



WHISTLEBLOWING POLICY

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1. Purpose

- 1.1 Leeds Arts University is committed to high standards in the way it conducts its business and expects all staff and students to operate with honesty and integrity and accountability. The following document is intended to promote such a culture and it sets out the University's policy and procedure for dealing with incidents of public interest disclosure which are commonly referred to as whistleblowing.
- 1.2 The policy provides safeguards to enable individuals to raise genuine concerns about malpractice in connection with the University, providing a rapid process under which they can be raised internally, and if necessary, externally, without fear of reprisal.
- 1.3 The University recognises that the overwhelming majority of employees are dedicated to ensuring that standards are high and that all statutory regulations and requirements are complied with. Nevertheless, it is often the case that employees will be the first to see or suspect misconduct of some kind which may in the minority of cases turn out to be a serious concern. The University wishes its employees to have the confidence in those circumstances to come forward and raise their concerns confidentially and know that they will be protected if they are raising the matter as outlined in this policy.
- 1.4 The policy is not designed to replace existing line management reporting channels or to be used as an alternative to existing and relevant University processes and policies. Where an individual has concerns related to their own treatment as an employee, these should be raised through their line management or under the grievance or harassment procedures.
- 1.5 All disclosures raised will be dealt with appropriately, consistently, fairly and professionally.

2. What is Whistleblowing

Whistleblowing is the process by which a worker 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 and which the person making the disclosure reasonably believes to be in the public interest (a whistleblower).

3. Scope

- 3.1 This policy applies to all individuals working at all levels of the organisation, including senior managers, officers, directors, members of the Board of Governors, employees, consultants, contractors, trainees, homeworkers, part-time and fixed-term workers, casual and agency staff (collectively referred to as "staff" in this policy) and all registered students of Leeds Arts University¹.
- 3.2 Students, volunteers and others who are not employees or workers can use this policy but do so without the protections afforded to employees and workers under law.²
- 3.3 The policy and procedure relates to disclosures of information in circumstances in which the employee reasonably believes that one or more of the matters listed below is either happening, has happened, or is likely to happen in the future:
 - a criminal offence has been committed, is being committed or is likely to be committed;

¹ Students and others who are not employees or workers using this policy do so without the protections afforded to employees and workers under law

² The Public Interest Disclosure Act 1988: <https://www.legislation.gov.uk/ukpga/1998/23/contents>

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- a person has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject;
 - 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 is likely to be endangered;
 - the environment has been, is being or is likely to be damaged (this might for example relate to the disposal of toxic materials);
 - information tending to show any matter falling within any one of the preceding sentences has been, is being or is likely to be deliberately concealed;
 - regulatory breaches which may not necessarily be breaches of the law but which may nevertheless be serious matters;
 - that a person has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject

3.4 The disclosure should be in the public interest; therefore, the policy cannot be used by employees for raising purely private matters (e.g. relating to their own personal employment situation) or in relation to a grievance unless the case is in the public interest.

3.5 The policy may not be used to re-open or review matters which should or have already been addressed under other policies.

4. Confidentiality

4.1 Where possible, the identity of the whistleblower will be protected. There may be circumstances, however, where it will not be possible to proceed without revealing the whistleblower's identity, for example if the whistleblower's evidence is needed in the investigation process, at an internal or an external hearing. In these circumstances, the matter will be discussed with the whistleblower at the earliest opportunity.

4.2 The whistleblower should treat any information about the investigation as confidential to ensure the process is not compromised.

5. Principles of Disclosure

5.1 The University recognises that it is in the interests of both the University and its employees that employees who speak out and follow the whistleblowing policy receive adequate protection. This includes protection from suffering a detriment, bullying or harassment from another employee as a result of their decision to disclose information. The continued employment and opportunities for future promotion or training of the whistleblower will not be prejudiced as a consequence of their having raised a legitimate concern. Detrimental treatment of an employee for raising a qualifying disclosure will be investigated under the disciplinary procedures as a matter of potential gross misconduct.

5.2 Employees should be aware that the policy will apply where they reasonably believe that the information disclosed is substantially true. If any disclosure concerns information which employees do not have reasonable grounds to believe is substantially true, or indeed if they raise a concern frivolously, maliciously, vexatiously and/or for personal gain and/or which is not made in the public interest, then such a disclosure may constitute a disciplinary offence for the purposes of the disciplinary procedure and could, depending on the facts and circumstances of any particular case, potentially constitute gross misconduct.

5.3 If an employee is disciplined after raising a valid point with a reasonable belief under the policy, that individual will have the right to take action against the University.

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- 5.4 An employee who is unsure whether a matter should be referred under the Whistleblowing Policy can in the first instance seek the advice of their line manager, Human Resources or may contact the Acas helpline if they do not feel comfortable raising the matter without external advice in the first instance. The Acas helpline number is 0300 123 1100. It is available Monday to Friday 8am-6pm.

6. How to Make a Complaint Under This Policy

- 6.1 Complaints under this policy should be made to the Pro-Vice-Chancellor Registry and CFO by email (or to the Vice-Chancellor if the Pro-Vice-Chancellor Registry and CFO is involved or implicated). These are the “designated persons”. The relevant email addresses are:

- sharon.bailey@leeds-art.ac.uk (Pro-Vice-Chancellor Registry and CFO)
- simone.wonnacott@leeds-art.ac.uk (Vice-Chancellor)

- 6.2 If a disclosure involves or implicates a designated person then it should be made to another of the designated persons, as appropriate. Where the Vice-Chancellor is the subject of the disclosure, it should be made to the Clerk to the Board of Governors, who will liaise as appropriate with the Chair of the Board of Governors and/or the Chair of the Audit Committee. The relevant email address is:

- joan.matthews@leeds-art.ac.uk (Clerk to the Board of Governors)

The Clerk and the Chair and/or the Chair of Audit Committee will have a procedural discussion with HR.

