

## Whistleblowing Policy and Procedure

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Owner	Registrar & Secretary's Office (RSO)
Key Contacts	University Registrar & Secretary Chair of the Audit Committee
Target audience	Staff (or former employee). Students, members of the Board of Governors, and others can use this Policy but do so without the protections afforded to them under law.
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Links to other internal policies / procedures	<ul style="list-style-type: none"> <li>• <a href="#">Academic Appeals</a></li> <li>• <a href="#">Anti-Bribery and Corruption Policy</a></li> <li>• <a href="#">Conflict of Interest Policy</a></li> <li>• <a href="#">Counter Fraud Policy</a></li> <li>• <a href="#">Ethics and Integrity Framework</a></li> <li>• <a href="#">Grievance Procedure</a></li> <li>• <a href="#">Slavery and Human Trafficking Statement of Compliance</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>
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Appendices	<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

## POLICY STATEMENT

### Purpose & Scope

1. The University is committed to high standards of openness, probity and accountability and has a [Whistleblowing Policy and Procedure](#) (“the Policy”) in place to promote that culture and facilitate the reporting of wrongdoing by members of staff. This Policy sets out how the University complies with its duty under the Public Interest Disclosure Act 1998 and its framework for dealing with allegations of illegal and improper conduct.
2. The purpose of this Policy is:
  - (a) To encourage members of the University to **identify** and **report** suspected or actual 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, supporting a **culture** of integrity.
  - (b) To provide **guidance** on how to raise concerns and **reassure** potential whistleblowers 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.
  - (c) To set out **procedures** for conducting an investigation and promptly **addressing** concerns when they occur.
  - (d) To act as a **deterrent** to corrupt practices and help **protect** the reputation of the University.

### Why does it matter?

3. In order to safeguard and promote reputation and operating with integrity, it is essential for the University to foster a culture of ethical behaviour supported by effective whistleblowing procedures.
4. The Office for Students (OfS) is the sector regulator. The University is required to comply with conditions of registration which includes a requirement to notify the OfS of reportable events. Matters considered under this Policy may be referred to the University Executive Team for consideration as an [reportable event](#).

## APPLICATION

### Matters for consideration under the Policy

5. 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 comply with any 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.

**The Policy is only intended to be used for raising concerns under these matters.**

6. The Policy is **not** intended to be used for:
  - (a) Raising complaints relating to an individual's own personal circumstances.
  - (b) Broader matters that fall within the scope of any other University policy or procedure. For example (but not limited to) the Student Complaints Procedure, Academic Appeals (for students), Grievance Procedure (for employees), [Anti-Bribery and Corruption Policy](#), and [Counter Fraud Policy](#).
  - (c) To re-hear matters already concluded under this or such other policies or procedures.
7. 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.

### What do we mean by whistleblowing?

8. 'Whistleblowing' is sometimes called "making a disclosure", "blowing the whistle", "speaking up" or "raising a concern". A "whistleblower" is someone who reports seeing wrongdoing in the workplace.
9. The University's whistleblowing procedures enable whistleblowers to go outside the normal management channels to confidentially report suspected wrongdoing at work, so that an impartial investigation can be conducted.
10. Complaints can be raised via the University's internal whistleblowing process (internal whistleblowing) or to an external body such as a regulator (external whistleblowing). This Policy refers solely to "internal whistleblowing".
11. "Public interest" refers generally to wrongdoing where concerns impact on others rather than a private concern such as an individual contract of employment. The Designated Officer will determine whether raised concerns meet the tests for public interest.

### Protections

12. The Policy sets out protections 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.
13. Anyone raising disclosures under this Policy will be treated fairly and **no detrimental or negative** treatment of any kind will be taken against a whistleblower on the grounds that they have raised a disclosure under this Policy. The University will take reasonable steps to prevent detriment to those making disclosures as 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 will not be tolerated and the individual/s responsible may be subject to disciplinary action. 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.

14. The law<sup>1</sup> provides additional **protection** for those raising whistleblowing disclosures under the [Public Interest Disclosure Act 1998](#) (amending the Employment Rights Act 1996). Such protections, and the efforts to maintain confidentiality, apply only to disclosures within the scope of the Policy, and do not apply to any other matters that may be under discussion or going through other internal or external processes.

