



The
University
Of
Sheffield.



CITY College
An International
Faculty Of
The University.

Public Interest Disclosure (Whistleblowing) Procedure

1. Introduction

This procedure sets out the way in which individuals can internally raise serious concerns i.e. make a disclosure, which is in the public interest and how those concerns will be dealt with.

This document is based on the University procedure found at:

https://www.sheffield.ac.uk/hr/guidance/contracts/pid_procedure

but it is adapted to fit the International Faculty local needs.

2. Qualifying Disclosure

A disclosure should be made in writing or verbally to the Principal of CITY College (referred to from here as a 'designated person').

Qualifying disclosures under this procedure are disclosures of information which the staff member (or any other person within the scope of this Policy) reasonably believes that one or more of the matters listed below, is either happening now, took place in the past or is likely to happen in the future (and it is in the public interest to report it):

- a) a criminal offence;
- b) a failure to comply with any legal obligation;
- c) a miscarriage of justice;
- d) endangering the health or safety of any individual (includes risks to the general public as well as other employees or students of the University);
- e) damaging to the environment;
- f) deliberately concealing information demonstrating that one or more of the above are taking place.

Examples (not exhaustive) within the Higher Education context could include (relevant policies are in place):

- a) financial or non-financial maladministration and malpractice, bribery or fraud;
- b) evidence of academic or professional malpractice e.g. falsifying or misrepresenting academic qualifications;
- c) failure of an individual(s) to disclose a serious conflict of interest;
- d) action or inaction that could lead to damaging the reputation of the International Faculty or the University, (such as a failure to notify management of any health and safety issues

which may cause injury to an individual on CITY College premises. If a disclosure is made in relation to potential research misconduct the designated person may determine that it would be more appropriate for the issue to be referred to the Vice-Principal for Research and Innovation. In such circumstances the Principal notified of the disclosure will inform the individual who raised the concern, to whom it has been forwarded, for consideration under this other policy.

Although individuals are not expected to prove the truth of any allegation, s/he will need to demonstrate that there is a sufficient reason for making initial enquiries.

All 'workers' making a qualifying disclosure in line with the legislative requirements are protected under the local Public Interest Disclosure Act from detriment, whilst 'employees' in addition, have the right not to be dismissed, if the reason is the protected disclosure.

3. Confidentiality

All disclosures under this procedure will be treated in a confidential and sensitive manner. If required, the identity of the person raising the matter will be kept confidential for as long as possible provided that this is compatible with an effective investigation and is reasonably practicable. The investigation process may at some stage have to reveal the source of the information and the individual making the disclosure may need to make a statement as part of the evidence required.

4. Anonymous Disclosures

Individuals making a disclosure are normally expected to identify themselves, since part of the purpose of this policy is to promote openness and discourage a fear of reprisals. Disclosures raised anonymously are also far less capable of being addressed effectively. However such disclosures may be considered after taking into account the seriousness of the issue, the credibility of the concern, the likelihood of being able to investigate the matter and confirm the allegation from alternative sources, and fairness to any individual mentioned in the disclosure. An anonymous disclosure can be made in writing or verbally to a designated person. However, it is also important to note that the ability to provide relevant feedback and protect against victimisation will depend on the International Faculty or the University knowing the identity of the individual making a disclosure.

5. Process for making an internal disclosure (see flowchart in Appendix)

It is recognised and expected that many concerns will be raised openly with managers (or in the case of students their academic Head of Department/Supervisor) as part of day to day practice. Where a manager is uncertain as to which procedure is most appropriate to address an issue, advice can be sought in confidence from a member of the Administration Board.

Where an individual considers that it may be necessary or appropriate to raise the matter formally under this procedure, i.e. their concerns fulfill the criteria defined in section 2 above, such a disclosure should be made verbally or in writing to a designated person. The individual should advise the designated person that they are raising their concern under the PID (Whistleblowing) Policy. If a disclosure involves or implicates a designated person then it should be made to another designated persons, normally one of the Vice-Principals, as appropriate.

6. Responding to a disclosure

The designated person to whom the disclosure has been made will acknowledge receipt of a disclosure to the individual (where their identify is known), usually within 3 working days, before initially considering the matters disclosed, and, if there are grounds for proceeding further, will:

- decide whether an investigation should be conducted;
- determine what form the investigation should take;
- appoint a relevant person to carry out the investigation where an internal investigation is deemed appropriate.

If the designated person decides that there are no grounds for proceeding further, the person making the disclosure will be informed of this decision and the reasons for this.

If the designated person considers that the concern falls within the scope of another procedure, such as the grievance procedure, they will advise the individual of this and refer it to the relevant manager for appropriate action. This does not mean that a concern is not taken seriously but that it can be addressed more effectively using another procedure. The individual will be informed which procedure will be used to address the concerns they have raised.

7. Investigation

As the person conducting the investigation must not be the person who would ultimately take decisions based on the outcomes, the designated person to whom the disclosure has been made will not personally conduct the investigation and will remain separate from it, having assigned a relevant person(s) to undertake the investigation.

The investigation may involve the individual making the disclosure and others giving a written statement. The individual's statement will be taken into account, and s/he will be asked to comment on any additional evidence obtained, as appropriate.

Any individual wishing to make a disclosure verbally or to give further details as the matter is investigated may be accompanied by another person of his or her choice.

When an allegation is made against a "named individual", s/he will be informed of the allegation and supporting evidence. The point at which this occurs will depend on the specific nature of the case. S/he will be given an opportunity to respond either in writing or verbally and, if interviewed about the matter, will be given an opportunity to be accompanied by a person of his/her choice.