- 6.3 Alternatively, an individual may simply request a meeting and advise the designated person they are raising a concern under the Whistleblowing Policy.
- 6.4 At any meeting under this policy the whistleblower has the right to be accompanied by a trade union representative or a work colleague during the meeting with a designated person when information is first disclosed and recorded. In cases where a whistleblower does not feel able to attend a meeting in the first instance, they should provide a written statement to the designated person, using the whistleblowing template (appendix 1).
- 6.5 The University normally expects employees to raise any concerns informally with a line manager in the first instance to see if there is a way of resolving the concern quickly and effectively.
- 6.6 If, for any reason, the employee does not feel that they can raise their concern with their line manager; or, having raised it with their line manager, does not feel that it has been adequately addressed because, for example, the circumstances giving rise to the concern are continuing; or that the matter is so serious that immediate escalation is appropriate, then the formal whistleblowing process set out above should be used.

7. Procedure Following Receipt of a Complaint

- 7.1 The designated person will send written acknowledgement of receipt of the disclosure to the whistleblower within 5 working days, before initially considering the matters disclosed.
- 7.2 The designated person will complete the whistleblowing form and will consider the disclosure and the information provided and will decide (with advice as appropriate from HR) whether

the disclosure falls within the scope of the policy or whether it would be more appropriately considered through another policy. If appropriate the Chair and/or the Chair of Audit Committee and the Clerk will liaise with HR to obtain legal advice.

- 7.3 If the designated person decides that there are no grounds for proceeding further, the employee making the disclosure will be informed of the decision and the reasons for it.
- 7.4 If the designated person considers that the concern falls within the scope of a different policy, such as grievance, the employee making the disclosure will be advised of this and it will be referred to the relevant manager for action.
- 7.5 Where the disclosure falls within the scope of the Whistleblowing Policy, the designated person will:
- decide whether immediate action is required to safeguard the legal position, reputation or assets of the University;
 - decide whether an investigation should be carried out;
 - determine what form the investigation will take, and whether it should be internal or external.
- 7.6 In all cases where an investigation is deemed to be necessary, at the outset, a preliminary, non-binding view will be taken as to whether the matter might potentially lead to a situation warranting disciplinary action. If the view is that it could do so then the investigation of the disclosure will follow the format of the University's Disciplinary Procedure/Disciplinary Procedure for Senior Posts, as relevant.
- 7.7 Once the investigation has been completed, a written report will be submitted to the designated person who will determine what action, if any, should be taken. This may include informal actions such as recommendations for training or mediation, invoking other formal University policies or reference to an external agency, as appropriate.
- 7.8 The whistleblower will be informed of the outcome of the investigation as far as possible, subject to the third-party rights of the person against whom the disclosure was made.
- 7.9 The outcome will be reported, depending upon the nature of the disclosure, to the Vice-Chancellor, the Chair of the Board of Governors and the Audit Committee.
- 7.10 If on conclusion of using this policy, the whistleblower reasonably believes that the appropriate action has not been taken, they are able to report the matter externally - see section 8 below.

8. External Disclosures

- 8.1 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.
- 8.2 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. Staff and students are strongly encouraged to seek advice before reporting a concern to anyone external. Organisations such as "Protect" and the independent whistleblowing charity, Public Concern at Work, operate confidential helplines. The Department for Business, Energy and Industrial Strategy publishes a list of prescribed people and bodies to whom a disclosure may be sent on the gov.uk website:

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

- 8.3 Whistleblowing concerns usually relate to the conduct of staff, but they may sometimes relate to the actions of a third party, such as a student, supplier or service provider. The law allows you to raise a concern in good faith with a third party, where you reasonably believe it relates mainly to their actions or something that is legally their responsibility. However, you are encouraged to report such concerns internally first using the contact details in section 6 above.

9 Related Matters

- 9.1 The University is committed to good practice and high standards and to being supportive to employees who raise a genuine concern under this policy, even if they turn out to be mistaken. Any employee raising a genuine concern will not suffer a detriment as a result of doing so.
- 9.2 However, to ensure the protection of all of our staff, those who raise a concern frivolously, maliciously and/or for personal gain and/or make an allegation they do not reasonably believe to be true and/or made in the public interest will be liable to disciplinary action.
- 9.3 Although reasonable and proportionate efforts will be made to do so, the University may not be able to effectively investigate anonymous whistleblowing disclosures since it would be difficult to establish whether they had been made genuinely or were credible.
- 9.4 The designated person will, upon conclusion of the matter, give all the records to the Head of Human Resources, who will produce an anonymised annual summary of all disclosures as part of their HR report to the Board of Governors.
- 9.5 Information relating to whistle blowing disclosures will be retained for a period of 6 years by the Head of Human Resources.

Appendix 1

Recording disclosures under the Whistleblowing Policy: Leeds Arts University

ALL INFORMATION RECORDED ON THIS FORM WILL BE HELD IN STRICTEST CONFIDENCE

Designated person (name)		
Date and time		
Name of whistleblower		
Course area/department		
Job title		

I confirm that I believe that I am raising a genuine concern and that the information disclosed by me is substantially true, is made in the public interest and is not made for my personal benefit.

Signed (Whistleblower)	
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Details of disclosure:	
Subject of the disclosure	
Course area/department	
Job title	
Details of alleged malpractice	

Action	
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Disclosure reported to Head of HR on (date)	
Signed (Designated person)	