



# Whistleblowing policy

Responsible Office	University Secretary's Office
Responsible Officer	University Secretary
Approving Authority	Audit Committee / Board of Governors
Date of Approval	[current]
Effective Date	[current]
Related Procedures	n/a
Related University Policies	Staff Grievance Policy Student Complaints Procedure Safeguarding Policy Anti-Fraud, Bribery and Corruption Policy
Amended (if applicable)	Minor amendments authorised by University Secretary to replace references to HEFCE to OfS, and updated contact details in section 10.
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### 1. Introduction

- 1.1 The University is committed to conducting its business with honesty and integrity, and it expects all staff to maintain high standards. However, all organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring and to address them when they do occur.
- 1.2 The aims of this policy are:
  - To encourage staff to report suspected wrongdoing 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.
  - To provide staff with guidance as to how to raise concerns.
  - To reassure staff that they can raise such concerns without fear of reprisals, even if they turn out to be mistaken; and
  - To balance the need to protect individuals who raise genuine concerns against the need to protect individuals and the University against false allegations that are made maliciously and can cause serious difficulties for innocent individuals.
- 1.3 This policy covers all employees; other categories of workers such as agency workers, contractors, consultants, casual and freelance workers; students; members of the governing body and its committees and external parties working on behalf of the University.
- 1.4 This policy is considered with the Public Interest Disclosure Act 1998 (as amended) and takes account of the Whistleblowing Arrangements Code of Practice issued by the British Standards Institute and Public Concern at Work.
- 1.5 This policy does not form part of any employee's contract of employment and may be amended at any time.

## 2. What is whistleblowing?

- 2.1 Whistleblowing is the disclosure of information in the public interest which relates to suspected wrongdoing or dangers at work. This may include:
1. Criminal activity
  2. Failure to comply with any legal obligation
  3. Miscarriages of justice
  4. Danger to health and safety
  5. Damage to the environment
  6. Bribery
  7. Financial fraud or mismanagement
  8. Negligence
  9. Conduct likely to damage our reputation
  10. Unauthorised disclosure of confidential information
  11. The deliberate concealment of any of the above matters.
- 2.2 A whistleblower is a person who raises a genuine concern relating to any of the above. If any member of staff has a genuine concern related to suspected wrongdoing or danger affecting any of the University's activities (a whistleblowing concern) they should report it under this policy.
- 2.3 This whistleblowing policy and procedure is designed to allow concerns of a public interest nature (as more particularly defined in paragraph 2.1 above) arising in relation to the University to be raised, investigated and where appropriate, acted upon. 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. For example, concerns relating to the personal circumstances of a member of staff, such as the way they have been treated at work, will not be covered by this Procedure. Such concerns may therefore be considered under the other procedures of the University.
- 2.4 Other procedures exist to deal with many potential issues including:
- Grievances by staff connected with their employment
  - Complaints by students about their programmes of study or research and the services the University provides
  - Appeals against assessment decisions
  - Appeals from disciplinary procedures for staff and students
  - Harassment and bullying
  - Research misconduct.
- 2.5 A full list of university policies is available on the [website](#).
- 2.6 This whistleblowing procedure may not be used to re-open or review a matter already decided under other procedures.

- 2.7 If staff are uncertain whether something is within the scope of this policy they should seek advice from the Whistleblowing Officer, whose contact details are at the end of this policy.

### 3. Raising a whistleblowing concern

- 3.1 A person covered by this policy may raise any concerns with their line manager. The manager may be able to agree a way of resolving the concern quickly and effectively. In some cases, the manager may refer the matter to the Whistleblowing Officer.
- 3.2 However, where the matter is more serious, or the person feels that their line manager has not addressed the concern, or they prefer not to raise it with them for any reason, they should contact the Whistleblowing Officer, who is the Secretary to the Board of Governors (contact details are provided at the end of this document). If the concern relates to the Secretary to the Board of Governors, the Vice-Chancellor or the Chair of the Audit Committee of the Board of Governors may be contacted directly and will act as or appoint another individual as the Whistleblowing Officer for the case.
- 3.3 A meeting will be arranged as soon as possible to discuss the concern raised. Whistleblowers may bring a colleague or union representative to any meetings under this policy. The companion must respect the confidentiality of the disclosure and any subsequent investigation. A written summary of the concern will be made and a copy provided to the whistleblower after the meeting. The University will also aim to provide an indication of how it proposes to deal with the matter usually within 14 days.

### 4. Investigation and outcome

- 4.1 As soon as practicable after the meeting (or after the initial disclosure if no meeting takes place), the Whistleblowing Officer will recommend what further steps should be taken. Such recommendations may include one or more of the following:
- That the matter should be investigated internally by the University and/or by the University's external or internal auditors or other investigators appointed by the University;
  - That the University's disciplinary procedures should be invoked;
  - That a member of staff or a student should be given the opportunity to seek redress through the University's grievance or complaints procedures;
  - That the matter should be reported to the police;
  - That the matter should be reported to the Office for Students (OfS); the Department for Education; the National Audit Office; or other appropriate public authority.
- 4.2 The grounds on which the Whistleblowing Officer may recommend that no further action by the University should be taken are as follows:
- That the Whistleblowing Officer is satisfied that the person making the disclosure does not have a reasonable belief that malpractice or wrongdoing within the meaning of this procedure has occurred, is occurring or is likely to occur; or
  - That the matter concerned is already the subject of legal proceedings, or has already been referred to the police, OfS or other public authority; or
  - That the matter is already (or has already been) the subject of appropriate proceedings under one of the University's other procedures relating to staff or students.

