

## WHISTLEBLOWING POLICY & PROCEDURE

### 1. INTRODUCTION

- 1.1.1. Whilst the University expects its employees and staff to comply with this policy, it does not confer contractual rights or form part of any contract of employment and may be amended by the University or replaced at any time following appropriate consultation and negotiation with recognised trade unions. Breach of this policy may be addressed via the University's Disciplinary Policy and Procedure and Code of Conduct.
- 1.1.2. This policy will be reviewed by the Human Resources department on a 3-year basis or amended in response to changes in future legislation and/or case law.

### 2. OWNERSHIP

- 2.1.1. The Human Resources department owns and manages this policy on behalf of The University of Northampton.

### 3. ORGANISATIONAL SCOPE

- 3.1.1. The Whistleblowing policy is a corporate policy and applies to all university employees, students, contractors, agency workers and visitors to the university including any wholly owned subsidiaries, unless an alternative policy exists, subject to any qualifying conditions.

### 4. POLICY STATEMENT

- 4.1.1. This policy and procedure sets out the procedures for making protected disclosures and recognises the rights of individuals not to be penalised or dismissed for making or attempting to make such disclosures where the disclosure is made lawfully and without malice. This policy and procedure applies to all employees irrespective of their job role or grade.

### 5. DEFINITIONS

- 5.1.1. Prevent Duty – A statutory guidance for specified authorities in England and Wales on the duty in the Counter-Terrorism and Security Act 2015 to have due regard to the need to prevent people from being drawn into terrorism.

## **6. KEY PRINCIPLES**

- 6.1.1. Whistleblowing is a disclosure of information by individuals that relates to danger, fraud, illegal or unethical conduct of either the employer or a fellow employee.
- 6.1.2. For a disclosure to be protected it must be a qualifying disclosure and be made in accordance with the procedure outlined within this policy and procedure. The disclosure must be made in the public interest and not for self gain.
- 6.1.3. A qualifying disclosure is a disclosure that is made with a reasonable belief of this individual making the disclosure and will tend to show that one or more of the following has occurred:
- A criminal offence has been committed, is being committed or likely to be committed,
  - A person has failed, is failing or likely to fail to comply with a legal obligation that they are subject to,
  - A miscarriage of justice has occurred, is occurring or is likely to occur,
  - The health and safety of any individual has been, is being or likely to be endangered,
  - The environment has been, is being or likely to be damaged.
- 6.1.4. The above list is not an exhaustive one. If the disclosure is not included in the list, advice may be sought from the Human Resource Department, a Trade Union Representative or a suitable third party on the use of an appropriate policy.
- 6.1.5. The information would tend to show that the matter in any preceding paragraph has been, is being or likely to be deliberately concealed by any employee or group of employees of the university or closely related stakeholders.
- 6.1.6. Individuals wishing to make a disclosure are encouraged to do so internally in the first instance (i.e. The Human Resources Department or a member of the University's Management Team - UMT) before involving an external agency. Where an individual feels unable to make an internal disclosure they must follow the external disclosure procedure outlined within this policy and procedure.
- 6.1.7. All disclosures made under this policy and procedure will be thoroughly investigated and appropriate action will be taken.
- 6.1.8. All disclosures will be handled in a sensitive and confidential manner and if requested the university will make every effort to protect the identity of an employee making a disclosure. Individuals making a disclosure should be aware that the investigation may

reveal the source of the disclosure and that they may be requested to provide a statement as part of the investigation process.

- 6.1.9. Where a disclosure reveals evidence of criminal activity the University reserves the right to report to the Police. The decision to report to the Police will be made by the Director of Human Resources or their nominated representative.
- 6.1.10. Where there is evidence of a disclosure being made with malicious intent, the employee making the disclosure will be dealt with under the University's Disciplinary procedure.
- 6.1.11. Disclosures may be made anonymously but may not be acted upon if all the information needed is not provided. Any person(s) making a disclosure are encouraged to provide their contact details or the details of an appropriate third party that has agreed to act on their behalf should further information be required.
- 6.1.12. Any disclosures made in relation to suspected extremism or terror related activity will be dealt with in line with the University's Prevent Duty Guidelines.

