

WHISTLEBLOWING POLICY

INTRODUCTION

- 1 **If you notice that something is going wrong with the procedures or processes of our University, you must feel able to report it.** This process is called **whistleblowing**. Please be reassured that raising a genuine concern will never lead to you being judged, disciplined, or affected detrimentally. It is **crucial** that everyone in our University feels able to disclose any concerns they have.

WHAT IS WHISTLEBLOWING?

- 2 Whistleblowing is a process for you to use when you have a concern and want to report it. There will be concerns that will be addressed by other policies, such as bullying and harassment, fraud or complaints. However, if you can't find a suitable route to tackle your worries, whistleblowing is the way to bring it to our attention.

OUR COMMITMENT TO YOU

- 3 **We take whistleblowing very seriously** and believe we have embedded a culture where any member of the University can make themselves heard.
- 4 Your unit manager is key in this. They are responsible for ensuring that all members of staff have appropriate training on how to raise and handle concerns. Unit Managers should ensure that policies are communicated clearly and should monitor procedures and action plans for whistleblowing. This will ensure it is effective.
- 5 The University takes responsibility for this policy and confirms that it is reviewed annually by the Audit Committee. This policy will form the basis for any whistleblowing procedure.

WHAT ARE THE OBJECTIVES OF THIS POLICY?

- 6
 - To explain how you might be involved in a whistleblowing disclosure
 - To outline the procedure that will be followed once a disclosure is made

AM I SAFE TO MAKE A DISCLOSURE?

- 7 We hope you will feel reassured that **any disclosure will be taken seriously and treated with confidentiality as far as possible**. You should not suffer any disadvantage as a result of making a disclosure. If you felt that you or your position with the University, had been harmed by your decision to make a disclosure, you can seek help with this by reporting it through the bullying and harassment code.
- 8 If a manager was to try to deter a member of the University or associated person from raising a concern, we may consider this to be a disciplinary offence. You can find more information on this in the section of the policy which is titled Clarifications Around Safety and Anonymity.

HOW CAN I REPORT A CONCERN?

You can talk to your manager

- 9 We hope you feel you can raise your concerns within your management structure. That might be with your manager, head of unit, supervisor, Director or Nation Director. **This is known as a ‘first-line disclosure’.** A first-line disclosure can be made verbally or in writing. This includes emails. First-line disclosures are most likely to be resolved through normal management channels.

You can talk to someone else

- 10 If you feel unable to raise a report to your line-manager, then allegations should be reported to the University Secretary who will escalate the issue. **This is known as a ‘second-line disclosure’.** The Vice-Chancellor or Pro-Chancellor can be contacted if the University Secretary is unavailable or implicated in the disclosure. A second-line disclosure may be made verbally or in writing (including by email) and may be made anonymously. Disclosures at this level may potentially be more serious in nature and are less likely to be resolved through normal management channels.

If you want a different way to report your concern

- 11 If for any reason you feel you cannot raise your concern in these ways, the issue should be raised with the Chair of the Audit Committee. They can be reached via the whistleblowing mailbox (whistleblowing@open.ac.uk). They will decide what action to take, which may include, but is not limited to, the involvement of the external auditors, the funding councils, legal advisers or other members of the Audit Committee. This is called a ‘mailbox disclosure’. (Please see the section on Mailbox Disclosure Procedure for more information).

Can I remain anonymous?

- 12 Whistleblowing reports are not generally anonymous. You have the right to remain anonymous when reporting your concern but we don’t encourage this as it can impede investigation. We will maintain confidentiality as far as is possible. You should be assured of this confidentiality in any relevant correspondence. Anonymous disclosures will be dealt with as thoroughly as possible but can be difficult to progress to an investigation. If you need any contact details please see Appendix 1.

WHAT IF MY CONCERN FALLS WITHIN ANOTHER POLICY?

- 13 If you make a whistleblowing disclosure which overlaps or falls within another policy the investigation may follow a different route. For example:
- **Bullying and Harassment:** The University has formal disciplinary and grievance policies and procedures. For staff these include the [Bullying and Harassment Policy](#), the [Disciplinary Policy](#) and the [Grievance Policy](#). For students these include the [Code of Practice for Student Discipline](#), the [Student Complaints & Appeals Procedure](#) and procedures under a [Dignity and Respect Policy](#) which apply to students (including postgraduate research students).
 - **Financial irregularity, bribery and corruption:** The University has an [Anti-Fraud, Bribery and Corruption Policy](#) which sets out the procedure to be followed if fraud, irregularity or bribery is suspected or alleged, and under which all suspected incidents should be reported without delay to the University Secretary, Chief Financial Officer or Chief Auditor.
 - **Academic/Research Malpractice:** The University has a formal procedure for the investigation of allegations of academic/research malpractice or misconduct.

