LIVERPOOL HOPE UNIVERSITY

Code of Practice on Whistleblowing

Approved by:	**University Council**
Date approved :	**4th July 2013**

Whistleblowing

Whistleblowing is the disclosure by an employee (or professional) of confidential information which relates to some danger, fraud or other illegal or unethical conduct connected with the workplace, be it of the employer or of fellow employees.

The Public Interest Disclosure Act 1998 governs the making of disclosures concerning workplace activities and is intended to protect employees who blow the whistle on bad practice from being subjected to any detriment or unfairly dismissed as a result.

To enable employees at Liverpool Hope to raise such concerns the University has put in place a **Code of Practice on Whistleblowing**.

This Code of Practice enables the University to discharge its statutory responsibilities and to provide a mechanism for employees who are genuinely concerned about conduct in the workplace to bring this to the attention of the appropriate persons without disadvantage to themselves.

1. Liverpool Hope University, like other public bodies, has a duty to conduct its affairs in a responsible and transparent way and to take into account both the requirements of funding bodies and the standards in public life enunciated in Lord Nolan's reports. In addition, it is committed to the principles of academic freedom embodied in its Constitution and enshrined in the Education Reform Act 1988.

2. The University aims to develop a culture of openness. Consequently, it is fundamental that concerns about suspected malpractice within the University are aired. It is clearly in all our interests to ensure that malpractice does not occur. To this end, we have devised a Code of Practice to cover the airing of genuine concerns about suspected malpractice within the organisation. The procedures are intended to assist in the reporting, investigating and where appropriate, acting upon a complaint by any person or persons within the University.

3. This Code of Practice describes procedures at Liverpool Hope University for bringing suspected malpractice to management's notice (commonly referred to as Whistleblowing). Malpractice includes (but is not confined to): conduct likely to prejudice the standing of the University, financial and non-financial irregularities, corruption, bribery, dishonesty, breaches of internal rules and regulations, acting contrary to the employee code of conduct, criminal activities, ignoring a serious risk to health, safety or the environment and the deliberate concealment of any malpractice. Complaints outside the matters described above will be dealt with under the appropriate procedures (e.g. the staff grievance procedures, student complaints procedures).

   'Whistleblowing' is not a mechanism for employees to raise individual grievances.

4. Where members of staff have reasonable grounds to believe that malpractice is occurring they are able to report concerns (preferably in writing) as described within the Financial and Other Irregularities, including Fraud: Policy and Procedures (paragraph 3.4 reproduced below).

> ***3. NOTIFICATION OF SUSPECTED IRREGULARITY***
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> **3.4** Where an individual has reasonable grounds to believe that irregularities, as defined in section 2 above, are occurring or have taken place, they are able to report concerns (preferably in writing) in the following main ways:-
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> **i) To line management**
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> If a member of staff discovers or suspects an irregularity then it must be reported to their line manager (at least Head of Department or Director level) who will report to the University Secretary as a matter of urgency. The University Secretary will bring this to the attention of the Vice-Chancellor and Rector and the line manager will make a report to the Vice-Chancellor & Rector who will act upon all reports in the first instance following the procedures set out within this policy.

ii) To University Secretary

In some cases a member of staff who discovers or suspects an irregularity may prefer to report their suspicion to an independent officer and in all cases other than 3.4iii below, this would be the University Secretary. The University Secretary will then inform the Vice-Chancellor and Rector as per 3.4i.

iii) To the Chair of the Audit Committee

In cases of **extreme** concern (e.g. allegations involving the Vice-Chancellor & Rector or the University Secretary), the notifying employee may report their suspicions to the Chair of Audit Committee. This must be in writing giving all necessary details. The Chair of the Audit Committee will appoint either the Vice-Chancellor & Rector or the University Secretary to lead the investigation, or in allegations involving both of those postholders, the Pro Vice-Chancellor (Resource Management & Planning). In such cases, it is essential that the Chair of University Council and Internal Audit are informed at the outset.

5. Any person making an allegation is 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).

   No allegation will be dealt with where the allegation is received anonymously.

   Provided that the allegation has been made in the public interest, and in the reasonable belief that the allegations are true the employment position of the person making the allegations will not be disadvantaged for reasons of making the allegation. Where a subsequent investigation deems that deliberately false and malicious accusations have been made, this may be dealt with under the disciplinary procedure.

6. Any allegation made under this Code of Practice shall normally be the subject of a preliminary investigation either by the person to whom the allegation is made or by a person or persons appointed by him/her, in line with the Financial and Other Irregularities Policy and Procedures.

   Where an allegation is made the person or persons against whom the allegation is made must be told of the allegation, though not necessarily the identity of the person making the allegation (see paragraph 5), and the evidence supporting it, and be allowed to comment before the investigation is concluded and a report made.

   The investigation will be conducted as expeditiously as possible, commensurate with the need to be thorough and to allow comment from the person against whom the

allegation is made. If the investigation is prolonged, the designated person will keep the person making the allegation informed in writing, to their home address, of progress.

The results of the investigation will be reported to Audit Committee.

7. The person making an allegation and the person against whom the allegation was made will be written to with the outcome of the investigation of the allegation.

8. The University cannot provide whistleblowers with protection from civil suit should the allegations be disproved and the aggrieved party take action. It accepts no liability for the consequences of unfounded allegations by a whistleblower.

9. Employees are subject to an implied contractual term of confidence and trust, which seeks to prevent them from disclosing their employer's confidential information, either personally, as part of a group or via third parties on their behalf. Disclosure outside the employer body is often classed as gross misconduct which justifies summary dismissal, though recent case law on disclosure has given support to those deemed to meet certain criteria 'in the public interest'. Employees will be expected to abide by the University's Code of Practice on Whistleblowing.

10. This document should be read in conjunction with the University's Policy and Procedures on Financial and Other Irregularities, including Fraud.

11. For more information on whistleblowing and related legislation, there is an independent charity – Public Concern at Work (www.pcaw.co.uk.). If you need independent advice about a whistleblowing issue you can telephone Public Concern at Work on 020 7404 6609.

Appendix 1

LIST OF CONTACTS

TITLE	NAME	TELEPHONE
Vice-Chancellor & Rector	Professor Gerald Pillay	0151 291 3403
PA to the Vice-Chancellor & Rector	Mrs Pat Kemble	0151 291 3403
University Secretary	Mr Graham Donelan	0151 291 3756
Pro Vice-Chancellor (Resource Management & Planning)	Dr Ian Vandewalle	0151 291 3099
Chair of Audit Committee	Mr Frank Cogley	0151 291 3235