## **7. PROCEDURE**

### Internal Procedure

- 7.1.1. Employees may make an internal disclosure to their Human Resources representative in the first instance. Each case will depend on the nature of the disclosure. The matters raised may be investigated internally. More serious disclosures may be referred to an external prescribed person or body and may form the subject of an independent inquiry.
- 7.1.2. Any individuals or groups making a disclosure to Human Resources will receive written (letter or email) acknowledgement to confirm receipt within 10 working days.
- 7.1.3. If the matter is to be investigated internally following receipt of a disclosure, an independent manager ("the Investigating Manager") will be appointed to conduct a full, fair and impartial investigation.
- 7.1.4. Employees are expected to fully cooperate with investigations undertaken within this procedure and requests to attend investigation meetings may be considered a reasonable management instruction.
- 7.1.5. Due to the nature of investigations it is often necessary to hold such meetings at short notice i.e. notice of a meeting may be given on the same day as the meeting. This may be necessary for example to protect other employees or preserve

evidence. In such cases the investigation meeting must be given priority over an employee's usual workload.

- 7.1.6. It is for the Investigating Manager in consultation with HR to determine the nature and type of investigation required which may include a reviewing documents, e-mails or interviewing employees whom allegations have been made against or interviewing potential witnesses. The nature of any further investigation including the determination of relevance of evidence and selection of witnesses is entirely at the discretion of the Investigating Manager.
- 7.1.7. If during the investigation evidence is uncovered which indicates gross misconduct by the person whom the allegation are against, the University reserves the right to suspend the employee(s) under its Disciplinary Policy & Procedure.
- 7.1.8. Following the conclusion of an investigation the Investigating Manager will prepare an investigation report and must make one of the following recommendations;
- The disclosure is not substantiated and therefore no further action will be taken.
  - The disclosure is substantiated and appropriate action will be taken.
- 7.1.9. The Investigating Manager should inform the individual making the disclosure that their investigation has concluded, however specific details of the decision may not be revealed.

#### External Disclosures

- 7.1.10. External disclosures may be made when the employee feels unable to follow the internal disclosure procedure for one or more of the following reasons;
- They remain dissatisfied following the outcome of an internal investigation into a disclosure,
  - They have reasonable belief the University will disregard or conceal a disclosure, or
  - They have reasonable belief they would be treated unfairly or victimised if they made a disclosure.
- 7.1.11. Where an employee wishes to make an external disclosure they should do so only to a prescribed person or body. As a guiding principle prescribed persons/bodies are typically Ministers of the Crown or Regulatory Bodies, however a list of prescribed persons/bodies is available in Appendix A of this policy. Employees considering an external disclosure who are Trade Union members are encouraged to contact their Trade Union before doing so.

## **8. ASSOCIATED DOCUMENTS**

Research Misconduct Policy  
University's Prevent Duty Guidelines  
Investigations Guide

## Appendix A

### Prescribed Bodies or Persons

- **The Office of Communications**  
Tel: 020 7981 3000 Website: [www.ofcom.org.uk](http://www.ofcom.org.uk)
- **The Bank of England**  
Tel: 020 3461 8703  
Email: [whistleblowing@bankofengland.co.uk](mailto:whistleblowing@bankofengland.co.uk)
- **The Commissioners for Her Majesty's Revenue & Customs (HMRC)**  
Tel: 0800 788 887 Website: [www.hmrc.gov.uk](http://www.hmrc.gov.uk)
- **The Audit Commission for England and Wales**  
Tel: 0844 798 3131 Website: [www.audit-commission.gov.uk/about-us/contact-us/whistleblowing](http://www.audit-commission.gov.uk/about-us/contact-us/whistleblowing)
- **The Comptroller and Auditor General of the National Audit Office**  
Tel: 020 7798 7999 Website: [www.nao.org.uk/contact-us/whistleblowing-disclosures/](http://www.nao.org.uk/contact-us/whistleblowing-disclosures/)
- **The Secretary of State for Business, Energy and Industrial Strategy**  
Tel: 0300 678 0017  
Email: [Intel.team@insolvency.gsi.gov.uk](mailto:Intel.team@insolvency.gsi.gov.uk)  
Website: [www.gov.uk/insolvency-service](http://www.gov.uk/insolvency-service)**The Director of the Serious Fraud Office**  
Website: [www.sfo.gov.uk/contact-us/reporting-serious-fraud-bribery-corruption](http://www.sfo.gov.uk/contact-us/reporting-serious-fraud-bribery-corruption)
- **The European Securities and Markets Authority**  
Website: [www.sfo.gov.uk/contact-us/reporting-serious-fraud-bribery-corruption](http://www.sfo.gov.uk/contact-us/reporting-serious-fraud-bribery-corruption)
- **The Financial Conduct Authority (FCA)**  
Tel: 020 7066 9200  
Fax: 020 7676 9727  
Email: [whistle@fca.org.uk](mailto:whistle@fca.org.uk)  
Website: [www.fca.org.uk/site-info/contact/whistleblowing](http://www.fca.org.uk/site-info/contact/whistleblowing)Financial Reporting
- **Council Limited and its conduct committee**  
Tel: 0207 492 2305  
Email: [whistleblowing@frc.org.uk](mailto:whistleblowing@frc.org.uk)  
Website: [www.frc.org.uk](http://www.frc.org.uk)

