Public Interest Disclosure (Whistleblowing) Policy

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1. INTRODUCTION

1.1 Glasgow Caledonian University is committed to the highest standards of corporate governance. The University seeks to conduct its business in a responsible manner taking into account the requirements of the Scottish Funding Council for the proper use of public funds and of the standards required in public life set out in the Report on the Government's Committee on Standards in Public Life (Nolan Principles).

1.2 The University's Public Interest Disclosure (Whistleblowing) Policy (the Policy) is designed to enable employees to report any concerns that there may be serious wrongdoing in the University in a responsible and appropriate manner.

1.3 The policy has been developed in the context of the following legislation:

- Employment Rights Act 1996
- Public Interest Disclosure Act 1998
- Enterprise and Regulatory Reform Act 2013
- Employment Rights Act 2025

2. SCOPE

2.1 The policy applies to all University employees including temporary and agency staff.

2.2 The policy applies to wrongdoing which an employee believes to have occurred at any premises owned or in the control of the University either in the UK or abroad.

2.3 The policy does not normally cover issues relating to complaints about an employee's individual circumstances, such as the way an employee has been treated at work. Such matters should be dealt with under the University's Staff Conflict and Complaints Policy.

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2.4 The policy should not be used:

- To question financial or business decisions which have been taken legitimately by or on behalf of the University in accordance with approved University procedures.
- To challenge legitimately made decisions because the individual does not agree with the decision or believes that it does not align with their personal values.
- to re-open matters which have already been properly considered under other University procedures.

3. GENERAL PRINCIPLES

The policy takes account of the following principles:

- The process is simple, transparent and clearly defines the procedures for all involved.
- All concerns will be treated fairly and justly.
- The University will not tolerate the harassment or victimisation of anyone raising a genuine concern and will seek to ensure that anyone who raises a genuine concern does not suffer any penalty, even if the allegation proves to be unfounded;
- As far as possible, any individual making a disclosure will retain their anonymity but only if this is compatible with a full and proper investigation. If it is deemed necessary to make their identity known, for example by disclosing information provided in confidence to allow a matter to be fully investigated, or to enable requisite advice to be obtained, the member of staff making the disclosure will, wherever possible, be notified in advance of the intention to disclose their identity.
- Any member of staff who is required to be interviewed, either as the discloser or a witness, will have the right to be accompanied by a workplace colleague or a trade union representative. As these procedures are essentially internal University processes, legal representation of either party at meetings is not allowed.
- All members of staff must treat as confidential any information communicated to them in relation to matters being addressed under this policy, including the existence of the disclosure.
- Any individual making false allegations maliciously or with a view to personal gain may face disciplinary action.

4. SAFEGUARDS FOR EMPLOYEES MAKING A DISCLOSURE

4.1 Qualifying and protected disclosures

4.1.1 All employees are legally protected against being unfairly dismissed; penalised by their employer; or harassed by colleagues if they make a disclosure about wrongdoing in their organisation if they:

- Reasonably believe that malpractice in the University or between the University and a third party, as defined in paragraph 4.1.2, has happened, is happening or is likely to happen in the future;
- Are making the disclosure in the public interest;
- Follow the correct procedure set out in the University's Public Interest Disclosure (Whistleblowing) Policy

4.1.2 A qualifying disclosure means any disclosure of information where an individual reasonably believes that one or more of the following categories of wrongdoing is happening, has happened or is likely to happen and it is in the public interest to report it:

- A criminal offence;
- Failure to comply with a legal or regulatory obligation;
- A miscarriage of justice;

- A danger to the health and safety of any individual (includes risks to the general public as well as employees or students of the University);
- Damage to the environment;
- Sexual harassment;
- Deliberate attempt to conceal any of the above.

4.1.3 GCU considers the following will also be protected disclosures:

- Academic or professional misconduct;
- Fraud;
- Financial misconduct;
- Failure of governance;
- Improper conduct or unethical behavior;
- Bullying or retaliation;
- Risks to learner provision.

4.1.4 Employees risk losing protection under the Act and rendering themselves liable to disciplinary action if they make the disclosure public, including to the press, without first making their disclosure internally and following the procedure set out in this policy. Making a disclosure to a prescribed person or body is, however, permitted and would not be a breach of this policy. A list of prescribed people and bodies is published on the UK Government's website and includes some Government bodies and regulators.

