



# Whistleblowing Policy and Procedure

<b>Scope</b>	This Policy and Procedure applies to matters relating to the investigation and, where appropriate, action in respect of 'whistleblowing' or 'public interest disclosures'.
<b>Approval</b>	Approved by the Audit Committee on 07 February 2020.
<b>Due for Review</b>	+1 year from last date of approval [February 2021]
<b>Sensitivity</b>	Open to public – <a href="#">public website</a>
<b>Author/Owner</b>	University Secretary's Office
<b>Key Contacts</b>	University Secretary Chair of the Audit Committee
<b>Version Control - log of reviews/edits</b>	<ul style="list-style-type: none"><li>• Approved by the Audit Committee 10 June 2016</li></ul>
<b>External reference points</b>	<ul style="list-style-type: none"><li>• <a href="#">Public Interest Disclosure Act 1998</a></li><li>• <a href="#">Protect</a></li></ul>
<b>Links to other internal policies and procedures</b>	<b>Other relevant procedures include:</b> <ul style="list-style-type: none"><li>• <a href="#">Academic Appeals</a></li><li>• <a href="#">Counter Fraud &amp; Anti-Bribery Policy</a></li><li>• <a href="#">Grievance Procedure</a></li><li>• <a href="#">Reportable Events Procedure</a></li><li>• <a href="#">Safety, Health &amp; Wellbeing Policy</a></li><li>• <a href="#">Student Complaints Procedure</a></li></ul>
<b>Appendices</b>	<ul style="list-style-type: none"><li>• Appendix 1 - Procedure flowchart to consider and investigate a Whistleblowing complaint</li><li>• Appendix 2 - Examples of the types of situations which should be reported</li></ul>

# Whistleblowing Policy and Procedure

## POLICY

### Purpose & Scope

1. The University is committed to high standards of openness, probity and accountability and has put a [Whistleblowing Policy and Procedure](#) (“the Policy”) in place to promote that culture. This Policy sets out the framework for dealing with allegations of illegal and improper conduct. The aims of this Policy are:
  - (a) To encourage members of the University 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.
  - (b) To provide guidance as to how to raise concerns and the procedures for conducting an investigation.
  - (c) To provide reassurance that where genuine concerns are raised in the public interest, these can be done so without fear of reprisals, even if they turn out to be mistaken.
  - (d) To act as a deterrent to corrupt practices and help protect the reputation of the University.
2. This Policy provides for investigation and, where appropriate, action in respect of 'whistleblowing' or public interest disclosures, as set out below. A whistleblowing disclosure means a disclosure of information to the University which, in the reasonable belief of the person making the disclosure, is made in the **public interest**. This must also include a reasonable belief that one or more of the following has **happened**, is **happening** or is **likely to happen** in the future:
  - (a) a criminal offence;
  - (b) a breach or failure to observe a legal obligation;
  - (c) a miscarriage of justice;
  - (d) a danger to the health and safety of any person;
  - (e) risk or actual damage to the environment;
  - (f) deliberate attempt to conceal any of the above matters.
3. This Policy sets out how the University complies with its duty under the Public Interest Disclosure Act 1998.

### What do we mean by whistleblowing?

4. Sometimes whistleblowing is called speaking up or raising a concern. It is all about ensuring

that if someone sees something wrong in the workplace, they are able to raise this within their organisation, to a regulator, or wider. Whistleblowing ultimately protects customers, staff, beneficiaries, and the organisation itself by identifying harm before it's too late.<sup>1</sup>

5. In this Policy we refer to this as “making a disclosure” or “blowing the whistle”; this enables an employee, or other member of the University, to go outside the normal management channels to confidentially report suspected wrongdoing at work, so that an impartial investigation can be conducted. The Policy also sets out protection from being victimised, discriminated against or disadvantaged for those making allegations in the reasonable belief that a complaint has been made in the public interest. Complaints can be raised via internal processes set up (internal whistleblowing) or to an external body such as a regulator (external whistleblowing). This Policy refers solely to internal whistleblowing.

### Who can raise a disclosure?

6. This Policy provides an internal mechanism for individuals to raise serious concerns relating to any of the matters set out in paragraph 2, independently of line management and without fear of reprisal. Any **employee** (or former employee) of the University can raise a disclosure under this Policy with the legal protections set out in paragraph 11. **Students**, members of the **Board of Governors**, and **others** can use this Policy but do so without the protections afforded to them under law, as set out in paragraph 11.
7. Whilst the Policy does not apply to disclosures made by members of the public, including suppliers, any such person who has information about matters that fall within the scope of paragraph 2 is encouraged to provide that information to the Designated Officer.

