UNIVERSITY OF WOLVERHAMPTON WHISTLEBLOWING POLICY

1. Policy Statement

1.1 The University is committed to the highest standards of honesty, integrity, probity, and accountability. It seeks to conduct its affairs in a responsible manner, taking into account the proper use of public funds, the requirements of its funding bodies, and the standards required in public life. The University will act honestly, ethically, transparently, and within the law.

1.2 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.

1.3 The purpose of this policy is:

(a) To encourage individuals, to report suspected wrongdoing in the University at the earliest opportunity, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected;

(b) To provide individuals with guidance as to how to raise those concerns and receive feedback on any action taken;

(c) To ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied; and

(d) To reassure individuals that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken.

1.4 This policy sits under the University's Complaints Framework, which sets out the different ways in which individuals can raise concerns or make complaints to the appropriate body.

1.5 Individuals are often the first to realise that there may be something seriously wrong within the University. 'Whistleblowing' is viewed by the University as a positive act that can make a valuable contribution to the University's efficiency and long-term success. It is not disloyal to colleagues or to the University to raise a concern. The University is committed to achieving the highest standards in public life and in all of its practices. To help achieve these standards it encourages freedom of speech, as set out in the University's Freedom of Speech code of practice (https://www.wlv.ac.uk/university-life/freedom-of-speech/).

1.6 If you are considering raising a concern, you should read this policy first. It explains:

- Who this policy applies to,
- The type of issues that can be raised,
- How the person raising a concern will be protected from victimisation and harassment,
- How to raise a concern, and
- What the University will do.

1.7 This policy follows the University's values:

- **Accountable:** we take pride in what we do and how we do it, take responsibility for our actions and operate with transparency and integrity.
- **Resilient**: we have a positive outlook; we are adaptable and recover from setbacks.
- **Inclusive:** we are welcoming, respectful, collegiate and supportive.
- **Ambitious:** we are imaginative, confident, innovative and deliver excellence.

2. Scope of this policy

2.1 This policy is incorporated within the legal framework of the Public Interest Disclosure Act 1998 (PIDA) ('the Act') which provides statutory protection for certain individuals who make a disclosure if they believe is in the public interest. The Act protects most workers from negative treatment or dismissal for raising their concerns. For a disclosure to be protected by the provisions of the Act it must relate to matters that qualify for protection under the Act. Paragraph 5 below sets out examples of what should be reported and what amounts to a qualifying disclosure.

2.2 If you are an employee or contractor this policy does not form part of any contract of employment or other contract to provide services, and we may amend it at any time.

2.3 This policy has been implemented following consultation with the University Executive Board and Audit and Risk Committee.

2.4 This policy is to be used by individuals to raise concerns they may have about the University and which are in the public interest. Individuals are reminded that they may have a professional duty or a contractual obligation to bring to the attention of the University any matter that may be potentially damaging to the University.

2.5 A disclosure should not be made to external bodies before it is raised through the policy process. The University's advice to any individual contemplating disclosure to an external body is to seek advice before doing so. An individual can contact Public Concern at Work (Protect), which is an independent charity, and which operates a confidential helpline that offers help and advice.

3. Who does this policy apply to?

3.1 This policy applies to all individuals employees or other workers (which includes paid employees, former employees, honorary attachments, agency workers, contractors and trainees), and Board members. All these categories are collectively referred to as 'individuals' in this policy and are protected as whistleblowers under the law.

3.2 Unless students also fall within one of the above categories, they are not protected by the Act, and this policy does not therefore apply to them.

4. Who is responsible for this policy

4.1 The University's Board of Governors has overall responsibility for the effective operation of this policy, and for reviewing the effectiveness of actions taken in response to concerns raised under it. All individuals at the University are responsible for implementing and upholding the principles of this policy, and creating an environment where individuals feel empowered to make appropriate referrals. The University Executive Board sees the policy as a key policy for the University, and oversight of this policy is through the Audit and Risk Committee.

4.2 The University Secretary oversees the policy for the University.

4.3 All individuals are responsible for the success of this policy and individuals should ensure that they use it to disclose any suspected danger or wrongdoing. All individuals are invited to comment on this policy and suggest ways in which it might be improved and should be addressed to the University Secretary via *governance@wlv.ac.uk*.

