

# UHI | INVERNESS

## PUBLIC INTEREST DISCLOSURE (WHISTLE BLOWING) POLICY

REF: PL/GO/2022/001

Lead Officer	The Governance Officer
Review Officer	The Governance Officer in conjunction with the Information Development Manager
Date first approved by BoM	09 June 2008
First Review Date	26 March 2012
Date review approved by BoM	13 <sup>th</sup> Dec 2022
Next Review Date	Dec 2025
Equality impact assessment	
Further information (where relevant)	

Reviewer	Date	Review Action/Impact
College Secretary	26.03.12	Review approved by BoM
College Secretary	25.11.14	Review approved by BoM

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Policy Statement:

Staff are often the first to be aware of misconduct that may turn out to be fraud, corruption, bribery, professional malpractice, or some other form of dishonesty.

UHI Inverness is committed to providing the means by which staff (including contractors) may raise concerns about malpractice or corruption in the workplace. Staff have a right to have matters of concern investigated (provided that they are raised lawfully, in good faith, without malice and in the public interest) without fear of reprisal and victimisation.

UHI Inverness will treat all concerns/disclosures in a confidential and sensitive manner and protect the identity of any individual who raises a matter formally. Identity will be kept confidential so long as it does not impede an investigation.

Staff are encouraged to put their name to any concerns/disclosures they make. Concerns expressed anonymously are much less powerful and will only be considered at the discretion of the Public Standards Panel or similar Panel constituted by the college. In exercising this discretion, the following factors will be considered:

- The seriousness of the matter
- The credibility of the concern.
- The likelihood of corroboration from other sources.

Concerns which are expressed/raised in good faith, and subsequently not confirmed by an investigation, will incur no penalty against anyone. Abuse of this policy by staff making malicious or vexatious allegations will be regarded as a serious matter and as such, may be subject to disciplinary action. This policy does not in any way prevent staff seeking redress through legal proceedings against anyone making false allegations against them.

UHI Inverness will comply with the requirements of the Public Interest Disclosure Act 1998 and other legislative requirements.

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## **2. Legislative framework/related policies**

The Public Interest Disclosure Act 1998.  
Bribery Act 2010.  
UHI Inverness Staff Code of Conduct.  
Model Code of Conduct for Members of Devolved Public Bodies.  
UHI Inverness Staff Grievance Policy and Procedure.  
UHI Inverness Staff Disciplinary Policy and Procedure.  
UHI Inverness Financial Regulations  
Financial Memorandum between UHI (Regional Strategic Body) and UHI  
Inverness (Assigned College).  
APUC Terms and Conditions for Purchase of Goods and Services

## **3. Definition**

Whistleblowing is the term used to describe a disclosure alleging corruption, malpractice, or wrongdoing on the part of another person within the organisation. A 'whistle-blower' is a person who exposes this.

The difference between whistleblowing and complaints can sometimes appear confusing. A complaint is generally made by an individual who feels that they have been personally wronged in some way. A person making a complaint will likely have a vested interest in the outcome. Whereas whistleblowing relates to matters where there is a serious concern the College has breached generally accepted standards of legal, ethical, financial, or other expected behaviour and it is in the public interest for this to be disclosed. This means the situation or action must affect others, or it may damage the reputation of the college.

## **4. Scope**

4.1 This policy covers all College staff. Staff are defined as all workers, contractors, agency employees and consultants who are paid by the college.

4.2 Staff are responsible for:

Familiarising themselves with this policy and related procedures.

Contacting the Governance Officer when assistance is required.

4.3 Managers are responsible for ensuring their staff are made aware of the existence and content of this policy.

4.4 This policy is not intended to be another mechanism for staff to express general dissatisfaction with their employment. Such matters should be dealt with under the Staff Grievance Policy and Procedure. This policy assists staff only in respect of conduct which amounts to matters identified in section 4.6 below. It

is not designed to allow staff to question financial or business decisions taken by managers, save where the individual reasonably believes they may be illegal or tainted by illegality or where professional ethics may be questionable and could impact on the college's reputation.