### Who can raise a disclosure?

15. This Policy provides an internal mechanism for individuals to raise serious concerns relating to any of the matters set out in paragraph 5, independently of line management and without fear of reprisal.
16. Any **employee** or former employee (as well as certain workers, contractors, trainees and agency staff)<sup>2</sup> of the University can raise a disclosure under this Policy with the legal protections set out in paragraph 14.
17. **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 14. Whilst the Policy does not apply to disclosures made by members of the public, including suppliers or other third parties, any such person who has information about matters that fall within the scope of this Policy is encouraged to provide that information to the Designated Officer.

### Responsibilities

18. The Board of Governors has designated the **Audit Committee** as the independent body to oversee the proper conduct of investigations of whistleblowing disclosures and to ensure that the provisions of the Policy are properly applied.
19. The Audit Committee has appointed the **Registrar & Secretary** as the **Designated Officer** for this Policy. The Registrar & Secretary has overall responsibility for the effective implementation of whistleblowing arrangements. The Registrar & Secretary may designate an alternate to act on their behalf in relation to this Policy.
20. Where deemed appropriate by the Designated Officer, the **internal auditors** may be called upon to support whistleblowing procedures.
21. All **colleagues**, and **members of the Board of Governors**, are responsible for:
- (a) Acting honestly and with integrity in the exercise of their duties.
  - (b) Ensuring that they have read, understood and comply with this Policy and any associated procedures to ensure the effective implementation of the University's whistleblowing arrangements.

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<sup>1</sup> [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.

<sup>2</sup> [Public Interest Disclosure Act 1998](#) - 43K meaning of "worker"

## RAISING A CONCERN

22. The Whistleblowing Procedure sets out the University's approach to handling whistleblowing complaints. Whistleblowers can raise concerns openly, confidentially or anonymously.
- (a) **Openly** raising concerns means that the University knows who you are, and they can tell other people you raised concerns. We appreciate that this is often only possible in certain circumstances.
  - (b) **Confidentially** raising concerns means the person to whom you raise your concern knows who you are but maintains confidentiality not to reveal your identity to anyone else. Every effort will be made to keep confidential the identity of those making a disclosure under this Policy 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 not always be possible to maintain absolute confidentiality, for example where referral to external bodies is necessary, but in such circumstances the Designated Officer will seek to maintain individual confidentiality wherever possible.
  - (c) **Anonymously** raising concerns means no one knows who you are. It may not be possible to deal with anonymous disclosures under this Policy, but this will be determined at the 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.
23. 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 be less 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 directly in confidence so that appropriate measures can be taken to seek to address those concerns.

## False or Malicious Allegations

24. Any person using this Policy to make false or malicious allegations, or with a view to personal gain, may be subject to disciplinary action.

## CONFIDENTIALITY

25. 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. A breach of confidence could result in disciplinary and/or legal action.
26. All individuals involved who contribute or are privy to information as part of a whistleblowing investigation are subject to strict confidentiality obligations in order to

protect and respect all individuals involved in the process (see 'Record keeping' section).

27. Whistleblowers should not actively gather evidence of any suspected wrongdoing as this may constitute misconduct in itself and may thereafter affect protections afforded under whistleblowing legislation.

## **EXTERNAL DISCLOSURES**

28. The aim of this Policy is to provide an internal mechanism for reporting, investigating and remedying wrongdoing. In most cases, individuals should not find it necessary to alert anyone outside the University.
29. 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. The University strongly encourages 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 and legal protections.

## **INDEPENDENT ADVICE**

30. Colleagues are entitled and encouraged to seek independent advice. Independent guidance can be accessed as follows (but is not limited to):
  - (a) [Protect](#) (*formerly Public Concern at Work*) are leading experts in whistleblowing and provide confidential advice for individuals who witness wrongdoing in the workplace 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 whistleblowing law.
  - (b) [Citizens' Advice](#) provide independent advice regarding legal protections.
  - (c) [Advisory, Conciliation and Arbitration Service \(ACAS\)](#) for help and advice for workers and employers on rights and obligations at work.

## **POLICY MANAGEMENT**

### **Reporting**

31. Any disclosure made under this Policy, will be reported by the Designated Officer to the Audit Committee at its next meeting. Reports will protect the identify of those making disclosures.
32. The Audit Committee shall receive an annual report on the effectiveness of the whistleblowing arrangements.

### **Dissemination**

33. This Policy shall be made available to all colleagues, and it will be published on the University's public information [website](#).

## Policy Review

34. The Registrar & Secretary's Office will have responsibility for maintaining and overseeing this Policy and its associated procedure, conducting an annual review, or review at the conclusion of an investigation if sooner. The University will take into account emerging best practice in the sector and more widely and review the Policy in conjunction with the University's policies and procedures on fraud, theft, bribery and corruption. Any proposed amendments or changes will be put to the Audit Committee for approval.

