



# London Universities Purchasing Consortium

## 'Whistleblowing' Policy and Procedure

Version 1.1 January 2017

### 1. Introduction

The term 'whistleblowing' in this Policy refers to the disclosure internally or externally by workers of malpractice, as well as illegal acts or omissions at work.

### 2. Policy Statement

LUPC is committed to achieving the highest possible standards of service and the highest possible ethical standards in all of its practices. To achieve these ends, it encourages freedom of speech. It also encourages staff to use internal mechanisms for reporting any malpractice or illegal act or omission by its employees or ex-employees.

### 3. Other Policies and Procedures

All employees are required to abide by the LUPC Code of Conduct for Employees and LUPC's Control Procedures.

LUPC subscribes to the HR policies and procedures of the London School of Hygiene and Tropical Medicine, which deal with standards of behaviour at work; they cover Discipline, Grievance and Harassment.

Employees are encouraged to use the provisions of these procedures when appropriate. There may be times, however, when the matter is not about your personal employment position and needs to be handled in a different way. Examples may be:

- Malpractice or ill treatment of a staff member/Member/supplier by a senior member of staff;
- Repeated ill treatment of a staff member/Member/supplier, despite a complaint being made;
- A criminal offence has been committed, is being committed or is likely to be committed;
- Suspected fraud, bribery or corruption;
- A suspected abuse of human rights, such as slavery or human trafficking\*;

- Disregard for legislation, particularly in relation to health and safety at work;
- The environment has been, or is likely to be, damaged;
- Breach of standing financial instructions or operational procedure;
- Showing undue favour over a contractual matter or to a job applicant;
- A breach of a code of conduct;
- Information on any of the above has been, is being, or is likely to be concealed.

*NB This list is not exhaustive.*

**\*If any person is, or is suspected as being in immediate danger, such as in the case of slavery, human trafficking or other abuse of human rights, then the police should be called immediately on 999.**

**If there is suspicion of a person whose human rights may be being abused, but they are not in immediate danger, then the Modern Slavery Helpline should be called on 08000 121 700.**

LUPC will not tolerate any harassment or victimisation of a whistleblower (including informal pressures), and will treat this as a serious disciplinary offence, which will be dealt with under the Disciplinary Procedure.

#### **4. Role of Trade Unions**

LUPC recognises employees may wish to seek advice and be represented by a trade union official when using the provisions of this policy, and acknowledges and endorses the role trade union officials play in this area.

#### **5. Designated Officer**

The following person has been nominated and agreed by LUPC as the Designated Officer for concerns under this procedure. He/she will have direct access to the Director or Chair of the LUPC Board.

*Don Bowman – Assistant Director (Procurement) – 020 7307 2769*

#### **6. Role of the Designated Officer**

Where concerns are not raised with the line manager, the Designated Officer will be the point of contact for employees who wish to raise concerns under the provisions of this policy. Where concerns are raised with him/her, he/she will arrange an initial interview, which will if

requested be confidential, to ascertain the area of concern. At this stage, the whistleblower will be asked whether he/she wishes his/her identity to be disclosed and will be reassured about protection from possible reprisals or victimisation. He/she will also be asked whether or not he/she wishes to make a written or verbal statement. In either case, the designated officer will write a brief summary of the interview, which will be agreed by both parties.

## **7. Role of the Director**

The Designated Officer will report to the Director, who will be responsible for the commission of any further investigation.

## **8. Complaints about the Designated Officer or Director**

If the concern is about the Designated Officer, this should be made to the Director, who will decide on how the investigation will proceed. If the concern is about the Director, this should be made to the Chair of the Board, who will decide on how the investigation will proceed. This may include an external investigation.

## **9. The Investigation**

- 9.1 The investigation may need to be carried out under the terms of strict confidentiality i.e. by not informing the subject of the complaint until (or if) it becomes necessary to do so. This may be appropriate in cases of suspected fraud. In certain cases, however, such as allegations of ill treatment of a staff member/Member/supplier, suspension from work may have to be considered immediately. Protection of staff members/Members/suppliers is paramount in all cases.
- 9.2 The Designated Officer will offer to keep the whistleblower informed about the investigation and its outcome.
- 9.3 If the result of the investigation is that there is a case to be answered by any individual, the Disciplinary Procedure will be used.
- 9.4 Where there is no case to answer, but the employee held a genuine concern and was not acting maliciously, the Designated Officer should ensure that the employee suffers no reprisals.
- 9.5 Only where false allegations are made maliciously, will it be considered appropriate to act against the whistleblower under the terms of the Disciplinary Procedure.

## **10. Inquiries**

- 10.1 If the concern raised is very serious or complex, an inquiry may be held.
- 10.2 LUPC recognises the contribution the trade union(s) can make to an inquiry, and agrees to consult with the trade union(s) about the scope and details of the inquiry, including the implementation of the recommendations of the inquiry. LUPC recognises that in many cases it will be desirable that a trade union(s) representative will be appointed to the panel of the inquiry.

## **11. Following the Investigation**

- 11.1 The Director will brief the Designated Officer as to the outcome of the investigation. The Designated Officer will then arrange a meeting with the whistleblower to give feedback on any action taken. (This will not include details of any disciplinary action, which will remain confidential to the individual concerned). The feedback will be provided within the time limits (to be specified).
- 11.2 If the whistleblower is not satisfied with the outcome of the investigation, LUPC recognizes the lawful rights of employees and ex-employees to make disclosures to prescribed persons (such as the Health and Safety Executive).

## **12. The Law**

This policy and procedure has been written to take account of the Public Interest Disclosure Act 1998, which protects workers making disclosures about certain matters of concern, where those disclosures are made in accordance with the Act's provisions. The Act is incorporated into the Employment Rights Act 1996, which also already protects employees who take action over, or raise concerns about, health and safety at work.