5. MAKING A DISCLOSURE

5.1 The University Secretary is the designated officer to whom a disclosure should normally be made although a member of staff may make the disclosure in the first instance to their Head of School/Department and may ask their Line Manager to make the disclosure on their behalf. Disclosures may also be made to whistleblowing@gcu.ac.uk. The University Secretary is responsible for nominating an independent officer to carry out an investigation.

5.2 Any suspected cases of financial misconduct will be reported by the University Secretary to the Chief Financial Officer who will arrange for an investigation to be carried out in accordance with the University's Financial Misconduct Policy.

Financial misconduct covers fraud, corruption, theft, dishonesty or deceit by an employee whether at the expense of the University, other employees, students or other stakeholders. Should the disclosure concern financial misconduct, the University Secretary will inform the Chair of the Audit and Risk Committee at an early stage.

5.3 Where possible a disclosure should be made in writing (which may include an email communication) and should set out:

- Which category of qualifying disclosure is being made (as set out in 4.1 above);
- A statement of all relevant facts;
- Copies of any evidence in support of the allegation;
- Names of any witnesses who can provide supporting statements; and
- The name of the individual raising the matter.

Individuals may choose to make a disclosure verbally but are encouraged to confirm the above information in writing, along with any supporting evidence. If, due to a disability, the individual is unable to make a disclosure in writing, the individual may request to use a suitable alternative format as a reasonable adjustment.

5.4 Should the disclosure relate to the University Secretary, it should be raised with the Principal. At their discretion, the Principal may nominate another member of the Executive with no previous involvement in the matter to carry out an investigation.

5.5 Should the disclosure relate to both the University Secretary and the Principal, the disclosure should be made to the Chair of Court. At their discretion, the Chair of Court may nominate another member of the Executive or a lay Governor with no previous involvement in the matter to carry out an investigation.

5.6 Individuals making disclosures under this policy are encouraged to give their names. Concerns expressed anonymously may be considered at the discretion of the University Secretary.

In exercising this discretion, the factors to be taken into account will include:

- The seriousness of the issues raised;
- Whether evidence is presented;
- The credibility of the concern; and
- The likelihood of confirming the allegation from attributable sources.

6. INVESTIGATING A DISCLOSURE

6.1 The University Secretary or nominee will acknowledge receipt of the disclosure in writing.

6.2 The University Secretary, after consultation with the Principal, (providing they are not the subject of, or implicated in the allegation), will undertake an assessment of the information contained in the disclosure which may include appropriate consultation and clarification of specific points with the discloser to determine whether the disclosure falls within the scope of this policy. After undertaking this assessment, the University Secretary may decide on the following action:

- The disclosure falls within the scope of the policy and an internal investigation should be carried out; or

- The disclosure falls within the scope of the policy but should be referred to an appropriate external authority (e.g. the Police or the Scottish Funding Council) due to the nature of the allegations; or
- The disclosure does not fall within the scope of the policy but should be investigated under a different policy (e.g. the Staff Conflict and Complaints Policy); or
- The disclosure does not fall within the scope of the policy and there are insufficient grounds to proceed.

Governance and Legal Services will inform the individual in writing of the outcome of this assessment.

6.3 Where it is decided that an internal investigation is to be carried out, the University Secretary will identify an independent officer (with appropriate expertise) within the University to undertake the investigation. Normally, this will be a member of staff from the Department of Governance & Legal Services. Where the independent officer is appointed from another department, a member of staff from Governance and Legal Services will be assigned to provide professional policy advice and support the process.

6.4 Governance and Legal Services will contact the individual making the disclosure to inform them of the name of the officer chosen to conduct the investigation. The individual has 5 working days to notify the University Secretary, in writing, if they consider there to be a conflict of interest in the choice of officer (e.g. they have had previous involvement in the matters disclosed). The University Secretary will review any perceived conflict of interest and may, if they consider it necessary to do so, appoint an alternative officer to conduct the investigation.

6.5 Where allegations are made against a named individual, the independent officer will weigh up the right of the individual to be able to respond to the allegations and the potential value of their evidence against the risk of revealing the identity of the discloser. In some cases this means that an individual may not be made aware of allegations made against them.

