



Whistleblowing policy and procedure

(Disclosure in the public interest)

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Aim

The aim of the Whistleblowing Policy and Procedure is to provide an open and transparent way to raise serious concerns that are in the public interest. The raising of such concerns can make a positive difference, alerting the University to serious risks or malpractice that might otherwise take time to come to light. Individuals who make disclosures under the terms of this policy will be protected and supported.

1. Policy Statement

1.1 The University is committed to the highest standards of openness, probity and accountability. It seeks to conduct its affairs in a responsible manner taking into account the requirements of funding bodies and the principles of public life set out by the Nolan Committee, which are: Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty, and Leadership.

1.2 This policy sets out arrangements for individuals to raise serious concerns, which are in the public interest, at senior levels within the University.

1.3 It meets the legal requirements set out in the Employment Rights Act 1996 but goes further in two aspects. Firstly, it extends the list of concerns where a protected disclosure may be made beyond those identified in the Act. Secondly, it extends protection for disclosure beyond employees to students and to other members of the University.

1.4 Individuals who raise concerns in the public interest under this policy will be taken seriously and treated fairly. They will be protected from detrimental treatment following their disclosure; any victimisation may result in disciplinary action for the perpetrator.

1.5 It should be emphasised that this policy is intended to assist individuals who believe they have discovered malpractice or serious wrongdoing provided that they make the disclosure in accordance with the policy. It is not designed to question financial or business decisions taken by the University unless these involve malpractice, nor may it be used to reconsider any personal matters which have already been addressed under disciplinary, capability, or complaints procedures, or student conduct procedures. Individuals who make disclosures where there is no public interest will not be protected under this policy and may not be protected under the Act.

2. Scope

This policy applies to all employees, students, workers, contractors, visitors, and invitees. at the University of Essex.

“Whistleblowing” means the raising of a concern or making a disclosure that is in the public interest i.e. it is a disclosure of serious wrongdoing that has an impact beyond the individual making the disclosure. Concerns may be raised by employees, workers, students, contractors, visitors and invitees.

Where concerns are of a personal nature, they must be raised under other procedures, such as the [Grievance Procedure](#).

Although workplace concerns would normally be raised with line managers, it is recognised that the seriousness of some issues may require disclosure under this procedure.

Disclosure should normally be made to the Registrar and Secretary in the first instance. The next step may then be an investigation. The individual making the disclosure will be kept informed of progress in so far as possible, bearing in mind the need to protect confidentiality of other parties.

3. Roles and responsibilities

3.1 Employees are responsible for:

- Raising any concerns in the first instance with their line manager or formally with the Registrar and Secretary
- To ensure the concern raised is not of a personal nature and therefore a grievance

3.2 Managers are responsible for:

- Hearing informal disclosures in the first instance
- Knowing who to seek advice from if they require assistance

3.3 People and Culture are responsible for:

- Sign-posting colleagues to information on making a disclosure
- Supporting managers when hearing informal disclosures
- Keeping a top line central record of summary information about each disclosure

3.4 Registrar and Secretary or designated person are responsible for:

- Listening to formal disclosures if the disclosure is not related to them
- Acknowledging receipt of the formal disclosure in writing within 10 days
- Provide feedback within 3 months of acknowledgement

4. Legal background and protection

4.1 The Employment Rights Act 1996 (amended by the Public Interest Disclosure Act 1998 and the Enterprise and Regulatory Reform Act 2013) gives legal protection to employees being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns.

4.2 It is a fundamental term of every contract of employment that an employee will faithfully serve their employer and not disclose confidential information about the employer's affairs. However, where an individual discovers information which they believe shows malpractice/wrongdoing within the organisation and there is a public interest at stake, there should be identified procedures to enable the individual to disclose the information without fear of reprisal, and it may be necessary for the disclosures to be made independently of line management.

