



Oriel College

UNIVERSITY OF OXFORD

WHISTLEBLOWING POLICY

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A. Introduction

The College is committed to conducting itself with honesty and integrity and expects all College members (students and staff) to maintain standards which align with this.

However, all organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring and to address them when they do occur.

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.

The following policy 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 also available to student members and members of Governing Body.

B. Information Security Classification

This policy represents an important part of the College's satisfaction of its legal obligations, as well as its commitment to openness, accountability, and opposing all prohibited practices. Therefore, the policy will be posted on the College's website.

The policy will also be available through the internal SharePoint resource, and from the Governance Officer (governance@oriel.ox.ac.uk).

C. Delegated Authority

The Governing Body have delegated responsibility for this policy to the Finance and Estates Committee. The Committee are responsible, under the guidance of the treasurer, for ensuring that the policy is kept up to date with current Charity Commission guidance and regulation.

The Treasurer is the owner of this policy. The treasurer will ensure that all within the College community are aware of their obligations under this policy, and will bring to the attention of the Audit and Risk Committee any reported cases of whistleblowing within the College.

This policy will be updated biannually, or in line with regulatory changes (whichever is sooner).

D. Purpose

The aims of this policy are:

- To encourage staff and students to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected.

- To provide staff and students with guidance as to how to raise those concerns.
- To reassure staff and students that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken.

E. Definition of Terms

Whistleblowing

For the purposes of this policy, whistleblowing is defined as a report by the College's staff or students of specific malpractices to the College authorities.

Details of the types of report and malpractices that are covered are set out in this policy.

F. Procedure

Making a Protected Disclosure

Any member of staff who wishes to report alleged wrongdoing by the College under our Whistleblowing Policy should first put it in writing. The individuals you should send your concerns to are detailed below.

Non-academic staff should in the first instance raise any concerns with their head of department. If the individual raising the concerns reasonably believes his or her head of department is involved in the wrongdoing, or if for any reason the worker does not wish to approach his or her head of department, any concerns should be raised with the Treasurer.

Academic staff and students may raise any concerns with the Senior Tutor, or Senior Dean or directly with the Treasurer.

Once a complaint has been received, the College will write to you within 5 working days to acknowledge receipt, and at that stage we will ask you to provide further details so that we can:

- Investigate it thoroughly.
- Ensure that the complaint falls under our Whistleblowing policy. If on balance the College believes that the matter should be dealt with under another policy then you will be informed of this and advised on which policy would apply.

Investigating a protected disclosure

The Head of Department, Senior Tutor, or Senior Dean will refer the matter to the Treasurer who will either investigate the matter themselves or immediately pass the issue to someone who they feel is appropriate to investigate.

The investigation may involve the individual and other individuals involved in giving a written statement. Any investigation will be carried out in accordance with the principles set out above. The individual's statement will be taken into account, and they will be asked to comment on any additional evidence obtained.

The person who carried out the investigation will then report to the Governing Body, which will take any necessary action, including reporting the matter to any

appropriate government department or regulatory agency. If disciplinary action is required, the Treasurer will report the matter to Human Resources, and the disciplinary procedure will be invoked.

On conclusion of any investigation, the individual will be told the outcome of the investigation and any action the Governing Body have taken, or will take, to resolve it. If no action is to be taken, the reason will be explained. However, the College will not be able to inform the individual of any matters which would infringe the duty of confidentiality.

If an individual has concerns with the actioning of this process, they should consult **section I** of this policy.

External Disclosures

The aim of this policy is to provide an internal mechanism for reporting, investigating, and remedying any wrongdoing within the College. In most cases, an individual should not find it necessary to alert anyone externally.

The law recognises that in some circumstances it may be appropriate for an individual to report their concerns to an external body such as a regulator. It will rarely, if ever, be appropriate to alert the media. The College strongly encourages you to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Protect, operates a confidential helpline.

If an individual contacts the confidential helpline they should ensure they inform the person they speak to of the contents of this policy. Protect also has a list of prescribed regulators for reporting certain types of concern.

Their contact details are given in **section I** of this policy.

