

PUBLIC INTEREST  
DISCLOSURE  
PROCEDURE  
(WHISTLEBLOWING)  
2024



## **Introduction**

Hartpury is committed to operating in an ethical and principled way. The aim of this policy and procedure is to provide employees and workers (referred to as 'workers' in this policy) with information about how to raise genuine concerns of suspected bribery, breaches of the law and other serious wrongdoings.

Hartpury encourages workers to raise genuine concerns about suspected wrongdoing at the earliest practicable stage. This policy and procedure is intended to provide safeguards to enable members of staff to raise genuine concerns about malpractice in connection with Hartpury.

This policy and procedure also aims to encourage workers to raise genuine concerns through internal Hartpury procedures without fear of adverse repercussions being taken against them. The law allows workers to raise such concerns externally and this policy informs workers how they can do so. However, a failure to raise a concern under this procedure may result in a disclosure losing its protected status under the law.

This policy and procedure also seeks to balance the need to allow a culture of openness against the need to protect other workers against vexatious allegations or allegations which are not well-founded.

The principles of openness and accountability which underpin legislation protecting whistleblowers are reflected in this policy and procedure. Hartpury is also committed to ensuring compliance with the Bribery Act 2010.

## **Purpose and Scope**

The primary purpose of this procedure is to provide workers, students and other parties with information about Hartpury's approach to matters relating to public interest disclosure (or 'whistle blowing' as it is known), and how they may raise a genuine concern.

Complaints falling outside this procedure will be dealt with under other appropriate procedures (e.g. Grievance Procedure, Complaints Procedure).

This policy does not form part of any workers' contract of employment and may be amended at any time at the discretion of Hartpury.

## **Applicability of this Policy and Procedure**

Legislation protects all 'workers' who disclose information in the correct manner, from dismissal or penalisation by their employers. 'Workers' has a broader definition than 'employee' and will apply to individuals who:

- Are employed under a contract of service or employment; including apprentices
- Are employed under any contract under which they perform personally, any work or services for another party (contract for service);
- Work or worked for a person in circumstances which she/he was introduced or supplied to do that work by a third person i.e. agency workers;
- Is or was provided with work experience provided pursuant to a training course or programme or with training for employment otherwise than under a contract of employment, or by an educational establishment on a course run by the establishment, i.e. students.

Workers might be unsure whether it is appropriate to raise their concern under this policy and procedure or whether it is a personal grievance, which is more appropriate to raise under Hartpury's grievance procedure. Any worker in this situation is encouraged to approach the HR department in confidence for advice.

### **Safeguards**

A worker making a disclosure under this procedure can expect this to be treated confidentially by Hartpury and, where applicable, their name will not be disclosed to anyone implicated in the suspected wrongdoing, without their prior approval.

Hartpury will take all reasonable steps to ensure that any report of recommendations, or other relevant documentation, produced by Hartpury does not identify the worker making the disclosure without their written consent, or unless Hartpury is legally obliged to do so, or for purposes of seeking legal advice.

A worker will not suffer any detrimental action or any form of victimisation by Hartpury for making a disclosure in accordance with this policy or procedure.

A worker making a disclosure may want to confidentially request counselling or other support from occupational health (staff) or the Wellbeing department (student). Any such request should be addressed to the HR department. Such a request would be made in confidence.

Any member of Hartpury who chooses to make a disclosure outside Hartpury (including the press) without using this procedure may not be protected under the Act and may be subject to internal disciplinary procedures.

### **Protected Disclosure**

The law protects workers who, out of a sense of public duty, want to reveal suspected wrongdoing or malpractice.

The law allows workers to raise what it defines as a 'protected disclosure'. In order to be a protected disclosure, a disclosure must relate to a specific subject matter (see below) and the disclosure must be made in an appropriate way. A 'protected disclosure' must, in the reasonable belief of the worker making it, also be made in the public interest. A protected disclosure must consist of information and not merely be allegations of suspected malpractice.