### Responsibilities

8. The Board of Governors has designated the **Audit Committee** as the body which will oversee the proper conduct of investigations of whistleblowing disclosures and to ensure that the provisions of the Policy are properly applied.
9. The Audit Committee has appointed the **University Secretary** as the **Designated Officer** for this Policy.
10. Where deemed appropriate by the Designated Officer, the internal auditors may be called upon to support whistleblowing procedures.

### Protections

11. Anyone raising disclosures under this Policy will be treated consistently and fairly and no detrimental action of any kind will be taken against a whistleblower on the ground that they have raised a disclosure under this Policy. The law<sup>2</sup> provides additional protection for those

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<sup>1</sup> Definition from [Protect](#)

<sup>2</sup> [Section 43K of the Public Interest Disclosure Act 1998](#) grants protection to employees, as well as certain workers, contractors, trainees and agency staff who raise concerns about wrongdoing, risk or malpractice which it is in the public interest to disclose. Further information can be sought from the Designated Officer.

raising disclosures. Such protections, and the efforts to maintain confidentiality, apply only to disclosures within the scope of the Policy, not any other matters that may be under discussion or going through other internal or external processes.

12. All acts of victimisation against whistleblowers are a breach of employment rights. Any detrimental action by any member of the University against a person for making a protected disclosure, for example in the form of harassment or bullying, will not be tolerated and the individual responsible may be subject to appropriate disciplinary action. We understand that reporting any such concerns may be a difficult decision to make however any individual who believes that they have been subjected to unfair treatment as a result of making a disclosure should inform the **Designated Officer** immediately and we will take action to protect those who raise a concern.
13. Any person using this Policy to make false or malicious allegations, or with a view to personal gain, may be subject to disciplinary action.

### **Matters for consideration under the Policy**

14. The Policy is only intended to be used for raising matters falling within paragraph 2.
15. It is not intended to be used for raising complaints relating to an individual's own personal circumstances or about other matters which should be considered under other University processes, for example the Student Complaints Procedure, or Academic Appeals for students, or the Grievance Procedure (for employees). Matters that fall within the scope of any other policy or procedure will not be considered under this Policy; for example, matters relating to fraud, irregularities, bribery and corruption will be considered under the [Counter Fraud and Anti-Bribery Policy](#). Additionally, this Policy will not be used to re-hear matters already concluded under such other policies or procedures.
16. The **Designated Officer** is the arbiter of whether a matter is in scope of this Policy, though they may consult relevant senior colleagues in reaching a conclusion.

### **Confidentiality and anonymity**

17. Every effort will be made to keep confidential the identity of those making a disclosure under this Policy, if requested, for as long as is possible whilst undertaking a formal investigation (to the extent that the maintenance of such confidentiality does not hinder or frustrate any investigation). It will also not always be possible to maintain absolute confidentiality, for example where referral to external bodies is necessary (see below), but in such circumstances the Designated Officer will seek to maintain individual confidentiality wherever possible. Similarly, those invoking the Policy will be expected to retain confidentiality in respect of the disclosure during the investigation and the consideration of any action to be taken, so as to avoid prejudicing that investigation or outcome. This will not preclude the whistleblower from taking any necessary professional advice in respect of the disclosure (including Trades Unions) but the requirement for confidentiality in such cases will also apply to the professional advisor or advisors concerned.
18. We would always encourage people to come forward to discuss their concerns with us

directly. The University will consider anonymous disclosures, but in doing so it recognises that they are often more difficult to investigate, and that the evidence may not be as reliable. Accordingly, rather than submit an anonymous disclosure, individuals who are concerned about the implications if their identity was to be revealed are encouraged to approach the Designated Officer in confidence so that appropriate measures can be taken to seek to address those concerns. It may not be possible to deal with disclosures under this Policy that are raised anonymously but this will be determined at the absolute discretion of the Designated Officer, who will have regard to the seriousness of the issue raised, the credibility of the disclosure and the prospects of being able to properly investigate the matter.

### **External disclosures**

19. The aim of this Policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing. In most cases individuals should not find it necessary to alert anyone outside the University.
20. However, the law recognises that in some circumstances it may be appropriate for individuals to report concerns to an external body such as a regulator. It will very rarely, if ever, be appropriate to alert the media. We strongly encourage individuals to seek advice before reporting a concern to anyone external. If you report your concern to the media, in most cases you will lose your whistleblowing law rights.
21. [Protect](#) (*formerly Public Concern at Work*) are leading experts in whistleblowing and provide confidential advice for individuals who witness wrongdoing in their work place but are unsure how to raise their concerns, as well as providing help to individuals who are facing victimisations at work for whistleblowing. Protect advisers also provide advice and information on the whistleblowing law.

