



University of
Salford
MANCHESTER

Whistle Blowing Policy

Version Number 2.2

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Author: Senior Information Security Officer

Legal & Governance Directorate

Document Control Information			
Revision History incl. Authorisation: (most recent first)			
Author	Summary of changes	Version	Authorised & Date
C. Price	<i>General review and minor changes. Amendment of annual reporting responsibility from ARC to GNEC</i>	V2.2	20/03/2017: University Secretary Also referred to GNEC for information 02/03/2017.
C. Price	<i>URL updated at 3.3 part ii in line with updated Government list of prescribed bodies</i>	V2.1	14/10/2014: University Secretary
C. Price	<i>Revision incorporating new legislation and reporting structures.</i>	V2.0	29/04/2013: Exec 23/05/2013: Council
HR	<i>New policy (Public Interest Disclosure Policy)</i>	V1.0	2004
Policy Management and Responsibilities:			
Owner:	The University Secretary is the policy owner on behalf of VCET and is responsible for day to day management and communication of the policy to all Members of the University Community.		
Others with responsibilities (please specify):	All subjects of the Policy will be responsible for engaging with and adhering to this policy.		
Author to complete formal assessment with the following advisory teams:			
Equality Analysis (E&D, HR) Equality Assessment form	1. <i>This is mandatory. Submitted March 2017.</i>		
Legal implications (LPG)	2. <i>Discussion with University Secretary (General Counsel)</i>		
Information Governance (LPG)	3. <i>Feb 2017</i>		
Student facing procedures (QEO)	4. <i>N/A</i>		
UKVI Compliance (Student Admin)	5. <i>N/A</i>		
Consultation:			
Staff Trades Unions via HR Students via USSU Relevant external bodies (specify)	1. <i>N/A</i>		
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The owner and author are responsible for publicising this policy document.			



Are you aware that the University has a Whistleblowing Policy?

The Whistleblowing Policy allows staff to raise concerns about actions or behaviour when, owing to the nature or severity of the issue, it would be inappropriate to use normal channels.

It is not designed to replace existing standard line management reporting channels or to be used as an alternative to existing and relevant University processes and policy.

Visit the Staff Channel A-Z to read the Whistleblowing Policy in full.

The Whistleblowing reporting line is to either the University Secretary on ext. **56428** or to the independent external hotline (Expolink) on

0800 374 199

1.0 Purpose

The purpose of this policy is to specify the University Whistle Blowing Policy (sometimes known as 'making a disclosure in the Public Interest' or 'Public Interest Disclosure Policy') for all Members of the University Community.

Whistle blowing is the process by which an employee in an organisation raises concerns about possible unethical behaviour, fraud, crime, danger or other serious risk that could threaten students, customers, colleagues, stakeholders, the public or the University's own reputation. Essentially whistle blowing is the raising of a concern about a danger or risk so that it may be investigated.

This policy has been developed in the context of the following legislation:

- Employment Rights Act 1996
- Public Interest Disclosure Act 1998 (PIDA)
- Bribery Act 2010
- Enterprise and Regulatory Reform Act 2013

2.0 Scope

This policy applies to all Staff, Associates and all members of University Council (and its Committees) hereafter known as 'Members of the University Community'. This policy **does not apply** to students, the Students Union, conference delegates or visitors, unless they are deemed employees of the University. Staff at affiliated or accredited organisations should usually follow their own whistle blowing policy and procedure. Where disclosures from an affiliated or accredited partner are received by the designated officer, he / she will determine whether any action is required by the University (action may be required for example in situations where there is potential impact on the reputation of the University of Salford).

The policy is designed to enable Members of the University Community to raise concerns at a high level and/or disclose information which the individual believes to show serious malpractice and/or impropriety within the organisation. The disclosure should be in the 'public interest'; therefore the policy cannot be used to raise purely private matters (e.g. relating to a member's individual contract) or in relation to a grievance which seeks to redress a wrong done to oneself.

The policy is not designed to provide an avenue for Members of the University Community to question financial or business decisions taken by the University and it cannot be used as an avenue to reconsider matters which should or have already been addressed under other associated policies (see Related Documentation)

3.0 Policy Statements

3.1 Protected Disclosure

The University is committed to the highest standards of ethics, openness, probity and accountability. It seeks to conduct its affairs in a responsible manner taking into account the requirements of the funding bodies and the standards in public life set out in the reports of the Nolan Committee and the associated legislation (see Purpose). It requires all employees and other members of the University Community to conduct themselves in a manner consistent with these values.

Within the UK, there is legal protection to employees against being unfairly dismissed; penalised by their employer; or harassed by their colleagues if they make a disclosure (that is in the public interest) about wrongdoing / malpractice in their organisation.

All Members of the University Community are **protected** from unfair dismissal or being penalised or harassed as a Whistle Blower if they:

- reasonably believe that malpractice (Section 3.2) in the workplace is happening, has happened in the past or is likely to happen in the future;
- are making the disclosure in the public interest;
- follow the whistle blowing procedure (Section 3.3)

3.2 Qualifying Disclosure

A **'qualifying disclosure'** means any disclosure of information where the Member of the University Community reasonably believes (and it is in the public interest to report it) that one or more of the following matters is either happening, has taken place or is likely to happen in the future:

- A criminal offence;
- The breach of a legal obligation;
- A miscarriage of justice;
- A danger to the health and safety of any individual (includes risks to the general public as well as other employees or students of the University);
- Damage to the environment;
- Deliberate attempt to conceal any of the above.