### **Specific Subject Matter**

If, in the course of employment, a worker becomes aware of information which they reasonably believe tends to come under one or more of the following situations, they must use this procedure:

- That a criminal offence has been committed, is being committed, or is likely to be committed;
- That a person has failed is failing or is likely to fail to comply with any legal obligation to which they are subject;
- That a miscarriage of justice has occurred, is occurring or is likely to occur;
- That the health and safety of any individual has been, is being or is likely to be damaged. It must indicate a greater danger than is associated with the normal use of the process/product, or a danger that is not usually associated with it;
- Administrative malpractice (financial or non-financial);
- Obstruction or frustration of the exercise of academic freedom;

- Academic or professional malpractice (including, for instance, violation of intellectual property rights or failure of integrity in research);
- Improper conduct or unethical behaviour;
- That information tending to show any matter falling within any one of the preceding paragraphs has been or is being or is likely to be deliberately concealed.

These concerns may be investigated under this policy. If the concern raised in relation to the above matters, appears to relate more appropriately to a grievance, harassment or discipline, the appropriate Hartpury policy/procedure will be invoked.

### **Making a Public Interest Disclosure**

Information which a worker reasonably believes tends to show one or more of the situations given above should promptly be disclosed to the line manager or an Executive member, in the first instance, so that any appropriate action can be taken.

If it is inappropriate to make such a disclosure to their line manager, a worker can raise this issue with the Chief Operating Officer or Vice Principal - Resources.

If the disclosure is about a member of the Senior Team (other than the designated Senior post holders: – the Vice-Chancellor and Principal and Chief Operating Officer) a disclosure should be raised with the Vice-Chancellor and Principal.

Disclosures against the 'holder of a senior post' should be referred to the Clerk to the Board who will notify the Chair of the Audit & Risk Management Committee, who will make arrangements for the investigation, following the principles of this procedure.

Allegations against individual Governors should be referred to the Chair of the Board of Governors who will arrange for an investigation, following the principles of this procedure.

In the event of allegations against the Chair of the Board of Governors or the entire Board of Governors, the issue should be raised with the appropriate regulator e.g. ESFA, OfS.

All concerns raised will be acknowledged and recorded within 5 working days.

### **Confidentiality**

Hartpury will treat all such disclosures in a confidential and sensitive manner. The identity of the individual making the allegation may be kept confidential as long as it does not hinder or frustrate any investigation. However, the investigation process may reveal the source of information and the individual making the disclosure may need to provide a statement as part of the evidence required.

### **Anonymous Allegations**

This policy encourages workers to put their name on any disclosures they make. If an anonymous disclosure is made, Hartpury will not be in a position to notify the individual, making the disclosure, of the outcome or action taken by Hartpury. Anonymity also means that Hartpury will have difficulty in investigating a concern. Hartpury reserves the right to determine whether to apply this procedure in respect of an anonymous disclosure in light of the following considerations:

- The seriousness of the issues raised in the disclosure;
- The credibility of the concern; and
- How likely it is that the concern can be confirmed from attributable sources.

## **Unsubstantiated Allegations**

If an individual makes an allegation in good faith, which is confirmed by subsequent investigation, no action will be taken against that individual. If, however, an individual makes malicious or vexatious allegations and, particularly if they persist with making them, when they have been declared after due process or without foundation, disciplinary action may be taken against them. A disclosure may be deemed malicious or vexatious at any stage of the procedure.

### **Process**

When a worker makes a disclosure, Hartpury will acknowledge receipt, in writing, within a reasonable time.

Hartpury will then determine whether or not it believes that the disclosure is wholly without substance or merit. If Hartpury considers that the disclosure does not have sufficient merit to warrant further action, the worker will be notified in writing of the reasons for Hartpury's decision and advised that no further action will be taken by Hartpury under this policy and procedure. Considerations to be taken into account when making this determination may include the following:

- If Hartpury is satisfied that a worker does not have a reasonable belief that suspected malpractice is occurring; or
- If the matter is already the subject of legal proceedings or appropriate action by an external body; or
- If the matter is already subject of another, appropriate procedure.

When a worker makes a disclosure which has sufficient substance or merit warranting further action, Hartpury will take action it deems appropriate (including action under any other applicable policy or procedure).

