PUBLIC INTEREST DISLOSURE (WHISTLEBLOWING) POLICY

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Policy lead contact	University Secretary
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CLAUSE

1. About this policy

1.1 Public Interest Disclosure Act 1998

The Public Interest Disclosure Act 1998 came into force on 2nd July 1999 and has been amended by the Enterprise and Regulatory Reform Act 2013. This legislation gives legal protection to employees against being dismissed or penalised by their employers for publicly disclosing serious concerns falling in certain specified categories. It also gives protection to employees against suffering a detriment, bullying or harassment from another employee for publicly disclosing serious concerns falling within certain specified categories.

1.1 The University is committed to conducting our business with honesty and integrity, and we expect all staff to maintain high standards. However, all organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring and to address them when they do occur.

1.2 The purpose of this policy is:

(a) To encourage individuals to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected.

(b) To provide individuals with guidance as to how to raise those concerns.

(c) To reassure individuals that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken.

1.3 This policy does not form part of any contract of employment or other contract to provide services and we may amend it at any time.

2. Who does this policy apply to?

2.1 Although the Public Interest Disclosure Act limits protection to employees, agency workers and self-employed workers this policy covers additionally covers any person who wishes to raise the type of concern covered by this policy, including all employees, officers, students, consultants, contractors, volunteers, interns, casual workers, agency workers, Independent Governors and coopted members of London Met's committees.

2.2 This Policy is designed to allow employees and such other persons as listed in 2.1 above to raise concerns or disclose information at a high level (and, if an employee wishes, independently of line management) which the discloser believes to show evidence of wrongdoing).

3. Who is responsible for this policy?

3.1 The Board has overall responsibility for the effective operation of this policy, and for reviewing the effectiveness of actions taken in response to concerns raised under this policy.

3.2 The Audit and Risk Committee has responsibility for ensuring and overseeing the integrity, independence and effectiveness of this policy, including the protections in place for those who raise concerns under this policy.

3.3 The University Secretary has day-to-day operational responsibility for this policy, and you should refer any questions about this policy to them in the first instance. The Executive Director of People must ensure that appropriate guidance is provided to all staff to whom this policy applies and those who manage UK-based employees. Such guidance would include how to raise concerns under this policy for all managers and other staff who may deal with concerns or investigations under this policy.

3.4 This policy will be reviewed at least annually by the University Secretary and the Audit and Risk Committee in consultation with the Executive Director of People.

3.5 All staff are responsible for the success of this policy and should ensure that they use it to disclose any suspected danger or wrongdoing. Staff, students and Governors are invited to comment on this policy and suggest ways in which it might be improved. Comments, suggestions and queries should be addressed to the University Secretary who will involve the Audit and Risk Committee.

4. What is whistleblowing?

4.1 Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers in relation to the activities of the University. This may include:

(a) criminal activity;

(b) failure to comply with any legal or professional obligation or regulatory requirements;

(c) academic malpractice, including research misconduct;

(d) miscarriages of justice;

(e) danger to health and safety;

(f) damage to the environment;

(g) conduct likely to damage our reputation or financial wellbeing;

(h) bribery or corruption under our Anti-Bribery and Corruption Policy;

(i) facilitating tax evasion;

(j) financial fraud, financial irregularity, or financial mismanagement;

(k) money laundering;

(l) breach of our policies on conflicts of interest;

(m) unauthorised disclosure of confidential information;

(n) negligence; and

(o) the deliberate concealment of any of the above matters.

4.2 The disclosure may relate to the activities of any person, body or group acting on behalf of the University, including employees, officers, Governors, consultants, contractors, volunteers, interns, casual workers and agency workers.

4.3 A whistleblower is a person who raises a genuine concern relating to any of the above. If you have any genuine concerns related to suspected wrongdoing or danger affecting any of our activities (a whistleblowing concern) you should report it under this policy.

4.4 This policy should not be used for complaints relating to your own personal circumstances, such as the way you have been treated at work or in your studies. In those cases, you should use the Grievance Procedure, Harassment Policy or (if you are a student) the Formal Complaints Procedure.

4.5 In accordance with the Public Interest Disclosure Act, this policy is not designed to provide a route through which individuals can publicly question financial or business decisions taken by the University, and it offers no protection to such individuals. Neither may the policy be used to obtain a rehearing of matters which have already been addressed under other procedures such as Grievance or Disciplinary procedures or other procedures as may be adopted by the University in the future.

4.6 If a complaint relates to your own personal circumstances but you also have wider concerns regarding one of the areas set out at paragraph 4.1 above (for example, a breach of our internal policies), you should discuss with the University Secretary which route is the most appropriate.