[The Code of Practice for Research at the Open University](#) sets out the standards that govern research at this University.

- 14 Usually, we will follow that procedure, either first, or in parallel with this one.
- 15 The person who you report you first-line disclosure to is responsible for establishing whether other existing University policies and procedures apply. They may advise whether your concern can be handled through existing line management or project management structures. They will decide the best route to take and whether it should be treated as a whistleblowing disclosure.

WHAT HAPPENS ONCE YOU HAVE RAISED A CONCERN?

- 16 Once you make a disclosure it will be acknowledged within one working day. The person who you made your disclosure to is then expected to report it to the University Secretary within two working days.
- 17 Next, the University Secretary will decide what action should be taken to address the disclosure. This could include:
 - taking action themselves
 - consulting appropriate staff to decide the action to be taken. This might involve the Director, University Secretary's Office, Head of Governance and the Chief Auditor.
 - appointing an appropriate member of staff to carry out a preliminary investigation
 - escalating the disclosure to the Chair of Audit Committee via the whistleblowing mailbox.We would expect confidentiality to be upheld as far as possible in all these stages.

WHAT IS A PRELIMINARY INVESTIGATION?

- 18 Once a concern has been reported, a preliminary investigation will usually take place. This is so that we can **understand more about the disclosure and decide the next steps**. It will be conducted by an appropriate person. This will not be the same person who makes a final decision, and we will also ensure that they have no conflict of interest. If the preliminary investigation finds that there is substance to a disclosure, there may be a formal investigation and/or may be referred to the police. People Services would be expected to become involved at this point to ensure due process is followed.
- 19 A concise preliminary investigation report will be completed and sent to the University Secretary and whistleblowing mailbox to ensure that appropriate records are kept. These records will be treated as formal complaints for the purposes of retention in line with the University's Retention Schedule (current year plus six years).
- 20 If your concerns are dismissed without a preliminary investigation, you will be informed. In that instance, you would be given the opportunity to remake the disclosure to another person or a higher authority in the University.

THE FORMAL INVESTIGATION

- 21 If the preliminary investigation finds that the concerns you have raised do need to be looked into, there will be a formal investigation. You should be informed of who will be handling your concern as soon as possible. You should be given an estimation of how long the investigation will take. Investigations should take place and be concluded as soon as possible, but the timeframe involved will depend on the nature and complexity of the issues involved.
- 22 Normally the person against whom an allegation is made should be told of the allegation, of the evidence supporting it and be allowed to comment before the investigation is concluded

and a report made. **Rest assured we will always consider the potential need for confidentiality of the person who made the original disclosure.** However, there may be cases where this is not an appropriate action for example, if this would allow the concealment of evidence.

- 23 When you do raise a concern, **you will be told about the outcome of the investigation**, but you won't receive a copy of the final report. The report is confidential to the team who investigate and administrate the investigation.
- 24 The person against whom the allegation is made will be informed of the outcome of the investigation and will be entitled to receive a copy of the report if disciplinary action is to be taken.
- 25 If disciplinary action is taken, there is of course a **right to appeal**. The disciplinary policy contains more information on this. If an allegation is reported to external agencies, for example the Police, the subject of the disclosure will have a right of appeal in the context of any action the agency might choose to take.

CLARIFICATIONS ON YOUR SAFETY AND ANONYMITY

How Can I Raise a Concern Via Email?

