

# Whistleblowing Policy

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**March 2020**

**Version 1**

Approved by: WSU HR & Remunerations Committee  
(a Sub Committee of the Trustee Board)

On: 3<sup>rd</sup> April 2020

### **Scope and Purpose of the Policy**

1. This Policy relates to employees (both core and student staff) and members (students) of Worcester Students' Union (WSU).
2. WSU has a duty to conduct its affairs in a responsible way and it strives to operate to the standards and seven Nolan Principles of public life (selflessness, integrity, objectivity, accountability, openness, honesty, and leadership).
3. WSU is committed to having a culture that enables staff to speak freely about standards and related matters, without being subject to disciplinary sanctions or victimisation, providing they do so lawfully, without malice, and in a way that upholds the principles of confidentiality.
4. Channels exist within the organisation for members and employees to raise concerns. These include the student complaints procedure, the staff grievance procedure, and safeguarding procedures. This policy relates specifically to matters of public interest where serious malpractice or criminality is suspected.
5. WSU recognises that there is a risk within any organisation of malpractice. The Public Interest Disclosure Act 1998 introduced protection for employees from reprisals for disclosing information deemed to be in the public interest. The Act emphasises the role 'whistleblowing' can play in deterring and detecting serious malpractice. This includes (but is not limited to) fraud, the improper use of public or charitable funds, failure to comply with a legal obligation, criminal activity, bribery, corruption, and the abuse or lack of safeguarding of children, young people, and vulnerable adults.
6. If an employee or member (student) of WSU has genuine concerns related to suspected serious malpractice affecting any of WSU's activities, they should report it under this policy.
7. Where a concern is raised under this Policy, WSU will seek to ensure that it is handled fairly, confidentially and in an appropriate manner. WSU want staff to feel they can raise genuine concerns, without fear of reprisals, even if they turn out to be mistaken.
8. All personal information will be managed in accordance with WSU Data Protection and Information Security Policy.
9. Related policies and procedures:
  - WSU's Safeguarding Policy
  - WSU Data Protection and Information Security Policy;
  - WSU's Complaints Procedure;
  - For members, the University's Student Code of Conduct and Disciplinary Procedures;
  - For WSU employees, the Employee Handbook;
  - The University of Worcester's Whistleblowing Policy.

## The Procedure

10. Concerns about the conduct of a WSU employee that may potentially constitute serious malpractice or criminality, should be raised with the Chief Executive of WSU.
11. If the concern falls more properly under another procedure, such as the student complaints or the staff grievance procedure, the person reporting it will be informed and that other process followed.
12. If the concern relates to the Chief Executive, the concerns should be raised with the Lead Trustee of the WSU Trustee Board (who shall be a Lay Trustee), whose details will be made available on the WSU website.
13. In all cases, the person to whom the concern has been made known shall acknowledge its receipt within 5 working days in writing to the person reporting it and record the subsequent action taken. All reasonable steps will be taken to deal with the matter as expeditiously as possible.
14. The Chief Executive or Lead Trustee will make preliminary investigations into the concern/s raised. In doing so, they may seek the support of a senior member of University staff or a/another member of the Trustee Board, if they deem it necessary and appropriate. In cases where there is evidence of criminal activity, the Police will normally be informed. The person raising the concern will be informed if any other persons are to be involved in the initial investigations.
15. If, on preliminary investigation, the concern is judged to be mistaken and wholly without substance or merit, it shall be dismissed.
16. If evidence suggests that a concern has been raised by a person out of malice or to be vexatious, and is not in the public interest, disciplinary action may be taken against that person, in line with WSU's disciplinary procedures.
17. If anyone is found to be involved in any detrimental treatment towards a person raising a concern, this will be treated by WSU as a serious disciplinary matter.
18. If, on preliminary investigation, it is judged that a case may exist for serious malpractice, the matter will be dealt with in accordance with WSU's normal disciplinary procedures.
19. In cases judged to involve serious malpractice, every effort will be made to maintain the confidentiality of the person raising the concern, unless:
  - The person waives their right to confidentiality;
  - Those investigating the concern determine that confidentiality is incompatible with the implementation of fair disciplinary proceedings (for example, if personal evidence is deemed essential in the investigatory or disciplinary process); or
  - There is otherwise deemed to be an overriding reason for disclosure.

Persons who raise a concern will be informed if, for whatever reason, their anonymity is not to be maintained.

20. The person raising a concern that is judged to have merit will be informed along the way of likely timescales in investigating the matter and, then, of the outcome. WSU will expect any information provided to that person to be treated by them as highly confidential.
21. All concerns, whether they are dismissed, or they lead to further action being taken, will be reported to the Trustee Board.

### **Concerns raised anonymously**

22. WSU does not encourage staff or students to raise concerns anonymously. This is because it may be more difficult to investigate the concern fully and to establish if any allegations are credible, as well as to give feedback on any outcome.
23. The Chief Executive (or the Lead Trustee if the allegation or concern is about the Chief Executive) will make every effort to investigate any serious allegations or concerns raised anonymously and will inform the Trustee Board.

### **Appeals process**

24. The grounds for appeal under this Policy are limited to:
  - procedural irregularity i.e. it is deemed by the person reporting the concern that the policy and procedure has not been followed correctly by those investigating it;
  - new information emerges that materially impacts on the investigation or the outcome.
25. The purpose of an appeal is not to re-investigate the matter unless it is apparent that the original investigation was fundamentally flawed.
26. Notice of appeal must be made in writing to the University's Pro Vice Chancellor (PVC) for Students within 10 working days of the receipt of the outcome of the investigation.
27. The PVC (Students) will assess whether the grounds for appeal have been met and will arrange for the matter to be reviewed in line with the University whistleblowing procedure, by a person or persons not previously involved in the investigation. Such a person/s will normally be a senior member/s of University staff.