Protection

An individual must not suffer any detrimental treatment as a result of raising a genuine concern. Staff should be aware that they can be held personally liable as well as, or instead of, the College for detrimental treatment of someone who has reported wrongdoing. Examples of detrimental treatment include:

- Bullying
- Harassing
- Threatening
- Side-lining
- Singling out or unjustifiably disciplining a colleague.

The College will not tolerate reprisals of any kind, and such behaviour will be dealt with under the College's disciplinary procedures.

Confidentiality and Anonymous Allegations

The College hopes that individuals will be able to voice genuine concerns openly under this policy. Completely anonymous disclosures are difficult to investigate. If an individual wants to raise a concern confidentially, the College will make every effort to keep their identity secret and only reveal it where necessary to those involved in investigating the concern.

Malicious Allegation

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

Data Protection

All concerns raised will be treated with the strictest confidence and every effort will be made to keep the individual's identity secret unless they consent to its disclosure. If it is necessary for anyone investigating the concern to know the individual's identity, then the College will discuss this with them.

When an individual makes a disclosure, the College will process any personal data collected in accordance with its Data Protection Policy. Data collected from the point at which an individual makes the report is held securely, accessed by, and disclosed to, individuals only for the purposes of dealing with the disclosure.

G. Scope

This policy covers all employees, student members, and members of the Governing Body.

All staff and students are responsible for the success of this policy and should ensure that they use it to disclose any suspected danger or wrongdoing.

This policy does not form part of any employee's contract of employment and the College may amend it at any time.

This policy 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 College.
- 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 pathways for complaint and resolution.
- To investigate an academic dispute between a student and the College (complaints of this nature should be addressed to the Senior Tutor).

Remit

Following the relevant legislation, this guidance is directed specifically at the disclosure of information which in the reasonable suspicion 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, including breaches under measures imposed by the College's Bronze, Silver, and Gold Groups and/or the Major Incident and Planning Committee.
- Damage to the environment.
- Academic or professional malpractice.
- A miscarriage of justice.
- Failure to comply with the statutes or policies and procedures of the College.
- Attempts to conceal any of the above.

If an individual is uncertain whether something is within the scope of this policy, they should seek advice from the Treasurer.

H. Training and Responsibilities

Those who are required to respond to a protected disclosure under **section F** of this policy (that is, the individual's head of department, Senior Tutor, Senior Dean, Treasurer and the Provost) should ensure that they have received appropriate training on how to appropriately respond to concerns raised by whistleblowing.

Other staff and students should ensure that they are aware what constitutes an offence which needs to be reported, and should bear in mind that knowingly concealing knowledge of illegal activity is equally as serious as participating in the activity themselves.

I. Internal Help and Raising Concerns

If the individual is concerned that the investigating officer is involved in the wrongdoing, has failed to make a proper investigation or has failed to report the outcome of the investigations to the Governing Body, then they should inform the Treasurer or Provost as appropriate, who will arrange for another senior member of the College to review the investigation carried out, make any necessary enquiries and make their own report to the Governing Body.

If an individual's concerns relate to the actions of the Treasurer, the individual raising the concerns should approach the Provost who will conduct the procedure set out in **section F**.

If the concerns raised are in relation to the actions of the Provost then the individual raising the concerns should approach the Vice Provost who will discuss the matter with the chairman of the Audit and Risk Committee, and take such action as they believe is appropriate, consistent with the Statutes of the College and employment law.

If, on conclusion of the stages set out in **section F**, the individual reasonably believes that the appropriate action has not been taken, they may wish to raise the concern externally. The College encourages individuals in this instance to seek guidance from the Whistleblowing charity, Protect, as to the appropriate person with whom to raise the concern externally.

Protect can be contacted through their advice line, which is available on their website (<https://protect-advice.org.uk/>).

J. Consequences of Non-Observance

The College reserves the right to take whatever action it feels is appropriate upon conclusion of its investigation(s) into a concern raised in a protected disclosure by an individual.

Generally, the College's disciplinary procedure will be followed.

If an individual is dissatisfied with the College's investigation of their concern, they should consult the guidance set out in **section I** of this policy.

K. Further Help

Further questions regarding the stipulations of this policy should be referred to the Treasurer (treasurer@oriel.ox.ac.uk).

L. Reference

The College 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, bullying, harassment and discipline. 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 rather than under this policy.