- **Children’s Commissioner for England**  
 Tel: 020 7783 8330  
 Email: [info.request@childrenscommissioner.gov.uk](mailto:info.request@childrenscommissioner.gov.uk)  
 Website: [www.childrenscommissioner.gov.uk](http://www.childrenscommissioner.gov.uk)
- **Her Majesty’s Chief Inspector of Education, Children’s Services and Skills (‘the Chief Inspector’) – Ofsted**  
 Tel: 0300 123 3155  
 Email: [whistleblowing@ofsted.gov.uk](mailto:whistleblowing@ofsted.gov.uk)
- **National Crime Agency**  
 Tel: 0370 496 7622 Website: [www.nationalcrimeagency.gov.uk](http://www.nationalcrimeagency.gov.uk)
- **The National Society for the Prevention of Cruelty to Children (NSPCC)**  
 Tel: 020 7825 2500  
 Fax: 020 7825 2525  
 Email: [help@nspcc.org.uk](mailto:help@nspcc.org.uk)
- **Equality and Human Rights Commission**  
 Tel: 0161 829 8100  
 Email: [whistleblowing@equalityhumanrights.com](mailto:whistleblowing@equalityhumanrights.com)  
 Website: [www.equalityhumanrights.com/whistleblowing](http://www.equalityhumanrights.com/whistleblowing)
- **The Office of Fair Trading**  
 Tel: 020 7211 8000 Email: [enquiries@oft.gsi.gov.uk](mailto:enquiries@oft.gsi.gov.uk)
- **Office for Product Safety and Standards**  
 Tel: 0121 345 12011 Website: <https://www.gov.uk/government/organisations/office-for-product-safety-and-standards>
- **Information Commissioner’s Office**  
 Tel: 0303 123 1113 Fax: 01625 524510 Website: <https://ico.org.uk>
- **The Environment Agency**  
 Tel: 03708 506 506 Website: [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)
- **The Food Standards Agency (FSA)**  
 Tel: 020 7276 8000 Email: [helpline@foodstandards.gsi.gov.uk](mailto:helpline@foodstandards.gsi.gov.uk)
- **The Health and Safety Executive**

Website: <https://www.hse.gov.uk/index.htm>

- **The Pensions Regulator**

Tel: 0870 6063636 Textphone: 0870 600 7060 Fax: 0870 2411144 Email: [wb@tpr.gov.uk](mailto:wb@tpr.gov.uk)  
[www.thepensionsregulator.gov.uk](http://www.thepensionsregulator.gov.uk)

- **Criminal Cases Review Commission**

Tel: 0121 233 1473 Fax: 0121 232 0899 Email: [info@ccrc.gov.uk](mailto:info@ccrc.gov.uk)  
<https://ccrc.gov.uk>

- **The Certification Officer**

Tel: 020 7210 3734/3735 Fax: 020 7210 3612 Email: [info@certoffice.org](mailto:info@certoffice.org)  
[www.certoffice.org](http://www.certoffice.org)

- **Nursing and Midwifery Council**

Tel: 020 7637 7181  
Email: [whistleblowing@nmc-uk.org](mailto:whistleblowing@nmc-uk.org)  
Website: [www.nmc.org.uk/standards/guidance/raising-concerns-guidance-for-nurses-and-midwives/whistleblowing/](http://www.nmc.org.uk/standards/guidance/raising-concerns-guidance-for-nurses-and-midwives/whistleblowing/)

- **Care Quality Commission**

Contact them about the provision of adult social care services in England.  
Tel: 0300 061 6161  
Website: [www.cqc.org.uk](http://www.cqc.org.uk)

For a complete list of prescribed bodies or persons, please visit:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/183340/11-641-blowing-the-whistle-to-a-prescribed-person.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/183340/11-641-blowing-the-whistle-to-a-prescribed-person.pdf)

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26 May 2017	<ul style="list-style-type: none"><li>• Include an expressed reference to the Prevent Duty Guidelines where disclosures are made in relation to suspected extremism or terror related</li></ul>		

12 Feb 2020	<p>activity</p> <ul style="list-style-type: none"><li>• Specific reference to the discretionary nature of the policy has been removed to better capture intent whilst maintaining the non-contractual nature of the policy</li><li>• Minor changes have been made to provide further clarity</li></ul> <ul style="list-style-type: none"><li>• Amendments to Introduction in line with Policy template.</li><li>• Included definitions of key terms</li><li>• Updated list of prescribed bodies ensuring links and phone numbers are all correct.</li></ul>	
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