### **Annual Reporting**

22. Following the receipt and processing of any disclosures under this Policy, the Designated Officer will update the Audit Committee at its next meeting and in addition provide an annual report to the Committee. Reports will protect the identify of those making disclosures.

### **Policy Review**

23. The University Secretary's Office will have responsibility for maintaining and overseeing this Policy. This Policy and its associated procedure will be reviewed annually by the Audit Committee, taking account of emerging best practice in the sector and more widely, and in conjunction with the policies and procedures on fraud, theft, bribery and corruption.

## PROCEDURE

### Making a disclosure complaint

24. A disclosure should be made in writing to the **Designated Officer** in the first instance by emailing [university.secretary@leedsbeckett.ac.uk](mailto:university.secretary@leedsbeckett.ac.uk). If the disclosure is regarding or implicates the University Secretary as the Designated Officer, then the disclosure should be made to the **Chair of Audit Committee**<sup>3</sup> by emailing [AuditCommitteeChair@leedsbeckett.ac.uk](mailto:AuditCommitteeChair@leedsbeckett.ac.uk). A disclosure will normally be acknowledged, in writing, within 10 working days.

### Initial consideration

25. A decision on how to proceed shall normally be made within four weeks of receiving the disclosure. If the decision is likely to take longer, the Designated Officer shall inform the whistleblower in writing and, if appropriate, any person who may be the subject of the disclosure, of the reasons for the delay.

26. The Designated Officer will determine whether the matter falls in the scope of this Policy and should be investigated and, if so, by whom. Depending on the nature and circumstances of the disclosure, the Designated Officer may:

- (a) decide not to proceed with the matter; or
- (b) refer the matter to be dealt with under a different policy or procedure; or
- (c) authorise an internal investigation under this policy.

The matter may also be referred to the police or other appropriate authority (see paragraph 29 below).

27. In cases where the Designated Officer determines the matter to be out of scope of the Policy, the complainant and the Audit Committee will both be informed. In those circumstances, the complainant will be advised of the applicable University policy or procedure through which their concerns should be raised, if appropriate. The Audit Committee may, on occasion, direct the Designated Officer to take further action as it sees fit.

### Investigation of a disclosure

28. The Designated Officer may wish to entrust the investigation to an independent person or persons from outside the University. The role of the investigator will be determined by the Designated Officer.

29. On occasion, disclosures may require immediate referral to an external body for consideration and investigation (for example the police, Health & Safety Executive, National Audit Office, or relevant funding body), and in such cases the external body's processes shall be followed with precedence. In other cases, such referral may be necessary or appropriate following the

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<sup>3</sup> The remainder of the procedure assumes that it is the Designated Officer who has received the disclosure, and references should be taken to apply to the Chair of the Audit Committee as appropriate.

conclusion of the University's investigation. A decision to refer will be made by the Designated Officer, in consultation with the Chair of the Audit Committee.

30. If, during the investigation the whistleblower is invited to give evidence, make representations or otherwise communicate with the investigator, they may be accompanied by their Trade Union official or a work colleague (in the case of a staff member) or a Students' Union representative or current fellow student (in the case of a student). Where the disclosure relates to the conduct of an individual, they shall normally be given an opportunity to make representations to the investigator and to be accompanied by their Trade Union official or work colleague.

### **Outcomes of an investigation**

31. The nominated investigator shall report their findings to the Designated Officer as soon as is practical. On receipt of the outcomes of the investigation, the Designated Officer will determine if the concern is a whistleblowing complaint, and if so what action, if any, should be taken; this may include invoking other approved University procedures or reference to an appropriate external authority. The Designated Officer will report this to the Vice Chancellor and to the Audit Committee.
32. On receipt of the report on the outcome, the Audit Committee may direct the Designated Officer to undertake further investigation. In such cases, the Designated Officer will be required to make a further report to the Vice Chancellor and to the Audit Committee on the action taken.
33. When the above stages have been exhausted, the matter will be concluded in so far as the University's own procedures are concerned.
34. If appropriate, the Designated Officer may determine that as a result of the findings of an investigation, the matter should be referred to the University Executive Team for consideration as an Office for Students' [reportable event](#).

