Document Q4.15

STUDENT VOICING CONCERNS POLICY

Approved by Academic Board – 31 October 2016

Publication Date: March 2020

Next Review: October 2020
Introduction

1 The University of Law is committed to openness and accountability. In line with this commitment we expect students who have serious concerns regarding malpractice within the University, or the activities of staff or other students to voice those concerns in the knowledge that, if made in good faith, their action will be viewed positively.

2 The University has a duty to conduct its affairs in a responsible manner. It is committed to taking into account the requirements of the Second Report of the Committee on Standards in Public Life 1996 (the Nolan Committee). In addition the University is committed to the principles of academic freedom and the highest standards of openness, quality and accountability. The policy is intended to cover concerns that fall outside of the Students Complaints and Academic Appeals Policies. It may not be used to re-open or review a matter already decided under other policies or procedures.

3 This policy has been developed:

3.1 To empower students to raise concerns that are in the public interest;

3.2 To encourage and empower students to report suspected wrongdoings as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected;

3.3 To ensure that appropriate individuals are notified of concerns;

3.4 To provide students with guidance as to how to raise those concerns;

3.5 To reassure students that they can raise genuine concerns without fear of reprisals, even if they turn out to be mistaken.

Procedure

4 Examples of concerns covered by this policy include:

4.1 Actual or suspected criminal offences;

4.2 Failure to comply with legal obligations;
4.3 Serious health and safety risks;
4.4 Damage to the environment;
4.5 Financial malpractice, impropriety or fraud;
4.6 Unethical conduct;
4.7 The deliberate concealment of any of the above.

These examples are not intended to be exhaustive. Generally, concerns are likely to involve something which may be unlawful, or which may be contrary to University policies or which falls below established standards of practice or which amounts to unethical or improper conduct.

Referral process

5  Students should in the first instance contact their Programme and Student Lead with a view to resolving the concern quickly and effectively.

6  If the above (5) does not apply, or the student feels that the matter is more serious or does not feel able to raise the issue with their Programme and Student Lead, the student can raise the concern with their Centre Director.

7  In cases relating to the Centre Director, disclosure should be made to the Vice-Chancellor, who will also follow the procedures outlined below.

8  The University cannot investigate anonymous concerns. It would be difficult to establish whether allegations are credible and have been made in good faith.

Investigation process

9  If on preliminary examination the concern is judged to be wholly without substance or merit, no further action will be taken and the student will be informed by the person to whom the concern was voiced.

10 If there is a prima facie indication that the concern is of substance, the Centre Director will arrange for the matter to be investigated by a member of staff, who the Centre Director considers to be of the appropriate seniority.
11 If the Centre Director considers there to be an imminent threat to any person or property they will report their concerns to the appropriate internal and external authorities.

12 The Centre Director will inform the student of the name of the person chosen to conduct the investigation and the student will be given 2 working days to inform the Centre Director if they have any reasonable objection to that person carrying out the investigation. The Centre Director has the final decision on the matter.

13 The person who carries out the investigation will report their findings to the Centre Director who will then decide on the course of action to be taken.

14 The investigator will seek to keep the student informed of the progress of the investigation and its likely timescale. Investigations will be conducted as quickly as possible having regard to the nature and complexity of the case.

15 The course of action to be taken may be one or more of the following:

15.1 Take no further action other than inform the student of the decision and the reasons for it.

15.2 Refer the matter for appropriate action under the Universities Policies such as the Complaints Policy, Staff or Student Disciplinary Policy, Safeguarding Policy for Children and Adults at Risk or Prevent Duty Policy.

15.3 Refer the matter to the Group Legal Counsel.

16 Upon conclusion of the investigation the student will be informed of the outcome.

17 A student who is dissatisfied that no course of action is to be taken under 14.1 above, should raise the matter under the Complaints Policy.

18 If at any point in the investigation process the investigator considers there to be an imminent threat to any person or property they will report their concerns to the Centre Director who will inform the appropriate internal and external authorities.

**Notification to the subject(s) of the disclosure**
19 Where there is an investigation, the person or persons identified as giving rise to the concern will be informed of each allegation made against him/her and any evidence supporting it and will be allowed to respond before any investigation is concluded.

Right to be accompanied

20 All staff invited to co-operate with an investigation have the right to be accompanied by a work colleague or trade union representative.

21 All students invited to co-operate with an investigation have the right to be accompanied by a friend or relative.

22 The companion will be required to respect the confidentiality of the disclosure and subsequent investigation.

Confidentiality

23 Where possible the identity of the student will be protected. There may be circumstances however where it will not be possible to proceed without revealing the student’s identity for example if the student’s evidence is needed at a disciplinary or court hearing or the student poses a risk to themselves or others.

24 The need for confidentiality may prevent the investigator providing specific details of the investigation to the student.

25 The student should treat any information about the investigation as confidential.

Malicious Allegations

26 If an investigation concludes that a disclosure has been made maliciously, in bad faith, or with a view to personal gain, the University reserves the right to take appropriate action which may include disciplinary action.

Protection for students raising concerns

27 Individuals who raise genuinely held concerns in good faith under this policy will not be subjected to any detriment as a result of such action, even if they turn out to be mistaken. Detriment includes unwarranted disciplinary action or victimisation.
28 If a student believes that he/she has suffered detrimental treatment as a result of raising concerns under this policy he/she should raise the matter under the Complaints Policy.

29 Any staff or student who victimises or retaliates against those who have raised concerns under this policy will be subject to disciplinary action.

30 If a student who has raised a concern under this policy is not satisfied by the process or the outcome he/she may be entitled to refer the matter to the Office of the Independent Adjudicator (OIA) for Higher Education in line with existing University policies.

**Monitoring and evaluation of provision**

31 Responsibility for reviewing and evaluating the effectiveness of the Student Whistleblowing & Voicing Concerns Policy lies with the Academic Board.

**Date for next review**

October 2019

**Version history**

<table>
<thead>
<tr>
<th>Version</th>
<th>Amended by</th>
<th>Revision summary</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>V1.0</td>
<td>Director of Operational Services and Student Association Administrator</td>
<td>Initial drafting</td>
<td>25/10/16</td>
</tr>
<tr>
<td>V1.1</td>
<td>Registry Officer</td>
<td>Change to coding</td>
<td>24/03/20</td>
</tr>
</tbody>
</table>