5. Who can raise concerns?

5.1 This policy is designed to enable employees, students, workers, contractors, visitors, and invitees. to raise concerns or disclose information at a senior level where it is believed there is serious malpractice and where disclosure is in the public interest.

5.2 The University encourages individuals to put their name to any disclosures they make. Concerns expressed anonymously will be considered if possible but it is likely to be more difficult if full information is not provided.

6. What concerns or complaints are covered?

6.1 This policy covers concerns which are in the public interest i.e. serious wrongdoing that has an impact beyond the individual making the disclosure.

This includes concerns:

- that a criminal offence has been committed, is being committed or is likely to be committed,
- that a person has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject,
- that a miscarriage of justice has occurred, is occurring or is likely to occur,
- that the health or safety of any individual has been, is being or is likely to be endangered,
- that the environment has been, is being or is likely to be damaged,
- academic malpractice,
- improper conduct or unethical behaviour,
- financial malpractice, impropriety or fraud,
- that evidence tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed or tampered with.

6.2 This is not intended to be a comprehensive list and any matters raised in the public interest under this policy will be considered seriously.

6.3 However, where concerns are of a personal nature, these must be raised under the [Grievance Procedure](#), or [Complaints of Harassment or Bullying Procedure](#), the [Code of Student Conduct](#), or the [Student Concerns and Complaints Procedure](#).

7. Confidentiality

7.1 The University will treat all disclosures made in line with this policy in a confidential and sensitive manner. The identity of the individual making the allegation will be kept confidential as far as possible under the terms of the investigation.

8. Protection of those raising concerns

8.1 Employees or other members of the University who disclose such concerns must be supported and taken seriously. They must not suffer any detriment provided the disclosure is made:

- in accordance with these procedures
- in the reasonable belief of the individual making the disclosure that it tends to show malpractice and that disclosure is in the public interest.

8.2 Detriment might include disciplinary action, termination of employment, unfavourable treatment, or removal from studies. Anyone making a disclosure may seek advice from HR if they have any concerns.

8.3 All complaints about victimisation because of concerns raised in line with this policy will be taken seriously and may result in an investigation and disciplinary action for the perpetrator.

9. Procedures for making a disclosure

9.1 Informal Process

Normally any concern about a workplace situation should be raised in the first instance with the employee's immediate manager or Head of Department. In the case of students, concerns would normally be raised through the complaints procedures. However, it is recognised that because of the seriousness and sensitivity of some issues, together with the knowledge of who the employee (or student) thinks may be involved in wrongdoing, this may be difficult or even impossible. In this case, the formal process should be used.

9.2 Formal Process

The individual should make the disclosure to the Registrar and Secretary (the designated person). If, however, the disclosure is about the Registrar and Secretary, then the disclosure may be made either to the Vice-Chancellor, the Chair of Council, or the Chair of the Audit and Risk Management Committee. Correspondence marked for the attention of the Chair of Council or the Chair of the Audit and Risk Management Committee can be sent via the Vice-Chancellor's Office.

9.3 Disclosures should be made in writing, making clear that this is being done within the terms of this policy. The disclosure should include the nature of the concern and why it is believed to show malpractice and that disclosure is in the public interest. The background and all relevant evidence should be included.

9.4 Following receipt of a disclosure, the designated person will acknowledge the disclosure in writing within 10 working days, and at their discretion will discuss next steps with HR or another senior independent member of staff, dependant on the nature of the disclosure. Next steps might be:

- An investigation under the University's [Conducting Investigations Guidance](#).
- An 'ad hoc' investigation depending on the nature of the disclosure.
- A referral to the police.
- No further action if, on examination, the concern is judged to be without merit.

9.5 Where an investigation is undertaken, the outcome will be reported to the designated officer, who will consider what further action to take, if any. This may include referral under the Disciplinary Procedure for the perpetrator.

9.6 The individual raising the concern will be kept informed of progress and may be given the opportunity to contribute to any investigation or to comment on a decision not to take action. However, there may be a need to protect the confidentiality of other parties, for example where there has been an investigation and disciplinary action.