When the matter has been investigated the designate person will determine what action, if any, should be taken in the circumstances. This may include the initiation of formal procedures

within the College or reference to an appropriate government department or regulatory agency depending upon the circumstances of the case.

The outcome will be reported, as appropriate, depending upon the nature of the disclosure, to the Administration Board of the College.

If no action is to be taken, the reason for this will be explained to the individual who has made the disclosure.

8. Seeking Independent Advice

An individual considering reporting a concern may wish to seek independent advice, before doing so, particularly if (ideally having first sought to address the concern under this internal procedure) they are considering making a disclosure to a regulator/prescribed person or other external body, as this must be made to the correct prescribed person or body for the issue and has additional requirements that will need to be met in order to qualify for the protections provided under the local Public Interest Disclosure Act.

9. False Allegations

A qualifying disclosure that is not confirmed by subsequent investigation, will not lead to any action, penalty or detriment against the person making the disclosure. However, individuals knowingly making false allegations/misusing this process may be subject to disciplinary or other appropriate action.

10. Victimisation

It is unacceptable to subject an individual to a detriment or victimisation because they have made a qualifying disclosure under this policy. All such complaints will be treated seriously and may provide grounds for grievance, disciplinary or other appropriate action. It is important to note that individual members of staff who victimise or cause a detriment to an individual who has made a disclosure can be named personally in a legal complaint and may be required to pay compensation personally to a successful claimant.

11. Timescales

Investigations will be conducted as speedily as possible, whilst having regard to the nature and complexity of the disclosure.

12. Feedback throughout the process

The person making the disclosure will be kept informed as to the handling of the matter and given as much feedback as appropriate in respect of the outcome, as long as it does not infringe on the duty of confidence owed to someone else.

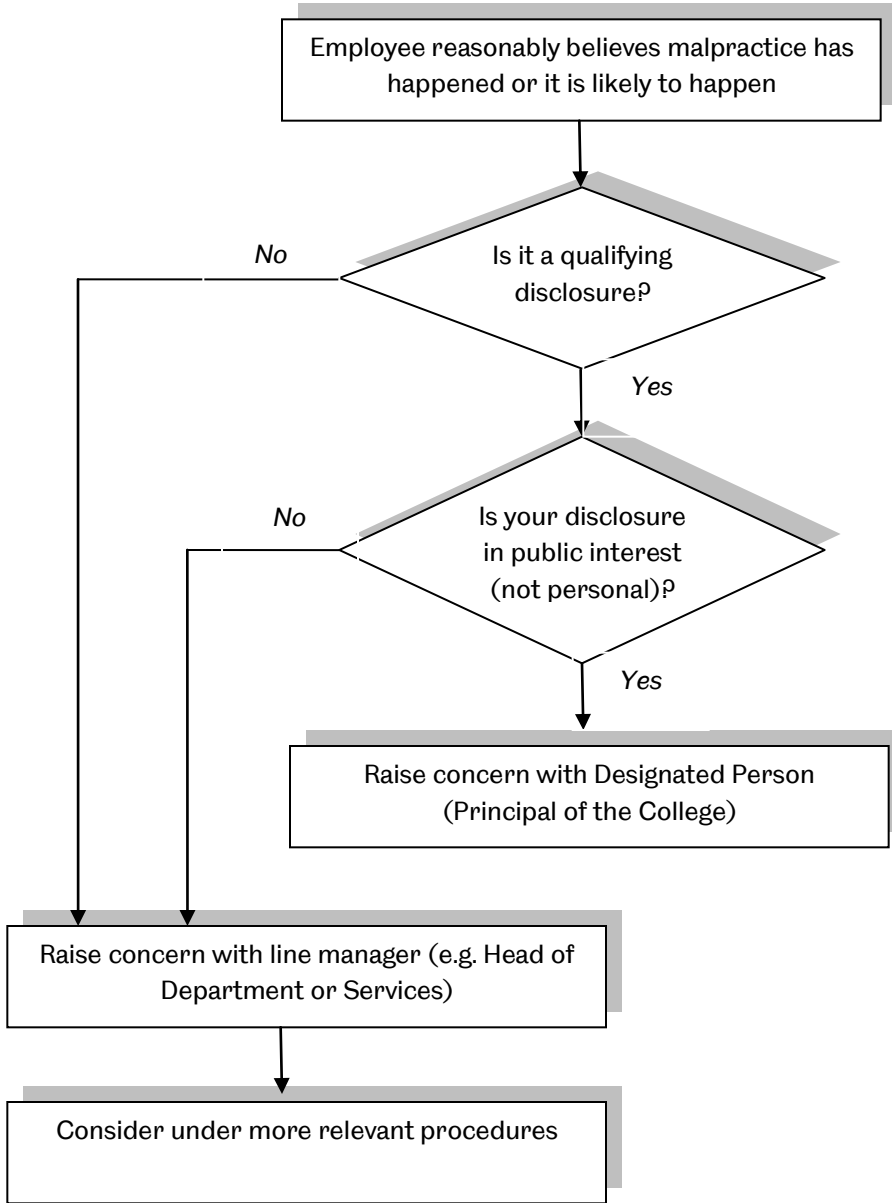
13. Records

All concerns raised and action taken in response to qualifying disclosures will be recorded, and reports on all disclosures and investigations will be retained by the "designated person" for 5 years.

14. Approval

Approved by the CITY College Administration Board: 17th of January 2017.

Appendix: Flowchart (Employee)



Appendix: Flowchart (Designated Person)

