

# Leeds Beckett University Whistleblowing Policy/Procedure

(for use from 1 August 2016)

## Context

1. The University encourages a culture of openness and transparency, and has put this Procedure in place to promote that culture.
2. This Procedure provides for investigation and, where appropriate, action in respect of 'whistleblowing' 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 may include a reasonable belief that one or more of the following has occurred, is occurring or is likely to occur:
  - the commission of a criminal offence;
  - a failure to observe a legal obligation;
  - a miscarriage of justice;
  - a danger to the health and safety of any person;
  - damage to the environment;
  - suppression or concealment of any information relating to any of the above.
3. Any employee of the university can raise a disclosure under this Procedure with the protections set out in paragraph 6. Students, members of the Board of Governors, and others can use this Procedure but do so without the protections afforded to them under law, as set out in paragraph 6.
4. Whilst the Procedure 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.
5. 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 Procedure are properly applied. The Audit Committee has appointed the Clerk to the Board of Governors as the Designated Officer for this Procedure.

## Protections

6. Anyone raising disclosures under this Procedure will be treated consistently and fairly. The law<sup>1</sup> provides protection for those raising disclosures, and no detrimental action of any kind will be taken against a discloser on the ground that they have raised a disclosure under this Procedure. 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. Any individual who believes that they have been subjected to detrimental treatment as a result of making a disclosure should inform the Designated Officer. Any employee or student of the university who is found to have subjected any whistleblower to detrimental treatment, for example in the form of bullying or intimidation, may be subject to appropriate disciplinary action.

## Matters for consideration under the Procedure

7. The Procedure is intended to be used for raising matters falling within paragraph 2, above. 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, the Grievance Procedure (for employees), or the Procedures for an Appeal against a Decision of a Board of Examiners. Matters that fall within the scope of any of those procedures will not be considered under the Procedure, and the Procedure will not be used to re-hear matters already concluded under such other procedures.
8. The Designated Officer is the arbiter of whether a matter is 'in scope' of this Procedure, though she/he may consult relevant senior colleagues in reaching a conclusion.

## Confidentiality and anonymity

9. Every effort will be made to keep confidential the identity of those making a disclosure under this Procedure, if requested, for as long as is possible whilst undertaking a proper 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 again in such circumstances the Designated Officer will seek to maintain individual confidentiality wherever possible. Similarly, those invoking the Procedure 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 discloser 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.
10. The University will consider anonymous disclosures, but in doing so it should be recognised that they are often more difficult to investigate and the evidence is

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<sup>1</sup> Public Interest Disclosure Act 1998, inserted into Part IVA of the employment Rights Act 1996

not 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 Procedure 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, the prospects of being able to properly investigate the matter.

### Investigation of a disclosure

11. A disclosure should be made to the Designated Officer in the first instance. If the disclosure is regarding or implicates the Designated Officer, then the disclosure should be made to the Chair of Audit Committee.<sup>2</sup>
12. The Designated Officer will determine whether the matter falls in the scope of this Procedure and should be investigated and, if so, by whom. In cases where the Designated Officer determines the matter to be out of scope of the Procedure, she or he must inform both the discloser and the Audit Committee. [In those circumstances, the discloser will be advised of the applicable university 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. Any person using this Procedure to make false allegations maliciously or with a view to personal gain may be subject to disciplinary action.
13. 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.
14. 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 conclusion of the university's investigation. Decision to so refer will be made by the Designated Officer, in consultation with the Chair of the Audit Committee.
15. Where the matter is investigated the Designated Officer will, on receipt of the outcomes of the investigation, determine what action, if any, should be taken. The Designated Officer will report this to the Vice-Chancellor and to the Audit Committee.
16. 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.

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<sup>2</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.

17. When the above stages have been exhausted, the matter will be concluded in so far as the university's own procedures are concerned.

#### Annual Reporting

18. The Designated Officer will report annually to the Audit Committee on the receipt and processing of any disclosures under this Procedure.
19. The Audit Committee will review the Policy/Procedure regularly, taking account of emerging best practice in the sector and more widely.

#### External disclosures

20. 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.
21. 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.

Approved by the Audit Committee  
10 June 2016