



WHISTLE-BLOWING POLICY AND PROCEDURE

Reviewed August 2009

1 Policy Statement

- 1.1 The Arts and Humanities Research Council (AHRC) is committed to achieving and maintaining the highest of standards with regard to behaviour at work, service to the public and in all its working practices and workers are expected to conduct themselves with integrity, impartiality and honesty. The AHRC seeks to develop a culture that encourages the challenge of inappropriate behaviour at all levels. To achieve this aim, the AHRC encourages workers to report genuine concerns about malpractice, illegal acts or failures to comply with recognised standards of work without fear of reprisal or victimisation. The Public Interest Disclosure Act 1998 provides employees with protection against victimisation or dismissal should they reasonably, and in good faith, report such concerns "blow the whistle". This policy is accompanied by a procedure that should be followed when "blowing the whistle".
- 1.2 The AHRC will not tolerate harassment or victimisation of a genuine whistle-blower (including informal pressures) and will treat such conduct as gross misconduct, which if proven, may (depending on the circumstances) result in dismissal.
- 1.3 The AHRC reserves the right to amend the policy and procedure as necessary to meet any change in requirements.

2 What is whistle-blowing?

- 2.1 This policy is designed to deal with concerns raised in relation to the specific issues which are in the public interest and detailed in paragraph 2.2 below. The AHRC has other policies and procedures that deal with complaints, critical or constructive comments, appeals and incidents of suspected fraud. The Disciplinary, Grievance, Harassment and Equal Opportunities policies also address standards of behaviour at work. The relevant policy should be followed where appropriate.

2.2 Whistle-blowing is specific and means a disclosure of information made by a worker to the AHRC or an external person or body where the worker reasonably believes that one or more of the following matters is happening now, took place in the past or is likely to happen in the future:

- a criminal offence;
- a failure to comply with a legal obligation (e.g. breach of a contractual or other common law obligation, statutory duty or requirement or administrative requirement, including suspected fraud, malpractice or breach of a code of conduct);
- a miscarriage of justice;
- a danger to the health and safety of any individual;
- damage to the environment; or
- a deliberate concealment of information tending to show any of the above.

2.2 Only genuine concerns should be reported. Disclosures must be made in good faith with a reasonable belief that the information and any allegation in it is substantially true, and that the disclosure is not made primarily or solely for personal gain. Malicious or false allegations will be treated as a serious disciplinary offence (see 5.10 below).

3 **Who does the policy apply to?**

3.1 This policy applies to all people who work for or advise the AHRC. Workers include employees, contractors, agency staff, people on work experience and home workers. Advisers include members of the AHRC Council and advisory bodies that report to it directly or indirectly including Panel members who should report such concerns addressed by the policy (paragraph 2.2).

3.2 Members of the Peer Review College, Applicants, or external bodies or agencies not covered in 3.1 above but who have genuine concerns about malpractice or illegal acts as outlined in paragraph 2.2 are encouraged to report their concerns. Whistle-blowing is specific to the issues in 2.2 and matters relating to a complaint or to an appeal against a decision should be addressed through the AHRC complaints policy and procedure and the appeals policy and procedure (both available on the AHRC website) and not through the Whistle-Blowing Policy and procedure.

4 **The Public Interest Disclosure Act 1998**

4.1 This policy takes into account the Public Interest Disclosure Act 1998 ("the Act"), which protects workers making disclosures about certain matters of concern, where those disclosures are made in accordance with the provisions of the Act.

5 **The AHRC's Whistle-Blowing Procedure**

Workers raising a concern

- 5.1 You should first raise your concern with your line manager or contact person at the AHRC. If for any reason you find this difficult you should report the matter to the Associate Director of Resources, who is the nominated manager with the responsibility for dealing with concerns raised under this policy and where appropriate ensuring that an investigation is conducted.
- 5.2 If, exceptionally, your disclosure is about the Associate Director of Resources, the Chief Executive, or the Chair of the AHRC Council, you should report your concerns to the Chair of the AHRC Audit Committee who will decide how the investigation should proceed.
- 5.3 If you are unhappy with the response that you receive you may report the matter to the AHRC's sponsor department, the Department of Business, Innovation and Skills (BIS).
- 5.4 If in doubt, you should speak to the Associate Director of Resources. Your conversation will be treated in absolute confidence.

Council Members and Members of the Council's advisory bodies wishing to raise a concern.

- 5.5 In the first instance you should raise your concern in writing with the relevant Chair (and where appropriate copy in the Associate Director of Resources) who will be responsible for arranging an investigation and informing you of the timetable for such an investigation.
- 5.6 If you are a panel member you should raise your concern with the Chair of AHRC's Advisory Board rather than with the Panel Convener.
- 5.7 If you have difficulty in approaching the Chair of the Advisory Board you may contact the Chair of the AHRC Audit Committee or the Chair of the AHRC Council to take the matter forward.
- 5.8 Where the disclosure concerns the Chair of the AHRC or the Chief Executive or where you are unhappy with the outcome that you receive you may report the matter to the AHRC's contact at the sponsor department, BIS, and through them access Ministers.

