

Public Interest Disclosure (whistleblowing) Code of Practice

1. Introduction

The University places the greatest importance on the integrity of its operations, and has in place a number of policies and procedures to address problems that may arise for its employees and students, including those relating to grievance, harassment, discipline and individual allegations of fraud and financial misconduct.

The aims of this Code of Practice are to assist any member of staff to disclose concerns without fear of retribution, and to provide a transparent and confidential process for dealing with these concerns.

2. Background

The Public Interest Disclosure Act 1998 (the “Act”) provides employees with legal protection against being dismissed or penalised by their employers as a result of disclosing certain serious concerns. It also requires employees who wish to disclose such concerns and who wish to retain the protection offered by the Act to follow the relevant internal procedure provided by their employer in all but the most exceptional circumstances.

The University has in place a number of policies and procedures to address problems that may arise for its employees and students, including those relating to grievance, harassment, discipline, and individual allegations of fraud and financial misconduct. In many instances where there is a suspicion of improper behaviour, allegations will be such as to be dealt with directly by reference to these procedures, details of which are set out in the University Statutes and Regulations and summarised in staff handbooks and in the Proctors' and Assessor's Memorandum. In addition, members of Congregation have a right under the Statutes to ask a question in Congregation relating to any matter concerning the policy or the administration of the University (*Statutes*, [Statute IV, section 1](#)).

The following procedure and associated guidance have been designed to assist employees who wish to make disclosures, and to secure their proper investigation. Although the terms of the Act offer protection specifically to employees, this Code of Practice is available to student members, members of Congregation and other members of staff of the University.

3. Remit

This Code of Practice is directed specifically at the disclosure of information which is in the public interest and which in the reasonable belief of the person making the disclosure tends to show malpractice involving one or more of the following:

- criminal activity, including fraud or financial irregularity, corruption, bribery, or blackmail;
- failure to comply with legal obligations;
- danger to health and safety;
- damage to the environment;
- academic or professional malpractice;
- a miscarriage of justice;
- failure to comply with the statutes, regulations and codes of practice of the University;
- attempts to conceal any of the above.

This Code of Practice is intended to assist individuals who believe that they have discovered malpractice or impropriety. It is not designed to address the following:

- to question financial or business decisions taken by the University;
- to reconsider any matters which have already been addressed under grievance or disciplinary procedures;
- to investigate an individual or collective personnel dispute for which there are established routes of complaint and remedies;
- to investigate an academic dispute between a student and the institution (complaints of this nature should be addressed to the Proctors for consideration under their published procedures).

4. Responsibilities

The University places the greatest importance on the integrity of its operations and encourages all members of staff and associated persons to raise any genuine concerns about malpractice or impropriety at the earliest possible stage.

In addition, third parties, including members of the public, who have a concern related to any matters referred to above, are encouraged to make a report.

Once a disclosure is being dealt with under this Code of Practice, the University would expect that individuals await the conclusion of any investigation or review instigated under its terms before raising their complaints to an external party.

5. Protection

An individual making a disclosure relating to such matters to the appropriate person will not be penalised, and will be protected from retaliation, provided the disclosure is made:

- a. in good faith; and
- b. in the reasonable belief of the individual making the disclosure that the information disclosed, and any allegation contained in it, are substantially true.

6. Confidentiality

The University will take all reasonable steps to safeguard the confidentiality of a whistleblower, however confidentiality cannot be guaranteed.

Reports made anonymously limit the ability of the University to undertake investigations and provide feedback effectively. Further, where there is no documentary evidence linking an anonymous person to the disclosure, any staff or associated persons, who submit a report anonymously, may not qualify for the protections received as a whistleblower.

7. Malicious allegations

In the event of malicious or vexatious allegations, disciplinary action may be taken against the individual concerned.

8. Procedure

Individuals who reasonably suspect the occurrence of fraud or financial misconduct in the context of the University's activities should report their concerns as soon as possible through the following channels:

- via email to compliance@admin.ox.ac.uk or counterfraud@admin.ox.ac.uk

Where the individual wishing to make a report is a member of the University's staff or an associated person, they may also discuss their concerns with the following personnel:

- their line manager;
- their Head of Administration & Finance or Head of Department;
- the Head of Risk, Compliance and Assurance;
- the Senior Counter Fraud Lead and Financial Compliance Manager; or
- the Registrar.

Following discussions with the above personnel, where the suspicion of malpractice remains it should then be reported directly to the Head or Risk, Compliance and Assurance, via an email to compliance@admin.ox.ac.uk

In the case of complaints concerning a student or students, these reports will be reviewed by the Proctor, instead of the Registrar.

Reference to the Registrar shall be taken to mean a Pro-Vice-Chancellor where the disclosure involves the Registrar.

Disclosures, which should normally be in writing, should provide as much supporting evidence as possible about the grounds on which the disclosure is being made and about the grounds for believing that malpractice has occurred.

The Registrar or Proctors, as appropriate, shall decide whether the concern is such as should be addressed under other existing University procedures, for example in relation to harassment, grievance, discipline, or fraud, or whether further investigation is required. If the Registrar or the Proctors are of the opinion that further investigation is necessary, additional steps shall be taken as follows:

- a. Where the concerns relate to integrity in the conduct of research, investigation shall be carried out under the provisions of the code of practice and procedure relating to academic integrity in research.
- b. Where the concern relates to the activities of Student Members of the University only, these shall be investigated by the Proctors under their published procedures.
- c. In the case of other concerns, these shall be brought to the attention of the relevant head of department, faculty board chair, head of division or Pro-Vice-Chancellor as appropriate, who shall, in consultation with the Registrar, conduct an investigation or shall establish a small panel to conduct an investigation.
- d. The individual or panel conducting the investigation shall be entitled to draw on appropriate expertise where necessary (for example in the event of allegations of financial irregularity).
- e. If any individual is associated with the matter under investigation, the Registrar shall appoint another to act in his or her place.
- f. The Registrar shall provide the investigator or investigative panel with its terms of reference and shall assure himself or herself that at least one of those who are asked to investigate a disclosure either have or are able to acquire the necessary expertise and training to deal fully and properly with the subject matter of the disclosure.

The Registrar or the Proctors, as appropriate, shall inform the person making the disclosure and, at an appropriate stage, the subject of the disclosure, of the nature of the investigation to be undertaken and the likely timescale. Where a disclosure is made, the person or persons against whom the disclosure is made shall normally be allowed to comment before any investigation is concluded under this procedure.

Where the investigator or investigative panel believes that the investigation reveals prima facie evidence of misconduct, the matter shall be referred to the appropriate body for disciplinary action under the terms of the University's Statutes and Regulations.

In all cases, the matter shall be investigated as speedily as is consistent with thoroughness and fairness. The Registrar or the Proctors, as appropriate, shall report in each case to the appropriate university committee or other body the final outcome of any investigation and of any disciplinary action that might arise from it, and shall draw to the attention of Council, via the appropriate committee, any issues of general importance.

9. Feedback

The action taken, including, in broad outline, the outcome of any investigation, shall be reported to the person making the disclosure and in the event that no action is taken that person shall be given an explanation.

In the event that no action is taken, the individual should be allowed the opportunity to remake the disclosure to a Pro-Vice-Chancellor. The Pro-Vice-Chancellor shall consider all the information presented, the procedures that were followed, and the reasons for not taking any further action. The outcome of this will either be to confirm that no further action is required or that further investigation is required, in which case the procedures in 8 above, as appropriate, shall be followed.

10. Additional advice

The University's union representatives can be contacted for advice. The independent charity Protect also offers free, confidential advice: www.protect-advice.org.uk