9.7 Feedback will be given to the individual within 3 months of acknowledging the disclosure

9.8 There will be no right of appeal under this procedure.

9.9 A central record containing summary information about each disclosure will be kept by People and Culture. This will include the date, the nature of the disclosure, the department or section that was the subject of the disclosure, the individual who investigated / considered the matter, and the outcome. The name of the individual who made the disclosure must not be recorded. These records will be kept to allow for review of the effectiveness of this policy and to allow for a strategic view on the number, nature and location of disclosures. Detailed notes about any investigation into a disclosure will be retained by whoever undertook the investigation and treated as confidential.

10. External disclosures

10.1 The University recommends that concerns are raised internally in the first instance. This policy and the procedure and protection it provides are intended to support individuals to do so.

10.2 However, there may be occasions where individuals feel they need to report matters outside of the University. To retain whistleblowing legal rights, these disclosures must be made to a prescribed person. A complete list of prescribed persons can be found [here](#). Concerns about health and safety can also be raised with the [Health and Safety Executive](#).

10.3 If disclosures are made publicly to the media, in most cases the individual will lose their whistleblowing legal rights.

10.4 Further information is available at [GOV.UK](#). The charity [Public Concern at Work](#) provides advice and a confidential helpline. It is also possible for concerned individuals to get legal advice.

11. Whistleblowing policy flowchart

1. Individual has concern about malpractice or serious risk
2. Consider raising with line manager in the first instance
3. Is the issue of a personal nature i.e. it does not affect anyone else?

Yes	No
<ul style="list-style-type: none"> ■ Use Grievance or Complaints Procedures. 	<ul style="list-style-type: none"> ■ Is the disclosure of serious wrong doing that has an impact beyond the individual making the disclosure? ■ Make disclosure to the Registrar and Secretary (or alternative set out in the Policy) in writing with background setting out why this is in the public interest ■ Registrar and Secretary (or alternative set out in the Policy) acknowledges the disclosure within 10 days. ■ Next steps may include investigation, referral to the police, or no further action. ■ Individual kept informed to the extent possible given confidentiality. <ul style="list-style-type: none"> – Send brief details (set out in Policy) to People and Culture for central corporate record. ■ No right of appeal but legal advice may be taken or disclosure to prescribed person.

12. University sources of support and information

- [Grievance Procedure](#)
- [Code of Student Conduct](#)
- [Student Concerns and Complaints Procedure](#)
- [Bullying and Harassment: Our Zero Tolerance Approach](#)
- [Conducting Investigations Guidance](#)

13. Related university policies and procedures

- [Equality, diversity and inclusion policy](#)

14. Equality Impact Assessment

14.1 We are committed to meeting our obligations under the Equality Act 2010, which requires the University show no discrimination as required by law on account of age, disability, gender reassignment*, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. The University will always act lawfully and this may include taking action to support people with particular protected characteristics, including disability and sex. In addition to its obligations under the EA, the University shall adopt policies, practices, and procedures that define expected standards of behaviour and specify any additional characteristics, beyond those required by law, to which protection is provided, for example, in relation to political belief, social background and refugee status.

*The University's policies, practices and procedures specifically extend to all gender identities including trans, non-binary and gender non-conforming people.

14.2 Our [Equality, diversity and inclusion policy](#) sets out our approach, in the context of our institutional mission, values and objectives as set out in our Strategic Plan, our People Supporting Strategy, our Education and Research Strategies and equalities legislation.

15. Monitoring

People, Culture and Inclusion Advisory Groups purpose is to ensure legal compliance and monitor on behalf of USG, the implementation of the University's people strategies, policies and practices, including those relating to equality, diversity and inclusion (EDI); promote dissemination of good people management practice throughout the University and draw to the attention of USG any areas of concern requiring attention.

Policy information

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Nominated Contact:

Responsible UoE Section: People and Culture

Approval Body: USG

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