- 26 We hope you will feel able to talk to someone within the University about your worries. However, the **Whistleblowing Mailbox has been designed as a last resort** if these methods have been exhausted or feel inappropriate.
- 27 If you use the mailbox, you should receive an acknowledgement of your email but it can be difficult to acknowledge disclosures made anonymously. We will aim to use neutral wording, and assure confidentiality as far as practical
- 28 We will aim to keep whistleblowers informed of proceedings at regular and appropriate intervals. A fortnightly update is the normal practice, but timescales and the amount of detail we can communicate will vary depending on the nature of the concern. We would aim to inform you of the general outcome and any further action to be taken.
- 29 We might not be able to keep whistleblowers informed of developments for some disclosures. For example, if criminal proceedings might be prejudiced, if the disclosure is made anonymously or the specific details and outcomes of disciplinary action.
- 30 The Assistant Director, Governance and Director, University Secretary's Office (USO) automatically receive any emails sent to the mailbox. They are responsible for opening the emails and passing concerns on to the Chair of the Audit Committee.
- 31 To ensure that you always have a route to raise your concerns, we will make sure that the responsibility for monitoring the mailbox will not be passed to the University Secretary, Vice-Chancellor or Pro-Chancellor. The mailbox exists to allow the ability to raise concerns directly without involving these individuals. Should the Assistant Director, Governance be unavailable, responsibility for monitoring the mailbox passes to the Director, USO. Should the Director, USO also be absent the responsibility is passed to the Chief Auditor or other nominated senior manager.
- 32 Any responses to emails received via the mailbox will be sent from, and copied to, the mailbox for visibility.
- 33 As with any other type of disclosure, some of the emails sent to this mailbox may not qualify as whistleblowing disclosures. Some issues relate to existing policy or procedure, and it

may be appropriate to inform other members of University staff of the substance of an email that falls outside the whistleblowing procedures depending on its nature. The mailbox monitor will usually respond directly to any of these emails which do not contain disclosures e.g., queries about the process.

- 34 Like first- and second-line disclosures, we would hope that when a disclosure is received in the mailbox the Assistant Director, Governance and Director, USO will discuss it confidentially as soon as is practical. This should normally be within one working day of receipt but may take longer depending on the nature of the disclosure.
- 35 The mailbox monitor will then contact the Chair of Audit Committee by email via a secure email account. They will attach a copy of the initial disclosure email and recommend a course of action. This communication will normally be shared with the University Secretary unless he/she is implicated in the disclosure. Again, this should normally be within one working day of receipt of email depending on the nature of the disclosure.
- 36 After that it is the responsibility of the Chair of Audit Committee to determine the action to be taken in relation to the disclosure. Normally, they would delegate the matter to the University Secretary.
Other actions may include:
- setting a preliminary investigation in motion directly,
 - and/or involving other members of University staff or the Audit Committee, external auditors, funding bodies, legal advisers or the police, depending on the nature of the disclosure.

Should the Chair of Audit Committee be unavailable for a significant period of time, the Pro-Chancellor will normally take on their role in relation to direct mailbox disclosures.

What If the University Secretary is implicated in the disclosure?

- 37 If the University Secretary is implicated, or if informing them would be inappropriate for any other reason, the **disclosure should be notified directly to the whistleblowing mailbox**. You can read more about this in the Mailbox Disclosure section of this policy.

THE ROLE OF THE AUDIT COMMITTEE

- 38 The results of any investigation, including those relating to research activity, will be reported to the Audit Committee. Reporting to the Audit Committee on whistleblowing is the responsibility of the University Secretary but will normally be produced by the Assistant Director, Governance.
- 39 An annual report on whistleblowing cases will be made to the Audit Committee alongside the annual review of the Whistleblowing Policy. This will normally include information on the number and types of disclosure, actions taken and resolution.
- 40 Individual whistleblowing cases may also be reported to the Audit Committee as they occur, depending on the nature and complexity of the disclosure and the status of the investigation.

Please Feel Reassured

- 41 This document contains lots of **advice and information**. It is very important you understand that we do all we can to ensure **your concerns and issues can be raised as safely as possible**. It is crucial that you understand that by drawing our attention to genuine transgressions you are taking a **positive action** for you, your colleagues and the University as a whole.

CONTACT DETAILS

Whistleblowing mailbox whistleblowing@open.ac.uk

Assistant Director, Governance camilla.briault@open.ac.uk

Director, Academic Services: rebecca.galley@open.ac.uk

Graduate School Director lindsay.odell@open.ac.uk

Nation Directors

Ireland: john.darcy@open.ac.uk

Scotland: susan.stewart@open.ac.uk

Wales: louise.casella@open.ac.uk

University Secretary: dave.hall@open.ac.uk

If the University Secretary is unavailable or implicated in the disclosure, the Vice-Chancellor or Pro-Chancellor may be contacted

Vice-Chancellor: tim.blackman@open.ac.uk

Pro Chancellor malcolm.sweeting@open.ac.uk

ABOUT THIS POLICY

This document was introduced in June 2022 and replaces previous versions of the Whistleblowing Policy.

