

[Procedure for whistleblowing](#)

It is not intended that the procedure should be used as part of any disciplinary or regulatory process. Information gathered in the course of an investigation may become relevant to, and disclosed in, any such disciplinary or regulatory process. This document provides a blueprint for how the stages of the investigation should be conducted. The objectives of the Procedure are to:

- ensure that an investigation is thorough, transparent and fair;

A1 This Procedure has been developed to assist Lancaster University to undertake full and fair investigations of allegations of misconduct in research brought to their attention by internal or external sources against any current member of University staff or post-graduate research student.

A2 The Procedure is intended to be used in accordance with the Principles attached at Annex 1. Those responsible for implementing the Procedure should be guided by the Principles at all times to ensure that the Procedure is carried out in a comprehensive, fair, and timely manner, and with integrity, sensitivity and confidentiality.

A3 The Procedure is a mechanism to investigate allegations of misconduct in research. As such it is designed to provide a means to facilitate full exploration of potentially complex matters in research that can arise in situations where misconduct may have taken place.

A4 The Procedure is designed to be used in its entirety prior to any use of Lancaster University's standard disciplinary process. It is intended to allow the full and fair investigation of research-related issues, using an expert panel to investigate the matters raised, and to reach a conclusion on any allegations prior to considering any disciplinary or other non-disciplinary steps that might be required or recommended.

A5 In addition, the individuals responsible for using this Procedure should do so with a good working knowledge of Lancaster University's statutory obligations and the rights of employees according to employment law and other relevant legislation, such as the Public Interest Disclosure Act. Further, they should have knowledge of any additional rights and obligations that might be particular to the University and/or its employees.

A6 Those using this Procedure will take advantage of advice and guidance available from Research Services, UKRIO, and other relevant bodies, and should seek legal advice where appropriate and necessary.

In situations where the allegations are of a serious nature, formal steps should be implemented immediately (see Parts C 5 and C 6).

A7 In research, situations arise that might present as misconduct but are the result of either a

B6 The Procedure is designed to operate in conformity with the Principles outlined in Annex 1. Those using the Procedure should refer to the Principles with respect to all decisions or interpretations. Where they are unable to resolve matters by reference to the Principles, users of the Procedure should seek appropriate guidance from a source such as UKRIO.

C1 The Procedure allows allegations of misconduct in research to be investigated once submitted to the Named Person formally in writing (where possible). Situations that are not considered to be serious in nature might be resolved by informal discussion and/or arbitration and/or dispute resolution, without the requirement for a formal investigation, should be reviewed through other means at the appropriate level (Part A 7). The Named Person can seek advice from UKRIO regarding whether such informal mechanisms might be appropriate for a particular allegation.

The Named Person receives formal allegations from Complainants, from both within and outside Lancaster University via the Head of Research Quality and Policy. The allegations should be submitted in writing (where possible) and be accompanied by any supporting evidence that is available to the Complainant.

C2 An initial approach to the Named Person might be anonymous but to take forward allegations the Complainant should make a formal written submission, in confidence if it is so desired, to the Named Person.

C3 Allegations which are in any way linked to the Named Person or which raises the potential for a conflict of interest for the Named Person – including links with any persons involved (Respondent or Complainant) or where the Named Person is in some way personally concerned with the subject matter of the allegations – should immediately be referred to the Named Person's alternate who should then implement the Procedure. The Named Person should declare any such conflicts.

The Vice Chancellor should not take charge of the investigation or otherwise become involved in the Procedure at this stage, as they may later need to take a role in the management of the investigation. Should it be clear that the Named Person is not handling the investigation effectively the Vice Chancellor should take steps to remedy the situation.

C8 The Named Person should then, in conjunction with the Head of Research Quality and Policy, investigate the contractual/postgraduate research student status of the Respondent and the contractual details specific to the research project(s) related to the allegations.

If Lancaster University is not the Respondent's primary employer, the Respondent having only an honorary or secondary contract with them, the Named Person should contact the Named Person of the Respondent's primary employer and inform them of the allegations.

The Named Person should investigate whether the research project which the allegations relate to includes contractual obligations that require Lancaster University to undertake prescribed steps in the event of allegations of misconduct in research being made. Such an undertaking might be in (i) a contract from a funding University; (ii) a partnership contract/agreement/Memorandum of Understanding; or (iii) an agreement to sponsor the research.

