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ICOM Whistleblowing Policy

INTRODUCTION

This policy is based on the Maltese Protection of the Whistleblower Act 2013. In terms of the Act, an employer is required to have procedures in place for receiving and processing reports of “improper practices” made by his employees. Each employer (including the public administration) must have internal whistleblowing procedures and a whistleblowing reporting officer i.e. a person to whom a protected disclosure may be made internally within the employer. The Act promotes the making of internal disclosures before escalation to external disclosures by requiring an employee to first make a disclosure internally – this aims to minimise the impact of the improper practice being committed.

1. POLICY STATEMENT

1.1 The aims of this policy are:

1.1.1 To encourage students and members of staff to report suspected serious wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate.

1.1.2 To provide students and members of staff with guidance as to how to raise those concerns.

1.1.3 To reassure students and members of staff that they should be able to raise genuine concerns in good faith without fear of reprisals, even if they turn out to be mistaken.

1.2 This policy does not form part of a student contract or any employee's contract of employment and it may be amended at any time.

2. WHO IS COVERED BY THIS POLICY?

2.1 This policy applies to all individuals studying or working at all levels of ICOM.

3. WHAT IS THE PURPOSE OF THE POLICY?

3.1 This whistleblowing policy and procedure is designed to allow serious concerns of a public interest nature (as more particularly defined in paragraph 4) arising in relation to ICOM to be raised, investigated and where appropriate, acted upon. Concerns may be raised by any member of staff, student, or those contracted to provide services to the ICOM. Concerns that are not of a public interest nature or which fall into an area covered by another procedure will not be considered under this whistleblowing procedure. Those concerns may be considered under other procedures of ICOM.

3.2 Other procedures exist to deal with:

3.2.1 grievances by staff connected with their employment;

3.2.2 complaints by students about their courses of study or research and the services ICOM provides;

3.2.3 appeals against assessment decisions;

3.2.4 appeals from disciplinary procedures for staff and students;

3.2.5 harassment and bullying.

This whistleblowing procedure may not be used to re-open or review a matter already decided under other procedures.

4. WHAT IS WHISTLEBLOWING?

4.1 Whistleblowing is the disclosure of information which relates to suspected serious wrongdoing or dangers relating to the running of ICOM or to the work-related activities of members of staff of the ICOM. This may include information relating to:

4.1.1 commission of a criminal offence;

4.1.2 failure to observe a legal obligation, or to comply with an instrument of governance;

- 4.1.3 miscarriage of justice;
- 4.1.4 serious threat to health or safety;
- 4.1.5 damage to the environment;
- 4.1.6 bribery;
- 4.1.7 administrative malpractice (financial or non-financial);
- 4.1.8 obstruction or frustration of the exercise of academic freedom;
- 4.1.9 academic or professional malpractice (including, for instance, violation of intellectual property rights or failure of integrity in research);
- 4.1.10 improper conduct or unethical behaviour;
- 4.1.11 unauthorised disclosure of confidential information;
- 4.1.12 suppression or concealment of any of the above matters.

4.2 A whistleblower is a person who raises a genuine serious concern in good faith relating to any of the above. If a student or member of staff has any genuine serious concerns related to suspected wrongdoing or danger affecting any of the ICOM's activities (a whistleblowing concern) he/she should report it under this policy.

4.3 If a student or member of staff is uncertain whether something is within the scope of this policy, he/she should seek advice from the Dean, whose contact details are at the end of this policy.

5. RAISING A WHISTLEBLOWING CONCERN

5.1 A student or member of staff may raise a concern in the first instance with a Head of Department, line manager, KSU representative or colleague. The person notified may be able to agree a way of resolving the concern quickly and effectively or may refer the matter to the person responsible for whistleblowing concerns (set out below) on behalf of the student or member of staff.

5.2 Where the matter is more serious, or the student or member of staff feels that the person he/she notified has not addressed his/her concern, or the student or member of staff prefers not to raise it with them for any reason, he/she should raise the concerns in the manner set out below:

5.2.1 Concerns should be submitted in writing to the Dean, unless the Dean is the subject of the concern or is in some way implicated in it (in which case paragraph 5.2.2 applies).

5.2.2 Where a concern relates to the Dean, the student or member of staff may refer the matter to the Principal or Vice Principal.

5.2.3 If the student or member of staff considers it inappropriate to raise the concern with either the Dean or the Principal/Vice Pprincipal, he/she may refer the matter to the Quality manager

5.2.4 Contact details are at the end of this policy.

6. INVESTIGATION AND OUTCOME

6.1 In all cases where a concern is raised under paragraph 5.2, the person to whom the concern is reported will acknowledge its receipt and keep a record of action taken.

6.2 Once a student or member of staff has raised a concern (a whistleblower), an initial assessment will be carried out to determine the scope of any investigation.

