

HEYTHROP COLLEGE
University of London

GOVERNING BODY

AUDIT, RISK AND GOVERNANCE COMMITTEE

Whistleblowing Policy and Guidance

Whistleblowing Guidance

This policy and guidance takes into consideration:

- *Guide for Members of Higher Education Governing Bodies in the UK* (CUC March 2009);
- *Handbook for Members of Audit Committees in Higher Education Institutions* (CUC, February 2008);
- the Whistleblowing Commission/Public Concern at Work (PCAW) *Code of Practice*, 2014; legislative changes made to The Enterprise and Regulatory Reform Act, 2013;
- *Higher Education Code of Governance* (Committee of University Chairs – CUC, December 2014) which states that the Governing Body should approve a whistleblowing policy, and that it could consider seeking assurance that whistleblowing is effectively managed and asking its Audit Committee to get assurance on whistleblowing¹;
- The Department of Business, Innovation and Skills (BIS) *Whistleblowing Guidance for Employers and Code of Practice*, March 2015.

Introduction

Public Interest Disclosure Act 1998

The Act protects most workers in the public, private and voluntary sectors. The Act does not apply to genuinely self-employed professionals (other than in the NHS), voluntary workers (including charity trustees and charity volunteers) or the intelligence services. Therefore, all College employees are protected under the Public Interest Disclosure Act 1998 when they make a protected disclosure.

According to the BIS *Whistleblowing Guidance for Employers and Code of Practice*, whistleblowing is the term used when a worker passes on information concerning wrongdoing.

To be covered by whistleblowing law, a worker who makes a disclosure must reasonably believe two things. The first is that they are acting in the public

¹ The Higher Education Code of Governance, Committee of University Chairs, December 2014, Section 2, page 14

interest. This means in particular that personal grievances and complaints are not usually covered by whistleblowing law.

The second thing that a worker must reasonably believe is that the disclosure tends to show past, present or likely future wrongdoing falling into one or more of the following categories:

- criminal offences (this may include, for example, types of financial impropriety such as fraud)
- failure to comply with an obligation set out in law
- miscarriages of justice
- endangering of someone's health and safety
- damage to the environment
- covering up wrongdoing in the above categories

This policy therefore does not only cover possible improprieties in matters of financial reporting. All staff are encouraged to raise genuine concerns about possible improprieties in accounting, auditing or other matters, and other malpractices, at the earliest opportunity and in an appropriate way.

This policy is designed to:

- support our values
- ensure that that staff can raise concerns without fear of suffering retribution
- provide a transparent and confidential process for dealing with concerns

Principles

- All concerns raised will be treated fairly and properly.
- We will not tolerate the harassment or victimisation of anyone raising a concern and we will deal with any allegations made using the relevant College procedures²
- Any individual making a disclosure will retain their confidentiality unless they agree otherwise or disclosure is required by law
- We will ensure that any individual raising a concern is aware of who is handing the matter.
- We will ensure that no one will be at risk of suffering some form of retribution as a result of raising a concern, even if they are mistaken. We do not, however, extend this assurance to someone who maliciously raises a matter they know to be untrue.

Disclosure Procedure

If any employee believes reasonably and in good faith that malpractice exists in the workplace, then they should report this immediately to their line manager. However, if for any reason they are reluctant to do so, they should report their concerns to the Director of Administration. If the concerns relate to the Director of Administration, the employee should report the concerns to the Chair of the

² Disciplinary Procedure or Bullying, Harassment and Victimisation Procedure

Audit, Risk and Governance Committee. Disclosures going to the Chair of the Audit, Risk and Governance Committee should be addressed as follows:

Private and Confidential
For the Attention of the Addressee Only

Mr Mike Egan
Chair, Audit, Risk and Governance Committee
c/o Clerk to the Governing Body
Heythrop College
University of London
Kensington Square
London W8 5HN

Employees concerned about speaking to a member of staff can speak, in confidence, to the Hammersmith & Fulham Citizens Advice Bureau 0300 330 1162.

If channels have been followed and employees still have concerns, or feel that the matter is so serious that it cannot be discussed with any of the above, they should contact the Chair of the Audit, Risk and Governance Committee. Employees may also contact the relevant external organisation such as regulators; the Citizens Advice Bureau will be able to advise on the appropriate external organisation. A list of prescribed people and bodies is also found on the [Gov.UK](https://www.gov.uk) website.

Individuals who raise concerns internally will be informed who is handling the matter, how they can make contact with them, and if any further assistance is required. We will give as much feedback as we can without any infringement of a duty of confidence owed by us to someone else. They will also be informed that they are entitled to independent advice, and that if they believe they are suffering detriment for having raised a concern, they should report it.