## Record keeping

35. The University limits the number of people who have access to whistleblowing records and who are subject to strict confidentiality obligations. An access log is maintained in the RSO Information Asset Register, this includes:

- (a) The Designated Officer (Registrar & Secretary / Chair of Audit Committee).
- (b) A limited number of members of the Governance Services team responsible for processing whistleblowing records.

Additionally, restricted, time-limited access may be granted / information shared as follows:

- (c) Investigator/s (on a temporary basis to restricted case files only).
  - (d) If, during the investigation the whistleblower or others are invited to give evidence, 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). The representatives are bound by confidentiality requirements as set out in paragraphs 25-26. The Designated Officer will have responsibility to approve sharing any relevant case information with representatives in advance of any investigatory meetings.
  - (e) On occasion, disclosures (restricted case files only) may require immediate referral to an external body for consideration and investigation.
36. The Registrar & 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.

## Information Requests and Data Protection

37. The University is subject to the [Freedom of Information Act 2000](#) which contains exemptions that may be applicable to permit the withholding of information identifying the whistleblower, including:
- Section 40 Personal Data.
  - Section 41 Information provided in confidence which, if disclosed, would give rise to an actionable breach of confidence.

The University will be mindful, in complying with its legal obligation to disclose information it holds under the Freedom of Information Act 2000, of its other legal obligations under:

- (a) The [Public Interest Disclosure Act 1998](#) to avoid the discrimination or victimisation of employees or any other detriment on the part of the employee; and
- (b) The [Health and Safety at Work etc. Act 1974](#), to protect the health and safety (including mental health) of employees.

# WHISTLEBLOWING PROCEDURE

*This document provides information about the University's approach to handling whistleblowing complaints.*

## Stage 1 - Making a disclosure complaint

1. A disclosure of factual information should be made in writing to the **Designated Officer** in the first instance by emailing [registrarsecretary@leedsbeckett.ac.uk](mailto:registrarsecretary@leedsbeckett.ac.uk).
2. If it is not appropriate for any reason to make a disclosure to the Registrar & 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).
3. A disclosure will normally be acknowledged, in writing, within five working days of receipt.

## Stage 2 - Initial consideration

4. A decision on how to proceed shall normally be made, in writing, 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.
5. The Designated Officer will determine whether or not the matter falls in the scope of this Policy (and appears to meet the tests for Public Interest) 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 where it meets the tests for Public Interest.

The matter may also be referred to the police or other appropriate authority (see paragraph 9 below).

6. 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 writing. In those circumstances, the complainant will be advised of the applicable University policy or procedure through which their concerns should be raised. The Audit Committee may, on occasion, direct the Designated Officer to take further action as it sees fit.

## Stage 3 - Investigation of a disclosure

7. The University will promptly investigate any reasonable report of a concern in order to identify verifiable facts and ensure fairness.
8. The investigator will be determined by the Designated Officer, who may entrust the investigation to an independent member of staff or persons from outside the University.

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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.

Where any person involved in the investigation process has a perceived or actual conflict of interest, this will be managed in accordance with the [Conflicts of Interest Policy](#).