Others wishing to report a concern

- 5.9 Members of the Peer Review College, applicants, members of public and other organisations are encouraged to raise a genuine concern about the AHRC relating to the areas outlined in 2.2.
- 5.10 You should report the matter to the AHRC Associate Director of Resources who is the nominated manager with the responsibility for dealing with concerns raised under this policy and where appropriate ensuring that an investigation is conducted.
- 5.11 If your disclosure is about the AHRC Associate Director of Resources, the AHRC Chief Executive, or the Chair of the AHRC Council, you are encouraged to report your concerns to the Chair of the AHRC Audit Committee who will decide how the investigation should proceed.
- 5.12 In the case of critical comments, complaints or an appeal against a decision you are directed to use the AHRC Complaints and Appeals policy which is available on the AHRC website at www.ahrc.ac.uk.
- 5.13 The AHRC will not itself investigate a whistle-blowing complaint made to the AHRC against another organisation. It will however take an active interest in ensuring that any such a complaint is investigated by the institution or the body that is responsible for it through their own policies.

The investigation

- 5.14 An investigation will be conducted as speedily and sensitively as possible. An official written record will be kept at each stages of the procedure.
- 5.15 You are entitled to be accompanied by your trade union representative or a work colleague throughout the procedure when reporting your concerns.
- 5.16 Your line manager or the Associate Director of Resources, will investigate your concern/s as follows:
- If appropriate, arrange an initial interview with you within 7 days of receipt of your complaint to ascertain your area/s of concern. The notes taken during the interview will be sent to you to approve as an accurate record of what was discussed.
 - You will be asked whether you want your identity to be disclosed and will be reassured about protection from possible victimisation or possible reprisals.

- You will be asked if you are prepared to make a verbal or written statement (if you have not already done so).
- Your manager, the Associate Director of Resources, a more senior director or external person or body as appropriate, will then conduct further investigations. The investigation may be conducted by the internal auditor, for example in the case of financial irregularity or suspected fraud. They will aim to complete the investigation within 7 working days although in serious or complicated cases, this may not be possible.
- The person against whom the disclosure is made will normally be told at an early stage, provided with the evidence supporting it, and be allowed to respond. However, it may be necessary to conduct the investigation in confidence (i.e. without informing the subject of the allegation/s) until (or if) it becomes necessary to do so. Alternatively, depending on the nature and seriousness of the complaint, the person/s against whom the allegation/s are made may be suspended while investigations are ongoing.

If it is not possible to comply with the timescales set out above, you will be informed and given a revised timescale.

Outcome of the investigation

- 5.17 If there is a case to answer, and if appropriate, the disciplinary procedure will be initiated against the person/s who are the subject of the allegation/s.
- 5.18 You will be given feedback with regard to outcome of the investigation within 5 working days of completion of the investigation (including any disciplinary investigation). The exact nature of any disciplinary action taken against any person will remain confidential.
- 5.19 Whether there was a case to answer or not, and provided that your disclosure was made in good faith because you reasonably believed it to be true, your manager and/or the Associate Director of Resources will ensure that you are protected from reprisal or victimisation as a result of your complaint.
- 5.20 Only where it is established that your allegations were false and made maliciously will disciplinary action be taken against you. Such disclosures will be treated as gross misconduct and may (depending on the circumstances), result in your dismissal without notice or payment in lieu of notice.

If you are not satisfied with the outcome

- 5.21 If you are not satisfied with the outcome of the investigation, the AHRC recognises that workers have a right to make a disclosure about certain matters of concern relating to the matters set out in paragraph 2.2 above to prescribed persons (such as the Health and Safety Executive, the Director General of Fair Trading, the Director of the Serious Fraud Office, the utility regulators, the Data Protection Registrar and the Environment Agency). A summary of the key contacts is set out in Annex 1.
- 5.22 Alternatively, you may wish to discuss your concerns, in confidence, with Public Concern at Work (tel. 020 7404 6609). Public Concern at Work is an independent body that seeks to ensure that concerns about malpractice are properly raised and addressed in the workplace.

List of key AHRC contacts

AHRC, Polaris House, North Star Avenue, Swindon, SN2 1FL

Tel: 01793 416000

Email: enquiries@ahrc.ac.uk

AHRC Chief Executive

Professor Rick Rylance

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AHRC Associate Director of Resources

Mrs Alison Lennon

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Email: a.lennon@ahrc.ac.uk

Chair of the AHRC Audit Committee

Dr Ivon Asquith

Tel: 01793 416012 (c/o AHRC)

Email: ivon.asquith@btinternet.com

AHRC Sponsor Department

Department for Business, Innovation and Skills (BIS)

Contact Name: Charles Langley

Research Councils Directorate, Kingsgate House, 66-74 Victoria Street, London, SW1E 6SW

Tel: 020 3300 8728

List of other external contacts

Company Law: Department for Business, Innovation and Skills (BIS)

Competition and Consumer Law: Office of Fair Trading and local authority

Environmental Issues: the Environment Agency

Financial Services and the City: Financial Services Authority, Head of Listing Department at the London Stock Exchange, HM Treasury (insurance business), Securities and Futures Authority

Fraud and Fiscal irregularities: Serious Fraud Office, HMRC, BIS

Health and Safety Risks: the Health and Safety Executive and the local authority

Others: Certification Officer (fraud and other irregularities relating to the financial affairs of trade unions and employers' associations), Criminal Cases Review Commission (miscarriages of justice), Information Commissioner, Occupational Pensions Regulatory Authority

Public Sector Business (value for money, fraud and corruption in local Government and health service, bodies): Audit Commission for England and Wales, National Audit Office

Utilities: OFTEL, OFFER, OFWAT, OFGAS, Rail Regulator