**EDINBURGH NAPIER UNIVERSITY**

**Public Interest Disclosure (Whistle-blowing) Policy**

**1. POLICY STATEMENT**

1.1 Edinburgh Napier University is committed to conducting our business with honesty and integrity, and we expect all staff to maintain high standards, in accordance with the University’s stated commitment, “to achieve the highest organisational standards”.

1.2 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 or to address them when they do occur.

1.3 The aims of this policy are:

* To encourage staff 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.
* To provide staff with guidance as to how to raise those concerns.
* To reassure staff that they should be able to raise genuine concerns in good faith without fear of reprisals, even if they turn out to be mistaken.
* This policy takes account of the Whistle-blowing Arrangements Code of Practice issued by the [British Standards Institute](http://shop.bsigroup.com/forms/PASs/PAS-1998/) and Public Concern at Work (the Code of Practice can be downloaded from their website for free).
* It has been agreed following consultation with the University’s recognised trade unions.

**2. WHO IS COVERED BY THIS POLICY**

2.1 This policy applies to all individuals working at all levels of the organisation, including senior managers, officers, directors, employees, consultants, contractors, trainees, home-workers, part-time and fixed-term workers, casual and agency staff (collectively referred to as staff in this policy).

2.2 Throughout this policy “we” refers to Edinburgh Napier University.

**3. WHAT IS WHISTLE-BLOWING?**

3.1 The Public Interest Disclosure Act 1998 (PIDA), which came into effect on 1 January 1999, gives legal protection to employees or workers against being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns. Making ‘protected disclosures’ is commonly referred to as whistle-blowing.

3.2 Whistle-blowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. This may include:-

* criminal activity;
* miscarriages of justice;
* danger to health and safety;
* damage to the environment;
* failure to comply with any legal [or professional] obligation or regulatory requirements or the Constitution of the University;
* bribery;
* financial fraud or mismanagement
* non financial malpractice or maladministration;
* negligence;
* breach of our internal policies and procedures [including our Code of Conduct];
* conduct likely to damage our reputation;
* unauthorised disclosure of confidential information;
* academic or professional malpractice, including the obstruction of the exercise of genuine academic freedom and the theft of intellectual property;
* the deliberate concealment of information tending to show any of the above matters.

3.3 A whistle-blower is a person who raises a concern in good faith relating to any of the above. If a member of staff has a concerns related to suspected wrongdoing or danger affecting any of our activities (a whistle-blowing concern) the member of staff should report it under this policy.

3.4 This policy should not be used for complaints relating to member of staffs own personal circumstances, such as the way member of staff have been treated at work. In those cases the member of staff should use the Grievance Procedure or Bullying & Harassment Policy as appropriate.

3.5 If the member of staff is uncertain whether something is within the scope of this policy they should seek advice from the Whistle-blowing Officer normally the University Secretary, whose contact details are at the end of this policy.

**4. RAISING A WHISTLE-BLOWING CONCERN**

4.1 We hope that in many cases the member of staff will be able to raise any concerns with their line manager. They may tell them in person or put the matter in writing if they prefer. They may be able to agree a way of resolving member of staff’s concern quickly and effectively. In some cases they may refer the matter to the Whistle-blowing Officer.

4.2 However, where the matter is more serious, or the member of staff feels that their line manager has not addressed their concern, or they prefer not to raise it with them for any reason, the member of staff should contact one of the following:-

4.3 The Whistle-blowing Officer (University Secretary) who will immediately inform the Principal and Vice Chancellor and the Chairman of the University Court unless:-

* requested not to do so; or
* if the Chairman of the Court is likely to be involved in any subsequent appeal

4.4 Where there are concerns about the misuse of public funds, the University Secretary should also inform Scottish Funding Council and the Chairman of the University’s Audit Committee at an early stage.

4.5 If the disclosure is about the University Secretary, the disclosure should be made to the Principal and Vice Chancellor direct. The relevant contact details are outlined at the end of this policy.

4.6 We will arrange a meeting with member of staff as soon as possible to discuss their concern. The member of staff may bring a work colleague or trade union representative to any meetings under this policy. Their work colleague or representative must respect the confidentiality of member of staffs disclosure and any subsequent investigation.

4.7 We will take down a written summary of member of staff’s concern and provide them with a copy after the meeting. We will also aim to give member of staff an indication of how we propose to deal with the matter.

**5. CONFIDENTIALITY**

5.1 We hope that staff will feel able to voice whistle-blowing concerns openly under this policy. However, if the member of staff wants to raise their concern confidentially, we will make every effort to keep their identity secret. If it is necessary for anyone investigating their concern to know their identity, we will discuss this with the member of staff.