An external Sponsor, funding University and/or collaborators might have a valid interest in, or responsibility for, the way that the investigation is conducted. The Named Person should confirm whether Lancaster University has any contractual/legal obligations towards such universities concerning any aspects of the investigation to ensure that any such obligations are fulfilled at the appropriate time through the correct mechanisms. The Named Person should liaise with Human Resources to ensure that the rights of the Respondent and Complainant, and the integrity of the investigation are not compromised by any such actions.

At all times, the Named Person should emphasise to all parties that the allegation is to be investigated, is as yet unproven and that the information is confidential.

C9 Subject to processes that may override the Procedure as defined at Parts C 6 (a) and (b) (legal or regulatory procedures) or C 8 above (the Procedure to be managed by the Respondent's primary employer), the Named Person should inform the Respondent that allegations of misconduct in research have been made which involve them. The Respondent should be informed of this in a confidential meeting, with a representative of the Human Resources in attendance. The purpose of this meeting is to notify the Respondent formally that allegations of misconduct in research have been made against them. The Respondent will be given the opportunity to respond to the allegations and set out their case at a later stage.

The Respondent may be accompanied to this meeting by a colleague or trade union representative or whoever else is specified in any additional contractual rights (such as by university statutes and ordinances). If the allegations are made against more than one Respondent, the Named Person should inform each individual separately and not divulge the identity of any other Respondent(s). A summary of the allegations in writing should be given to the Respondent (and their representative by agreement) at the meeting, together with a copy of the Procedure to be used t

C15 The Named Person should carry out an initial investigation of the allegations to determine whether they are mistaken, frivolous, vexatious and/or malicious. This should be completed within 10 working days.

In circumstances where it is acknowledged that problems exist between individuals, it may still be appropriate to conduct an initial investigation to establish whether the allegation may have sufficient substance to warrant a Formal Investigation of misconduct in research.

C16 If the Named Person decides that the allegations are mistaken, frivolous, vexatious and/or malicious, the allegations will then be dismissed. This decision should be reported in writing to the Respondent and the Complainant (and their representatives by agreement) and all the parties who had been informed initially.

C22 The Chair should then forward the final version of the Screening Panel's report to the Named Person, the Respondent and the Complainant (and their representatives by agreement).

C23 When the allegations are considered mistaken, frivolous, vexatious and/or malicious, they will be dismissed. The Named Person should then take such steps, as are appropriate in the light of seriousness of the allegations, to sustain the reputation of the Respondent and the relevant research project(s) (see Annex 5).

In addition, the Named Person should consider recommending to the appropriate authorities that action be taken under the University's disciplinary process against anyone who is found to have made frivolous, vexatious and/or malicious allegations of misconduct in research. Those who have made allegations in good faith should not be penalised and might require support (see Annex 5).

C24 When there is clear evidence of an infringement that might contravene Lancaster University's disciplinary code, the Named Person should consult the Director of Human Resources & Organisational Development on the full and accurate transfer of all case information to the disciplinary process. A full written record should be kept of the decision to transfer to the disciplinary process.

C25 When the allegations have some substance, but due to a lack of clear intent to deceive or due to their relatively minor nature, the matter should be addressed through Lancaster University's competency, education and training mechanisms, or other non-disciplinary processes, rather than through the Procedure's Formal Investigation stage. The investigation using the Procedure would then conclude at this point. The Named Person should take steps to establish a programme of training or supervision in conjunction with the Respondent and their line manager. This programme should include measures to address the needs of staff and students working with the Respondent.

C26 When the Screening Panel considers that the allegations are sufficiently serious and have sufficient substance to warrant recommending a Formal Investigation, the Named Person should take immediate steps to set up a Formal Investigation.

The Formal Investigation is designed to ensure the full and fair exploration of the allegations in the context of research and is not intended to replace or subsume any existing Disciplinary Process. The outcome of the Formal Investigation might be to recommend a transfer to Lancaster University's Disciplinary Process

C27 Where the Screening Panel recommends that the Procedure should progress to the Formal Investigation stage, the Named Person should take immediate steps to set up the Investigation Panel.

C28 The Named Person should inform the following that a Formal Investigation of the allegations is to take place:

- Respondent (and their representative by agreement)
- Complainant (and their representative by agreement)
- the Vice Chancellor

Personnel and Research

At this stage, the Named Person may wish to consult UKRIO for advice and guidance (see paragraph C 12, above), particularly regarding the nomination of members from outside the University to the Formal Investigation Panel (see C 29 and Composition of the Investigation Panel in Annex 4).