- 4.5 This policy is also not intended to deal with concerns which should be raised or addressed (or which have already been raised or addressed), under the College's disciplinary, complaints, grievance or other policies, such as the alleged misconduct of another member of staff.
- 4.6 Qualifying concerns for disclosure to be raised under this policy should relate to activities which have occurred or are likely to occur, which would amount to:
- Fraud
  - Financial irregularities
  - Corruption
  - Bribery
  - Criminal offences.
  - Failure or likely failure to comply with a legal obligation
  - Breach of confidentiality
  - Financial misconduct/irregularities
  - Professional misconduct/impropriety
  - Unethical behaviour which could damage the college's reputation
  - The occurrence or likely occurrence of a miscarriage of justice
  - Damage or likely damage to the environment
  - Endangering the health and safety of any individual
  - Information intended to show any of the above is being or likely to be deliberately concealed

Where the investigation relates to potential malpractice, the investigating Manager must ensure compliance with the appropriate awarding body regulations to ensure that we meet their reporting requirements.

- 4.7 Malpractice does not include mismanagement, which may arise from weak management, rather than an illegal or unethical action for personal benefit whilst in a position of trust.
- 4.8 This policy is designed to offer protection to staff, or others associated with UHI Inverness, who disclose such concerns, provided disclosure is made:

Following this policy and associated procedure

In good faith, and not for personal gain or out of personal motives, and in the reasonable belief that the allegation is substantially true.

- 4.9 Members of staff who raise concerns in accordance with this policy will be protected under the Act provided:

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The disclosure is to the employer or other responsible person within UHI Inverness.

The disclosure is made to a legal adviser.

The disclosure is made to a Minister of the Crown or Member of the Scottish Government.

The disclosure is made to a person prescribed by the Secretary of State.

Disclosure in other cases where none of the above options are available and where the discloser believes that they will be subject to detriment if the disclosure is made to one of the above.

## **5. Compliance and Monitoring**

This policy must be read in conjunction with the associated procedure and all matters of disclosure must comply with both documents.

The Governance Officer will report annually to the Audit Committee regarding compliance with the policy and procedure for cases brought forward. This may be a separate report or may be part of a wider annual report.

## **6. Public Standards Panel**

Where concerns/disclosures warrant an internal investigation, a Public Standards Panel will be convened by the Governance Officer.

The panel will comprise of the following:

1 Board Member

2 members of the Executive Management Team (EMT)

If the concern/disclosure relates to one or more members of the EMT then the panel will comprise of:

The Chair of the Board of Management

2 Board Members

1 independent member.

The independent member could be from within the UHI Partnership, the College Network, or an external legal advisor (depending on the circumstances). Audit Committee members are excluded from participating as Panel members. This is to ensure the Audit Committee remain independent of the process. Their remit will be to review and monitor the outcome of the investigation. If it is determined that a concern should be investigated internally the Public Standards Panel will nominate a member of the EMT or the Board of

Management to carry out this investigation – the investigator cannot be a member of the Public Standards Panel.

The Public Standards Panel shall decide how a matter raised under this policy will be investigated, the process to be followed and the actions that must be taken. The Public Standards Panel will report on the outcome of each investigation to the Audit Committee.

In certain circumstances, it may be appropriate for staff to report their concerns to an external body e.g., where a concern or disclosure relates to members of the EMT and the Board of Management. Where this is the case, the College encourages staff to seek advice before reporting a concern to anyone external. Staff can contact Protect, the free confidential whistleblowing advice service on 020 3117 2520 or visit their website [Protect - Speak up stop harm \(protect-advice.org.uk\)](https://protect-advice.org.uk). Further support and information can be found at <https://www.gov.uk/whistleblowing> and [www.acas.org.uk](http://www.acas.org.uk).

Where disclosure concerns the misuse of public funds this can be reported to:

- The Scottish Funding Council (<http://www.sfc.ac.uk>)
- Office of the Scottish Charity Regulator (OSCR) ([OSCR | Home](#))
- The College's Internal Auditors. Contact details for the current internal auditors may be obtained from either the Finance Department or the Procurement Officer.
- In the case of a potentially serious fraud, it may be appropriate to involve the Police.

If a staff member believes they have no choice but to raise a matter externally the avenues open to them include contacting the Chair or Vice Chair of University Court.

In circumstances where disclosure has been made to bodies external to the College, the College may still conduct a full investigation and take appropriate action.

## **7. Review**

The Public Interest Disclosure (Whistle Blowing) policy shall be reviewed as a minimum every 3 years or annually when a disclosure is made.