

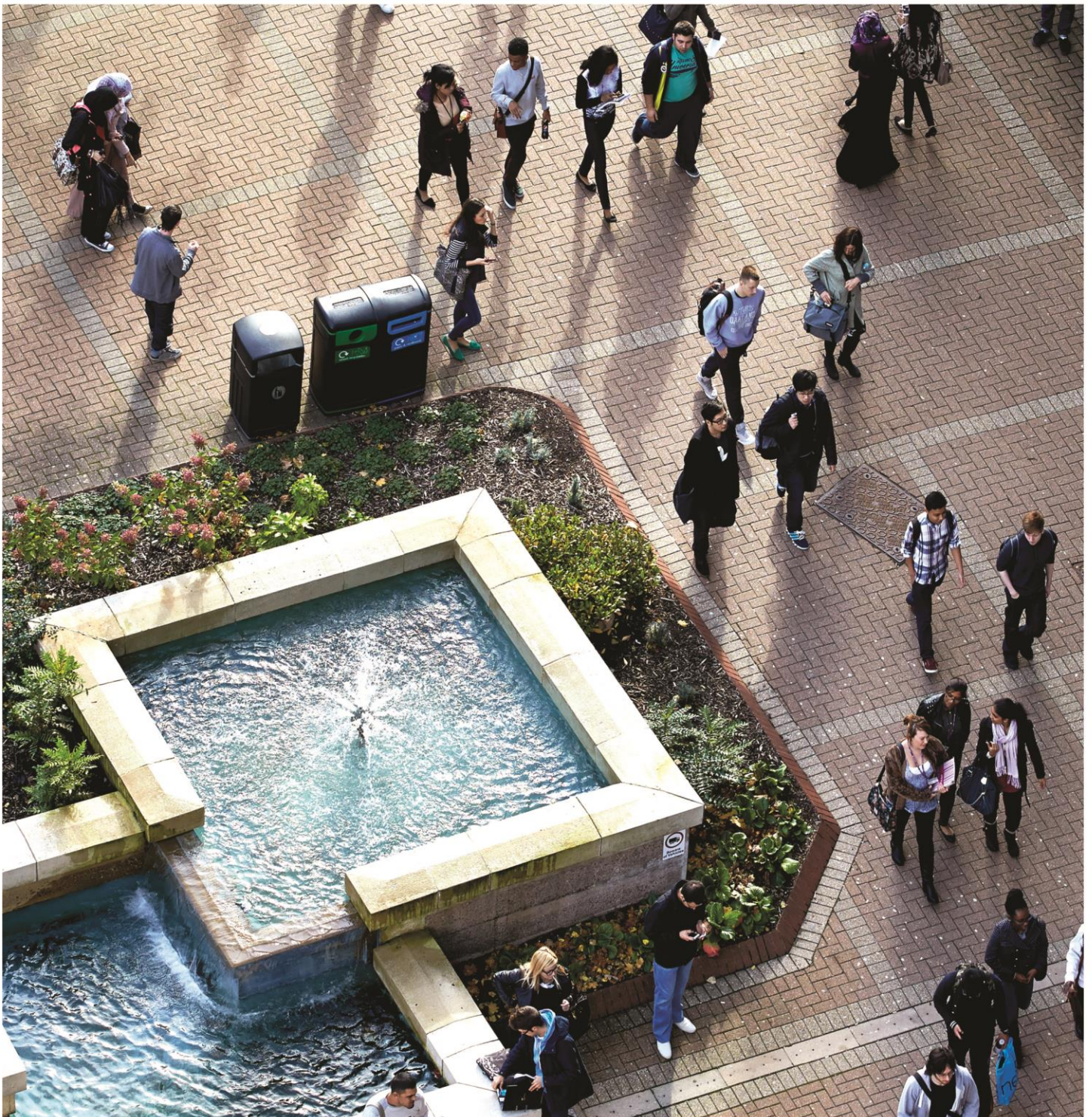


Aston University

# “SPEAK UP”

The University Whistleblowing Policy

January 2018





# “SPEAK UP”

## The University Whistleblowing Policy

Version control:

Reference Number	Version Letter	Executive Lead	Author	Consideration by	Date	Notes
	(C)	CEO	Director of Governance	EOG	1.18	Refreshed in light of Prevent duty and new Vice-Chancellor
	(B)	CEO	Director of Governance	EOG	10.15	Reflected change in Executive lead from COO to CEO
	(A)	COO	Director of Governance	EOG, involved consultation with TUs	3.14	Replaced former Whistleblowing policy