6.6 All those from whom statements may be required or who may be interviewed in the course of the investigation will be advised of the reported concerns and of the reasons for their involvement.

6.7 The officer conducting the investigation may call for such documents and communicate with such individuals as are deemed necessary.

6.8 All those involved in the investigation will be advised of the requirement for confidentiality and informed that they must not discuss any aspect of the process with other witnesses or any other individual.

6.9 The officer conducting the investigation will prepare a report of the investigation for submission to the University Secretary, including a summary of the allegations, the process followed during the investigation, the conclusions reached and any recommendations for action.

6.10 The University Secretary will determine whether there is adequate evidence to merit further action, and if so, what further action is required. Depending on the nature of the matter raised this may include one or more of the following:

a) Not to proceed any further with the matter;

b) To refer the matter for further internal or external investigation;

c) To deal with the matter under another University policy/procedure;

d) To refer the matter to the police;

e) To notify the Scottish Funding Council (SFC) and/or other external agencies as appropriate; or

f) To refer the matter to an independent external review.

6.11 The University Secretary will inform the individual making the disclosure, if their identity is known, of what action, if any, is to be taken and the reasons for this. If a disclosure is made anonymously or under an alias, the discloser will not normally be notified of the outcome of the process.

6.12 While the University will give the individual making the disclosure feedback about the outcome of the investigation, it may not be possible to tell the individual the precise action to be taken, where this would infringe a duty of confidence owed by the University to someone else, or where it might prejudice any future action the University might take, including legal action.

6.13 The individual may write to the University Secretary, within 10 working days of receiving the outcome, to request that the Chair of Court review the report and its findings if they believe that any of their concerns have not been appropriately addressed. The individual must specify clearly why they consider their concerns have not been appropriately addressed. Anonymous disclosures which are followed by a request for a review will not normally be considered. The University Secretary, or the Principal (if the University Secretary is the subject of the disclosure), will refer the request to the Chair of Court who will consider whether the reasons for the request for the review are justified. If a review is considered justified, the Chair of Court may ask a lay governor or an appropriately skilled member of staff who has had no previous involvement in the matter to undertake a review on their behalf. On conclusion of the review, the Chair of Court will decide what, if any further action is to be taken and their decision will be final. The University Secretary will communicate the outcome of the review to the discloser.

6.14 The University Secretary will inform the Principal and the Chair of Court of the outcome of the investigation. Where an investigation into financial misconduct has been undertaken by the Chief Financial Officer, the University Secretary will inform the discloser whether any action will be taken and the reasons for this. The University Secretary will also inform the Chair of the Audit and Risk Committee of the outcome of the investigation.

6.15 The University Secretary or nominee will maintain a confidential record of all allegations received and investigations carried out under this procedure and will submit an annual report to the Audit and Risk Committee.

7. INDICATIVE TIMESCALES

Investigations will be conducted within a reasonable timeframe. The time taken to complete the process will vary depending on the nature and complexity of the disclosure and the clarity with which the disclosure is initially made. Witness availability may also have an impact on timescales. If the investigation is a prolonged one, the individual making the disclosure will be kept informed as to the progress of the investigation and when it is likely to be concluded, unless the discloser is anonymous.

8. EXTERNAL DISCLOSURES

8.1 The University takes all concerns of wrongdoing extremely seriously and strongly advises staff to raise their concerns internally in the first instance so that these can be investigated.

8.2 Individuals considering making an external disclosure are encouraged to first seek professional advice. This is to ensure that the disclosure does not breach any obligations of confidentiality that the individual owes to the University (including those set out in their contract of employment) and to ensure that the disclosure will be protected by the Act. Only disclosures to prescribed persons or organisations will normally receive this protection. The independent whistleblowing charity, Protect, operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern.

https://protect-advice.org.uk/

8.3 The University will consider whether it is appropriate to refer any matters to an external authority at the point of initial assessment of the disclosure and when considering the findings of the investigation.

9. RETENTION OF RECORDS

Records will be retained in accordance with the University's records retention schedule.

10. POLICY REVIEW & MONITORING

10.1 This policy is not contractual and the University reserves the right to alter or withdraw it at any time. This policy is not intended to create rights beyond the employer's statutory obligations.

10.2 This policy will be reviewed on an annual basis, within the policy review framework. Additionally, it will be reviewed in line with changes to relevant employment and other legislation.