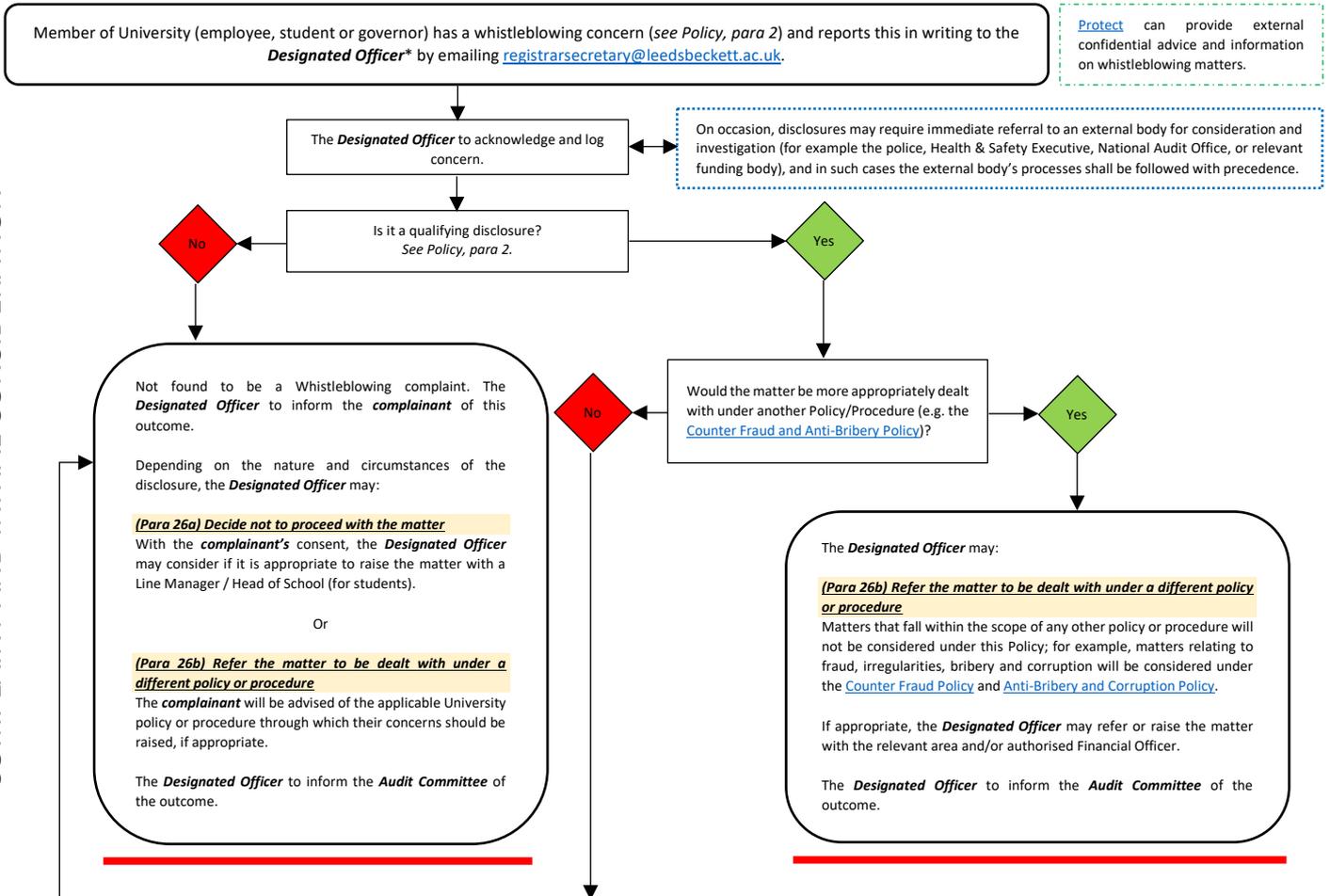
9. On occasion, disclosures may require immediate **referral** to an external body for consideration and investigation (for example the police, Health & Safety Executive, National Audit Office, or relevant funding body), and in such cases the external body's processes shall take precedence. In other cases, such referral may be necessary or appropriate following the 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.
10. If, during the investigation the whistleblower or others are 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 member of staff, 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.