- 4.3 If the matter is subject to investigation as per paragraph 4.1(a) above, then the whistleblower will be kept informed of progress and its likely timescale. However, sometimes the need for confidentiality may prevent the University giving the whistleblower specific details of the investigation or any disciplinary action taken as a result. The whistleblower must treat any information about the investigation as confidential. Following any investigation, further recommendations may be made.
- 4.4 Any recommendations will be made by the Whistleblowing Officer to the Vice-Chancellor, unless it is alleged that the Vice-Chancellor is involved in the alleged malpractice or unless there are other reasonable grounds for not doing so, in which case the recommendations will be made to the Chair of the Audit Committee of the Board of Governors. The recommendations will be made without revealing the identity of the person making the disclosure save as provided below.
- 4.5 The recipient of the recommendations will, where possible, take all reasonable steps within his or her power to ensure that they are implemented. If any such steps are not implemented, then, that decision will be notified in writing to the Chair of the Audit Committee of the Board of Governors as soon as practicable, together with the reasons for it.
- 4.6 Once the Vice-Chancellor or other recipient has decided what further steps (if any) should be taken, the Whistleblowing Officer will inform the person making the disclosure of the decision. If no further steps by the University are proposed, the Whistleblowing Officer will give the reasons for this.
- 4.7 As a matter of natural justice all those implicated in a whistleblowing allegation must be given the opportunity to answer all allegations. While acknowledging that the identity of whistleblowers may need to be protected (see below), all those implicated should be given access to all information made available during the process and encouraged to put their own case to the relevant officer.
- 4.8 All whistleblowing reports will be reported to the Audit Committee as a standing item as follows:
- The number raised in year to date
  - The number not meeting the whistleblowing test
  - The number investigated further and the outcomes.

## 5. Confidentiality

- 5.1 The University intends that staff should be able to voice whistleblowing concerns openly under this policy. However, if members of staff wish to raise concerns confidentially, the University will make every effort to keep their identity secret. If it is necessary for anyone investigating or anyone implicated or being interviewed as part of the investigation to know the identity of the whistleblower, this will be discussed with the whistleblower first.
- 5.2 The University does not encourage staff to make disclosures anonymously. Proper investigation may be more difficult or impossible if further information cannot be obtained from the whistleblower. It is also more difficult to establish whether any allegations are credible. Whistleblowers who are concerned about possible reprisals if their identity is revealed should come forward to the Whistleblowing Officer and appropriate measures can then be taken to preserve confidentiality. In the event of any doubt members of staff can seek advice from Public Concern at Work, the independent whistleblowing charity, which offers a confidential helpline. Their Contact details are at the end of this policy.

## 6. If you are not satisfied

- 6.1 The University cannot guarantee the outcome a whistleblower may be seeking, but it will try to deal with the concern fairly and in an appropriate way. If a whistleblower is not happy with the way in which a concern has been handled, they may contact the Chair of the Board of Governors or the external auditors who will decide whether the matter has been dealt with appropriately in accordance with this procedure, whether the response to the complaint was reasonable in all the circumstances and/or whether any further steps/recommendations should be taken/made. Contact details are at the end of this policy.

## 7. External disclosures

- 7.1 A person making a disclosure must not disclose the matter to an external person or body until these procedures have been exhausted, except where the person has reasonable grounds to believe that all the persons to whom the matter could have been referred under this procedure were involved in the alleged wrongdoing.
- 7.2 The law recognises that in some circumstances it may be appropriate to report concerns to an external body such as a regulator. It will very rarely, if ever, be appropriate to alert the media. Staff are strongly encouraged to seek advice before raising a concern externally. The independent whistleblowing charity, Public Concerns at Work, operates a confidential helpline and also has a list of prescribed regulators for reporting certain types of concern.
- 7.3 The person making the disclosure may at any time disclose the matter on a confidential basis to a professionally qualified lawyer or their recognised trade union adviser for the purpose of taking legal advice.

## 8. Protection and support for those concerned in the whistleblowing allegations

- 8.1 The University has a duty to all those involved in whistleblowing allegations. It is understandable that whistleblowers may be worried about possible repercussions. The University encourages openness and will support staff who raise genuine concerns under this policy, even if they turn out to be mistaken. At the same time the University has the obligation to protect those accused.
- 8.2 Members of staff must not threaten or retaliate against whistleblowers in any way or to treat them detrimentally for whistleblowing. If they are involved in such conduct they may be subject to disciplinary action. Equally, when a whistleblowing allegation is unfounded, there should be no retaliation against those falsely accused.
- 8.3 No disciplinary action will be taken against anyone for making a disclosure in accordance with this procedure except where there are grounds to believe that a disclosure has been made maliciously or vexatiously or where an external disclosure is made in breach of this procedure without reasonable grounds or otherwise than to an appropriate public authority. In these circumstances, the University is not prevented from taking disciplinary action, up to and including dismissal.

## 9. Responsibility for the policy

- 9.1 The Audit Committee of the Board of Governors has overall responsibility for this policy, and for reviewing the effectiveness of actions taken in response to concerns raised under the policy.

## 10. Contacts

Whistleblowing Officer	David Newman University Secretary	Tel: 01225 875875 Email: d.newman@bathspa.ac.uk
Vice-Chancellor	Professor Sue Rigby	Tel: 01225 875875 Email: vice-chancellor@bathspa.ac.uk
Chair of the Board of Governors	Jonathan Glasspool	Email: j.glasspool@bathspa.ac.uk
Chair of Audit Committee	Antony Durbacz	Email: a.durbacz@bathspa.ac.uk
BSU's External Auditors	Grant Thornton	Tel: 0117 3057802
Public Concern at Work Advice Line	<a href="https://www.pcaw.co.uk/">https://www.pcaw.co.uk/</a>	Helpline: 020 7404 6609 Email: <a href="mailto:whistle@pcaw.co.uk">whistle@pcaw.co.uk</a>