

## **POLICY ON PUBLIC INTEREST DISCLOSURE (WHISTLEBLOWING)**

### **1. Introduction**

**1.1** ICMP is committed to the highest standards of openness, probity and accountability. In conducting its affairs, it takes account of the requirements of the relevant funding bodies for the proper use of public funds, of the standards in public life set out in the reports of the Committee on Standards in Public Life and of its own Code of Governance.

**1.2** The Public Interest Disclosure Act, effective from 2 July 1999, gives legal protection to employees against being dismissed or penalised by their employers for publicly disclosing concerns falling into certain specified categories (but not others). All staff should be aware that it is a fundamental term of every contract of employment that an employee will faithfully serve his or her employer, and will not disclose confidential information about the employer's operations, which is calculated or likely to destroy the mutual trust and confidence on which the employment relationship is based. However, where an individual discovers prima facie evidence of serious malpractice, impropriety or wrongdoing within the organisation, then the information should be disclosed without fear of reprisal.

**1.3** The purpose of this policy is to offer advice to staff about how such "public" disclosure should be made to enjoy the protection of the Act and how each case will then be handled.

**1.4** It should be emphasised that the policy, in accordance with the Public Interest Disclosure Act, is concerned with alleged malpractice, impropriety or wrongdoing in the workplace. It is not designed to provide a route through which individuals can publicly question financial or business decisions taken by the University, and it offers no protection to such individuals. The policy is also not designed to be used to obtain a rehearing of matters which have already been addressed under harassment, grievance, complaints, or disciplinary procedures.

**1.5** It is reasonable for members of ICMP to use this policy rather than air complaints or raise allegations outside of ICMP.

### **2. Scope of Policy**

**2.1** Although the Public Interest Disclosure Act limits protection to employees, agency workers and self-employed workers, this policy additionally covers members of the Board of Governors (the 'Corporate Board'), students and providers of services through a profession or business.

**2.2** This policy is designed to allow employees and such other persons as are covered by the policy (see previous paragraph) to raise concerns or disclose information at a high level, which the discloser believes in good faith to show evidence of serious malpractice.

**2.3** A number of ICMP policies are already in place to address grievances, complaints, harassment, and discipline. The defining aspect of this policy is that it covers concerns which are in the public interest and which therefore may need to be addressed separately, even if other ICMP policies and procedures are subsequently invoked. The concerns within the workplace which may prompt disclosure may relate to one or more of the following:

- Financial malpractice, impropriety or fraud
- Failure to comply with a legal obligation or with the Instrument and Articles of Association of ICMP
- Serious compromising of health and safety or damage to the environment
- Criminal activity
- Academic or professional malpractice
- A serious miscarriage of justice
- Improper conduct or unethical behaviour
- Serious conflicts of interest without disclosure
- Attempts to conceal any of the above

### **3. Safeguards**

#### **3.1 Protection**

Protection is offered by this policy if the disclosure:

- in the reasonable belief of the person making the disclosure, the information made available tends to show malpractice;
- in the reasonable belief of the person making the disclosure, the information is in the public interest (for disclosures made on or after 25 June 2013; and
- is made to an appropriate person or body (see section 4).

#### **3.2 Confidentiality**

The ICMP will treat all disclosures under this policy in a confidential and sensitive manner. The identity of the individual making the allegation may be kept confidential in so far as this is compatible with making an effective investigation into the allegations which are the subject of the disclosure. However, the investigation process may have to reveal the source of the information, and the individual making the disclosure may need to provide a statement as part of the evidence required.

#### **3.3 Anonymous Allegations**

This policy encourages individuals to put their name to any disclosure they make since part of its purpose is to promote openness and discourage fear of reprisals. Concerns expressed anonymously are much less powerful and far less capable of being addressed, but they will be considered at the ICMP's discretion. In exercising this discretion, ICMP will take account inter alia of the following:

- The seriousness of the issues raised
- The credibility of the concern

- The likelihood of confirming the allegation from alternative credible and/or attributable sources

### **3.4 Untrue Allegations**

An individual making malicious or vexatious allegations may face disciplinary action, particularly if he or she persists in making them when they have been declared after due process to be without foundation. Any person or body involved at any stage of this procedure in investigating an allegation will be empowered as part of the findings to declare the disclosure to be malicious or vexatious.

## **4. Procedure for Making a Disclosure**

### **4.1 Initial Step**

The Corporate Board has a statutory responsibility for the good governance of the ICMP and any disclosure should initially be made to the Senior Non-Executive Director. If the disclosure contains allegations against the Senior Non-Executive Director, then the disclosure should be made to the Chief Executive.

### **4.2 Process**

The Senior Non-Executive Director will consider the information made available by the discloser and will decide if there is a prima facie case to answer. Before coming to a conclusion, the Senior Non-Executive Director will decide whether an investigation should be conducted and if so who should undertake it and what form it should take. The appropriate body to conduct the investigation will depend on the nature of the matter raised and may be:

- An internal body
- The police
- An independent body

## **5. Investigation**

**5.1** Where the matter is being handled internally, the Senior Non-Executive Director may ask the Chair of the Quality Standing Committee to establish all the relevant facts and to report the findings. Since the Senior Non-Executive Director is required to decide whether there is a prima facie case to answer, the Senior Non-Executive Director must not personally conduct the investigation and must retain a separation from it. The investigation will be conducted speedily.

**5.2** On the basis of the findings of the initial investigation, the Senior Non-Executive Director will decide if there is case for taking the matter further and, if so, under what procedure. The available procedures include:

- Disciplinary

- Grievance
- Complaints
- Anti-Harassment
- Financial Regulations

**5.3** If no suitable procedure is available, an ad hoc process may be needed. In some instances, it might be necessary for the Senior Non-Executive Director to refer the matter to an external authority for further investigation.

## **6. Feedback**

**6.1** The Senior Non-Executive Director will inform the discloser of what action is to be taken, if any. If no action is to be taken, then the discloser will be informed of the reason and allowed a second and final opportunity to remake the disclosure to the Chair of the Audit Committee. The Chair of the Audit Committee will have absolute discretion to decide on an appropriate form of action based on the circumstances of the case so far.

**6.2** Whenever an allegation is made as part of this procedure against a named individual, that person will be told of the allegation and of the evidence supporting it, and will be allowed to respond before any investigation, or further action, is concluded. The point at which the individual is informed will depend on the nature of the case.

## **7. Reporting of Outcomes**

A record of all disclosures and of any subsequent action will be maintained by the Senior Non-Executive Director for a period of three years. A report of the outcomes of any investigation will be made to the Audit Committee in detail where the issue falls within its purview, and in summary in other cases as a means of allowing the Committee to monitor the effectiveness of the procedures.