3.3 Whistle blowing procedure (how to make a disclosure)

A flowchart outlining the whistle blowing procedure is at Appendix 1. Disclosures or 'blowing the whistle' on malpractice should be made as specified below:

- Where Members of the University Community are able to do so, they should make the disclosure in writing to the University Secretary (as the designated officer). Where that individual is the subject of the disclosure, it should be made to the Chair of the University Council's Governance, Nominations & Ethics Committee (GNEC);
- Where Members of the University Community are unable or unwilling to make a disclosure to the designated officer, they can make a disclosure through the University Whistle Blowing Hotline on 0800 374199. This is an externally hosted service provided by a completely independent company (Expolink). Individuals making a disclosure via the Hotline can choose to remain completely anonymous, with only details concerning the alleged malpractice (not the individual's identity) being passed back to the University designated officer for investigation;
- Where Members of the University Community feel the University:
 - would cover up the alleged malpractice;
 - would treat them unfairly if they complained;
 - or if they have previously made the disclosure to their employer (including a disclosure to the designated officer or, as appropriate to the Chair of GNEC) and they have not acted upon it;

they should tell an independent prescribed person or body about the malpractice. It must be the correct prescribed person or body for the issue. Below is a link to the list of the prescribed people and bodies to whom a disclosure can be made

<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>

3.4 Principles for handling a disclosure (and any subsequent investigation)

- All concerns raised by an individual will be treated fairly and properly
- Disclosures will be treated in a confidential and sensitive manner and all related material will be stored securely
- The information produced when handling a disclosure will be kept confidential, limiting access to those people relevant to the investigation. This includes the identity of the individual making a disclosure (where the identity is known)
- Request and investigation of ICT activity logs will be processed via the IT Security Emergency Response Team (ITSERT) (see Related Documentation section for further information)
- Official written records will be kept at each stage of the whistle blowing investigation process
- Any individual making a disclosure can retain their anonymity unless they agree otherwise. It must be noted that anonymous concerns carry less credibility and the University will have discretion in each case whether to continue with an anonymous disclosure. In exercising discretion, consideration will be given to:
 - The seriousness of the issues raised
 - The degree of credibility of the concern
 - The likelihood of confirming the allegation from alternative credible sources
- Disclosures will be investigated as sensitively and quickly as possible
- The University will not tolerate reprisals against, harassment or victimisation of any individual raising a genuine concern that is in the public interest
- On receipt of the disclosure (either directly in writing or referral via the Whistle Blowing hotline), the designated officer will consider the disclosure and the information made available to him/her and decide whether prima facie (on the face of it) the disclosure falls within the scope of this policy or whether it would be more appropriately considered through another policy
- The designated officer will issue an acknowledgement of receipt of the disclosure to the individual making the disclosure (where their identity is known)
- Where the disclosure falls within the scope of the Whistle Blowing Policy, the designated officer will decide whether to:
 - Appoint someone internal to the University to lead an investigation
 - Appoint someone external to the University to lead an independent inquiry, or
 - Refer the matter to the police for investigation
- Where the matter is to be investigated internally within the University, the investigator will normally be a member of the University Management Team independent of the area in which the malpractice or impropriety is alleged to have occurred
- Where reasonably practicable the investigation should be completed within 20 working days

3.5 Untrue Allegations

If an individual makes an allegation in good faith, which is not confirmed by subsequent investigation, no action will be taken against the individual.

If an individual makes malicious or vexatious allegations, and particularly if that individual persists in making malicious or vexatious allegations, disciplinary action may be taken against the individual concerned.

3.6 Action following investigation of disclosure

3.6.1 Once an investigation (whether internal or independent inquiry) has been completed, a written report will be submitted to the designated officer who will determine what action, if any, should be taken in the circumstances. This might include invoking other University Policies or reference to an external agency as appropriate. These may include;

- Police;
- HEFCE;
- HM Revenue and Customs;
- Health and safety Executive;
- Office of Fair Trading;
- Environment Agency;
- Serious Fraud Office;
- Director of Public Prosecutions.

3.6.2 The individual who made the disclosure, will where their identity is known, be informed of the outcome of the investigation of the disclosure. If no action is to be taken, the individual will be informed of the reason for this and advised that, if they are dissatisfied with this outcome, they may escalate the disclosure to the Chair of GNEC. If the original disclosure was made to that individual, the disclosure can be made to the Chair of the University Council. This person will either confirm the decision that no further action be taken or will determine what further action is to be taken and process by which that action will be taken.

3.7 Summary reporting of outcomes

The designated officer will produce an annual summary of all disclosures and their subsequent investigation, determination and resolution for GNEC (which will in turn report to Council). Summary reports will not identify the individuals who made the disclosures or the subject of the disclosures. Information relating to whistle blowing disclosures will be retained for a minimum period of six years.

4.0 What happens when the policy is not followed

The University Secretary is responsible for overseeing and enforcing this policy. Failure to comply with this policy may lead to;

- Reputational damage to the University;
- Staff loss of confidence and belief in the integrity of senior officers of the University;
- Risk of disclosures being reported to an external regulatory or statutory body leading to possible civil or criminal action against the University.

5.0 Related Documentation

Policies listed below can be found on the [University Policies & Procedures page: http://www.salford.ac.uk/policies](http://www.salford.ac.uk/policies)

- Anti-Bribery Policy (Financial Management)
- ITSERT Terms of Reference (Information Technology)

The below listed policies can be found on the HR site <http://www.salford.ac.uk/hr>

- Staff Grievance Policy
- Staff Disciplinary Policy
- Dignity at Work and Study Policy

Members of the University Community can also contact Public Concern at Work, an independent whistle blowing charity that provides independent advice and guidance on whistle blowing [http://www.pcaw.org.uk/](http://www.pcaw.org.uk) or telephone 02074046609

6.0 Appendices

Appendix 1: Whistle Blowing Procedure (flowchart)

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