BACKGROUND TO THIS POLICY

- 1 Annex A3 of the CUC Guide (2009) expresses the intent of the University's Policy in the following terms:
Members of staff are often the first to know when things are going wrong in an institution, whether these concern financial malpractice, the abrogation of appropriate and agreed procedures, or departures from the statutory or other requirements for good governance. All institutions should establish official channels through which such concerns should be raised, for example through Heads of unit, at official committees, or through staff representatives, including the accredited trades unions. In the normal course of events, concerns should be raised through these channels. But members of staff often feel, rightly or wrongly, that their own position in the institution will be jeopardised if they raise a particular concern in this way, and sometimes the usual channels may indeed be inappropriate.
- 2 Under the Public Interest Disclosure Act 1998 and the Public Interest Disclosure (Northern Ireland) Order 1998 staff will have protection against dismissal and victimisation if they make 'protected disclosures' as defined in each Act and amended in the Enterprise and Regulatory Reform Act (2013).
- 3 These Acts limit the type of disclosure they protect. Members of the University and associated persons should feel able to raise legitimate concerns which may not be set down in the Act, without fear of their position within the University being jeopardised.

FURTHER INFORMATION

- 4 If you have any queries around the content provided within this document and how to interpret it, please contact the Governance Team at governance-team@open.ac.uk. You can also contact your Student Support Team via StudentHome (or other appropriate office, for example Research Degrees Team for postgraduate research students via research-degrees-office@open.ac.uk) who are specially trained to advise on the implementation of policy.
- 5 Alternatively, you can contact your Student Support Team through the 'Contact Us' option on the Help Centre if you are a current Open University student.

ALTERNATIVE FORMAT

- 6 If you require this document in an alternative format, please contact the Student Support Team via <http://www.open.ac.uk/contact/> (phone +44 (0)300 303 5303), or your dedicated Student Support Team via StudentHome if you are a current Open University student. (Research Degrees Team are to be contacted for requests relating to postgraduate research student policies via research-degrees-office@open.ac.uk).

EXTERNAL ADVICE

- 7 Protect is an independent authority on public interest whistleblowing and offers free advice to people who may have concerns around whistleblowing. They have a website ([Protect - Speak up stop harm \(protect-advice.org.uk\)](https://www.protect-advice.org.uk)) which provides a range of advice to individuals including a contact telephone number. In addition, the [Committee on Standards in Public Life's website](https://www.committeeonstandardsinpubliclife.org.uk) provides advice on the ethical standards expected across the public sector.

THE OPEN UNIVERSITY STUDENT CHARTER VALUES

- 8 This policy aligns with the following [Open University Student Charter](#) Values:
1. We treat each other with courtesy and respect, respecting the rights of individuals to hold different beliefs and views and to express them appropriately.
 4. We communicate with each other in ways which are clear, relevant, accurate and timely.
 7. We act ethically and transparently, providing and making use of fair and open means to deal with our concerns and grievances, learning from them.
 8. We challenge bullying and harassment and are committed to supporting the mental health and wellbeing of all members of our University community.
 11. We work to maintain and enhance the standards and reputation of our University recognising the contributions that all members make to its success.

COMMITMENT TO EQUALITY, DIVERSITY AND INCLUSION AT THE OPEN UNIVERSITY

- 9 Policies are inclusive of all Open University Students, Learners, Enquirers and Alumni, regardless of age, civil status, dependency or caring status, care experience, disability, family status, gender, gender identity, gender reassignment, marital status, marriage and civil partnerships, membership of the Traveller community, political opinion, pregnancy and maternity, race, religion or belief, socio-economic background, sex, sexual orientation or trades union membership status.

SAFE SPACE REPORTING

- 10 The Open University is committed to creating a diverse and inclusive environment in which everyone feels safe and is treated with dignity and respect. Unlawful discrimination of any kind across The Open University will not be tolerated. Safe Space Reporting is available through an online tool through which staff, students, learners and visitors are encouraged to report incidents of assault, bullying, harassment, hate crime, or sexual harassment. It also provides information about what you can do if these incidents happen to you, or to someone you know, and where you can find support.

COMMUNICATION

- 11 The University ensures that its Whistleblowing Policy is embedded and understood throughout the organisation through internal communication.
- 12 Unit managers or their nominee are responsible for ensuring the communication of the University's Whistleblowing Policy to the associated person(s). Unit managers will also monitor and review their procedures and action plans to ensure their suitability, adequacy and effectiveness in relation to this Policy and implement improvements as appropriate.

Contact: governance-team@open.ac.uk

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Noted by: Audit Committee on 14/06/2022