

WHISTLEBLOWING POLICY

Reporting a concern about malpractice, wrong-doing or fraud in the workplace

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1 INTRODUCTION

- 1.1 The University of Worcester is committed to conducting its affairs in a responsible way and demonstrating the highest standards of openness, honesty and integrity.
- 1.2 All organisations face the risk of malpractice within the workplace and of unknowingly harbouring illegal or unethical conduct. Encouraging a culture of openness where staff feel able to raise concerns and to speak out about suspected wrongdoing or malpractice is essential in ensuring we maintain the highest standards of management, governance and accountability at all times.
- 1.3 The aim of this policy is to provide staff with guidance on the concerns that can be raised under whistleblowing procedures and to provide an overview of the process that will be followed once a concern has been raised. Separate procedures are in place to manage student concerns relating to a course or a placement. Students should speak with their tutor or the Complaints and Appeals Officer in the first instance to establish the appropriate course of action. The Complaints and Appeals Officer can be contacted by email: complaintsandappeals@worc.ac.uk
- 1.4 Where a concern is raised under the Whistleblowing Policy, we will seek to ensure that your concern is handled fairly and in the appropriate manner.
- 1.5 This policy takes account of The Public Interest Disclosure Act 1998 (PIDA) and recognises the importance of staff feeling able to raise genuine and legitimate concerns without being subject to disciplinary sanctions or victimisation, provided that they do so lawfully, without malice and in the public interest.

2 ARRANGEMENTS AND PRINCIPLES

- 2.1 The arrangements set out in this policy are intended to provide guidance to staff when reporting genuine concerns about suspected wrongdoing or malpractice at work (often referred to as “whistleblowing”), such as:
 - criminal activity
 - financial malpractice, mismanagement or fraud
 - tax fraud (including the facilitation of tax fraud by third parties)
 - improper or unauthorised use of public or other funds
 - failure to comply with a legal obligation
 - miscarriages of justice
 - danger to the health and safety of any individual
 - damage to the environment
 - concerns about bribery or corruption
 - sexual harassment (whether it has occurred, is occurring, or is likely to occur)
 - an attempt to deliberately conceal any of the above

- 2.2 If you have any genuine and legitimate concerns related to suspected wrongdoing or malpractice affecting any of the University's activities, you should report it under this policy.
- 2.3 If you are unsure whether something is within the scope of this policy, you should seek advice from your line manager (if appropriate) or one of the individuals listed in section 6 below.
- 2.4 This policy aims to encourage staff to report suspected wrongdoing as soon as possible and to ensure that staff feel confident that they can raise any genuine and legitimate concern without fear of reprisals, even if they turn out to be mistaken, in the knowledge that it will be taken seriously, investigated as appropriate and treated confidentially.
- 2.5 It applies to all employees irrespective of the nature of their contract as well as other individuals who perform work for the University (e.g. agency workers, contractors, home workers, volunteers, interns, trainees, individuals on work experience, registered lecturers). If you are in any doubt as to whether you are covered by the policy, please contact any of the individuals listed in the section 6 below.
- 2.6 This policy also applies to University activity delivered through partnership or sub-contractual arrangements.
- 2.7 This policy does not form part of any employee's contract of employment, and we may amend it at any time.
- 2.8 Please note that this policy is not applicable in circumstances where your concern is about your personal position, such as the terms of your employment contract or the way you have been treated at work. In these cases, the University's Resolution Procedure or Harassment and Bullying Policy are more likely to be relevant and we would encourage you to seek further advice from your line manager or a member of the HR team if you are unclear as to the relevant policy.
- 2.9 Concerns relating to the handling or outcome of any other HR process, and in particular where such a process provides a right of appeal, including in respect of disciplinary action or dismissal, should be dealt with in accordance with the relevant procedure and will not be considered separately under this policy.

