



THE UNIVERSITY OF
BUCKINGHAM

MEDICAL SCHOOL

MB ChB

Whistle-blowing Policy

1 Introduction

The University of Buckingham Medical School is committed to promoting the highest standards of quality, integrity, openness and accountability in its students and staff. In demonstrating this commitment, the Medical School encourages students, who have serious concerns about any part of their studies, of the Medical School or a Local Education Provider, to come forward and express them.

This Policy incorporates the requirements of the Public Interest Disclosure Act 1998 (now contained in the Employment Rights Act (1996)) and should be consulted in line with the University of Buckingham 'Whistle-blowing' policy and the MB ChB Bullying and Harassment Policy. The Act introduced specific protection rights to individuals who disclose information to a third party about an alleged wrong-doing in defined circumstances. UK law specifically protects an individual against dismissal or other sanctions provided they act in good faith and have reasonable grounds for believing that the information disclosed falls within the potentially protected categories listed below. The aim of this Policy is to ensure that all students within the Medical School are encouraged to raise their concerns about any of these issues:

1. A criminal offence has been committed, is being committed or is likely to be committed (e.g. theft or fraud);
2. A person has failed, is failing or is likely to fail to comply with a particular legal obligation;
3. A miscarriage of justice has occurred, is occurring or is likely to occur;
4. The health or safety of any individual has been, is being or is likely to be endangered;
5. The environment has been, is being or is likely to be damaged;
6. There is, or is likely to be unethical or improper conduct;
7. Information indicating the occurrence of any of the above, has been, is being or is likely to be deliberately concealed.

The purpose of this Policy is to support a student who raises concerns in good faith allowing them to do so in a confidential basis without fear of reprisal or victimisation. The Policy sets out the procedure for students to follow which offers them a confidential route to raise genuine concerns and provides support to the individual throughout the process. This Policy and the supporting procedures are important to all students, and must be widely disseminated.

Of primary importance are that all concerns are dealt with:

1. In Good Faith: This policy will apply to all students in the Medical School in a consistent manner and without discrimination and individuals are required to act in good faith and with an honest belief and intent in raising concerns under this policy.
2. Fairness: Any issues arising will be dealt with in line with this policy and any other relevant policy and/or procedure to ensure fairness and consistency.
3. Confidentiality: All information obtained through following this Policy and procedure will only be shared with individuals who have a need to know.

Scope and application of this policy

The Medical School is committed to excellent standards of honesty and integrity and we expect that all students maintain these same standards. All students in the Medical School are encouraged to follow this policy where they have concerns regarding:

- a. Discrimination or harassment related to any "protected characteristic"

- b. Bullying
- c. Fraud
- d. Concerns about health and safety
- e. Abuse of patients
- f. Cover-ups
- g. Dangers
- h. Malpractice
- i. Bribery
- j. Misconduct

This is not an exhaustive list.

This procedure is not intended to replace any other internal procedure but is a separate and additional channel of communication for use by students to raise their concerns regarding such issues.

Procedure

Students should consider whether any concern that they have should be addressed by an alternative route in consultation with their Personal Tutor. If the matter concerns any of the issues referred to or contemplated by the Public Interest Disclosure Act, then this procedure is the appropriate one to follow.

The Medical School recognises in certain cases, that students may be reluctant to voice their concerns, particularly where a fellow colleague is involved, or where a member of staff is in a senior position or from a different discipline or profession. The Medical School is anxious to ensure that students feel able to raise such concerns confidentially and without fear of any subsequent action being taken against them. The Medical School has developed different Stages which students can use to bring concerns to the attention of the Medical School:

1. Stage 1 and 2 an informal approach;
2. Stages 3 and 4 a formal approach;

A student may commence the procedure at any of the 4 stages which they feel is applicable to the nature of their concern and at any stage during or at the conclusion of the 4 stage procedure.

Informal Procedure

Stage 1: In Phase 1 and Phase 2 teaching, students may raise concerns with their Personal Tutor or Academic Supervisor in the first instance. Where this happens, the Tutor or Supervisor is expected to investigate the matter fully and feedback on the outcome of any investigation. The feedback may not include details about the precise actions that have been taken where this would infringe on a duty of confidence to another person. However, all concerns will be taken seriously, considered fully and sympathetically, with the recognition that raising a concern can be a difficult experience, and where appropriate, seek advice from Student Support. Concerns raised in this way may be done orally (although a record will be kept) or in writing.