# **“SPEAK UP”**

## **The University’s Whistleblowing Policy**

**At Aston we aspire to lead the HE sector in terms of our approach to ethical business practice. It is therefore essential that we confirm our ethical vision and state clearly our principles, values and responsibilities and all members of the Aston community have an important role to play in achieving this goal.**

**From time to time we all may have concerns about what is happening at the University. Normally such concerns can easily be resolved. But when they are about breaches of the law, serious misconduct by another person, health and safety or financial malpractice, it can be difficult to know what to do.**

**This Speak Up Policy reflects our collective commitment to the development of a trusting, open and transparent culture in which all members of the Aston community are encouraged and supported to raise concerns about possible illegal, dishonest, unethical or inappropriate behaviour at the earliest opportunity. The Policy seeks to ensure that individuals are treated fairly, with empathy and consideration, when they raise a concern. It also provides advice on whom to approach for advice and support.**

**If in doubt – do not hesitate to ‘SPEAK UP, SPEAK OPENLY’!**

**Professor Alec Cameron,  
Vice-Chancellor and Chief Executive**

## 1. INTRODUCTION

- 1.1 This Speak Up Policy provides a confidential and secure means by which members of the Aston community (including staff, students, members of the University Council and agents of the University) are encouraged and supported to raise concerns about conduct that is contrary to Aston's values. Such conduct includes:
- actions that may result in danger to the health and/or safety of people or damage to the environment.
  - criminal offences, including money laundering, fraud, bribery and corruption
  - failure to comply with any legal obligation.
  - unethical practice in accounting, internal accounting controls, financial reporting and auditing matters.
  - miscarriage of justice.
  - conduct that conflicts with the ethical principles set out in the [University Ethics Framework](#) or any similar policy.
  - any other legal or ethical concern.
  - concealment of any of the above.
- 1.2 Should a member of the Aston community have concerns relating to one or more of the areas mentioned above or any other serious matter of a similar nature, it should be raised in accordance with this Policy. The Policy sets out the procedures by which concerns are raised, investigated and acted upon.
- 1.3 The University has developed separate procedures to deal with the following specific areas:
- [Grievances by staff connected with their employment](#)
  - [Complaints by students about their courses of study, research and/or the services the University provides](#)
  - [Student appeals against assessment decisions](#)
  - Appeals from disciplinary procedures for [staff](#) and [students](#)
  - [Harassment, intimidation, violence and bullying](#)
  - The [University Safeguarding Policy](#): where there are concerns that children, young people or adults in vulnerable situations are or are in danger of becoming vulnerable to radicalisation; abuse (physical, emotional, psychological, sexual, financial, exploitative or neglect/abandonment); behaviours which cause harm to themselves or to others; suicidal thoughts; forced (as opposed to arranged) marriage
- 1.4 This Policy may not be used to re-open or review a matter already decided under these other procedures. If a member of the University is uncertain whether something is within the scope of this policy they should seek advice from their line manager, their trade union representative, their personal tutor, a sabbatical officer of the Students' Union, a member of the [Executive Team](#), or the [Director of Governance](#).
- 1.5 The purpose of this Policy is to provide members of the Aston Community the opportunity and protection they need to raise their concerns internally, so that they will not feel it necessary to report them to external bodies. In all but the most exceptional of circumstances concerns about misconduct should be raised internally.

## 2. PURPOSE

- 2.1 The aims of this Policy are:
- to encourage members of the Aston community to report suspected serious misconduct as soon as possible, in the knowledge that their concerns will be taken seriously and investigated, and kept confidential.
  - to provide members of the Aston community with guidance as to how to raise those concerns.
  - to reassure members of the Aston community that they should be able to raise genuine concerns in good faith without fear of reprisals, even if they turn out to be mistaken.
  - to provide a framework by which the University may fulfil its obligations under the Public Interest Disclosure Act, which gives legal protection to employees against being dismissed or penalised, by their employer, for publicly disclosing certain serious concerns. Full details of the Act are available from [Human Resources](#).

- 2.2 This policy does not form part of a student contract or any employee's contract of employment and it may be amended at any time.

### **3. RAISING A CONCERN**

#### **3.1 Step 1 – Informal Consultation**

3.1.1 Channels exist through which concerns can be raised in an informal and relatively low-key way. Members of staff and students may raise a concern in the first instance with their line manager, trade union representative, [Sabbatical Officer of the Students' Union](#), personal tutor or colleague. Members of Council may discuss any concerns they have informally with the [Director of Governance](#) who is the Secretary of Council, the [Chair of Council](#) or the [Chair of the Audit Committee](#). Agents of the University may discuss their concerns informally with the [Director of Governance](#), or the [Chief of Operations and Estates](#). The person notified may be able to advise on a way of resolving the concern quickly and effectively, or to take action personally by formally reporting the matter to the Designated Officer responsible for dealing with concerns raised by members of the Aston Community.