3 STAFF RESPONSIBLE FOR THE POLICY AND ITS ARRANGEMENTS

- 3.1 The Director of Human Resources and University Secretary have day-to-day operational responsibility for this policy and should ensure that processes are in place for managers and other staff who may deal with concerns or investigations under this policy to receive appropriate support.
- 3.2 The Director of Human Resources and University Secretary, in conjunction with the Vice Chancellor and Vice Chancellor's Executive Board, should review this policy periodically to ensure that it remains effective and reflective of legal and operational requirements.

- 3.3 All staff are responsible for the success of this policy and are encouraged to act with accountability and to disclose any suspected malpractice or wrongdoing as soon as concerns are raised.

4 REPORTING A CONCERN

Your protection:

- 4.1 All staff are encouraged to raise any genuine concerns under this policy at the earliest opportunity.
- 4.2 It is understandable when raising a concern under these arrangements, that you may have concerns about possible repercussions. It is important that staff feel able to raise genuine and legitimate concerns and that they feel supported when doing so. The University will not take or tolerate any detrimental treatment towards any member of staff as a result of raising a genuine and legitimate concern under this policy, even if their concern proves to be mistaken. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern.
- 4.3 When considering raising a concern under this policy, you may disclose the information to a Trade Union representative in the course of seeking advice about matters of disclosure. A Trade Union Adviser should treat any matters raised in confidence so far as is consistent with legal responsibilities.
- 4.4 If you believe that you have suffered any detrimental treatment as a result of raising a concern under this policy, you should report this to your line manager (if appropriate), or one of the individuals listed in section 6 below.
- 4.5 Staff are encouraged to use this policy to raise genuine and legitimate concerns. However, it is also possible that this policy could be used to make false and malicious allegations. If, following investigation, an individual is found to have made allegations maliciously, they may be subject to disciplinary action under the University's Disciplinary Procedure.
- 4.6 If you are involved in any detrimental treatment towards somebody raising a concern under this policy or attempt to deter somebody from raising a legitimate concern under this policy, this will be regarded as a serious offence, and you may be subject to disciplinary action under the University's Disciplinary Procedure.

Confidentiality:

- 4.7 Through using this policy, the University hopes that staff will feel able to raise any concern openly. When raising a concern, the process will be discussed with you, and every effort will be made to protect your identity should you wish. All steps will be taken to maintain confidentiality as far as is consistent with progressing the matter and our legal obligations.

- 4.8 In some circumstances, it may not be possible to resolve a concern without revealing your identity, for example, where your personal evidence is essential in any investigation or proceedings. In such circumstances you will be contacted in advance of your identity being disclosed.
- 4.9 In addition, where there is evidence of criminal activity, the police will normally be informed.
- 4.10 Any personal information provided to the University will be managed in accordance with data protection legislation (Data Protection Act 2018, UK General Data Protection Regulation (EU)(2016/679) (UK GDPR) and all subsequent related legislation) and the University's Information Security Policy.

5 ANONYMOUS ALLEGATIONS

- 5.1 We do not encourage staff to make disclosures anonymously. In such circumstances, it can be much more difficult or not possible to investigate the concern adequately, to establish whether any allegations are credible, to protect the individual from reprisal, and to give feedback at the end of the process.
- 5.2 The University will need to satisfy itself that any serious anonymous allegations are investigated thoroughly, as far as is reasonably practicable based upon the facts and the information disclosed anonymously. If you are concerned about possible reprisals, please notify the person to whom you are making the disclosure so that appropriate steps can be taken.

6 HOW TO RAISE YOUR CONCERN

Step 1: Contact your line manager

- 6.1 If you have a concern, you are encouraged to raise it with your line manager in the first instance. You may do this verbally or in writing. You should state the facts of the matter clearly and provide any information that may help inform any investigation. If you have a direct or personal interest in the matter, this should be highlighted at this stage. If you are raising your concern in writing, please remember to give details of how you would like to be contacted.
- 6.2 On receipt of your concern, your line manager will refer your concern to the University Secretary and seek advice on the most appropriate procedure to follow.
- 6.3 In some cases, your line manager may refer the matter to and/or otherwise involve Human Resources.
- 6.4 If it is not appropriate for you to raise your concern with your line manager, then please use one of the alternative internal contacts referred to below.