### **Record keeping**

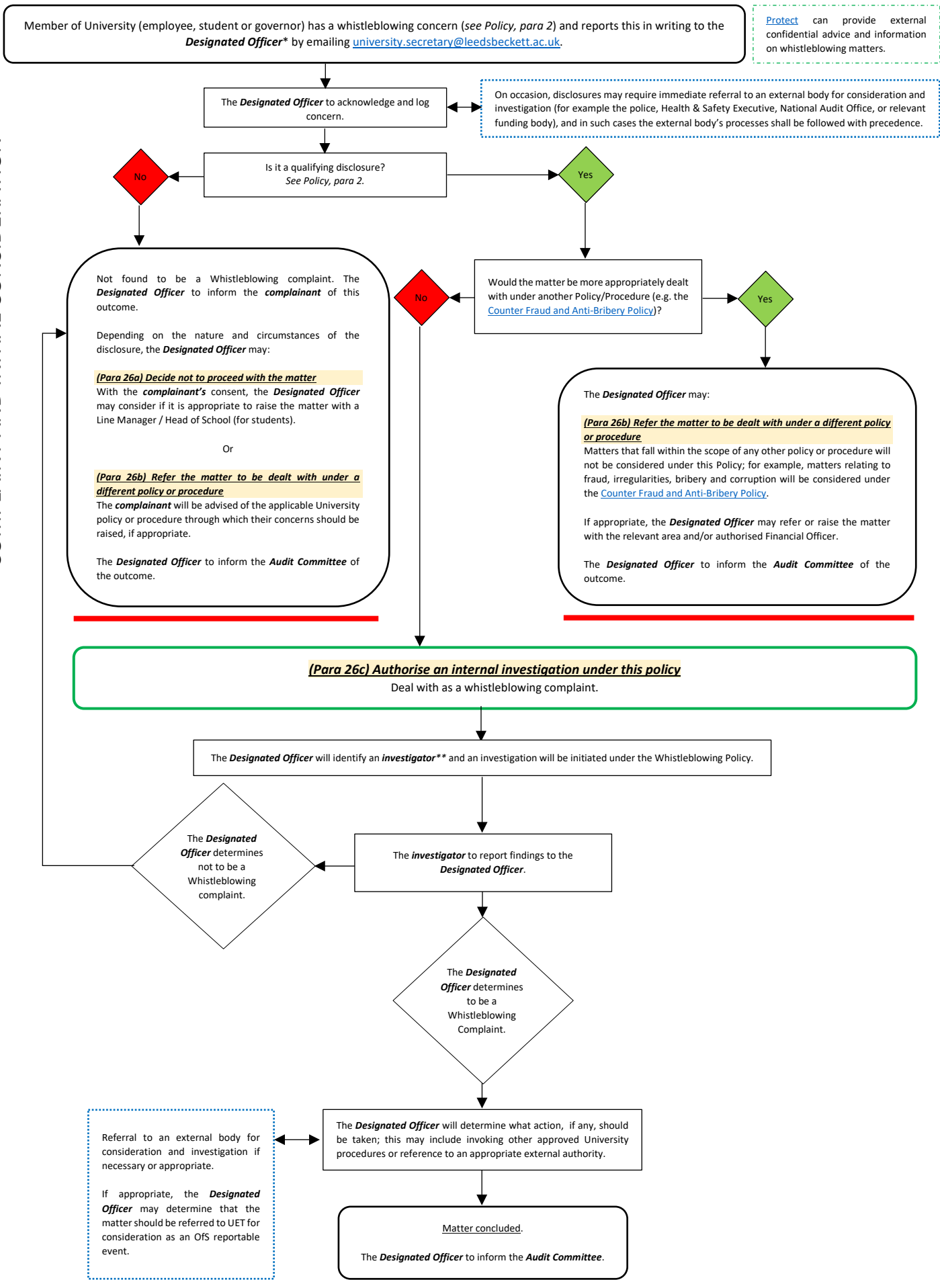
35. The University Secretary's Office will log all complaints received and maintain a confidential register of all confirmed Public Interest Disclosure cases which are investigated within the University.

*University Secretary's Office, January 2020*

# Procedure to consider and investigate a Whistleblowing complaint

COMPLAINT AND INITIAL CONSIDERATION

INVESTIGATION AND OUTCOMES



\* If the disclosure is regarding or implicates the University Secretary as the Designated Officer, then the disclosure should be made to the Chair of Audit Committee.

\*\* The Designated Officer may wish to entrust the investigation to an independent person or persons from outside the University.



### **Examples of the types of situations which should be reported**

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The following are some examples of the types of situations which may be reported under the **Whistleblowing ('public interest disclosures') Policy & Procedure**:

1. matters which require the University to liaise with the Police
2. an offence or breach of any statutory, legal or regulatory obligation
3. serious failure to comply with the requirements of Articles, Instruments or other policies and regulations of the University
4. academic or professional malpractice
5. non-financial maladministration
6. failure to disclose a serious conflict of interest
7. malpractice leading to a danger to the health and safety of any individual (including the public) or damage to the environment, for example hazardous cleaning materials
8. fire safety practices, for example accessibility to a building, evacuation procedures
9. not following food safety procedures, for example food contamination, food hygiene hazards
10. the deliberate concealing of information about any of the above.

Further case studies are available at [Protect](#).