

FREEDOM TO SPEAK UP: PUBLIC INTEREST DISCLOSURE (WHISTLEBLOWING) POLICY AND PROCEDURE

Policy statement

The University of Huddersfield is committed to the highest standards of openness, integrity and accountability and conducts its affairs in line with the requirements of its Instrument and Articles of Government, regulatory bodies and the Committee on Standards of Public Life (the Nolan Committee). The University is committed to tackling any malpractice or alleged wrongdoing and this policy is one component of that commitment.

The UK Government implemented legislation, known as the Public Interest Disclosure Act 1998 ("**the Act**"), to provide legal protection against victimisation or dismissal for workers reporting legitimate concerns about malpractices by their employers or third parties; such disclosures are commonly referred to as "whistleblowing".

Whilst the Act specifically covers those working in the UK against detriment if they make 'protected disclosures' as defined in the Act (as subsequently amended), the University believes that to promote a culture of shared responsibility and transparency, all members of the University community, including students and Council Members should also feel able to raise legitimate concerns without fear of their position within the University being jeopardised. The University will treat all disclosures made under this policy consistently and fairly.

This policy does not form part of any employee's contract of employment, or part of the student contract and the University may amend it at any time.

Guiding Principles

- Everyone should be aware of the importance of preventing and eliminating wrongdoing in the University. Individuals should be alert to illegal or unethical conduct and report anything of that nature of which they become aware.
- Any matter raised under this policy will be investigated thoroughly and promptly in accordance with the investigation procedures below and an appropriate response will be provided to the individual who raised the issue.
- Maliciously making a false allegation may constitute a disciplinary offence.
- An instruction to cover up wrongdoing may in itself constitute a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority, such as a manager, individuals should not agree to remain silent. They should report the matter further to their senior manager.
- An individual may make a qualifying disclosure without fear of reprisals providing they have reasonable cause to believe that the information disclosed, and any associated allegation, is true.
- No individual will be victimised for raising a legitimate concern under this policy. This means that the continued employment and opportunities for future promotion, further study, placements and the integrity of assessments, of the individual will not be prejudiced because they have raised a legitimate concern.

Who can make a disclosure under this policy?

Anyone working for the University, including employees, those working under a contract for services and agency workers, students and Members of University Council (or its committees).

Protection and support for whistleblowers

The University encourages openness and will support individuals who raise legitimate concerns under this policy, even if they are subsequently shown to be mistaken. The University will take all reasonable steps to prevent an individual from being subjected to any detriment as a result of raising a legitimate concern under this policy.

Individuals who raise legitimate concerns must not suffer any consequent detrimental treatment. If you believe you have suffered any such treatment you should inform the University Secretary (or the Chair of Audit Committee if the intended disclosure is about the University Secretary) immediately. If the matter is not remedied, you should raise it formally using the appropriate staff or student grievance procedure.

Members of the University community must not threaten or retaliate against individuals who raise concerns under this policy in any way; such conduct may result in disciplinary action.

Anonymity & Confidentiality

We hope that members of the University community will feel able to voice whistleblowing concerns openly under this policy. However, if you want to raise your concern confidentially, we will make every effort to keep your identity secret. If it is necessary for anyone investigating your concern to know your identity, we will discuss this with you.

We do not encourage members of the University community to make disclosures anonymously. Proper investigation may be more difficult or impossible if we cannot obtain further information from you. It is also more difficult to establish whether any allegations are credible. Individuals who are concerned about possible reprisals if their identity is revealed should speak to the University Secretary (or the Chair of Audit Committee if the intended disclosure is about the University Secretary) and appropriate measures can then be taken to preserve confidentiality. If you are in any doubt, you can seek advice from Protect,¹ the independent whistleblowing charity, who offer a confidential helpline. If the University does receive an anonymous disclosure under this policy, it may be investigated at the discretion of the University.

What type of concerns should be reported?

You should use this procedure if you have a legitimate concern that there are reasonable grounds for believing that one or more of the matters listed below has taken place, or is likely to take place, at the University and that you have reasonable cause to believe that disclosure would be in the public interest:

- Criminal offence(s)
- Breach of any legal obligation

¹ <https://www.pcaw.org.uk/>

- Miscarriage of justice
- Danger to the health and safety of any individual(s)
- Damage to the environment
- Actual or alleged financial irregularity, fraud or impropriety (please also refer to the University's Financial Regulations and its Anti-corruption, Bribery and Fraud Policy)
- Breach of internal policies and procedures
- The deliberate concealing of information about any of the above.

What concerns are not covered by this Policy/Procedure?