Step 2: Alternative internal contacts

- 6.5 Where the matter is more serious, or you feel unable to raise the matter with your line manager, you should contact the Director of Human Resources or the University Secretary. Where the matter relates to the Vice Chancellor or a member of the Board of Governors you should contact the Clerk to the Board of Governors.
- 6.6 In the event that you are unsure whether you should raise an issue under this policy or you need advice as to how to do so, free confidential advice and support is also available from Protect (contact details below). Protect is a charity with the objective of promoting compliance with the law and best practice. They offer free expert and confidential advice on how best to raise a concern. Their website (<https://protect-advice.org.uk>) is a useful resource for finding out more about raising concerns.
- 6.7 As noted in paragraph 4.33, you may also seek advice from a Trade Union representative.

7 HOW WE WILL HANDLE YOUR CONCERN

- 7.1 Once you have raised a concern under this policy, the disclosure will be reviewed by the University Secretary, and a decision will be made regarding the most appropriate action.
- 7.2 If your concern falls more properly under another University policy (e.g. Staff Disciplinary Procedure, Resolution Procedure, or Harassment and Bullying Policy), you will be advised to take your concern forward under the appropriate policy, if appropriate.
- 7.3 When your reported concerns fall under this policy, a decision will then be made as to whether an investigation is required and what form it should take. Not all disclosures will require an investigation.
- 7.4 In the event that it is decided that your concerns will be investigated, you will be advised:
- 7.4.1 who is handling the matter; and
 - 7.4.2 if further input is needed from you (this may include a meeting with you to discuss your concern).
- 7.5 You may bring a colleague or Trade Union representative to any meetings under this policy. Your companion must respect the confidentiality of your disclosure and any subsequent investigation.
- 7.6 It is a matter for the University to determine how to investigate the concern and who should conduct the investigation, and this will depend on the individual circumstances of the case. Likewise, the need for confidentiality may prevent us from giving you specific details of the nature of investigation or any action taken as a result. We would expect to be able to advise you when the investigation stage has been completed. In addition, if as a result of the investigation, the University introduces a change to its policies or practices then we would expect to be able to inform you of this.
- 7.7 If you are provided with information about the investigation, you should treat it as confidential.

- 7.8 If you do not feel that this policy has been followed appropriately, you may make an appeal in the circumstances set out below (see Section 8).

8 APPEAL PROCESS

- 8.1 The grounds for appeal under this policy are limited to procedural irregularity in the operation of this policy (i.e. that the University has unreasonably failed to follow its own procedures) or the emergence of new information which materially impacts on the investigation or the outcome. The purpose of an appeal is not to conduct a re-investigation of the whole matter unless it is apparent that the initial investigation was at risk of being fundamentally flawed.
- 8.2 Notice of appeal must be made in writing to the University Secretary within 10 working days of receipt of the outcome of the investigation. The University Secretary will assess whether the grounds for appeal have been met, taking advice as appropriate.
- 8.3 The University Secretary will make arrangements for the matter to be reviewed by a person who has not been previously involved in the investigation: this will normally be a more senior post holder and may include members of the Board of Governors as appropriate.
- 8.4 Once your appeal has been investigated, you will be told the result of the investigation and what, if any, action has been taken.
- 8.5 The appeal process will normally be concluded within 2 months of the date of the notice of appeal.

9 EXTERNAL DISCLOSURES

- 9.1 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.
- 9.2 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. The University strongly encourages you to seek advice before reporting a concern to anyone external. As mentioned above, the independent charity, Protect, operates a confidential helpline.
- 9.3 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. You should contact your line manager or one of the other individuals set out in section 6 above for further guidance.

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