Hartpury is committed to investigating disclosures fully, fairly, quickly and confidentially where circumstances permit. The length and scope of the investigation will depend on the subject matter of the disclosure. If a longer investigation is considered necessary, an investigator or investigative team will be appointed including personnel with experience of operating workplace procedures or specialist knowledge of the subject matter of the disclosure. Investigations will not normally be conducted by any person who will potentially have to reach a decision on the matter. So far as appropriate and practicable, the worker who made the disclosure will be kept informed of the progress of the investigation. However, the need for confidentiality may prevent Hartpury from disclosing specific details of the investigation or actions taken.

If appropriate, any internal investigation would be conducted by a manager of Hartpury without any direct association with the individual to whom the disclosure relates, or by an external investigator appointed by Hartpury as appropriate.

Any recommendations for further action by Hartpury will be addressed to the Senior Management Team or the Chair of the Board as appropriate in the circumstances. The recipient will take all steps within their power to ensure the recommendations are implemented unless there are good reasons for not doing so.

## **Outcome and Reporting**

Without breaching any duty of confidentiality or privacy that Hartpury may owe to third parties (including other staff), Hartpury will seek to notify the worker of the outcome of any investigation. This will normally confirm whether the investigation upheld the worker's concern and the fact that measures are being implemented to address recommendations arising from an investigation. Often, the need for confidentiality will prevent Hartpury giving the worker specific details of the investigation, the outcome, specific measures implemented or any disciplinary action taken against staff members found to be culpable. In any event, the worker must treat any information about the investigation as confidential.

While Hartpury cannot always guarantee any outcome the worker is seeking, it will aim to deal with concerns fairly and in an appropriate way.

## **Appeals Procedure**

If someone who has made an allegation under this procedure remains dissatisfied with the outcome of the investigation because either (a) they believe the procedures have not been followed properly; or (b) they are convinced that the decision is one which no reasonable person could have reached, they may appeal on these grounds only. The outcome communication will clearly state the route of appeal to be followed.

## **Disclosure to external bodies**

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

The law recognises that in some circumstances it may be appropriate for workers to report concerns to an external body such as a regulator. It will very rarely if ever be appropriate to alert the media. Hartpury strongly encourages workers to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Public Concern at Work, operates a confidential helpline.

Workers may make a disclosure to an appropriate external body prescribed by the law. This list of 'prescribed' organisations and bodies can be found in information on the GOV.UK website.

## **Accountability**

Hartpury will keep a record of all concerns raised under this policy and procedure, including cases where Hartpury deems that there is no case to answer and therefore no action should be taken. There will be an annual report to the Audit and Risk Management Committee on the operation of the policy and (subject to the obligations of confidentiality set out above) whether any disclosures have been made.

## **Further assistance for workers**

Hartpury will not tolerate any harassment or victimisation of workers who make disclosures. If, at any stage of this procedure a worker feels that they are being subject to informal pressures, bullying or harassment due to making a disclosure, they should raise this matter, in writing, with the HR team or the Clerk to the Corporation. A worker making a disclosure may want to confidentially request counselling or other support from Hartpury's occupational health service. Any such request for counselling or support services should be addressed to the HR team. Such a request would be made in confidence.

## Reference to Other Policies

Disciplinary and Dismissal Policy and Procedure  
Grievance Policy and Procedure  
Hartpury's Complaints Policy  
Anti Bribery Policy statement

## Equality, Diversity and Inclusion

As with all Hartpury policies and procedures, due care has been taken to ensure that this policy is appropriate to all members of staff regardless of their age, disability, ethnicity, gender, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sexual orientation and transgender status.

The policy will be applied fairly and consistently whilst upholding Hartpury's commitment to providing equality to all. If any employee feels that this or any other policy does not meet this aim, please contact the HR Department.

Hartpury is committed towards promoting positive mental health by working towards the MINDFUL EMPLOYER Charter. Hartpury aims to create a culture of support within the workplace where employees can talk about mental health problems without the fear of stigma or discrimination.

## Approval and Review Cycle

<b>DATE LAST APPROVED</b>	
<b>POLICY OWNER</b>	HR
<b>APPROVING COMMITTEE</b>	Corporation
<b>STATUS</b>	WAITING FOR APPROVAL – NO CHANGES
<b>EFFECTIVE FROM</b>	January 2024
<b>NEXT REVIEW DATE</b>	January 2026