

Whistleblowing Policy

March 2021

1. Introduction

- 1.1 It is important to the business that any impropriety, malpractice or wrongdoing by employees or workers of Regent's University London ("the University") is reported and properly dealt with. The University therefore encourages all individuals to raise any reasonably held concerns that they may have about the conduct of others in the business or the way in which the business is run.
- 1.2 This policy sets out the way in which individuals may raise such concerns in accordance with the Public Interest Disclosure Act 1998 ("PIDA") (see section 3.1) and how those concerns will be dealt with. Staff should refer to the University's Grievance Policy for other work-related issues, not covered by PIDA, which they may wish to raise.
- 1.3 This policy reflects the University's commitment to its values of caring, collaboration, integrity, excellence and internationalism.

2. Scope

- 2.1 This policy applies to all employees and students of the organisation. Other individuals performing functions in relation to the organisation, such as agency workers and contractors, are encouraged to use it.

3. Background

3.1 PIDA amended the Employment Rights Act 1996 to provide protection for workers who raise legitimate concerns about specified matters. These are called "qualifying disclosures". Qualifying disclosures are disclosures of information where the worker reasonably believes (and it is in the public interest) that one or more of the following matters is either happening, has taken place, or is likely to happen in the future.

- that a criminal offence has been committed, is being committed or is likely to be committed (for example, possible fraud, bribery or corruption);
- that a person has failed, is failing or is likely to fail to comply with any legal obligation to which he or she is subject;
- that a miscarriage of justice has occurred, is occurring or is likely to occur;
- that the health and safety of any individual has been, is being or is likely to be endangered;
- that the environment has been, is being or is likely to be damaged; or
- that information tending to show any matter falling within any one of the preceding bullet points has been, is being or is likely to be, deliberately concealed.

This process also applies to any individual, including students, who may wish to raise a legitimate concern.

3.2 It is not necessary for an individual to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient.

4. Principles

4.1 The University, Vice-Chancellor's Executive Team (VCET), Student Services, and the Human Resources Department are committed to this policy.

4.2 Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Individuals should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of.

4.3 Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the worker who raised the issue.

4.4 No individual will be treated less favourably or should be victimised for raising a matter under this procedure. This means that the continued employment and opportunities for future promotion or training of the worker will not be prejudiced because he/she has raised a legitimate concern.

4.5 Less favourable treatment of an individual for raising a qualifying disclosure will be a disciplinary offence. If an individual who raises a disclosure feels they have suffered detriment because of doing so, they have recourse to the University's grievance policy.

4.6 If any impropriety is discovered as a result of any investigation under this procedure the organisation's disciplinary procedure will be used, in addition to any appropriate external measures.

4.7 Maliciously making a false allegation is a disciplinary offence.

4.8 An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, workers should not agree to remain silent. They should report the matter to their line manager/tutor, or if that is not deemed appropriate, a member of the Vice-Chancellor's Executive Team (matters regarding financial irregularities this may be best directed to the Finance Director), or ultimately the CEO & Vice-Chancellor where members of VCET may be involved in the wrongdoing.

4.9 For employees, this procedure is normally for disclosures about matters other than a breach of an employee's own contract of employment. If an employee is concerned that their own contract has been, or is likely to be, broken, they should use the organisation's grievance procedure.

4.10 This policy cannot be used by individuals to challenge financial and business decisions properly taken by the University or seek reconsideration of any matter already addressed under other internal procedures for example complaints, disciplinary and grievance procedures.

5. Further Advice

- 5.1 The organisation encourages individuals to raise their concerns under this procedure. If an individual is not sure whether or not to raise a concern, they should discuss the issue, in confidence, with their line manager, or tutor if student related, or if that is not deemed appropriate, a member of VCET (matters regarding financial irregularities this may be best directed to the Finance Director). The Human Resources Department, and Student Services for student's complaints, are also be able to advise on the application of the policy.
- 5.2 Staff with concerns in relation to student conduct may wish to seek advice in relation to how this may be addressed from the Head of Student Support.
- 5.3 In addition, individuals can contact the independent charity Protect on 020 7404 6609. Their lawyers can give free confidential advice on how to raise a concern about serious malpractice at work. Free information and advice can also be obtained from the Advice, Conciliation and Arbitration Service (ACAS). A list of the prescribed people and bodies to whom a disclosure can be made is available at:
<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies>.