4.7 If you are uncertain whether something is within the scope of this policy you should seek advice from the University Secretary, whose contact details are at the end of this policy.

5. Raising a whistleblowing concern

5.1 We hope that in many cases you will be able to raise any concerns with your line manager. You may tell them in person or put the matter in writing if you prefer. They may be able to agree a way of resolving your concern quickly and effectively. In some cases they may refer the matter to the University Secretary as lead officer.

5.2 However, where the matter is more serious, or you feel that your line manager has not addressed your concern, or you prefer not to raise it with them for any reason, you should contact one of the University Secretary as lead officer (or a designated officer) in accordance with the steps outlined at Section C - procedures:

(a) University Secretary (Lead Officer)

Designated Officers:

(b) Deputy Vice-Chancellor (s)

(c) Chief Operating Officer

(d) Executive Director of People

(e) Head of Legal Services

(f) Pro Vice Chancellor (s), or:

(g) The Chair of the Board of Governors as a second point of contact should it not be appropriate to contact any of the individuals listed above

Contact details are set out at the end of this policy.

5.3 The lead (or designated) officer will arrange a meeting with you as soon as possible to discuss your concern. You may bring a colleague or union representative to any meetings under this policy. Your companion must respect the confidentiality of your disclosure and any subsequent investigation.

5.4 The lead (or designated officer) will take down a written summary of your concern and provide you with a copy after the meeting. The lead (or designated officer) will also aim to give you an indication of how we propose to deal with the matter.

5.5 You may, if you wish, raise concerns with the Office for Students at any time. Although we would encourage you to raise all concerns with us directly so that we may investigate and resolve them internally, if you do wish to contact the regulator, it is not a requirement that you raise your concerns with us first. The internal and external processes can run simultaneously or consecutively. The relevant contact details are set out at the end of this document.

6. Principles

6.1 We hope that individuals will feel able to voice whistleblowing concerns openly under this policy. However, if you want to raise your concern confidentially, we will make every effort to keep your identity secret. If it is necessary for anyone investigating your concern to know your identity, we will discuss this with you.

6.2 The University will treat all disclosures made in accordance with these procedures in a confidential and sensitive manner. The identity of the whistleblower will be kept confidential, if so requested, for as long as possible provided that this does not hinder or frustrate a proper investigation. However, the investigation process may reveal the source of the information, and the whistleblower may need to provide a statement as part of the evidence required. If further action is taken under the University's disciplinary policy, Public Interest Disclosure policy or other procedures as a result of the disclosure, the whistleblower may also be required to provide a statement or give evidence as part of that process.

6.3 The University expects the whistleblower and all others involved in the consideration of the disclosure to act sensibly and appropriately and to keep the nature of the disclosure and the identity of those involved confidential.

6.4 Individuals are encouraged to put their name to any disclosure they make since part of its purpose is to promote openness without the fear of reprisals. Anonymous disclosures may be reported, investigated and acted upon or may be set aside at the discretion of the University, having regard to the seriousness of the issues raised, the credibility of the disclosure, the prospect of being able to conduct a proper investigation, and fairness to any individual mentioned in the disclosure. Whistleblowers who are concerned about possible reprisals if their identity is revealed should come forward to the University Secretary or one of the other designated officers listed in paragraph 5 and appropriate measures can then be taken to preserve confidentiality. If you are in any doubt you can seek advice from Protect, the independent whistleblowing charity, who offer a confidential helpline. Their contact details are at the end of this policy.

6.5 Where a disclosure concerns another or other members of staff of the University, the person or persons identified in the disclosure will be informed of the allegation and of the evidence supporting it and will be allowed to comment before any investigation, or further action, is concluded - except in cases of alleged fraud or where there is a criminal investigation where this could provide the individual(s) concerned with an opportunity to destroy or conceal evidence.

6.6 Investigations should not be carried out by the person who will have to reach a decision on the matter. Any investigations are to be conducted as sensitively and as speedily as possible, having regard to the nature and complexity of the disclosure.

7. Investigation and outcome

7.1 Once you have raised a concern, the lead or designated officer will carry out an initial assessment to determine the scope of any investigation. They will inform you of the outcome of our assessment. You may be required to attend additional meetings in order to provide further information.

7.2 In some cases the designated officer (with advice from HR, and where appropriate legal counsel) may appoint an appropriate investigator(s) with relevant experience or specialist knowledge of the subject matter. The investigator(s) may make recommendations to support the determination of next steps and support learning where relevant.