4.4 The University Secretary has day-to-day operational responsibility for this policy and you should refer any questions about this policy to them in the first instance. The University Secretary must ensure that regular and appropriate training is provided to any manager who may deal with concerns or investigations under this policy.

4.5 The University Secretary, in conjunction with the Board of Governors, will review this policy from a legal and operational perspective:

(a) At least every three years,

(b) Whenever there is a significant change in related legislation; or

(c) As a consequence of specific cases.

5. What is whistleblowing?

5.1 **Whistleblowing** is the disclosure of information which relates to suspected wrongdoing or dangers at work. A qualifying disclosure may include:

(a) Criminal activity;

(b) Failure to comply with any legal or professional obligation or regulatory requirements;

(c) Miscarriages of justice;

(d) Danger to health and safety;

(e) Damage to the environment;

(f) Bribery under our Anti-corruption and Bribery policy;

(g) Facilitating tax evasion;

(h) Financial fraud or mismanagement;

(i) Breach of our internal policies and procedures;

(j) Conduct likely to damage our reputation or financial wellbeing;

(k) Unauthorised disclosure of confidential information;

(l) Negligence;

(m) Serious failure to comply with the University's Instrument, Articles and Byelaws;

(n) Conduct that makes you feel uncomfortable in terms of known standards;

(o) Conduct that is not in keeping with the University's Constitution or policies;

(p) Conduct that falls below established standards of practice,

(q) Any improper behaviour or unethical conduct; and

(r) The deliberate concealment of any of the above matters,

(This list is not exhaustive.)

5.2 **A whistleblower** is an individual who raises a genuine concern relating to any of the above. If you have any genuine concerns related to suspected wrongdoing or danger affecting any of our activities (a **whistleblowing concern**) you should report it under this policy.

5.3 This policy should not be used by staff to make complaints about personal circumstances (for example, to complain about a legitimate HR process) or by students as an alternative way to raise a concern or dissatisfaction with a service provided by the University. In those cases, you should use the Grievance Procedure (University Resources - Grievance Policy and Procedure.pdf - All Policies – staff only) or the Student Complaints Process (Current Student Complaints - University of Wolverhampton – current students only).

5.4 If a complaint relates to your own personal circumstances but you also have wider concerns regarding one of the areas set out above (for example, a breach of our internal policies), you should discuss with the University Secretary as to which route is the most appropriate to follow or refer to the University's Complaints Framework.

5.5 The policy does not apply to matters of concern or differences relating to individual or collective grievances or complaints by students.

5.6 The policy is not for reconsideration of any matters already addressed under other internal procedures, for example complaints or disciplinary or grievance procedures, or for individuals to challenge decisions properly taken by the University.

5.7 If you are uncertain whether something is within the scope of this policy you should seek advice from the University Secretary, whose contact details are at the end of this policy.

6. Raising a whistleblowing concern

6.1 Any individual as defined in section 3 can raise a concern under this policy.

6.2 If you are an employee, you can raise any concerns with your line manager. You may tell them in person or put the matter in writing if you prefer. They may be able to agree a way of resolving your concern quickly and effectively. In some cases, they may refer the matter to the University Secretary as to next steps.

6.3 If you feel that your line manager has not addressed your concern, or you prefer not to raise it with them for any reason, and your concern falls within the criteria of a protected disclosure, you should contact one the University Secretary to raise your concern.

6.4 For concerns that do not meet the criteria of a protected disclosure, you should refer to the Complaints Framework.

6.5 We will arrange a meeting with you as soon as possible to discuss your concern. You may bring a work colleague or union representative to any meetings under this policy. Your companion must respect the confidentiality of your disclosure and any subsequent investigation.

6.6 We will take down a written summary of your concern and provide you with a copy after the meeting. We will also aim to give you an indication of how we propose to deal with the matter and what kind of evidence would be required to support a disclosure.

6.7 If you meet the criteria of a protected disclosure the University Secretary will notify the Vice Chancellor (or the Chair of the Board of Governors if the matter is about the Vice Chancellor) and the Chair of the Audit and Risk Committee.

6.8 If you believe the University Secretary may be implicated, then you should raise your concern with the Vice Chancellor directly.

