

Public Interest Disclosure ('Whistleblowing') Policy

1. OVERVIEW AND PURPOSE

- 1.1 The University believes that staff should feel empowered to raise specific types of serious concerns in good faith without fear of receiving detrimental treatment as a result; the right to do so is also set out in law.
- 1.2 The aims of this policy are:
- To define public interest disclosure and differentiate it from the process of raising other types of concerns;
 - To encourage reporting of suspected serious wrongdoing as soon as possible and to guarantee that concerns will be taken seriously and investigated as appropriate;
 - To signpost the process regarding how to raise those concerns; and
 - To provide reassurance around fears of victimisation or unfair treatment to anyone raising concerns in good faith in line with this policy.

2. SCOPE

- 2.1 This policy applies to staff, including agency workers and/or those working for the University via an intermediary, or 'workers'¹, as they are referred to in the Public Interest Disclosure Act 1998 ('the Act'). This policy does not apply to students or to members of the general public.
- 2.2 This policy relates only to serious concerns (identified as '*protected disclosures*' or '*qualifying disclosures*' in the Act, and defined in section 4.1 below) about the running of, or activities taking place within the context of, the University that are in the public interest.
- 2.3 Those concerns which fall outside of this definition will not be considered under this policy or dealt with via the associated Raising Concerns process. Other procedures, for example, exist to deal with grievances and disciplinary matters, or appeals related to outcomes of grievance or disciplinary processes.

3. RESPONSIBILITIES

3.1 Staff / 'workers'

- 3.1.1 All staff / 'workers' should be aware of the policy and how to follow the Raising Concerns process should they wish to report any concerns that fall within the scope of the policy.

¹ <https://protect-advice.org.uk/who-is-protected-by-pida/>

3.1.2 All staff / 'workers' who raise concerns under this policy and process must do so in good faith in order to be entitled to statutory protection under the Act.

3.2 Information Manager

3.2.1 The Information Manager is responsible for review and update of this policy, as well as for administration of the Raising Concerns process, including reporting to the appropriate internal committee(s) in line with the process.

3.3 University Executive Group (UEG)

3.3.1 UEG is responsible for reviewing reports from the Information Manager regarding any concerns that have been raised and providing onward assurance to Audit & Risk Committee and Council regarding the effectiveness of actions taken in response to concerns raised and eligible for investigation under this policy.

4. POLICY DETAILS

4.1 Public Interest Disclosure ('Whistleblowing')

4.1.1 Public Interest Disclosure, often known as whistleblowing, is the disclosure of information by a worker of suspected serious wrongdoing in the workplace that is in the public interest.

4.1.2 The Public Interest Disclosure Act 1998 gives significant statutory protection to those who disclose information reasonably and responsibly (in good faith) and may be victimised at work as a result – for example, by being unfairly dismissed or receiving detrimental treatment.

4.1.3 The protection provided by the Act relates to concerns raised about specific types of matters known as '*protected disclosures*' or '*qualifying disclosures*', namely where the individual ('whistleblower' hereinafter) reasonably believes that one of the following has occurred or is occurring:

- the committing of a criminal offence;
- failure to comply with a legal obligation;
- a miscarriage of justice;
- a serious threat to the health or safety of any individual;
- damage to the environment; or
- deliberate concealment of any of the above matters.

4.1.4 The whistleblower must also reasonably believe that the disclosure is in the public interest and must raise their concern following the correct process.

4.1.5 Any University worker seeking to raise a concern that they believe constitutes a qualifying disclosure should follow the University's Raising Concerns process, which is linked at the end of this policy and published on the University's webpages.

4.1.6 If there is uncertainty about whether something falls within the scope of this policy, advice can be sought from the University's Information Manager.

4.2 Confidentiality

4.2.1 Given the protection afforded by the Act, individuals should feel able to voice concerns openly, in line with this policy.

4.2.2 Whilst the University does ask for the identity of the whistleblower when submitting a report via the Raising Concerns process, their confidentiality will be respected throughout the process as is necessary to ensure that statutory protections are maintained.

4.3 External Disclosures

4.3.1 The aim of this policy and the Raising Concerns process is to provide a safe and straightforward internal mechanism for reporting, investigating, and remedying suspected wrongdoing at the University. As such, in most cases, whistleblowers should not find it necessary to make a disclosure externally.

4.3.2 Whilst the Act recognises that in some circumstances it may be appropriate for whistleblowers to report concerns externally (e.g. to a regulator), those making a disclosure should be aware that there are more robust requirements that must be met to qualify for the same protection under the Act when making external disclosures.

4.3.3 Protect, the independent whistleblowing charity, provides detailed guidance on its webpages that should be considered prior to making a disclosure externally.

4.4 Protection for whistleblowers

4.4.1 It is understandable that whistleblowers are sometimes worried about possible repercussions, but the University wants to encourage openness and will support those who raise genuine concerns in good faith according to this policy, even if they turn out to be mistaken.

4.4.2 Workers who raise concerns they reasonably believe to be in the public interest in good faith, in accordance with this policy and the Act, will not suffer any detrimental treatment from the University as a result.

4.4.3 However, if the University concludes that a person has made malicious allegations, in bad faith or with a view to personal gain, that person may be subject to the University's disciplinary processes.

5. LEGISLATION AND GOOD PRACTICE

5.1 The Public Interest Disclosure Act 1998:
<http://www.legislation.gov.uk/ukpga/1998/23/contents>

5.2 Protect is the whistleblowing charity and leading authority in the field, and provides a wealth of guidance, case law, and information on their webpage: <https://protect-advice.org.uk/>

| Review / Contacts / References | |
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| Policy title: | Public Interest Disclosure ('Whistleblowing') Policy |
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| Related internal policies, procedures, guidance: | Raising Concerns Process http://www.sussex.ac.uk/ogs/policies/goodconduct/raisingconcerns |
| Policy owner: | Division of the General Counsel, Governance and Compliance |
| Lead contact(s): | Information Manager |