[C29](#) The Named Person should then convene the Formal Investigation Panel. The Investigation Panel should be constituted and work in accordance with the Principles outlined at Annex 1 and the process outlined in Annex 4. The Investigation Panel should examine the evidence collected during the Screening Panel's investigation following the original allegations and investigate further as required.

[C30](#)

validity of such comments and seek the agreement of the Panel before making amendments to the Panel's report.

C37 The Investigation Panel should then produce a final report that:

- summarises the conduct of the investigation
- states whether the allegations of misconduct in research have been upheld in whole or in part, giving the reasons for its decision and recording any differing views
- makes recommendations in relation to any matters relating to any other misconduct identified during the investigation
- addresses any procedural matters that the investigation has brought to light within Lancaster University and relevant partner universities and/or funding bodies

In addition to reaching a conclusion over the nature of the allegations, the Investigation Panel may make recommendations with respect to:

- whether the allegations should be referred to the relevant disciplinary process
- whether any action will be required to correct the record of research
- whether University matters should be addressed by Lancaster University through a review of the management of research
- other matters that should be investigated

The Report should be sent to the Named Person.

C38 If all or any part of the allegations are upheld, the Named Person, the Director of Human Resources & Organisational Development and at least one other member of senior staff should then decide whether the matter should be referred to Lancaster University's disciplinary process or for other formal actions.

C39 The Named Person should inform the following of the conclusion of the Formal Investigation:

- The Respondent and the Complainant (and their representatives by agreement)
- The Vice Chancellor, the Director of Research, Enterprise & Innovation, the Director of Human Resources & Organisational Development, the Head(s) of the relevant Department(s) and any other relevant members of staff;
- If the Respondent and/or the Complainant are employed on joint clinical/honorary contracts, the Named Person, the Head of Personnel and the Head of Research of the other University(s)
- Where appropriate, the responsible person within any relevant partner universities, funding bodies and/or regulatory or professional bodies
- Additionally, the Named Person may wish to inform UKRIO of the conclusion of the Formal Investigation

C40 Should the allegations proceed to the University's disciplinary process, the report of the Investigation Panel should form the basis of the evidence that the Disciplinary Panel receives. All the information collected and brought to light through the Procedure should be transferred to the disciplinary process.

The Disciplinary Panel will receive all information on the case in a meeting with the Chair of the

C42 As with the Screening Process, where the Investigation Panel concludes the allegations are frivolous, vexatious and/or malicious, the Named Person should consider recommending to the appropriate authorities that action be taken under the University's disciplinary process against anyone who is found to have made frivolous, vexatious and/or malicious allegations of misconduct in research.

C43 It is not intended that the Procedure should be used as part of any disciplinary or regulatory process. Information gathered in the course of an investigation may become relevant to, and disclosed in, any such disciplinary or regulatory process.

C44 Questions relating to the reports of both the Screening and Investigation Panels can only be

6 Where anyone is formally accused of misconduct in research, that person must be given full details of the allegations in writing. Note the only exception to this Principle might be in circumstances where the allegations involve matters which are subject to a covert criminal investigation.

7 When someone is formally investigated for alleged misconduct in research, they must be given the opportunity to set out their case and respond to the allegations against them.

8 They must also be allowed to:

- ask questions;

- present information (evidence) in their defence;

- adduce evidence of witnesses;

- raise poi

it is the stated policy of the employer/funder/other national body that the identity of individuals proved through appropriate disciplinary and appeals processes to have committed misconduct in research should be made public.

Any steps to reveal the name of the Respondent or Complainant in public, arising from the investigation of allegations of misconduct in research, should be taken only at the conclusion of the University's disciplinary and appeals processes and where there is a requirement and/or provision to do so.

15 Any disclosure to a third party of the identity of the Complainant or Respondent, or of any other details of the investigation, should be made on a confidential basis. The third party should understand this, and that they must respect the confidentiality of any information received.

16 The University and/or its staff may have contractual/legal obligations to inform third parties, such as funding bodies or collaborating University(s), of allegations of misconduct in research. In such cases, those responsible for carrying this Procedure out should ensure that any such obligations are fulfilled at the appropriate time through the correct mechanisms, always keeping in mind the legal rights of the employees involved in the allegations.

17 While the allegations are under investigation using this Procedure (and/or the University's disciplinary process), the Complainant, the Respondent, witnesses or any other persons involved in this Procedure should not make any statements about the allegations to any third parties, unless formally sanctioned by the University or otherwise required to by law.