6.9 If you are unsure who to contact, you can contact the independent charity Protect (www.protectadvice.org.uk) who can advise you. They offer a free and confidential helpline on 020 3117 2520.

6.10 If, for reasons of disability, you are unable to set out your concerns in writing, then you should contact the University Secretary by telephone or any other suitable method, contact details can be located at the end of this policy.

6.11 You may raise your concern by telephone, in person or in writing. The earlier you express your concern, the easier it is to take action. You will need to provide the following information:

(a) The nature of your concern and why you believe it to be true; and

(b) The background and history of the concern (giving relevant dates and providing relevant evidence).

6.12 Although you are not expected to prove beyond doubt the truth of your suspicion, you will need to demonstrate to the person contacted that you have a genuine concern relating to suspected wrongdoing or malpractice within the University and there are reasonable grounds for your concern. You should make it clear that you are raising your concern under this policy.

6.13 Your concern will be placed on a register, which is reviewed regularly by our Audit and Risk Committee, and available for inspection. The University Secretary is responsible for maintaining the register, which contains information relating to the nature of the complaint and outcome, ensuring data protection obligations are complied with.

7. Other reporting

7.1 Only those individuals as set out in section 3 can be protected by the law as whistleblowers.

7.2 If you do not fall under the list of individuals as set out in section 3, you should refer to the University's Complaints Framework, as it may be that one of the University's other policies and procedures may be appropriate.

7.3 If you are a student, you may be able to raise a complaint with the Office of the Independent Adjudicator for Higher Education once the University's Student Complaints process has been exhausted.

7.4 If you are a student, you can also make a notification to the Office for Students if you are concerned that the University is not meeting its regulatory requirements. The email address to send your notification to is: notifications@officeforstudents.org.uk. If you are not sure whether to submit a notification and would like to discuss your concern, you can phone the Office for Students on 0117 931 7317 or write to notifications@officeforstudents.org.uk outlining the issue.

8. Confidentiality

8.1 We hope that an individual will feel able to voice whistleblowing concerns openly under this policy. However, if you want to raise your concern confidentially, we will make every effort to keep your identity secret. If it is necessary for anyone investigating your concern to know your identity, we will discuss this with you.

8.2 We do not encourage individuals to make disclosures anonymously, although we will make every effort to investigate anonymous disclosures. You should be aware that proper investigation may be more difficult or impossible if we cannot obtain further information from you. 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 or one of the other contact points listed in paragraph 6 and appropriate measures can then be taken to preserve confidentiality. If you are in any doubt, you can seek advice from 'Protect', the independent whistleblowing charity, who offer a confidential helpline. Their contact details are at the end of this policy.

9. Investigation and outcome

9.1 Once you have raised a concern, we will respond to your concerns as quickly as possible. Do not forget that testing your concern(s) is not the same as either accepting or rejecting them. The overriding principle for the University will be the public interest. In order to be fair to all employees, including those who may be wrongly or mistakenly accused, initial enquiries will be made to decide whether an investigation is appropriate, and if so, what form it should take. You may be required to attend additional meetings in order to provide further information.

9.2 The investigation may need to be carried out under terms of strict confidentiality i.e., by not informing the subject of the complaint until (or if) it becomes necessary to do so. In certain cases, however suspension from work may have to be considered immediately. Protection of others is paramount in all cases.

9.3 Where appropriate, the matter raised may:

(a) Be investigated by a member of the University, Internal Audit, external investigator or through the Disciplinary/Dignity at Work and Study Policy,

(b) Be referred to the police,

(c) Be referred to the external auditor.

9.4 Within fourteen working days of a concern being raised, the University Secretary will write to you:

(a) Acknowledging that the concern has been received,

(b) Indicating how the University proposes to deal with the matter,

(c) Supplying you with information on staff support mechanisms, and

(d) Telling you whether further investigations will take place and if not, why not.

9.5 In some cases, we may appoint an investigator or team of investigators including staff with relevant experience of investigations or specialist knowledge of the subject matter. The investigator (or investigators) may make recommendations for change to enable us to minimise the risk of future wrongdoing. Investigations will be done in a timely manner, however complex disclosures may require a significant amount of time to investigate.