Stage 2: If a student feels unable to raise the matter with their Personal Tutor or Supervisor or is not satisfied with the outcome from Stage 1, but, at the same time, may not wish to invoke a formal procedure they should raise the matter with the Phase 1 or Phase 2 Lead as appropriate or the Chief Operating Officer.

Formal Procedure

Stage 3: This stage of the procedure is applicable where a student considers that the informal approach in Stages 1 and 2 is not satisfactory, or where the student does not wish to bring the matter to the attention of her/his Personal Tutor or Academic Supervisor for whatever reason. The concern should be raised, in writing, with the Chief Operating Officer and the matter will then be raised formally. The concern will be fully investigated, as well as any supportive information, feedback given and a formal response to the issue(s) raised at each stage in writing.

Stage 4: If a student feels unable to raise the matter with any of the personnel identified in Stages 1 to 3 or is not satisfied with the outcome at Stages 1-3 they should contact the Director of Medical Education in writing. Students will be able to refer concerns up to the Dean of Medicine and the Vice Chancellor, who when considering any concerns raised, may decide to involve non-executive Board members and a panel of professional lay advisors.

There are a number of ways of raising a concern outside the Medical School if, for example, the matter has been reported to the University and the student can provide evidence that no action has been taken, or they believe that, if the matter is reported internally, they would be victimised. Students may also feel that they have been the victim of a malicious or unfounded complaint which needs to be investigated; this may apply individually or to a whole group of students.

When a concern is raised

The Medical School will treat all matters raised under this Policy as serious, and address all such matters fairly and thoroughly. The Medical School will take prompt action to investigate such matters and notify those raising concerns of how the issue will be dealt with as soon as possible and no later than one month after the concern was raised. Where for any reason the timescales need to be extended the student will be informed accordingly. Where any required action will involve taking disciplinary action or other action against a third party, this will remain confidential to that third party. All students should feel able to raise concerns confidentially and without fear of any subsequent action being taken against them. If after investigation, it has been shown that it was reasonable to conclude that an allegation is raised maliciously, the University will proceed through its disciplinary procedures against the complainant.

In recognition that raising a concern can be a difficult experience for students, the Medical School will provide additional Pastoral support and counselling.

Protecting the 'Whistleblower'

Where a student has a genuine concern about raising serious problems, concerning matters relating to the Public Interest Disclosure Policy, and feels that a confidential reporting process is necessary this procedure should be used. If a student wishes to raise a concern but remain anonymous, information will not be disclosed without the student's consent. In certain situations, the Medical School maybe unable to resolve the concern without revealing the identity of the student who has raised the problem (for instance because their evidence is needed in court or in disciplinary

proceedings) this will be discussed with the individual and a decision will be made regarding whether and how the Medical School should/can proceed. If a student does not reveal their identity it will be explained to the student the difficulties of investigating the matter, protecting the student's position and giving feedback. Accordingly, whilst the Medical School will consider anonymous reports, this Policy has been put in place to protect students raising legitimate concerns without jeopardising their position on the MB ChB programme.

Confidentiality

As far as is reasonably practicable, all information in relation to this Policy will be treated in the strictest confidence. All students who raise issues of concern will not be identified unless required to provide evidence as part of an official investigation. In such situations, it may be necessary to attend formal hearings to give evidence and/or to make written statements. In these instances, students can choose to be represented, or accompanied by a colleague. The Medical School expects its students and staff to safeguard all confidential information, particularly if concerning an individual patient. Any unauthorised breach of this patient confidentiality with regards to personal information will be regarded as a serious matter which will warrant disciplinary action.

Audit and Monitoring

The Quality Lead shall be responsible for monitoring the effective operation of this Policy and for reviewing and updating the policy in line with legislative changes and legal advice, as well as good practice within the Medical School. All staff and students are required to be aware of the Policy and to follow the procedures outlined in the Policy and Public Interest Disclosure Procedure.

Education and Training

No specific training is provided for this policy however awareness of this policy is mandatory for all students and staff. The Policy will be included in the list of mandatory policies identified at induction to be read by all students.

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