6.3 If, on preliminary examination, the concern is judged to be wholly without substance or merit, no further action will be taken, and the whistleblower will be informed.

6.4 The Dean/Principal/Vice Principal/Quality manager may appoint another person to undertake the investigation on her/his behalf. For example, Internal Audit will usually be asked to investigate concerns raised about an individual's financial conduct. Where there is an investigation, the person or persons identified as the subject of the concern will be informed of each allegation

made against him/her and any evidence supporting it and will be allowed to comment before the investigation is concluded.

6.5 The Dean/Principal/Vice Principal/Quality manager will aim to keep the whistleblower informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent him/her giving the whistleblower specific details of the investigation or any disciplinary action taken as a result. The whistleblower should treat any information about the investigation as confidential.

6.6 Upon the conclusion of an investigation, the Dean/Principal/Vice Principal/Quality manager will let the whistleblower know the outcome. He/she is also responsible for the submission of a report to the Audit Committee. Audit Committee must also be made aware of any concerns dismissed after preliminary examination.

6.7 If ICOM concludes that a person has made malicious allegations, in bad faith or with a view to personal gain, that person will be subject to disciplinary action.

7. IF the whistleblower is NOT SATISFIED

7.1 While ICOM cannot always guarantee the outcome the whistleblower is seeking, ICOM will deal with the concern fairly and in an appropriate way.

7.2 If the whistleblower is not satisfied with the way in which his/her concern has been handled because either

(a) he/she believes the procedures have not been followed properly, or

(b) there is evidence of prejudice or bias, or (c) there is further evidence which was not available at the time the original concerns were raised,

there is a right of appeal on these grounds only to the Vice Principal.

7.3 The Vice Principal (or the Quality Manager if the allegation relates to the Vice Principal) will decide if the case meets the grounds for appeal (as set out above). If it does, he/she will appoint an independent member of Council to hear the appeal.

7.4 The Vice Principal will let the whistleblower know the outcome of the appeal. The Vice Principal is also responsible for the submission of a report to the Audit Committee. Audit Committee must also be made aware of any appeals dismissed after preliminary examination.

7.5

If a student whistleblower is not satisfied by the process or outcome of the procedure, he/she may be entitled to refer the matter to the Maltese Arbitration Centre.

8. CONFIDENTIALITY

8.1 ICOM hopes that students and members of staff will feel able to voice whistleblowing concerns openly under this policy. ICOM does need to know the identity of the whistleblower. However, if an individual wants to raise a concern confidentially, ICOM will make every effort to keep his/her identity confidential. This may not be possible if it is incompatible with a fair investigation (e.g. the need of the person(s) against whom the allegation is made to know the identity of his/her accuser) or if there is another overriding reason for disclosure.

8.2 If in any doubt, students can seek advice from the KSU and members of staff can seek advice from The Malta Employers' Association. Their contact details are at the end of this policy.

9. EXTERNAL DISCLOSURES

9.1 The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any suspected wrongdoing at ICOM. In most cases students and members of staff should not find it necessary to alert anyone externally.

9.2 The law recognises that in some circumstances it may be appropriate for members of staff to report concerns to an external body such as a regulator. It will very rarely, if ever, be appropriate to alert the media. ICOM strongly encourages members of staff to seek advice before reporting a concern to anyone external.

9.3 Whistleblowing concerns usually relate to the conduct of ICOM students and/or staff, but they may sometimes relate to the actions of a third party, such as a supplier or service provider. The law allows members of staff to raise a concern in good faith with a third party, where he/she reasonably believes it relates mainly to their actions or something that is legally their responsibility. However, ICOM encourages members of staff to first report such concerns internally. Members of staff should seek guidance from the relevant contact listed in paragraph 5.2.

10. PROTECTION FOR WHISTLEBLOWERS

10.1 It is understandable that whistleblowers are sometimes worried about possible repercussions. ICOM aims to encourage openness and will support students and members of staff who raise genuine concerns in good faith under this policy, even if they turn out to be mistaken.

10.2 Students and members of staff will not suffer any detrimental treatment as a result of raising a concern without malice, in good faith, reasonably believing it to be true. Detrimental treatment includes suspension/removal from studies, dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If the whistleblower believes that he/she has suffered any such treatment, he/she should inform the relevant contact (listed in paragraph 5.2) immediately. If the matter is not remedied the whistleblower should raise it formally using the relevant Grievance Procedure.

10.3 Students and members of staff must not threaten or retaliate against whistle-blowers in any way. Anyone involved in such conduct will be subject to disciplinary action.

11. RESPONSIBILITY FOR THE SUCCESS OF THIS POLICY

11.1 ICOM has overall responsibility for this policy, and for reviewing the effectiveness of actions taken in response to concerns raised under this policy.

12. CONTACTS

12.1 Contact addresses and numbers for the individuals mentioned in the procedure are:

Dean

Vice Principal

Quality Manager