



University of
St Andrews

Code on public interest disclosure (whistleblowing)

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Purpose	A code which provides for the investigation of possible malpractices

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The University Court operates to the highest standards of governance, and this Code on Public Interest Disclosure (commonly known as Whistleblowing) ensures that any former or current University employee, worker (1) or student who has information about possible malpractices within the University can bring their concerns immediately to Court's attention without fear of reprisal. The same opportunity exists for any member of the general public.

If you have concerns about some perceived danger, fraud, improper financial conduct, or other illegal or unethical conduct connected with the University, you can make a "disclosure" of relevant information under this Code to the Convener of the Audit and Risk Committee of the University Court, whose contact details are found at the end of this document.

Any disclosure made under the Code will be treated in a confidential and sensitive manner. Your identity will be kept confidential, however if we find this significantly hinders or frustrates the investigation, we may come back to you to discuss how the investigation can best be pursued. This may include inviting you to provide a statement as part of the evidence, or to agree that your identity can be disclosed. Although we may at our discretion investigate disclosures that are made anonymously, we would encourage you to give your contact details since it can be difficult to investigate a disclosure fully if we do not know who has "blown the whistle".

Provided that you have raised your concern in good faith, and in the University's or public interest, you will be protected from harassment, disciplinary action, dismissal or any other disadvantage at work. This will apply even if on completion of our investigation or an external body's investigation there is no evidence to support your disclosure. If an individual makes a malicious or vexatious allegation, however, this may result in disciplinary action being taken.

When a disclosure is made, the Convener of the Audit and Risk Committee will normally consult with the Vice Principal (Governance) to establish the most appropriate means of ensuring the matter is fully investigated and determined. It will be confirmed in writing if, on assessment, it is determined that the issues raised should be investigated under alternative University procedure e.g. the Complaints Handling Procedure or across multiple procedures. Where the disclosure concerns the Convener of the Audit and Risk Committee, the Senior Lay Member will determine this. Where a disclosure concerns the Vice Principal (Governance), the Convener of the Audit and Risk Committee will review with the Principal.

You will have the opportunity to comment on the University's understanding of your concerns, which, once agreed, will form the scope of an investigation. The Convener of the Audit and Risk Committee or their nominee will inform you of the outcome of the investigation. A report on the outcome of the investigation will be made to the Court through the Audit and Risk Committee.

You will also be informed if it has been determined that, after preliminary consideration, no investigation should place e.g. if there is insufficient evidence to progress an investigation. In such circumstances, you can request a review this decision, via the Vice Principal (Governance). This review will be carried out by persons not previously involved in the case. This does not apply when an allegation is dismissed following an investigation. It may also be determined after preliminary consideration that no investigation should take place where unsubstantiated allegations about the University and/or our staff are made, or where such actions are covered by the University's Vexatious Complaints Policy. This also includes investigation of issues previously raised and investigated by the University under other procedures where a final decision has been made, or where matters have been brought before a Regulator, Court or Tribunal. The University Vexatious Complaints Policy provides an appeal process for decisions made under that policy.

In some instances, it might be necessary to refer the matter to an external authority for further investigation (2). Where a disclosure concerns the misuse of public funds, then this will be

reported to the Scottish Funding Council and where appropriate Charity regulators. Allegations of financial misconduct will normally be referred to the University's outsourced internal auditors for appropriate external scrutiny.

This process is intended to allow the University to investigate concerns at the earliest opportunity, while preserving as far as possible the confidentiality of the person making the disclosure. Accordingly, this Code may not be invoked by a person whose concerns have been revealed to the Press or to the Scottish Funding Council or to Audit Scotland or to any other similar body or organisation. In circumstances where disclosure has been made to bodies external to the University, the University may still conduct a full investigation and take appropriate action, but in doing so will not be bound by the provisions of this Code. The Code does not allow you to challenge lawful financial or business decisions taken by the University; nor does it cover issues such as academic appeals, terms of employment, standards of service, or other matters which are addressed by other University policies. The Code does not form part of the contract of employment and may be amended from time to time.

Notes

- (1) For the definition of 'worker' please refer to the Public Interest Disclosure Act 1998, which extends the definition set out in the Employment Rights Act 1996.
- (2) As the University must protect its ability to make an appropriate and timely response to one or more external agencies prior to the completion of an investigation conducted in accordance with the above Code, the University cannot guarantee a person's right to invoke the Code in such circumstances. The University is, however, committed to responding to any such complaint in a just and reasonable fashion.
- (3) The designated recipient for information disclosed under this Code is the Convener of the Audit & Risk Committee of the University Court. The Convener is currently Mr Jonathan Hewitt Letters may be sent to him (marked "For Forwarding without Opening" and "Strictly Private & Confidential") at the Court Office, College Gate, North Street, St Andrews, Fife KY16 9AJ, UK. He may also be directly contacted by email through a special account with the address whistleblowing@st-andrews.ac.uk.

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1.0	First version	Approved	C Milne, Head of Information Assurance and Governance, Office of the Principal	11/09/2017
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