

POLICY AND PROCEDURE ON WHISTLEBLOWING (PUBLIC INTEREST DISCLOSURE)

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Policy control

Approved by	Audit and Compliance Committee	
Contact	Registrar & University Secretary	
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1. Purpose

- 1.1. The University is committed to the highest standards of openness, integrity and accountability and conducts its affairs in line with the requirements of its Instrument and Articles of Government, regulatory bodies and the Committee on Standards of Public Life (the Nolan Committee). This policy and procedure (the Policy) is designed to allow the groups specified in paragraph 2.2 below to disclose information which they believe shows malpractice, without being penalised in any way.
- 1.2. The aims of this policy and procedure are:
 - 1.2.1. to encourage staff and students to report suspected malpractice as soon as possible, in the knowledge that their concerns will be taken seriously and investigated appropriately;
 - 1.2.2. to provide guidance as to how to raise those concerns;
 - 1.2.3. to reassure staff and students that they can raise genuine concerns without fear of reprisal even if they turn out to be mistaken.
- 1.3. This Policy reflects the legal protection given to employees under the [Public Interest Disclosure Act 1998](#) (the Act). It is an express term of the contract of employment that an employee will not disclose confidential information about the University's affairs. However, where an individual discovers information which they believe shows malpractice or illegal practices within the University or those of its official partners, then the option to disclose the information independently of line management, and without fear of reprisal should be made available.

2. Definitions and scope

- 2.1. The Act applies to individuals who raise genuine concerns relating to some actual or potential danger, fraud or other illegal or unethical conduct. The Act provides legal protection to prevent individuals being penalised as a result of making a 'qualifying disclosure' as defined in the Act. A qualifying disclosure is one which, in the reasonable belief of the person making the disclosure, is in the public interest and tends to show one or more of the following:
 - financial impropriety or fraud
 - failure to comply with legislation, the University's Instrument & Articles/Regulations
 - dangers to health, safety or the environment
 - criminal activity
 - giving or receiving bribes by employees or individuals or organisations associated with the University, whether in the UK or abroad
 - academic or professional malpractice or witnessing unsafe practice/care whilst on official student placement or external business
 - improper conduct or unethical behaviour
 - attempts to conceal any of these
- 2.2. The policy applies equally, without regard to seniority or length of service to:
 - full-time and part-time employees;
 - visiting lecturers;

- agency and work-experience staff;
- staff with short or honorary contracts;
- third parties that conduct business with the University;
- members of the University Court;
- members of the Board of Governors;
- students.

This Policy does not form part of any employee's contract of employment, or part of the student contract and the University may amend the Policy at any time.

- 2.3. The policy is not designed to be used by anyone to question legitimate financial or business decisions which have been taken by the University or to express disagreement with legitimate line management decisions; nor should it be used to seek reconsideration of matters which have already been addressed under harassment, grievance, complaint or disciplinary procedures. The Registrar & University Secretary can provide advice on whether a matter is within the scope of the Policy.
- 2.4. The term 'Whistleblowing' has no legal definition; however it is used in this Policy to describe incidents where an individual discloses an alleged wrongdoing within the University under this Policy. The term 'Whistleblower' is used to describe an individual who raises a concern.
- 2.5. The Registrar & University Secretary is the designated Whistleblowing Officer for the University.

3. Safeguards

3.1. Protection

The University will take all reasonable steps to prevent an individual from being subjected to any detriment as a result of raising a genuine concern under this Policy, whether or not the incident reported proves to be true or not provided the reporting was carried out with the reasonable belief of wrong doing.

Any reprisal or similar action taken against an whistleblower because of a protected disclosure, may be regarded as gross misconduct which will result in disciplinary action.

The University undertakes to protect the whistleblower from any victimisation, harassment or bullying occasioned as a result of their disclosure.

Any person who is identified (either in the whistleblowing allegation or after investigation) as having committed that malpractice is prohibited from bringing a personal grievance or complaint against the whistleblower until the whistleblowing allegation has been investigated and any subsequent action (e.g. staff or student disciplinary is completed).

3.2. Confidentiality

The University will treat all such disclosures in a confidential and sensitive manner. The identity of the individual making the allegation may be kept confidential so long as it does not hinder or frustrate any investigation. However, the individual making

the disclosure may need to provide a statement as part of the evidence gathering process, and their identity may be revealed or implied as part of the investigating process.

If a criminal investigation follows, the whistleblower may be required to appear as a witness.

At the point at which any whistleblowing investigation leads to action under a disciplinary policy it will be necessary to reveal the identity of the whistleblower.

3.3. Anonymous disclosures

Whistleblowers are encouraged to put their name to any disclosure they make. Concerns expressed anonymously will be considered at the discretion of the University.

In exercising this discretion, the factors taken into account will include:

- the seriousness of the issues raised;
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources.