5.2 We do not encourage staff to make disclosures anonymously. Proper investigation may be more difficult or impossible if we cannot obtain further information from the member of staff. It is also more difficult to establish whether any allegations are credible. Whistle-blowers who are concerned about possible reprisals if their identity is revealed should come forward to the Whistle-blowing Officer [or one of the other contact points listed in paragraph 4] and appropriate measures can then be taken to preserve confidentiality.

**6. EXTERNAL DISCLOSURES**

6.1 The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying possible wrongdoing in the workplace. In most cases member of staff should not find it necessary to alert anyone externally.

6.2 The law recognises that in some circumstances it may be appropriate for staff to report their concerns to an external body such as a regulator. It will very rarely if ever be appropriate to alert the media. We strongly encourage staff to seek advice before reporting a concern to anyone external. The independent whistle-blowing charity, Public Concern at Work, 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.

6.3 Whistle-blowing concerns usually relate to the conduct of our staff, but they may sometimes relate to the actions of a third party, such as a customer, supplier or service provider. The law allows staff to raise a concern in good faith with a third party, where they reasonably believe it relates mainly to their actions or something that is legally their responsibility. However, we encourage staff to report such concerns internally first. The member of staff should contact their line manager or the University Secretary or one of the other individuals set out in paragraph 4 for guidance.

**7. INVESTIGATION AND OUTCOME**

7.1 Once the member of staff has raised a concern, we will carry out an initial assessment to determine the scope of any investigation. We will inform them of the outcome of our initial assessment. The member of staff may be required to attend additional meetings in order to provide further information.

7.2 In some cases we may appoint an investigator or team of investigators including staff with relevant experience of investigations or specialist knowledge of the subject matter. The investigator(s) may make recommendations for change to enable us to minimise the risk of future wrongdoing.

7.3 We will aim to keep the member of staff informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent us giving the member of staff specific details of the investigation or any disciplinary action taken as a result. The member of staff should treat any information about the investigation as confidential.

7.4 If the University concludes that a whistleblower has made a malicious complaint, then whistleblower may be subject to disciplinary action.

**8. IF A MEMBER OF STAFF IS NOT SATISFIED**

8.1 While we cannot always guarantee the outcome the member of staff is seeking, we will try to deal with their concern fairly and in an appropriate way. By using this policy staff can help us to achieve this.

8.2 If they are not happy with the way in which their concern has been handled, the member of staff can raise it with one of the other key contacts, detailed at the end of the policy.

**9. PROTECTION AND SUPPORT FOR WHISTLE-BLOWERS**

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

9.2 Staff must not suffer any detrimental treatment as a result of raising a concern in good faith. Victimisation is any detrimental treatment includes dismissal, disciplinary action, threats, cold shouldering, exclusion or any other unfavourable treatment connected with raising a concern. If the member of staff believes that they have suffered any such treatment, they should inform the Whistle-blowing Officer immediately. If the matter is not remedied, the University will carry out a disciplinary investigation.

9.3 Staff must not threaten, retaliate or treat whistleblowers any differently because of their disclosure in any way. Anyone involved in such conduct will be subject to disciplinary action.

9.4 Carefirst, the University’s confidential support and counselling hotline, is available to all staff. Their contact details are set out at the end of this policy.

**10. REPORTING OF OUTCOMES**

10.1 A report of all disclosures and any subsequent actions taken will be made by the University Secretary who will retain such reports for a specified period of time (e.g. three years). In all cases a report of the outcomes of any investigation will be made to the Audit Committee in detail where the issues fall within its purview, and in summary in other cases, as means of allowing the Committee to monitor the effectiveness of the procedure. In cases involving the misuse of public funds, the outcome will be reported to Scottish Funding Council.

**11. RESPONSIBILITY FOR THE SUCCESS OF THIS POLICY**

11.1 The University Court has overall responsibility for this policy, and for reviewing the effectiveness of actions taken in response to concerns raised under this policy.

11.2 The Whistle-blowing Officer has day-to-day operational responsibility for this policy, and must ensure that all managers and other staff who may deal with concerns or investigations under this policy receive regular and appropriate training.

11.3. All staff are responsible for the success of this policy and should ensure that they use it to disclose any suspected danger or wrongdoing.

**Useful Policy:**

Grievance Policy & Procedure

**Key Contacts**

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| **Whistle-blowing Officer -****University Secretary** | **David Cloy**Telephone - 0131 455 6471Email – d.cloy@napier.ac.uk |
| **Principal**  | **Professor A Nolan**Telephone – 0131 455 6400Email – a.nolan@napier.ac.uk  |
| **Public Concern at Work** **(Independent whistle-blowing charity)** | Helpline: (020) 7404 6609E-mail: whistle@pcaw.co.uk Website: [www.pcaw.co.uk](http://www.pcaw.co.uk) |