3.1.2 Members of staff or students may feel that their own position in the University could be jeopardised if they raise such concerns in this manner and the usual channels may be inappropriate. They may, therefore, choose to raise their concern in the first instance with a member of the [Executive Team](#), other than their line manager, the [Director of Governance](#) or with a trade union representative or another colleague and ask that person to bring the matter forward.

#### **3.2 Step 2 – Formal Reporting to A Designated Officer (Speaking Up)**

Members of the Aston Community who feel, perhaps after having undertaken any informal consultation, that their concern should be formally reported and investigated (the Concerned Individual) should follow the following procedures:

3.2.1 The Concerned Individual should either make an appointment to discuss their concerns with the [Chief of Operations and Estates](#) or submit their concern in writing to the Chief of Operations and Estates, unless the Chief of Operations and Estates is the subject of the concern or is in some way implicated in it (in which case paragraph 3.2.2 applies).

3.2.2 Where a concern relates to the Chief of Operations and Estates, the Concerned Individual may refer the matter to the [Provost](#), either by arranging a meeting to discuss their concern or by submitting the concern in writing addressed to the Provost.

3.2.3 If the Concerned Individual considers it inappropriate to raise the concern with either the Chief of Operations and Estates or the Provost, he/she may refer the matter to the Chair of the Audit Committee who is an independent and external member of the University's governing body, the Council. This should be submitted in writing addressed to the Chair of the Audit Committee, c/o Director of Governance, Aston University, Birmingham, B4 7ET and marked "Strictly Confidential".

3.2.4 Whilst the University hopes that all concerns can be raised internally, it recognises that where one of the members of the Aston Community feels unable to raise a concern internally and they honestly and reasonably believe the allegations to be true, they may decide to raise the matter with the police or the appropriate regulator e.g. [Higher Education Funding Council for England](#), [Health and Safety Executive](#), [Birmingham City Environmental Health Department](#), [Quality Assurance Agency](#), [Office of Fair Access](#), [Office of the Independent Adjudicator](#), and [Information Commissioner's Office](#).

### **4. INVESTIGATION AND OUTCOME**

4.1 The exact nature of the investigation will depend on the nature of the concern raised, but in each case, the following procedure will be used:

- 4.1.1 The person to whom the concern is reported will acknowledge its receipt and keep a record of action taken.
- 4.1.2 Once a member of the University has raised a concern an initial assessment will be carried out by the Designated Officer (Chief of Operations and Estates/Provost/Chair of Audit Committee) to determine the scope of any investigation.
- 4.1.3 If, on preliminary examination by the Designated Officer, the concern is judged to be wholly without substance or merit, no further action will be taken, and the Concerned Individual will be informed.
- 4.1.4 The Designated Officer may appoint another person to undertake the investigation on their behalf. For example, Internal Auditors may be asked to investigate concerns raised about an individual's financial conduct. Where there is an investigation, the person or persons identified as the subject of the concern will be informed of each allegation made against them and any evidence supporting it and will be allowed to comment before the investigation is concluded. Refer to Section 5 below which covers the issue of confidentiality and the protection of the identity of the Concerned Individual.
- 4.1.5 The Designated Officer will respect the confidentiality of the Concerned Individual as far as possible and keep them informed of the progress of the investigation and its likely timescale. However, sometimes the University's need to maintain confidentiality in respect of all individuals involved may prevent their giving the Concerned Individual specific details of the investigation or any disciplinary action taken as a result. The Concerned Individual should treat any information about the investigation as confidential.
- 4.1.6 Upon the conclusion of an investigation, the Designated Officer will inform the Concerned Individual of the outcome. They will also be responsible for the submission of a report to the Audit Committee. The Audit Committee must also be made aware of any concerns dismissed after preliminary examination. If the Concerned Individual is apprehensive that they might suffer reprisals, they should raise the matter with the Designated Officer as soon as possible, who will provide reassurance and, if necessary, take appropriate steps to ensure that the Concerned Individual is not subject to reprisals.
- 4.1.7 If an individual makes an allegation in good faith, which is not confirmed by subsequent investigation, no action will be taken against that individual. If, however, the investigation shows that an individual has made malicious or vexatious allegations, and particularly if they persist in making them, disciplinary action may be taken against the individual concerned.
- 4.1.8 While the University cannot always guarantee the outcome the Concerned Individual is seeking, it will deal with the concern fairly and in a timely manner. If the Concerned Individual is not satisfied with the way in which his/her concern has been handled because either
- i) there is evidence of procedural irregularity, or
  - ii) there is evidence of prejudice or bias, and/or
  - iii) there is further evidence which was not available at the time the original concerns were raised,
- there is a right of appeal on these grounds only to the Vice-Chancellor (or the Chair of Council if the allegation relates to the Vice-Chancellor). The appeal should be made in writing to the Vice-Chancellor (or the Chair of Council) stating the ground(s) for appeal and providing supporting evidence.
- 4.1.9 The Vice-Chancellor (or the Chair of Council) will decide if the case meets the grounds for appeal (as set out above). If it does, they will appoint an independent member of Council to hear the appeal.
- 4.1.10 The Vice-Chancellor (or the Chair of Council) will inform the Concerned Individual of the outcome of the appeal. The Vice-Chancellor (or the Chair of Council) is also responsible for the submission of a report to the Audit Committee. The Audit Committee must also be made aware of any appeals dismissed after preliminary examination.

