



Public Interest Disclosure 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 Policy (the policy) is designed to encourage employees to report any concerns which they may have about 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

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 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 Resolution Policy.
http://www.gcu.ac.uk/media/gcalwebv2/theuniversity/supportservices/peopleservices/Staff_Conflict_Complaints_Resolution_Policy.pdf
- 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 or 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.

- Any individual making a disclosure will retain their anonymity wherever possible provided that this is compatible with a full and proper investigation. In the event that it is deemed necessary to make their identity known, for example where it is necessary to disclose information provided in confidence to allow a matter to be fully investigated, or to enable necessary 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 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.
- The University will seek to ensure that anyone who raises a genuine concern does not suffer any penalty, even if they are mistaken;
- 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; penalized by their employer; or harassed by colleagues if they make a disclosure about wrongdoing in their organization if they :

- Reasonably believe that malpractice, as defined in paragraph 4.1.2, in the University 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 Policy

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

- 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);
- deliberate attempt to conceal any of the above

4.1.3 GCU considers the following will also be protected disclosures:

- financial irregularities, academic or professional misconduct;
- fraud;
- improper misconduct or unethical behavior;

4.1.4 **Employees risk losing protection under the Act and rendering themselves liable to disciplinary action if they make the disclosure public without first following this procedure.**

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.

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.

www.gcu.ac.uk/media/gcalwebv2/theuniversity/supportservices/financeoffice/finance/Financial%20Misconduct%20Oct%202018.pdf

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 malpractice, the University Secretary will inform the Chair of the Audit Committee at an early stage.

5.3 A disclosure must be made in writing (which may include an email communication) and should set out:

- 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.

If, due to a disability, the individual is unable to make a disclosure in writing, the individual may use a suitable alternative format.

5.4 Should the disclosure relate to the University Secretary, it should be raised with the Principal and Vice-Chancellor. At their discretion, the Vice-Chancellor 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 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 normally within 5 working days from the date of receipt.
- 6.2 The University Secretary, after consultation with the Principal & Vice-Chancellor, (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.
- 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. The University Secretary will nominate a member of staff from the Department of Governance to provide administrative support if required.
- 6.4 The University Secretary or nominee will contact the individual making the disclosure normally within 10 working days of receipt of the disclosure and will 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 have any reasonable objection to that officer carrying out the investigation.
- 6.5 Whenever an allegation is made against a named individual, that person will normally be told of the allegation by the University Secretary and given an opportunity to comment on it. The University Secretary may delay in informing the named individual of the allegation if he or she considers that disclosure would or would be likely to jeopardize the collation of evidence or would present a risk to any person.
- 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.
- 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. If no action is to be taken then the individual concerned should be informed of the reason for this.
- 6.12 If the disclosure is deemed inappropriate under this procedure, the individual making the disclosure (if their identity is known) will be informed, in writing, and advised of the procedure under which they should pursue the matter.
- 6.13 While the University will give the individual making the disclosure as much feedback as possible 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.
- 6.14 If the individual is dissatisfied that there is not due clarity or explanation emerging from the investigation to dispel concerns raised or appropriate action to address concerns which are well founded, they may ask that the Chair of Court reviews the report and findings. Any such request must be made in writing to the University Secretary, or if the University Secretary is the subject of the disclosure, the request should be made to the Principal, within ten working days of the receipt of the outcome of the investigation. The University Secretary, or the Principal, will refer the request to the Chair of Court who may ask an appropriately skilled member of staff who has had no previous involvement in the matter to undertake a review on their behalf. The Chair of Court will decide what, if any further action is to be taken and their decision will be final.

- 6.15 The University Secretary will inform the Principal and the Chair of Court of the outcome of the investigation. Where an investigation into financial impropriety has been undertaken by the Chief Financial Officer, the University Secretary will also inform the Chair of the Audit Committee of the outcome of the investigation.
- 6.16 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

7. INDICATIVE TIMESCALES

Investigations will be conducted as speedily as possible having regard to the nature and complexity of the disclosure and, without affecting the quality and depth of the investigation. The process should normally be completed within 4 weeks. However, there may be occasions where this timescale cannot be adhered to due to circumstances outwith the control of any party. 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.

8. EXTERNAL DISCLOSURES

- 8.1 An external third party will usually only investigate a disclosure if the person covered by this policy has first have taken their concerns through the University's own whistleblowing procedure.
- 8.2 The policy is designed to provide an internal mechanism for reporting concerns at work, to protect the individual making the disclosure and ensure that issues relating to any member of staff at any level can be properly investigated. Other than in exceptional circumstances, all concerns should be raised internally in the first instance. If an investigation reveals matters that should be reported to a regulator or funder under the relevant governance framework, then this will be one of the outcomes and a step the University would take.
- 8.3 However, if on rare occasions an individual feels that there are reasons to approach a regulator or funder or other third party direct they should exercise caution and responsibility in so doing and are strongly advised to seek professional advice. Further, it should be noted that in certain circumstances disclosures to external bodies may not be protected by the Act. 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/>

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 legislation.