#### **Stage 4 - Outcomes of an investigation**

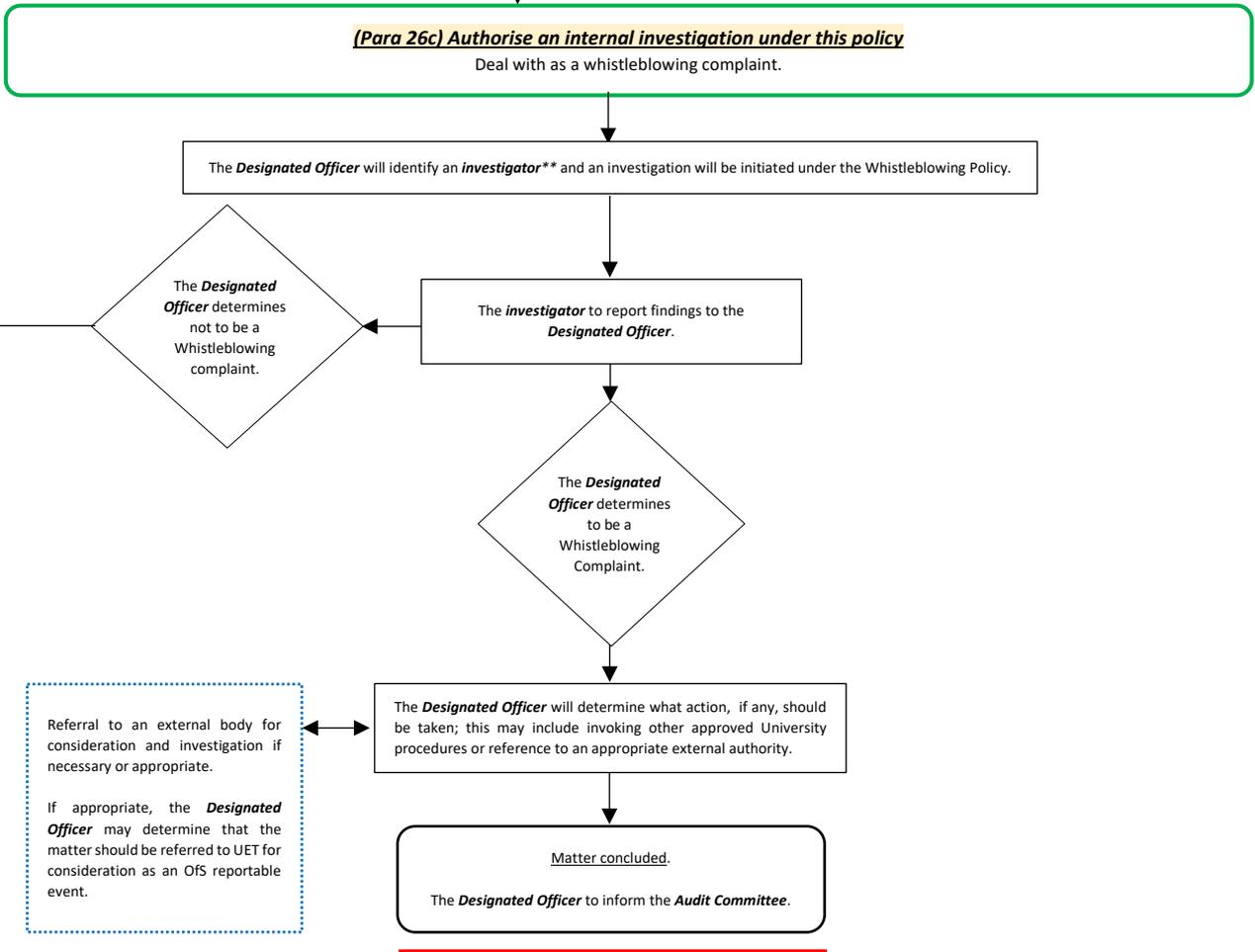
11. The nominated investigator shall report their findings to the Designated Officer as soon as is practical. On receipt of the outcomes of the investigation, the Designated Officer will determine if there has been wrongdoing. If so, the Designated Officer will determine what action, if any, should be taken; this may include invoking other approved University procedures or reference to an appropriate external authority. The Designated Officer will report the outcome to the Vice Chancellor and to the Audit Committee.
12. On receipt of the outcome report, 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 any subsequent action taken.
13. 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 under the [Reportable Event Procedure](#).
14. A whistleblower does not have a legal right to feedback, however the University recognises the value in communicating actions taken to consider concerns and any steps taken to address these. Where appropriate and circumstances allow, the Designated Officer will provide feedback to the whistleblower on the findings of an investigation.
15. When the above stages have been exhausted, the matter will be concluded in so far as the University's own procedures are concerned.

# Procedure to consider and investigate a Whistleblowing complaint

COMPLAINT AND INITIAL CONSIDERATION



INVESTIGATION AND OUTCOMES



\* If the disclosure is regarding or implicates the University Registrar & 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 (but not limited to) are examples of the types of unethical behaviour or wrongdoing situations which may be reported under the **Whistleblowing ('public interest disclosures')** Policy & Procedure:

1. matters which require the University to liaise with the Police, for example illegal behaviour (such as theft, drug sale or use, violence or threatened violence and property damage)
2. an offence or breach of any statutory, legal or regulatory obligation
3. an adverse human rights impact, e.g., modern slavery practices as defined in the Modern Slavery Act 2018
4. breaching or serious failure to comply with the requirements of Articles, Instruments or other policies and regulations of the University
5. academic or professional malpractice
6. improper conduct relating to accounting, internal control, compliance, actuarial, audit or other matters of concern, or impeding internal or external audit processes
7. non-financial maladministration such as serious improper conduct or dishonest activity that causes actual or potential loss or an unjust advantage, including serious mismanagement of University resources and activity involving customers or third parties
8. failure to disclose a serious conflict of interest
9. malpractice leading to a danger to the health and safety of any individual (including the public)
10. malpractice leading to damage, or substantially risking damage, to the environment, for example hazardous cleaning materials
11. fire safety practices, for example accessibility to a building, evacuation procedures
12. not following food safety procedures, for example food contamination, food hygiene hazards
13. the deliberate concealing of information about any disclosable matters

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