

Annex K Guidance on Whistleblowing

K.1 This annex offers guidance to higher education institutions on the handling of allegations made by staff members relating to the running of the institution or the activities of colleagues within the institution (referred to as 'whistleblowing'). It is intended only as a statement of good practice and general principles, and institutions should draft more detailed protocols to take account of individual circumstances and experience (if they have not done so already). In doing so, institutions should refer to the Public Interest Disclosure Act 1998, which sets out in detail when 'disclosures' by staff are protected by the Act. Such protocols would draw on the guidance given below, and would recognise the need to investigate allegations fully, while dealing fairly with anyone accused.

K.2 Universities and colleges of higher education, like other public bodies, have a duty to conduct their affairs in a responsible and transparent way and to take into account both the requirements of funding bodies (including of course the Funding Councils) and the standards in public life enunciated in the reports of the Committee on Standards in Public Life. In addition they are committed to the principles of academic freedom embodied in their own charters, statutes and articles of government, and enshrined in the Education Reform Act 1988.

K.3 Members of staff are often the first to know when things are going wrong in an institution, whether these concern financial malpractice, the abrogation of appropriate and agreed procedures, or departures from the statutory or other requirements for good governance. All higher education institutions should establish official channels through which such concerns can be raised, for example through heads of department, at official committees, or through staff representatives, including the accredited trades' unions. In the normal course of events concerns should be raised through these channels. But members of staff often feel, rightly or wrongly, that their own position in the institution will be jeopardised if they raise a particular concern in this way, and sometimes the usual channels may, indeed, be inappropriate. Good practice would suggest that:

- a. Allegations of injustice or discrimination against individuals should be dealt with under established procedures approved by the governing body or, if it is a student grievance, through the machinery established by the institution for this purpose.
- b. Allegations about an individual's financial conduct should normally be made to the head of internal audit. He/she is required to have a direct reporting relationship with the Vice-Chancellor/Principal/Chief Executive as the officer within the institution who is designated by the governing body and by the Funding Council to be accountable for the control of the institution's funds, and to the Audit Committee established by the governing body. Internal audit should investigate the allegation or report to a higher authority as appropriate. Where for whatever reason the person making the allegation considers it inappropriate to make it to the head of internal audit, the provisions of sub-paragraph (c) apply.
- c. Allegations about other issues, for example the behaviour of a senior officer of the institution, or a lay/independent member of the governing body, or about the propriety of committee or other collective decisions, should be made, as the

person making the allegation deems appropriate, to the Vice-Chancellor/Principal/Chief Executive, the Secretary/Registrar/Clerk to the governing body or to the Chairman of the governing body. If for any reason none of these individuals is deemed to be appropriate, the allegation should be made to the Chairman of the Audit Committee.

K.4 In any case where an allegation has been made under sub-paragraphs (b) and (c) the person to whom the allegation is made should make a record of its receipt and of what subsequent action was taken. Any allegation made under this procedure shall normally be the subject of a preliminary investigation either by the person to whom the allegation is made or more usually by a person or persons appointed by him/her. Institutions should take steps to ensure that investigations are not carried out by the person who may ultimately have to reach a decision on the matter. Where no investigation is carried out, and the allegation is effectively dismissed, the person making the allegations shall be informed and given the opportunity to remake the allegation to some other person or authority within the institution. This need not be done where an allegation is dismissed after an investigation. Where an allegation is made, the person or persons against whom the allegation is made must be told of it and the evidence supporting it, and be allowed to comment before the investigation is concluded and a report made. The results of the investigation shall be reported to the Audit Committee.

K.5 Any person making an allegation under sub-paragraphs (b) or (c) should be guaranteed that the allegation shall be regarded as confidential to the receiver until a formal investigation is launched. Thereafter, the identity of the person making the allegation may be kept confidential, if requested, unless this is incompatible with a fair investigation, or if there is an overriding reason for disclosure (for example, if police involvement is required). Provided the allegation has been made lawfully, without malice and in the public interest, the employment position of the person should not be disadvantaged because they have made the allegation.

K.6 Institutions may wish to consider using the policy checklist proposed by Public Concern at Work so far as it may apply to circumstances in institutions of higher education.