18 Breaching confidentiality may lead to disciplinary action, unless covered by the Public Interest Disclosure Act and/or the University's own grievance or whistle-blowing procedures.

19 In the event of any conflict between the principle of confidentiality and any of the other principles of this Procedure, those conducting the Procedure should consider the principle of Balance (see points 40 to 43 inclusive below).

20 An investigation into allegations of misconduct in research using the processes of Screening or Formal Investigation of the Procedure must be fair and comprehensive. The investigation should be conducted expediently although without compromise to the fairness and thoroughness of the process.

21 Anyone asked to take part in the processes as a Panel member (as detailed at Annexes 4 and 5) must make sure that the investigation is impartial and extensive enough to reach a reasoned judgement on the matter(s) raised.

22 Similarly, those who give evidence to the investigation should do so honestly and objectively in accordance with the Principles of the Procedure and should be provided with relevant sections of the Procedure before giving evidence.

23 All parties involved must inform the Named Person immediately of any interests that they have which might constitute a conflict of interest as regards any aspect of the allegations, the investigation, the area(s) of research in question, or any of the persons concerned. Where the Named Person has any interest which might constitute a conflict, they should declare any such conflicts and refer the investigation to their nominated alternate, who should decide if they should be excluded from involvement in the investigation, recording the reasons for the decision (see C 4, above).

Note: The declaration of an interest by an individual does not automatically exclude them from participating in the investigation. The Named Person should decide if an interest declared by the individual warrants exclusion from involvement in the investigation and record the reasons for the decision.

24 In the interests of openness and transparency, inviting members from outside the University to join both the Screening and Formal Investigation Panels of the Procedure is recommended.

25 Detailed and confidential records should be maintained on all aspects, and during all stages, of

35 Any formal steps taken to discipline or otherwise reprimand the Respondent, or take steps which might undermine their good name or reputation (or that of any other party), must be taken through the University's disciplinary process which provides the Respondent with the right of appeal. Only when allegations have been upheld through the University's disciplinary process and, where called upon, the appeals process, may it be appropriate to apply any sanctions to the Respondent.

3. *Disciplinary Process*

Procedure include the MHRA, the Healthcare Commission, the Health and Safety Executive, the Mental Health Act Commission and the Council for Healthcare Regulatory Excellence.

13. Research and Scholarship

The Research Excellence Framework (REF)⁶ defines research as ‘a process of investigation leading to new insights, effectively shared.

It includes:

- work of direct relevance to the needs of commerce, industry, culture, society, and to the public and voluntary sectors; scholarship
- the invention and generation of ideas, images, performances, artefacts including design, where these lead to new or substantially improved insights;
- the use of existing knowledge in experimental development to produce new or substantially improved materials, devices, products and processes, including design and construction.
- research that is published, disseminated or made publicly available in the form of assessable research outputs, and confidential reports

It excludes:

- routine testing and routine analysis of materials, components and processes such as for the maintenance of national standards, as distinct from the development of new analytical techniques.
- the development of teaching materials that do not embody original research.

14. Respondent

The Respondent is the person against whom allegations of misconduct in research have been made. He/she must be a present or past employee of the Organisation that is investigating the allegations using the Procedure.

15. Screening Stage

The Screening Stage is intended to determine whether there is prima facie evidence of misconduct in research. The Screening Stage does not determine whether misconduct occurred or who might be responsible.

16. Sponsor

The Health Research Authority (HRA)⁷ defines Sponsor as ‘an individual, company, institution, organisation or group of organisations that takes on responsibility for initiation, management and financing (or arranging the financing) of the research. A sponsor can delegate specific responsibilities to any other individual or organisation that is willing and able to accept them. Any delegation of responsibilities to another party should be formally agreed and documented by the sponsor.’

⁶ https://www.ref.ac.uk/media/1092/ref-2019_01-guidance-on-

adhere to the Principles of the Procedure (see Annex 1); and undertake the work of the Panel within the timetable of 30 working days from being convened.

