



Jesus College Oxford

WHISTLE-BLOWING CODE OF PRACTICE

I. Background

- I.1 The Public Interest Disclosure Act 1998 and the Employment Rights Act 1996 provides employees with legal protection against being dismissed or penalised by their employers as a result of disclosing certain serious concerns. It also requires employees who wish to disclose such concerns and who wish to retain the protection offered by the Act to follow the relevant internal procedure provided by their employer in all but the most exceptional circumstances. The following procedure 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 available to student members and senior members of the College who are not employees.
- I.2 The College 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, harassment, discipline, and individual allegations of fraud. 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.
- I.3 However, the College places the greatest importance on the integrity of its operations and encourages members of staff and students to raise genuine concerns about malpractice or impropriety at the earliest possible stage. There may be occasions when an individual has concerns relating to matters in the public interest which they believe merit particular investigation, and following code sets out the way in which the College will address such concerns.
- I.4 This code is intended to assist individuals who believe that they have discovered malpractice or impropriety. It is not designed to address the following:
- a. to question financial or business decisions taken by the College;
 - b. to reconsider any matters which have already been addressed under grievance or disciplinary procedures;
 - c. to investigate an individual or collective personnel dispute for which there are established routes of complaint and remedies;
 - d. to investigate an academic dispute between a student and the College (complaints of this nature should be addressed to the Academic Director for consideration under published procedures).
- I.5 Individuals are encouraged to bring to the attention of the College any matters referred to below about which they are concerned.



2. Remit

2.1 This guidance is directed specifically at the disclosure of information which is in the public interest and which in the reasonable belief of the person making the disclosure tends to show malpractice involving one or more of the following qualifying disclosures:

A “qualifying disclosure” means a disclosure of information that the employee genuinely and reasonably believes is in the public interest and shows that the Company has committed a relevant failure.

- a. criminal activity, including fraud or financial irregularity, corruption, bribery, or blackmail;
- b. failure to comply with legal obligations;
- c. danger to health and safety;
- d. damage to the environment;
- e. academic or professional malpractice;
- f. a miscarriage of justice;
- g. failure to comply with the statutes, regulations and codes of practice of the College;
- h. attempts to conceal any of the above.

2.2 These acts can be in the past, present or future, so that, for example, a disclosure qualifies if it relates to environmental damage that has happened, is happening, or is likely to happen. The Company will take any concerns that you may raise relating to the above matters very seriously.

3. Protection

- 3.1 An individual making a disclosure relating to such matters to the appropriate person will not be penalised provided the disclosure is made
- a. in good faith; and
 - b. in the reasonable belief of the individual making the disclosure that the information disclosed, and any allegation contained in it, are substantially true.
 - c. Protection will be provided to workers who blow the whistle where they reasonably believe that some form of illegality, injustice or breach of health and safety has occurred or is likely to occur. The disclosure has to be “in the public interest”. We encourage you to use the procedure to raise any such concerns.

4. Confidentiality

4.1 The College will treat all such disclosures in a confidential manner as far as it is able to do so.

5. Malicious allegations

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

6. Anonymous allegations

6.1 Action will not normally be taken in response to anonymous complaints.



7. Procedure

- 7.1 An individual who wishes to make a disclosure should do so to the Principal, in the case of a disclosure concerning an employee or employees of the College, or concerning both employees and students of the College, or to the Dean, in the case of complaints concerning a student or students. Reference to the Principal shall be taken to mean the Vice-Principal where the disclosure involves the Principal.
- 7.2 Disclosures, which should normally be in writing, should provide as much supporting evidence as possible about the grounds on which the disclosure is being made and about the grounds for believing that malpractice has occurred.
- 7.3 The Principal or Dean as appropriate shall decide whether the concern is such as should be addressed under other existing colleges procedures, for example in relation to harassment, grievance, discipline, or fraud, or whether further investigation is required. If the Principal or the Dean is of the opinion that further investigation is necessary, additional steps shall be taken as follows:
- a. Where the concerns relate to integrity in the conduct of research, investigation shall be carried out under the provisions of the University code of practice and procedure relating to academic integrity in research.
 - b. Where the concern relates to the activities of Student Members of the College only, these shall be investigated by the Dean.
 - c. In the case of other concerns, these shall be brought to the attention of the relevant College Officer, who shall, in consultation with the Principal, conduct an investigation or shall establish a small panel to conduct an investigation.
 - d. The individual or panel conducting the investigation shall be entitled to draw on appropriate expertise where necessary (for example in the event of allegations of financial irregularity).
 - e. If any individual is associated with the matter under investigation, the Principal shall appoint another to act in his or her place.
 - f. The Principal shall provide the investigator or investigative panel with its terms of reference and shall assure themselves that at least one of those who are asked to investigate a disclosure either have or are able to acquire the necessary expertise and training to deal fully and properly with the subject matter of the disclosure.
- 7.4 The Principal or the Dean, as appropriate, shall inform the person making the disclosure and, at an appropriate stage, the subject of the disclosure of the nature of the investigation to be undertaken and the likely timescale. Where a disclosure is made, the person or persons against whom the disclosure is made shall normally be allowed to comment before any investigation, is concluded under this procedure.
- 7.5 Where the investigator or investigative panel believes that the investigation reveals prima facie evidence of misconduct, the matter shall be referred to the appropriate body for disciplinary action under the terms of the College's Statutes and Bylaws.
- 7.6 In all cases, the matter shall be investigated as speedily as is consistent with thoroughness and



fairness. The Principal or the Dean, as appropriate, shall report in each case to the appropriate college committee the final outcome of any investigation and of any disciplinary action that might arise from it, and shall draw to the attention of Governing Body, via the appropriate committee, any issues of general importance.

8. Feedback

- 8.1 The action taken including, the outcome of any investigation, shall be reported, in broad outline, to the person making the disclosure and in the event that no action is taken that person shall be given an explanation.
- 8.2 In the event that no action is taken, the individual should be allowed the opportunity to remake the disclosure to the Vice-Principal. The Vice-Principal shall consider all the information presented, the procedures that were followed, and the reasons for not taking any further action. The outcome of this will either be to confirm that no further action is required or that further investigation is required, in which case the procedures in 13 above, as appropriate, shall be followed.