used for specific concerns relating to grievance, disciplinary, complaints, or harassment matters, which should be properly channelled through the current available procedures for dealing with such issues.
- 2.4 It is intended that this policy should not reconsider any matter that has already been addressed through other University procedures.
- 2.5 It should further be noted that this policy does not remove the right of individuals to invoke the relevant statutory procedures.

3. PROCEDURE FOR MAKING A DISCLOSURE

- 3.1 The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. To avoid possible prejudice to any internal investigation, you should not find it necessary for a disclosure to be made to external bodies before it is raised through this procedure. The law recognises that in some circumstances it may be appropriate for concerns to be made to an external body such as a regulator. It will rarely if ever be appropriate to alert the media. We strongly encourage you to seek advice before reporting a concern to anyone external. See footnote section, the Public Interest Disclosure Act¹ for information concerning the circumstances under which an external disclosure may be made.
- 3.2 The designated persons to whom a disclosure may be made are the University Secretary and the Chief Operating Officer or, if the matter relates to actual or suspected incidents of fraudulent activity, the Chief Financial Officer. Where a disclosure raises concerns about the integrity of research or research misconduct it should be made to the Pro-Vice-Chancellor for Research and Impact. If the disclosure involves or implicates any of these designated persons, then it should be made to the Vice-Chancellor or the President of the University Council as appropriate.
- 3.3 Where a disclosure to a designated person has been made any investigation will be concluded as speedily as possible. Furthermore, the individual or individuals making the disclosure will be kept informed as to the handling of the matter, likely timescale, and of decisions taken. However, sometimes the need for confidentiality may prevent specific details of the investigation or any disciplinary action taken as a result from being disclosed. A meeting will be arranged with the individual or individuals as soon as possible to discuss the concerns, and they will have the opportunity to be accompanied by a colleague or trade union representative from within the University.
- 3.4 In the first instance the designated person to whom the disclosure has been made will consider the matter disclosed and if there are grounds for proceeding further will:
 - Decide whether an investigation should be conducted
 - Determine what form the investigation should take, and appoint a relevant person to carry out the investigation
- 3.5 If the designated person decides there are no grounds for proceeding further, the individual making the disclosure will be informed.
- 3.6 Disclosures relating to financial matters will normally be investigated through the Chief Financial Officer and the Chair of the Audit Committee will be informed of any such whistleblowing and fraud cases.
- 3.7 At the conclusion of the investigation the designated person will determine whether the matter will be taken any further and how it should be handled. This may involve the activation of appropriate University procedures or reference of the matter to an appropriate external body.

3.8 The outcome will be reported to the Vice Chancellor, the Audit Committee and the President of the Council.

4. RECORD KEEPING

4.1 An official written record will be made at each stage of the procedure. All documentation will be retained by the designated person mentioned above for a period of five years.

5. CONFIDENTIALITY

5.1 All disclosures made under the Public Interest Disclosure (Whistleblowing) Policy will be treated in a confidential manner. The identity of the person making the disclosure will be kept confidential for as long as possible, if required, provided it is compatible with an effective investigation. However, it is recognised that it may be necessary to reveal the source of the information, and the person making the disclosure may need to make a statement as part of the evidence required to take the matter forward. Individuals who are concerned about possible reprisals if their identity is revealed should disclose this, and appropriate measures can be considered.

6. ANONYMOUS DISCLOSURES

6.1 Individuals are encouraged to put their name to any disclosure, as anonymous disclosures are far less capable of being effectively dealt with. However, anonymous disclosures may still be considered, taking into account the seriousness of the issue, the credibility of the disclosure, the likelihood of being able to investigate and confirm the allegation (perhaps using alternative sources), and the issue of fairness in consideration to any individual named in the disclosure. The procedure for making an anonymous disclosure will be as outlined in Section 3 above. Please note, as it will not be possible in the case of an anonymous disclosure to clarify any details of the allegation with the person who has raised the concern, the disclosure must provide as much specific detail as possible in order to allow the matter to be investigated, including:

- What type of malpractice is being alleged
- Any relevant times and dates
- The location(s) where the incident(s) occurred
- How the malpractice was perpetrated
- Why you think the individual perpetrated the alleged malpractice
- Why you believe the activity you are reporting constitutes malpractice
- What physical evidence or documentation exists and where
- What has been done already about the incident(s)
- Any witnesses to the incident(s)

7. INDIVIDUALS NAMED IN A DISCLOSURE

7.1 Where an allegation is made against a named individual they will be informed of the allegation and supporting evidence, at a point in the case where it is appropriate. They will be given the opportunity to respond in writing or orally and if interviewed will have the opportunity to be accompanied by a colleague or trade union representative from within the University.

8. VICTIMISATION OF AN INDIVIDUAL OR INDIVIDUALS MAKING A DISCLOSURE

8.1 The University wishes to state that in no circumstances should any individuals who make a disclosure under the Public Interest Disclosure (Whistleblowing) Policy be subjected to victimisation, and that should such

victimisation occur then the matter will be subject to appropriate action which, depending on the circumstances of the case may include the activation of the disciplinary or grievances procedures.

9. UNFOUNDED DISCLOSURES

9.1 A disclosure made in good faith which is not confirmed by subsequent investigation will not lead to any action, penalty or detriment against the individual making the disclosure. However, where a disclosure is found to be malicious or vexatious by subsequent investigation, an individual making such a disclosure may be subject to disciplinary or other appropriate action.

10. REVIEW OF PUBLIC INTEREST DISCLOSURE (WHISTLEBLOWING) POLICY

10.1 It is intended that this policy will be subject to annual review.

¹The Public Interest Disclosure Act protects workers against detriment or dismissal for disclosing information which, in the reasonable belief of the worker making the disclosure, is made in the public interest and tends to show one or more of the following: criminal activity, failure to comply with a legal obligation, miscarriage of justice, the endangerment of health and safety, damage to the environment or attempt to conceal or suppress information relating to any of the above.

An individual in certain limited circumstances may be protected from detriment or dismissal (provided the matter is covered by the Public Interest Disclosure Act) where the disclosure is to an external body.

²The University Statute 13.6.1 states 'to ensure that academic staff have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or privileges'.

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