6. Confidentiality

- 6.1 All reports will be dealt with in confidence, with only staff who need to know being informed.
- 6.2 The University will not tolerate the harassment or victimisation of anyone raising a genuine concern. However, it is recognised that individuals may nonetheless want to raise a concern in confidence under this policy. If an individual asks that their identity be protected by keeping confidence, it will not be disclosed without the individual's consent. If the situation arises where the University is not able to resolve the concern without revealing the person's identity (for instance because the evidence is needed in Court), it will be discussed with the individual, as to whether and how the matter can be proceeded with.
- 6.3 If an individual chooses to raise a concern anonymously, it may be much more difficult to look into the matter, to protect their position, or to give them feedback. Accordingly, while anonymous reports will be considered, the application of this policy may be limited in such circumstances. Individuals are therefore encouraged to put their name to any disclosure, if possible.

7. Procedure (also see the Flowcharts in Appendix A)

- 7.1 If an individual has a concern about malpractice, it is hoped they will be able to raise it first with their immediate line manager, or tutor for complaints raised by a student. If an individual feels unable to raise the concern, for example with their line manager/tutor (for example if they hold a reasonable belief that the individual is involved in the malpractice) then an individual can raise the matter with a member of VCET (matters regarding financial irregularities this may be best directed to the Finance Director), or ultimately the CEO & Vice-Chancellor where members of VCET may be involved in the

wrongdoing. If an individual reasonably believes that these channels are inappropriate or if you feel that the matter is so serious that they cannot discuss it with any of the above, they may wish to seek external independent advice (see 5.3 above).

7.2 The individual making the whistleblowing claim should advise the manager/tutor to whom they are raising the issue with that they are raising their concern under the Whistleblowing Policy.

7.3 The designated manager to whom the disclosure has been made will acknowledge receipt of a disclosure to the individual. The designated manager will assess whether the claim fulfils the criteria defined in section 3.1 above and what action should be taken. The designated manager 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.

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 Human Resources team.

7.4 If the designated manager 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.

7.5 If the designated manager 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.

7.6 If an investigation takes place then the person conducting the investigation must not be the person who would ultimately take decisions based on the outcomes, the designated manager 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.

7.7 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 they will be asked to comment on any additional evidence obtained, as appropriate.

7.8 Any employee wishing to make a disclosure verbally or to give further details as the matter is investigated may be accompanied by another work colleague or trade union representative.

7.9 When an allegation is made against a named individual, they will be informed of the allegation and supporting evidence. The point at which this occurs will depend on the specific nature of the case. The employee 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 their choice.

7.10 Disclosures relating to financial matters may be investigated by the Internal Audit Service/or Audit Committee, in accordance with the university's financial regulations.

7.11 When the matter has been investigated the designated manager will determine what action, if any, should be taken in the circumstances and notify the individual who has raised the whistleblowing claim. This may include the initiation of formal procedures within the University, or reference to an appropriate government department or regulatory agency depending upon the circumstances of the case. If no action is to be taken, the reason for this will be explained to the individual who has made the disclosure. The designated manager will also notify the Company Secretary who will report the matter to the CEO & Vice-Chancellor and Audit and Risk committee.

7.12 If on conclusion of the above step if the individual reasonably believes that the appropriate action has not been taken, the individual can report the matter to the proper authority. The legislation sets out a number of bodies to which qualifying disclosures may be made. These include:

- HM Revenue & Customs
- The Financial Services Authority
- The Office of Fair Trading
- The Health and Safety Executive
- The Environment Agency
- The Director of Public Prosecutions
- The Serious Fraud Office.

