



General Counsel, Governance and Compliance

Public Interest Disclosure ('Whistleblowing') Policy

1. OVERVIEW AND PURPOSE

- 1.1 The University believes that members of the University community should feel empowered to raise genuine concerns about serious wrongdoing without fear of receiving detrimental treatment as a result; the right for staff to do so is also set out in law.
- 1.2 The aims of this Policy are:
- To encourage reporting of concerns as soon as possible, which individuals reasonably believe show evidence of serious wrongdoing and which is in the public interest, in the knowledge that the concerns will be taken seriously and investigated, as appropriate;
 - To define a public interest disclosure and differentiate it from the process of raising other types of concerns;
 - To signpost the process regarding how to raise those concerns; and
 - To outline the statutory protections afforded to staff raising such concerns, and to provide reassurance around fears of victimisation or unfair treatment to anyone raising genuine concerns in line with this Policy.

2. SCOPE

- 2.1 This Policy primarily applies to staff, including agency workers and/or those working for the University via an intermediary, or 'workers' as they are referred to in the Public Interest Disclosure Act 1998 ('the Act').
- 2.2 Although they are not covered by the Act, this Policy also applies to University of Sussex students and to workers of any subsidiaries, majority controlled associated undertakings, and joint ventures of the University, in circumstances where they are able to use the Raising Concerns process to report serious concerns, as outlined below. However, students and workers of any subsidiaries, majority controlled associated undertakings, and joint ventures of the University, are not entitled to the same protections detailed in the Act as University staff are.
- 2.3 This Policy does not apply to members of the general public. Where a member of the interest. The Policy does not relate to serious concerns about wrongdoing within any subsidiaries, majority controlled associated undertakings, and joint ventures of the University. Serious concerns are identified as '*protected disclosures*' or '*qualifying*

disclosures' in the Act and defined in section 4.1 below.

2.5 This Policy should not be used to raise concerns which relate to:

- the individual circumstances of a member of University staff, a University worker, a student or worker of any subsidiaries, majority controlled associated undertakings, and joint ventures of the University. Such concerns should be raised through the other relevant internal procedure(s) as applicable, for example, staff grievance or student complaints procedures, or through the internal procedures of those subsidiaries, majority controlled associated undertakings, and joint ventures of the University; or
- matters already addressed under other internal procedures.

2.6 If the concern does not fall within the scope of this Policy, then the individual may use other procedures to raise the concern as outlined in this policy and in the Raising Concerns process. If an individual is uncertain whether a concern is within the scope of this Policy, then advice should be sought from the Head of Information Management or the Information Manager.

3. **RESPONSIBILITIES**

3.1 **Information Manager**

3.1.1 The Information Manager is responsible for the review and update of this Policy, as well as for administration of the Raising Concerns process.

3.2 **University Executive Team (UET)**

3.2.1 UET is responsible for reviewing reports from the Head of Information Management regarding any concerns that have been raised and providing onward assurance to Audit & Risk Committee and Council regarding the effectiveness of actions taken in response to concerns raised and eligible for investigation under this Policy.

4. **POLICY DETAILS**

4.1 **Public Interest Disclosure ('Whistleblowing') and Legal Protection**

4.1.1 Public Interest Disclosure, often known as whistleblowing, is the disclosure of information by a worker of suspected serious wrongdoing in the workplace that is in the public interest.

4.1.2 The Public Interest Disclosure Act 1998 gives statutory protection (for example not to be unfairly dismissed or receive detrimental treatment) to University workers who raise matters of serious concern which they reasonably believe provide evidence of wrongdoing within the University and which they reasonably believe are in the public interest.

4.1.3 The protection provided by the Act relates to disclosures of information which, in the reasonable belief of the University worker making the disclosure, tends to show one or more of the following has occurred, is occurring, or is likely to occur

(defined as a '*qualifying disclosure*' in the Act):

- the committing of a criminal offence;
- failure to comply with a legal obligation (this may include, for example, obligations relating to freedom of speech and academic freedom, obligations under the Equality Act 2010, or compliance with the University's Charter and Statutes);
- a miscarriage of justice;
- endangering the health or safety of any individual;
- damage to the environment; or
- deliberate concealment of information tending to show any matter failing within the above matters.

4.1.4 The University worker raising the concern must also reasonably believe that the disclosure is in the public interest.

4.1.5 Any member of the University community or workers of any subsidiaries, majority controlled associated undertakings, and joint ventures of the University, seeking to raise a concern that they believe constitutes a disclosure as outlined above, should follow the University's Raising Concerns process which is linked at the end of this Policy and published on the University's webpages.

4.2 Process

4.2.1 Where an individual wishes to raise a concern that falls within the scope of this Policy, they should use the Raising Concerns process, linked at the end of this Policy.

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4.3 Confidentiality

4.4 External Disclosures

- 4.4.1 The aim of this Policy and the Raising Concerns process is to provide a safe and straightforward internal mechanism for reporting, investigating, and remedying suspected wrongdoing at the University. As such, in most cases, individuals should not find it necessary to make a disclosure externally.
- 4.4.2 Whilst the Act recognises that in some circumstances it may be appropriate for individuals to report concerns externally (e.g. to a regulator), any University worker making a disclosure should be aware that there are more robust requirements that must be met to qualify for the same protection under the Act when making external disclosures.
- 4.4.3 Protect, the independent whistleblowing charity, provides detailed guidance on its webpages –

Review / Contacts / References

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