An individual's identity will not be disclosed without prior consent. Where concerns are unable to be resolved without revealing the identity of the person raising the concern (e.g. if that person's evidence is required in court), we will enter into a dialogue with the individual concerned as to whether and how we can proceed.

If employees are unsure whether to use the procedure, or want independent advice at any stage, they may contact the Hammersmith & Fulham Citizens Advice Bureau 0300 330 1162. Their lawyers can give free, confidential advice at any stage about how to raise a concern about serious malpractice at work.

Anonymity and Confidentiality

The College encourages employees to make disclosures through the internal process outlined above; as far as is legally possible the identity of the employees will remain confidential. However, if employees decide they wish to make a disclosure anonymously, they should write to either the Director of Administration, or the Chair of the Audit, Risk and Governance Committee via

Clerk to the Governing Body, using the College's postal address: Heythrop College, University of London, Kensington Square, London, W8 5HN.

Concerns that are raised anonymously will be investigated, however it will not be possible to reassure or protect the employee who raised the concern if he/she remains anonymous.

Dealing with Disclosures

In line with good practice set out in the BIS guidance, a meeting will be held with an employee who raises a concern in order to gather all the information needed to understand the situation. In some cases, it might be possible to reach a suitable resolution or conclusion following this meeting; in more serious cases a formal investigation will be required. The employee can be accompanied to the meeting by a trade union representative or a colleague. A record of the meeting will be kept and a copy given to the employee raising a concern. It is important to document whether the employee raising the concern has requested confidentiality.

Employees who disclose concerns will have access to counselling and mentoring as this may be a difficult or anxious time for them; information about this is available on the College intranet, HELIOS, and via the Human Resources Department.

After a disclosure has occurred, additional support for staff such as mediation and dispute resolution in order to rebuild trust and working relationships should be considered and offered.

Contact

Staff contact information can be found on the College's website, www.heythrop.ac.uk, via the [College Staff](#) link in the About Us section.

Review of the Whistleblowing Arrangements

In accordance with PCAW's Code of Practice, the review and oversight of the College's whistleblowing arrangements will be undertaken by the College's Audit, Risk and Governance Committee. Reviews will take place on an annual basis, normally by May, and, in accordance with PCAW's Code of practice, will cover, at least:

- 1) a record of the number and types of concerns raised and the outcomes of investigations;
- 2) feedback from individuals who have used the arrangements;
- 3) any complaints of victimisation;
- 4) any complaints of failures to maintain confidentiality;
- 5) a review of other existing reporting mechanisms, such as fraud, incident reporting or health and safety reports;

- 6) a review of other adverse incidents that could have been identified by staff (e.g. consumer complaints, publicity or wrongdoing identified by third parties;
- 7) a review of any relevant litigation; and
- 8) a review of staff awareness, trust and confidence in the arrangements.

Following a review, the Audit, Risk and Governance Committee will consider whether the College needs to revise its whistleblowing policy and guidance, and/or whether there is the need for training for staff or governors in relation to whistleblowing. The Committee will ensure that the College's annual report includes a report on the annual review of whistleblowing arrangements.

If significant changes are proposed to the policy and guidance, the College will consult with staff and their representatives. The Audit, Risk and Governance Committee will consider any proposed revisions to the policy and guidance and will formally adopt and approve them, following the consultation.

Communicating the Whistleblowing Policy and Guidance

The College will communicate and promote its whistleblowing policy and guidance through:

- annual reminders to staff, usually at the beginning of the academic year (at and after the all-staff meeting that takes place in Michaelmas Term Week 0)
- a follow-up reminder following the Audit, Risk and Governance in the Summer Term; the notice to staff will highlight any recommendations/changes made by the Committee following its review
- making the whistleblowing policy and procedure accessible to staff online via the following webpage: <http://www.heythrop.ac.uk/governance-policies/policies>
- including a section in the Staff Handbook which is updated annually and will be given to staff at the all-staff meeting in September; it will also be available on the College's intranet, HELIOS;
- each member of Senior Leadership Team reminding staff in their area at least once a year of the policy and guidance asking them to let them know if they have any queries about document.

Information, Training and Support

The College will carry out annual training for staff and College governors who may receive or be required to investigate whistleblowing disclosures. This will be arranged by the Human Resources Team and/or Clerk to the Governing Body. New members of staff are given a copy of the Staff Handbook which contains information about the whistleblowing policy.