9.6 The amount of contact between you and the University Secretary will depend on the nature of the matters raised, the potential difficulties involved and the clarity of your information. It is likely that you will be interviewed to ensure that your disclosure is fully understood, however this may not be necessary depending on what information you have provided.

9.7 Any meeting can be arranged away from your place of work, if you wish, and a work colleague or union representative may accompany you in support.

9.8 Any person who is the subject of a disclosure will normally be told of the allegation(s) and the identity of anyone who will receive personal data about them because of the investigation, unless there is a substantial risk that this will prejudice the investigation. Your identity will not be disclosed unless this is unavoidable, and we will discuss this with you before anything happens.

9.9 The University will do what it can to minimise any difficulties that you may experience as a result of raising a concern. For instance, if you are asked to give evidence in criminal or disciplinary proceedings, the University will arrange for you to receive appropriate advice and support.

9.10 You need to be assured that your disclosure has been properly addressed. Unless there are any legal reasons why this cannot be done, you will be kept informed of the progress and outcome of any investigation.

9.11 You must treat any information about the investigation as confidential.

9.12 We will aim to keep you informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent us giving you specific details of the investigation, an outcome or any disciplinary action taken as a result. You should treat any information about the investigation as confidential.

9.13 If we conclude that a whistleblower has made false allegations maliciously, the whistleblower will be subject to disciplinary action.

10. If you are not satisfied

10.1 While we cannot always guarantee the outcome you are seeking, we will try to deal with your concern fairly and in an appropriate way. By using this policy, you can help us to achieve this.

10.2 If you are not happy with the way in which your concern has been handled, you can raise it with one of the key contacts. Contact details are set out at the end of this policy.

11. External disclosures

11.1 The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases you should not find it necessary to alert anyone externally.

11.2 The law recognises that in some circumstances it may be appropriate for you to report your concerns to an external body such as a regulator. It will very rarely if ever be appropriate to alert the media. We strongly encourage you to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Protect, operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern. Their contact details are at the end of this policy.

11.3 Whistleblowing concerns usually relate to the conduct of our staff, but they may sometimes relate to the actions of a third party, such as a customer, supplier or service provider. In some circumstances the law will protect you if you raise the matter with the third party directly. However, we encourage you to report such concerns internally first, in line with this policy. You should contact your line manager or the other individuals set out at the end of this policy for guidance.

12. Protection and support for whistleblowers

12.1 This Policy has been written to take account of the Act, which protects individuals making disclosures about certain matters of concern, when those disclosures are made in accordance with the Act’s provisions and in the public interest.

12.2 The Act makes it unlawful for the University to dismiss anyone or allow them to be victimised or harassed on the basis that they have made an appropriate lawful disclosure in accordance with the Act. Whistleblowers must not suffer any detrimental treatment as a result of raising a concern. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If you believe that you have suffered any such treatment, you should inform the University Secretary immediately. If the matter is not remedied you should raise it formally using our Grievance Procedure (please view the policy hub for information on all related policies (https://www.wlv.ac.uk/about-us/corporate-information/wlv-policies/).

12.3 Rarely, a case might arise where it is the employee that has participated in an action causing concern(s). In such cases it is in the employee's interests to come into the open as soon as possible. The University cannot promise not to act against such an employee, but the fact that they came forward may be taken into account.

12.4 It is understandable that whistleblowers are sometimes worried about possible repercussions. We aim to encourage openness and will support staff who raise genuine concerns under this policy, even if they turn out to be mistaken.

12.5 Employees will not be disciplined for making a disclosure in accordance with this policy. However, where a disclosure is found to be malicious or vexatious or if an external disclosure is made without reasonable grounds, in breach of this policy, then disciplinary action will be taken.

12.6 You must not threaten or retaliate against whistleblowers in any way. If you are involved in such conduct you may be subject to disciplinary action. In some cases, the whistleblower could have a right to sue you personally for compensation in an employment tribunal.

13. Contacts

University Secretary	governance@wlv.ac.uk
Deputy University Secretary/Director of Corporate Governance	governance@wlv.ac.uk
Chair of the Board of Governors and Chair of the Audit Committee	Please direct queries to governance@wlv.ac.uk
Protect (Independent whistleblowing charity)	Helpline: 020 3117 2520 Website: https://protect-advice.org.uk

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