4.1.11 If the Concerned Individual is a student and is not satisfied by the process or outcome of the procedure, he/she may be entitled to refer the matter to the [Office of the Independent Adjudicator \(OIA\)](#). Students are strongly recommended to contact the Advice and Representation Centre (ARC) in the Students' Union to discuss the merits of an OIA referral.

## 5. **CONFIDENTIALITY**

5.1 If an individual wishes to raise a concern confidentially, the University will make every effort to keep their identity confidential. The identity of the Concerned Individual will not be revealed without their consent, unless required by law. While the University will not reveal the identity of the Concerned Individual, it cannot guarantee that others will not try to deduce (correctly or otherwise) their identity.

5.2 The University hopes that members of the Aston community will feel able to voice concerns openly under this Policy and encourages them to put their name to any disclosures they make. Concerns expressed anonymously are much less powerful, but they will be considered at the discretion of the University. In exercising this discretion, the factors to be taken into account will include:

- the seriousness of the issues raised
- the credibility of the concern and
- the likelihood of confirming the allegation from alternative credible sources.

## 6. **PROTECTION FOR THOSE WHO SPEAK UP**

6.1 Concerned Individuals understandably may be worried about the risk of possible repercussions if they speak up. The University aims to encourage openness and will support Concerned Individuals by ensuring that they do not suffer any detriment as a result of raising a genuine concern that misconduct is occurring.

6.2 Members of the University will not suffer any detrimental treatment as a result of raising a concern in good faith and reasonably believing it to be true. If the Concerned Individual believes that they have suffered any such detrimental treatment, they should inform the relevant contact (listed in paragraph 4.1.2) immediately. If the matter is not remedied, the Concerned Individual should raise it formally using the student complaints procedure or staff grievance procedure or submit a formal letter of complaint to the Chair of the University Council as appropriate.

6.3 The University will not tolerate retaliation or threatening behaviour towards Concerned Individuals. Any persons making any such threats or retaliation may be subject to University disciplinary procedures and/or other action (eg criminal proceedings or fitness to practise procedures).

## 7. **TRAINING AND AWARENESS**

7.1 The Speak Up Policy will be developed and continuously promoted to encourage and enable individuals to report and discuss concerns early and before a serious incident occurs. The University will work closely with trade union representatives and officers of the Students' Union to create a climate in which staff and students will have the confidence to raise their concerns and reduce the risk that unethical practice goes unchallenged.

7.2 The University recognises that however good a Speak Up Policy looks on paper, it is of little value if its members do not know about it. Accordingly, awareness of the Policy will be raised by displaying posters and/or using messages on Aston's intranet and MAP (Aston's portal) which remind members of the University to raise a concern before it becomes a complaint.

7.3 Many concerns will be raised openly with line managers as part of normal day-to-day practice. The University will therefore ensure that appropriate training and support is provided for managers so that they fully understand their roles and responsibilities in handling concerns which will enable them to support staff to raise issues with them and respond appropriately.

7.4 All managers and Designated Officers will be briefed on:

- the value and importance of an open and accountable workplace.
- how to handle concerns confidentially, fairly and professionally.
- how to protect staff who raise a genuine concern and where staff can get help or where to refer a concern.
- how to manage expectations of confidentiality.
- the importance of an alternative to line management if the usual channels of communication are not felt to be appropriate.
- sources of confidential advice, counselling and debriefing to help managers deal with serious and potentially distressing cases.
- how to brief their staff on arrangements.

7.5 Senior managers and Designated Officers who have a specific role in the Speak Up Policy will be trained on how to handle a concern at a senior level.