Appendix 2: Equality Impact Assessment

Equality Impact Assessment: Public Interest Disclosure Policy



Policy/Procedure Details

Assessment carried out by:	Assistant Head Governance	Verified by:	Adrian Lui	
Area to be assessed:	Public Interest Disclosure Policy	Date of Assessment:	May 2015	

Assessment

1. Briefly describe the aims, objectives and purpose of the policy/procedure	<p>To set out the procedure to be followed for staff who wish to raise a concern about malpractice within the University as defined in the Employment Rights Act 1996 and the Enterprise and Regulatory Reform Act 2013.</p> <p>To encourage staff to raise genuine concerns about possible wrongdoing within the University with the assurance that the discloser will be protected in accordance with the provisions of the Employment Rights Act 1996.</p>
2. What are the intended outcomes?	To ensure fairness, equity and transparency in dealing with concerns raised under the Public Interest Disclosure Policy.
3. Who are the main stakeholders? (e.g. staff, students, visitors)	Court, Executive, Management and University Staff

<p>4. How does the policy/procedure take into account different needs and circumstances (e.g. Ethnicity: cultural sensitivities, plain English; Disability: Alternate/ accessible formats; Gender: inclusive to women and men; Sexual Orientation; Faith or Belief, religious practices; Age: needs of younger and older people)?</p>	<p>This policy aims to support the principles of equality and diversity, and ensure that staff and are not discriminated against through raising concerns under the Public Interest Disclosure Policy.</p> <p>This policy applies to all staff irrespective of personal characteristics or circumstances. However, the policy appears flexible in terms of taking into account the different needs of staff by providing alternative means of raising concerns and providing support and guidance to staff who wish to use the policy.</p>		
<p>What is the likely impact on the general duty to eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act;</p>	<input type="checkbox"/>	<input type="checkbox"/>	<p>There is likely to be a positive impact as the Policy sets out clearly the legal protection from unfair dismissal, harassment and discrimination afforded to any individual who raises a concern in accordance with the provisions of the Public Interest Disclosure Policy.</p>
<p>What is the likely impact on the general duty to advance equality of opportunity between people who share a protected characteristic and people who do not share it; and</p>	<input type="checkbox"/>	<input type="checkbox"/>	<p>There is likely to be a positive impact as the Policy supports and protects all staff who raise a concern of possible wrongdoing within the University.</p>
<p>What is the likely impact on the general duty to foster good relations between people who share a protected characteristic, or not</p>	<input type="checkbox"/>	<input type="checkbox"/>	<p>There is likely to be a positive impact as the Policy supports and protects all staff who raise a concern of possible wrongdoing within the University.</p>

How will any negative impact identified above be addressed?	<p>Overall, there is no direct negative impact on the protected characteristics, as this applies to all staff and the principles of the policy support equality and diversity.</p> <p>Although the policy itself is free from discrimination overall, ultimately it is the application and implementation of the policy that provides the scope for discrimination e.g. prejudices or attitudes of those involved in the decision making process. Therefore, there is potentially a training and development issue for those involved in implementing the policy.</p>
Other comments	

Assessment Outcome

1. What is the overall impact rating?	<input type="checkbox"/> High: There is substantial evidence that people from different groups are (or could be) differently affected by the policy (positively or negatively). <input type="checkbox"/> Medium: There is some evidence that people from different groups are (or could be) differently affected (positively or negatively). <input type="checkbox"/> Low: There is little or no evidence that some people from different groups are (or could be) differently affected (positively or negatively). <input checked="" type="checkbox"/> Unknown: No evidence or data has been collected therefore an assessment cannot be made.					
2. Is a full Equality Impact Assessment necessary?	<table border="1"> <tr> <td data-bbox="424 1281 523 1323">Yes</td> <td data-bbox="523 1281 647 1323"><input type="checkbox"/></td> <td data-bbox="647 1281 1046 1395" rowspan="2">If Yes date on which full impact assessment is to be completed by:</td> </tr> <tr> <td data-bbox="424 1323 523 1366">No</td> <td data-bbox="523 1323 647 1366"><input checked="" type="checkbox"/></td> </tr> </table>	Yes	<input type="checkbox"/>	If Yes date on which full impact assessment is to be completed by:	No	<input checked="" type="checkbox"/>
Yes	<input type="checkbox"/>	If Yes date on which full impact assessment is to be completed by:				
No	<input checked="" type="checkbox"/>					

Sign off

Signature:	Date:
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Equality and Diversity Advisor

Consulted GCU E&D Advisor on : 25 May 2015
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