7.3 The nature of the complaint will depend on what, if any, information we share with the person raising the complaint. You should treat any information about the investigation as confidential. If it is concluded that a whistleblower has made false allegations maliciously, the whistleblower may be be subject to disciplinary action.

8. External disclosures

8.1 The University cannot guarantee the outcome you are seeking, we will try to deal with your concern fairly and in an appropriate way. By using this policy, you can help us to achieve this. The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases you should not find it necessary to alert anyone externally.

8.2 The law recognises that in some circumstances it may be appropriate for you to report your concerns to an external body such as a regulator (see paragraph 5.5 above in relation to raising concerns with the OfS). It will very rarely if ever be appropriate to alert the media. We strongly encourage you to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Protect, operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern. Their contact details are at the end of this policy.

8.3 Whistleblowing concerns usually relate to the conduct of our staff, but they may sometimes relate to the actions of a third party, such as a student, supplier or service provider. In some circumstances the law will protect you if you raise the matter with the third party directly. However, we encourage you to report such concerns internally first in line with this Policy. You should contact your line manager or one of the other individuals set out in paragraph 5 for guidance.

9. Protection and support for whistleblowers

9.1 It is understandable that whistleblowers are sometimes worried about possible repercussions. We aim to encourage openness and will support individuals who raise genuine concerns under this policy, even if they turn out to be mistaken.

9.2 Whistleblowers must not suffer any detrimental treatment as a result of raising a concern. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If you believe that you have suffered any such treatment, you should inform the University Secretary or the Executive Director of People immediately. If the matter is not remedied, you should raise it formally using our Grievance Procedure.

9.3 You must not threaten or retaliate against whistleblowers in any way. If you are involved in such conduct you may be subject to disciplinary action

9.4 The University's confidential Employee Assistance Programme is available to whistleblowers who raise concerns under this policy, and to anyone who may be affected by a whistleblowing event. Their contact details are set out at the end of this policy.

10. Freedom of Speech

10.1 10.1 London Metropolitan University recognises the paramount importance of Freedom of Speech and Academic Freedom. The University acknowledges their vital role in fostering a culture of vigorous and open debate within the law, while being mindful of the University's values as stated in its Strategy. While these freedoms encompass even unpopular or challenging ideas, they do not extend to violence, threats, intimidation, or discriminatory speech. We champion honest dialogue, respectful engagement with diverse viewpoints, and responsible expression within a safe and inclusive community. Our detailed Freedom of Speech Code of Practice provides further guidance on upholding these principles. In the event of a conflict between the contents of this policy and the Freedom of Speech Code of Practice, the provisions of the Freedom of Speech Code of Practice will prevail.

11. Record keeping and reporting

11.1 We will keep an internal record of all concerns raised under this policy, and the outcome of any investigations.

11.2 We will prepare a report at least annually to the Audit and Risk Committee on the operation and effectiveness of our systems and controls in relation to whistleblowing. The confidentiality of individual whistleblowers will be protected for the purpose of such reporting.

12. Contacts

University Secretary	Nicola Le Faou Via Teams or n.lefaou@londonmet.ac.uk
Deputy Vice-Chancellor & Provost	Nona McDuff Via Teams or n.mcduff@londonmet.ac.uk
Deputy Vice-Chancellor (Student Recruitment and Business Development)	Gary Davies Via Teams or Gary.davies@londonmet.ac.uk
Chief Operating Officer	Eugene McCrossan Via Teams or e.mccrossan@londonmet.ac.uk
Executive Director of People	Chloe Milano Via Teams or c.milano@londonmet.ac.uk
Director of Human Resources	Robert Fisher Via Teams or *r.fisher@londonmet.ac.uk*
Head of Legal Services	Nick Giddy Via Teams or n.giddy@londonmet.ac.uk

Chair of the Board of Governors	Tijs Broeke tstbroe1@staff.londonmet.ac.uk
Chair of the Audit and Risk Committee	Urmi Dutta Roy tsudutt1@londonmet.ac.uk
The University's external auditors	KPMG
The University's internal auditors	UNIAC
Employee Assistance Programme	https://staff.londonmet.ac.uk/employment-support/health-and-wellbeing/employee-assistance-programme-eap/
Protect (independent whistleblowing charity)	Helpline: 0203 117 2520 Email: info@protect-advice.org.uk Website: https://protect-advice.org.uk/contact-protect-advice-line/

Annex A –

THE PROCEDURE

STEP 1

1. A person who believes that they have discovered evidence of malpractice within the University makes a disclosure in writing to the to the University Secretary (as lead officer). The University Secretary will, as soon as is practicable, inform the Vice Chancellor and the Chair of the Board of Governors of the disclosure except where:

    a. The allegation of misconduct concerns the Vice Chancellor or the Chair; or

    b. The Vice Chancellor or the Chair is likely to be involved at any subsequent hearing or appeal.