Anyone considering taking action under this Policy can contact [Protect](#) which provides free, confidential whistleblowing advice. Alternatively advice can be sought from a Trades' Union representative or a Solicitor.

If an individual wishes to make an anonymous disclosure then they must endeavour to provide as much detailed evidence as possible of the specific issues that they believe constitute malpractice and of the members of staff that they believe to be involved. Generic and unsubstantiated allegations are less powerful and less easy to investigate and the nature of anonymous disclosures do not make it possible for the University to seek the further clarification or detail that might be necessary to enable an investigation to be initiated.

3.4. Untrue allegations

If an individual makes an allegation that they believe to be true, which is not confirmed by subsequent investigation, no action will be taken against them. If, however, they make allegations that they know to be untrue, and particularly if they persist with making them, then disciplinary or legal action may be taken against the individual concerned.

4. Procedures for making a disclosure

Stage 1 - The individual should normally approach the Whistleblowing Officer, who is the University Secretary & Registrar. If any complaint relates to the Whistleblowing Officer or the Vice Chancellor, or if the disclosure is of a sufficiently serious nature, then they may raise the matter with the Chair of the Audit and Compliance Committee. Details of how to contact these individuals are given at the end of this document.

Stage 2 - The person to whom the disclosure is made (the Whistleblowing Officer or the Chair of the Audit and Compliance Committee) should immediately inform the Vice Chancellor and the Chair of the Board of Governors, without breaching the confidentiality of the discloser. In cases involving financial malpractice, the person to whom the disclosure was made should act throughout in close consultation with the Vice Chancellor, as the Accountable Officer for the University's public funding. If the allegation relates to the Vice Chancellor then at this stage only the Chair of the Board of Governors will be informed.

Stage 3 – The person to whom the disclosure is made will decide on the form of investigation to be undertaken. If the disclosure is made to the Chair of the Audit & Compliance Committee, the Whistleblowing Officer will support the Chair in initiating the investigation. If the whistleblowing allegation relates to the University Secretary & Registrar then the Senior Legal Officer will support the Chair. Considering the information which is available in the following investigations may be initiated:

- investigation by the University’s internal auditors
- Investigation by a senior member of the University staff who does not have any involvement in the area to be investigated.
- Investigation by the Police
- An independent enquiry by an external expert or auditor

If the decision is that investigation should be conducted by more than one of these means, the person to whom the disclosure is made should satisfy themselves that such a course of action is warranted, the possibility of double jeopardy notwithstanding.

The person initiating the investigation should decide the following parameters:

- who should undertake the investigation;
- the nature of any financial, technical or legal advice that might be required
- a timeframe for the investigation
- whether individual(s) under investigation should be suspended
- the procedure to be followed;
- the scope of the concluding report.

The Whistleblowing Officer shall ensure that, at all times, disclosure of information conforms to GDPR and the University’s Data Protection Policy.

Stage 4 - The person or persons against whom a disclosure is made will be told of it and the evidence supporting it, and will be allowed to respond before any investigation is concluded. Investigations will be conducted as sensitively and as speedily as possible, and findings will be reported to the person to whom the disclosure was made.

Stage 5 - Upon receiving the results of the investigation, the person to whom the disclosure was made will decide if there is a case to answer, and what procedure to follow. Internal procedures may include:

- disciplinary;
- grievance or complaints;
- harassment and bullying.

The person to whom the disclosure was made will consider whether the findings warrant the submission of a reportable event to the Office for Students.

If it was investigated internally, the matter may warrant referral to the police or independent enquiry at this stage.

Stage 6 - The person to whom the disclosure was made will inform the individual who made the original disclosure of what action, if any, is to be taken. If no further action is to be taken, then the individual concerned should be informed of the reason for this, and given the opportunity to re-make the disclosure to the Chair of the Audit and Compliance Committee (if that was not the person to whom the original allegation was made), or to the Chair of the Board of Governors (see note below). The person receiving the re-made disclosure will consider all the information presented, the procedures that were followed, and the reasons given for not taking further action. The outcome of this may be to confirm that no further action is required, or to request further investigation as outlined above.

Stage 7 – The Whistleblowing Officer will ensure that the outcomes of investigations into disclosures are reported to the next meeting of the Audit and Compliance Committee. The University will retain full reports of the details of such disclosures, of investigations conducted, and of action taken for three years after the investigation was concluded, and follow-up action initiated.

5. Contact details

A disclosure to the Whistleblowing Officer can be made by sending an email to whistleblowing@beds.ac.uk. To make a disclosure to the Chair of the Audit & Compliance Committee, an email can be sent to the above address with a clear note that the contents of the email should be shared immediately with the Chair. If the allegation relates to the Whistleblowing Officer then an email/letter should be sent to the Vice Chancellor.

6. Links/Dependencies

This policy should be read and its use considered with reference to:

Policy and procedure for the reporting and investigation of fraud and corruption

Policy and procedure to prevent money laundering

Anti-Bribery Policy and Procedure