



**FoRB Leadership Network
Public Interest Disclosure
(Whistleblowing)
Code of Practice**

Updated: 2 December 2019

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1. Introduction

ForBLN and the University place 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. Where there are genuine concerns about possible malpractices or improprieties that are not adequately covered by other University policies or procedures, staff are encouraged to make a public interest disclosure.

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.

This Code of Practice is a project-specific enhanced version of the University policy and conforms to the requirements identified by DFID during the due diligence process. Its requirements must be observed by all consortium partners who may, however, also to apply additional requirements for their own organisations.

2. Background

The Public Interest Disclosure Act 1998 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 following procedure and associated guidance have been designed to assist employees who wish to make such disclosures, and to secure their proper investigation. Although the terms of the Act offer protection specifically to employees, this procedure is available to student members, members of Congregation and other members of staff of the University.

The Proctors are empowered under the terms of the University's Statutes and Regulations to investigate certain complaints made to them by members of the University. The University also 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. 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*).

However, the University places the greatest importance on the integrity of its operations and encourages members of staff and students to raise genuine concerns about malpractice or impropriety at the earliest possible stage. There may be occasions when an individual has concerns relating to matters in the public interest which he or she believes merit particular investigation, and following code sets out the way in which the University will address such concerns.

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

- (a) to question financial or business decisions taken by the University;

- (b) to reconsider any matters which have already been addressed under grievance or disciplinary procedures;
- (c) to investigate an individual or collective personnel dispute for which there are established routes of complaint and remedies;
- (d) 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).

Once a disclosure is being dealt with under this policy, it is reasonable to expect individuals to await the conclusion of any investigation or review instigated under its terms before seeking to air their complaints outside the institution.

Individuals are encouraged to bring to the attention of the University any matters referred to below about which they are concerned.

3. Remit

This guidance 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:

- (a) criminal activity, including fraud or financial irregularity, corruption, bribery, or blackmail;
- (b) failure to comply with legal obligations;
- (c) danger to health and safety;
- (d) damage to the environment;
- (e) academic or professional malpractice;
- (f) a miscarriage of justice;
- (g) failure to comply with the statutes, regulations and codes of practice of the University;
- (h) failures in safeguarding
- (i) sexual exploitation;
- (j) attempts to conceal any of the above.

4. Protection

An individual making a disclosure relating to such matters to the appropriate person will not be penalised 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.

5. Confidentiality

The University will treat all such disclosures in a confidential manner.

6. Malicious allegations

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

7. Procedure

An individual who wishes to make a disclosure should do so to the Registrar, in the case of a disclosure concerning an employee or employees of the University, or concerning both employees and students of the University, or to the Proctors, in the case of complaints concerning a student or students. 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 relevant addresses for the Registrar and Proctors are:

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.

Alternatively, reports can be made to the independent charity [Public Concern at Work](#) by:

- **Online reporting at** <https://protect-advice.org.uk/contact-protect-advice-line/>
- **Calling** +44 20 3117 2520 from anywhere in the world.

Reports to Protect are confidential, secure and you may elect to remain anonymous even if you accidentally mention your name on the telephone. Calls to Protect are not recorded. Protect also offers multi-lingual support.

The DFID Counter Fraud and Whistleblowing Unit also provide a Whistleblowing Hotline as an available channel for reporting suspicions or allegations of aid diversion, fraud, money laundering, sexual exploitation and abuse, or terrorism financing:

Email: reportingconcerns@dfid.gov.uk

Phone: +44 1355 843551

8. 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 7 above, as appropriate, shall be followed.

All feedback provided, in respect of a FoRBLN issue shall also be reported to DFID by the Compliance Manager (Pieter.Francois@anthro.ox.ac.uk).

9. Additional advice

The University's union representatives can be contacted for advice.

The independent charity [Public Concern at Work](#) also offers free, confidential advice.