2. In cases where financial malpractice is alleged, the University Secretary shall act throughout in close consultation with the Vice Chancellor, as the Accounting Officer for the University's public funding, and with the University's Internal Auditors.

3. If the allegation concerns the actions of the University Secretary, or the whistleblower otherwise considers it inappropriate to refer the matter to the University Secretary, the disclosure can be made directly to the alternate Designated Officers detailed in this policy. They will then act as the Designated Officer and inform the Vice Chancellor and the Chair of the Board of Governors of the disclosure, except where the provisions noted under Paragraph 1 above apply. The Vice Chancellor will normally consult with the University's Internal Auditors in the event of a matter arising under the provisions of the University's Financial Regulations and Fraud, Anti-Money Laundering and Bribery Policies.

4. If the allegation concerns the actions of the Vice Chancellor, or the whistleblower has grounds to consider it inappropriate to refer the matter to the University Secretary or the Vice Chancellor, the disclosure should be made to either the directly to the Chair of the Board. Who will then become the Designated Officer for the purpose of these procedures.

STEP2

5. The Designated Officer to whom the disclosure has been addressed will decide, after conducting a risk assessment and after consultation with HR (and taking legal advice if necessary), whether the matter is to be investigated further and will determine the form such an investigation will take. This would normally be:

    c. To investigate the matter internally; or,

    d. To refer the matter directly to the police or other outside body;

6. HR will continue to provide support to the designated officer and facilitate procurement of

external support if required.

7. Although a preliminary internal investigation will usually be necessary first, some disclosures may require **immediate** referral to an outside body for consideration and investigation (for example, the Police, the General Medical Council, the Health and Safety Executive, the Disclosure & Barring Service (DBS), children's social services, the Local AuthorityDesignated Officer (LADO), the National Audit Office, or the Office for Students).

8. Where the matter is to be the subject of an internal investigation, the Designated Officer will then consider how best to determine whether there is a *prima facie* case to answer. In doing so, the Designated Officer should decide:

   a. Who should be appointed as the 'Investigating Officer' to undertake the investigation[1];

   b. The procedure to be followed for the investigation (ensuring that all other appropriate University policies and procedures are followed); and,

   c. The scope and nature of the concluding report.

9. Where the allegation concerns a breach of the University's Financial Regulations, the University's Internal Auditor will normally undertake this investigation as the Investigating Officer.

10. Where the allegation does not involve a breach of the University's Financial regulations, the investigation may be undertaken by another member of staff of the University appointed as the Investigating Officer by the Designated Officer for this purpose.

11. Where a decision is taken not to investigate or take any further action, the whistleblower and the Audit and Risk Committee should be so informed.

12.1 Where a disclosure concerns another or other members of staff of the University, the person or persons identified in the disclosure will be informed of the allegation and of the evidence supporting it and will be allowed to comment before any investigation, or further action, is concluded - except in cases of alleged fraud or where there is a criminal investigation where this could provide the individual(s) concerned with an opportunity to destroy or conceal evidence.

STEP 3

12. The Investigating Officer will report his or her findings in writing to the Designated Officer who will, as a result of this report, determine whether there is a *prima facie* case to answer and, if so, what further action may be required. This may include:

   a. Appropriate management action to correct the error;

[1] Where the Designated Officer is the Chair of the Board and the allegation concerns senior members of the University, the Investigating Officer may be an independent person.

b. Further action under the University's Disciplinary Procedures;

c. Referral to an outside body such as the police, the Health and Safety Executive, the Disclosure & Barring Service (DBS), children'ssocial services, the National Audit Office, General Medical Council or the Office for Students;

13. The Designated Officer will inform the whistleblower in writing of what action, if any, is to be taken. Where the Designated Officer's decision is that no action is to be taken the whistleblower shall be informed of the reasons for this.

STEP 4

14. Where the decision is to confirm that no further action is to be taken the whistleblower has the right to raise their concern in good faith with an external body, such as the Office for Students, or the University's external auditors, provided they have

i) sufficient evidence to support their concern.

ii) However, the University would strongly advise that, before reporting a concern externally, the complainant seeks advice from one of the following:

a. Employees' representatives in the University: *i.e.* UCU, UNISON or GMB.
b. Public Concern at Work

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ANNEX B: FLOWCHART OF THE WHISTLEBLOWING PROCESS