10. The Named Person must not be a member nor seek to influence the work, of the Screening Panel.
11. It is desirable, but not essential, that one or more members of the Screening Panel be selected from outside the Organisation, rather than members drawn from within the Organisation. Allegations that involve senior staff and/or that are judged to be especially serious, complex or controversial may particularly benefit from the presence of someone external to the Organisation on the Screening Panel. There would be advantage in the review of allegations that involve staff on joint clinical/honorary contracts for there to be on the Screening Panel an appropriate member of staff from the other employing Organisation(s).
12. Both Respondent and Complainant may raise with the Named Person concerns that they may have about those chosen to serve on the Screening Panel but neither has a right of veto over those nominated.
13. The Named Person may choose to consult UKRIO so as to nominate member(s) from their Register of Advisers to sit as member(s) of the Screening Panel.
14. Once convened, the membership of the Screening Panel should not be added to. Members unable to continue should not be replaced. In the event that the Chair stands down or the membership falls below three, the Named Person should take steps to recruit additional members or re-start the Screening process.
15. The Screening Panel may call expert witnesses to give advice if necessary and as appropriate but such witnesses do not become members of the Screening Panel. The Screening Panel may also seek guidance from UKRIO and its Advisers.
16. All contributions to the process of screening should be recorded and maintained for subsequent use.
17. The Chair has the responsibility to ensure maintenance of a record of all proceedings.
18. To perform its function the Screening Panel should:
 - review the submission and supporting evidence provided by the Complainant;
 - review the evidence and supporting documentation from the Respondent who should be given a3 pro0 AMCID 9-BDC q0.000008871 0 595.32 841.92 reWnBT/F1 11.04 Tf1 0 0 1 72.024 5041.(b)14Rg tf

have some substance but due to a lack of intent to deceive or due to their relatively minor nature, should be addressed through education and training or other non- disciplinary approach rather than through the next stage of the Procedure or other Formal Proceedings; or
are mistaken, frivolous, vexatious and/or malicious.

20. The Screening Panel's draft report will be made available to the Respondent and the Complainant for them to comment on the factual accuracy of the report. Only where the report includes errors of fact as indicated by the Respondent and/or the Complainant should the Screening Panel modify the report. The Chair should determine the truth of the comments made and seek the agreement of the majority of Panel members before making amendments of substance to the Panel's report.
21. The Panel should then inform all relevant parties of its conclusion (including representatives of the Respondent and the Complainant by agreement) and the reasons for reaching that conclusion in a final report (see Terms of Reference, above).

22.

Only when the report includes errors of fact, as indicated by the Respondent and/or the Complainant, should the Investigation Panel modify the report. The Chair should judge the validity of such comments and seek the agreement of the Panel before making amendments to the Panel's report.

report any further, distinct, instances of misconduct in research by the Respondent which may be disclosed, unconnected to the allegations under investigation and/or misconduct in research by another person or persons, to the Named Person in writing, along with supporting evidence; and aim to reach a unanimous decision, failing which a majority decision will be acceptable.

4. The Investigation Panel should then produce a final report that:
 - summarises the conduct of the investigation;
 - states whether the allegations of misconduct in research have been upheld in whole or in part, giving the reasons for its decision and recording any differing views;
 - makes recommendations in relation to any matters relating to any other misconduct identified during the investigation; and
 - addresses any procedural matters that the investigation has brought to light within the Organisation and relevant partner organisations and/or funding bodies.
5. The Report should be sent to the Named Person.
6. Once it has completed the report and reached a conclusion, the work of the Investigation Panel is complete and it should be disbanded and members take no part in any further investigation of the matter, unless formally asked to clarify a point in their written report at a subsequent investigation. As the matter may then give rise to disciplinary or other action, members of the disbanded Investigation Panel should not make any comment on the matter in question, unless formally sanctioned by the Organisation or otherwise required to by law. They should also remember that all information concerning the case was given to them in confidence.
7. The Investigation Panel should consist of at least three, and always an uneven number of, senior members of staff selected by the Named Person from those with relevant skills and experience to serve on such a Panel.

any connections with the work through, for example, the Organisation's groups established to review proposals for research or its ethics committee(s).

9. It is a requirement that one or more members of the Investigation Panel be selected from outside the Organisation. Such external members replace internal members of the Investigation Panel rather than being in addition to them. Allegations that involve senior staff and/or that are judged to be especially serious, complex or controversial may benefit particularly from a member who is not associated with the Organisation. There would also be advantage in the review of allegations that involve staff on joint clinical/honorary contracts for there to be on the Investigation Panel an appropriate member of staff from the other employing organisation(s).

10.

18. The Chair is responsible for keeping a full record of the evidence received and of the proceedings.
19. To perform its task the Investigation Panel should review:
 - the submission(s) and supporting evidence provided by the Complainant;
 - the response(s) and supporting evidence from the Respondent who should be

Following the conclusion of the Procedure, the Investigation Panel may need to recommend additional measures in addition to those that may be taken by way of the Organisation's disciplinary process.

Complaint Made

Head of Research Quality and Delivery







