

# Whistleblowing (Public Interest Disclosure) Code

The University of Nottingham is committed to high standards of openness and accountability and conducts its affairs with due regard to probity. The University is committed to tackling any malpractice or wrongdoing and this Code is one component of that approach. The University expects all of its staff and students to follow the ethical behaviours set out in the Nolan Principles. Those are: selflessness, integrity, objectivity, accountability, openness, honesty and leadership. These Principles underlie the University's Ethical Framework and are incorporated into this Code.

The UK Government introduced legislation in the form of the Public Interest Disclosure Act 1998, ("PIDA"), which was amended in June 2013. PIDA is designed to give protection to employees and workers who disclose confidential information about malpractice in the workplace, whether carried out by other employees/workers or the employer. Such disclosures are commonly referred to as "whistleblowing". The Act sets out rules defining what counts as "malpractice" for these purposes and prescribing the person(s) or bodies to whom a protected disclosure can be made. Whilst the terms of PIDA specifically cover those working in the UK, in order to promote a general culture of shared responsibility and openness, this Whistleblowing Code has been drafted to include the University's wider community. In addition to staff at the University of Nottingham in the UK, the Code therefore extends to colleagues, students and lay members in the UK and at the University of Nottingham Malaysia and the University of Nottingham Ningbo, China.

The following sets out the procedure under which any suspected malpractice should be reported.

## Whistleblowing Procedure

### 1. Who can make a disclosure under this Code?

- 1.1. Anyone working for the University, including employees, those working under a contract for services and agency workers;
- 1.2. registered students; and
- 1.3. lay members of the University.

### 2. How can I make a disclosure under this Code?

You can raise your concerns orally or in writing and, to avoid doubt, you should state that you are making a disclosure under the Whistleblowing Code.

### 3. To whom should a report of malpractice be made?

- 3.1. The Chair of Council or the Deputy Registrar if the matter relates to the UK campuses; or
- 3.2. The relevant Provost if the issue relates to the University of Nottingham Malaysia or the University of Nottingham Ningbo, China. The Provosts will report disclosures to the Deputy Registrar, UK.
- 3.3. The Chair of Council if the matter relates to the Deputy Registrar or Provost for international campuses.

### 4. What kind of concerns should be reported?

- 4.1. In general, this Code covers actions or omissions you consider are illegal, contrary to policy or established procedure or outside the scope of an individual's authority, actions which could damage the University's reputation and conflicts of interest. Examples include academic malpractice, financial and procedural irregularity, deliberate suppression or concealment of malpractice.
- 4.2. The scope of PIDA is limited to specific acts or omissions. Disclosures under PIDA must relate to one or more matter(s) listed in paragraph 4.3. (i) to (vi) below.

- 4.3. You should use this Code if you reasonably believe that the disclosure, is made in the public interest and tends to show an action or omission outlined in 4.1 above or one or more of the following:
- i. that a criminal offence has been committed, is being committed, or is likely to be committed; or
  - ii. that a person has failed, is failing, or is likely to fail to comply with their legal obligations, (except for matters falling within 4.1. below); or
  - iii. that a miscarriage of justice has occurred, is occurring, or is likely to occur; or
  - iv. that the health and safety of any individual has been, is being, or is likely to be endangered; or
  - v. that the environment has been, is being or is likely to be damaged; or
  - vi. that information tending to show any matter falling within any of the above has been, is being, or is likely to be, deliberately concealed.
5. What concerns should not be reported under this procedure?
- 5.1. Allegations of research misconduct. These should be reported using the University's Code of Practice on Handling Allegations of Research Misconduct
  - 5.2. Matters which relate to an individual's employment contract with the University should be raised with the employee's immediate manager, Head of School or Department as appropriate and with reference, where necessary, to the University's Dignity and Grievance policies and procedures (see [Nottingham.ac.uk/hr](http://www.nottingham.ac.uk/hr) or consult HR at UNNC or UNMC).
  - 5.3. In the case of students, concerns other than those falling under the categories set out above should be raised through the normal complaints procedures (see <http://www.nottingham.ac.uk/academicservices/qualitymanual/student-engagement-and-complaints/studentcomplaintspolicy.aspx> or the equivalent policy at UNNC or UNMC).
  - 5.4. Matters which relate to workplaces other than the University of Nottingham, for example in hospitals, businesses or other places where students or staff may be based or on placement/secondment. In such cases it is expected that the University, School or Department will have ensured that students and staff are made aware of the relevant whistleblowing procedures in force at the other workplaces and, should it be necessary, will provide appropriate support to those seeking to follow other organisations' whistleblowing procedures.
  - 5.5. Concerns which have been addressed under other internal procedures or decisions made.
6. What about confidentiality?
- 6.1. The Chair of Council and the Deputy Registrar\* will treat disclosure as confidential.
  - 6.2. Individuals making a disclosure may do so anonymously but anonymity does make disclosures difficult to investigate so it is hoped that staff and students are able to raise concerns openly.
  - 6.3. It will rarely, if ever, be appropriate to alert the media. It is strongly recommended that advice is sought before reporting a concern to the media or an external body, including in relation to any duty to maintain confidentiality.
7. What happens when a concern is raised?
- 7.1. The Deputy Registrar\* will determine if there is a *prima facie* indication of malpractice or wrongdoing. If so, the Deputy Registrar\* will arrange for an investigation and a report to be made or, if appropriate, will refer that matter to the Internal Audit Service, for action under another policy (such as the Fraud Policy) or to an external agency as circumstances warrant. It will be recognised that the resultant report may lead to the matter being referred to the relevant disciplinary, harassment, complaint or grievance procedure.
  - 7.2. The investigating body will report its findings to the Deputy Registrar\* and he/she may:
    - i. take no further action save to inform the discloser of the decision and reasons for it; or

- ii. refer the matter to an external body which may have responsibility for handling the alleged wrongdoing; or
- iii. refer the matter for appropriate action within existing University procedures.

Note that the need for confidentiality may prevent the Deputy Registrar from providing specific details of the investigation or actions taken to the discloser.

- 7.3. An annual report shall be made to the Council of the University of disclosures made under this procedure.

## 8. Further provisions

- 8.2. Individuals who make a disclosure as outlined in paragraphs 2-5 above will not be dismissed or subjected to any detriment as a result of making such a disclosure. Detriment includes unwarranted disciplinary action and victimisation. If you believe that you are being subjected to a detriment as a result of raising concerns under this Code, you should raise the matter under the staff grievance or student complaints procedure, as appropriate. Any staff member or student who victimises or retaliates against those who have raised concerns under this policy will be subject to disciplinary action.
- 8.3. If an investigation under this procedure concludes that an individual has made false allegations which are malicious or made with a view to personal gain, the individual concerned may be subject to disciplinary action.

This Code does not form part of any contract of employment.

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