8. Responsibility

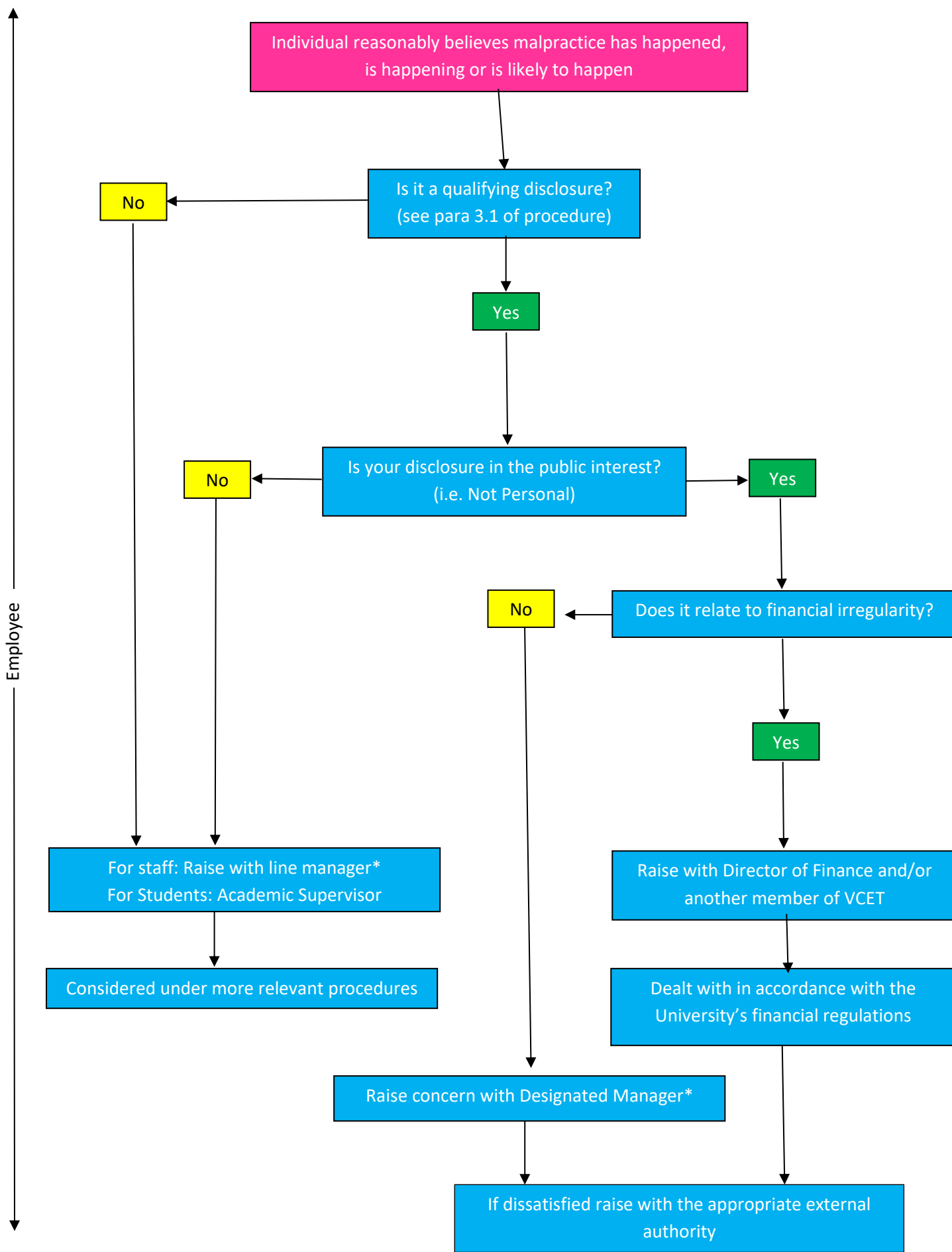
8.1 All whistleblowing claims are reported to the, Audit and Risk Committee, which maintains a record of concerns raised, the results of any investigations made in a form that will not endanger individual's confidentiality, and ensures that the policy is fit for purpose and is being used appropriately.

8.2 Any queries relating to the application or interpretation of this policy may be discussed with the Human Resources Department/Student Service, and the University recommends that workers/students do so prior to any action being taken.

Appendix A - Whistleblowing Flowcharts

The flowcharts should be read in conjunction with the University's Whistleblowing Policy and Procedure.

***If a line manager/tutor is implicated or involved, the case should be referred to another designated manager from the VCET (whichever is deemed relevant).**



Designated Manager

Consider Case

Outcome

Refer to relevant manager for consideration under more relevant procedure

Investigation Initiated

No grounds to proceed. Individual informed of outcome.

Outcome

Reference to an appropriate government department or regulatory agency

Initiation of formal procedures within the University

No further action

Notification of Outcome

Individual
(Subject to confidentiality)

Company Secretary who will notify VC and Audit and Risk Committee

If dissatisfied, subject to the circumstances there may be the potential to make a protected disclosure to a regulator/prescribed person/external body