- Matters which relate to an individual's employment contract with the University are not covered by the Act. Such matters should be raised with the employee's immediate manager, Head of School or Department (as appropriate) and with reference to the Staff Handbook.
- In relation to students, concerns other than those falling in the categories set out above should be raised through the appropriate procedure (which include, amongst others, the student complaints procedure and academic integrity procedure) set out in the Students' Handbook of Regulations.
- Personal grievances or complaints, which do not amount to a disclosure made in the public interest; in such cases the appropriate staff or student grievance procedure should be used.

All of the above policies can be accessed via the University's Policies and Procedures [home page](#)

If you are uncertain whether something is within the scope of this policy, you should seek advice from the University Secretary.

To whom should a disclosure be made:

We hope that in many cases you will be able to raise any concerns with the following people:

- Workers (as defined in the Act): Line Manager (where applicable) or Head of Department;
- Students: Your Personal Tutor, or Head of Department
- Council Members: University Secretary

You may tell them in person or put the matter in writing if you prefer. They may be able to agree a way of resolving your concern quickly and effectively. In some cases, they may refer the matter to the University Secretary.

If, however, you would prefer not to raise concerns in this manner, or the allegations relate to those named above, they should be reported in writing to the University Secretary or, if the allegation relates to the conduct of the University Secretary, the concerns should be reported to the Chair of the Audit Committee (whistleblowing@hud.ac.uk).

The aim of this Policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the University community. In most cases you should not find it necessary to alert anyone externally.

Nothing in this procedure prevents a Worker from exercising their statutory rights under the Act. Workers are, however, advised to seek professional or trade union advice before deciding to disclose matters to a third party/prescribed person outside the University without first attempting to use this procedure.

Investigating allegations

On receipt of a disclosure, the University will endeavour to deal with this in a timely and professional fashion, in accordance with the indicative timescales detailed below:

Event	When will you hear from us
Submission of original disclosure by discloser	An acknowledgement will normally be sent within five working days. Please note an acknowledgement does not mean that we will be pursuing your disclosure.
Notification of action to be taken or closure	The University will write to you within 20 working days of our receipt of your original disclosure to let you know if we are taking any further action or if your disclosure is closed.
Notification of outcome of investigation	The University will write to you within three months of the receipt of your original disclosure with the outcome of our investigation into your specific disclosure and/or to advise you if we require more time, and the reasons for this.

If the University Secretary (or Chair of Audit Committee, if appropriate) considers that the concerns raised do not potentially concern matters covered by this policy they may choose to take no further action. Alternatively, they may find that the matter should be dealt with under a different policy/procedure, in which case they will advise the person raising the concerns of the appropriate policy/procedure to be followed.

If the University Secretary (or Chair of Audit Committee) considers that the concerns raised fall within this policy they will arrange for an investigation and a report to be made. Usually this will be an internal investigation but may be referred to an external organisation. Financial matters may also require early notification to the Office for Students and the Audit Committee.

The University Secretary (or Chair of Audit Committee) will not conduct the investigation personally. Usually, investigation will be delegated to the relevant Dean or Director for investigation (for example financial matters will usually be investigated by the Director of Finance), unless they are the subject of the complaint or there are compelling reasons for another individual to be appointed.

In all but the most exceptional cases, a person against whom an allegation has been made must be told of the allegation, be provided with a copy of the allegation and any supporting evidence, and be allowed to comment before the investigation is concluded and a report made.

The possible outcomes of the investigation may include:

- No further action
- Review and revisions to a University policy, procedure or process
- Disciplinary action (and therefore transfer to the relevant disciplinary procedure)
- Further investigation by an external authority.

Individuals making a disclosure under this policy should be informed of the general outcome of the investigation, as should any individual against whom an allegation has been made, but neither are

entitled to receive a copy of the report which is confidential to the University. The outcome of the investigation may be shared with the following:

- the investigator
- the University Secretary (or Chair of Audit Committee)
- administrative staff involved in managing complaints under this policy
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- the Audit Committee and any external regulatory bodies who need to be notified.

Where any disciplinary procedure is initiated as a result of an investigation under this pPolicy, the person subject to that procedure would also receive a copy of the report to the extent it applies to them and the disciplinary proceedings being undertaken. Outcomes of any subsequent disciplinary procedures will not normally be shared with an individual raising concerns.

If an investigation concludes that an individual has made false allegations maliciously, or with a view to personal gain, the individual making the disclosure may be subject to disciplinary action through relevant University procedures.

The University will always endeavour to handle investigations promptly and fairly, but if on conclusion of the investigation, the individual believes that appropriate action has not been taken they may refer the matter to the Chair of Council, who will take such steps as s/he deems necessary to review the case. The decision of the Chair shall be final.

Top level commitment

University Council has the responsibility for the periodic review and approval of this policy. It has the full support of the Vice-Chancellor and the Senior Leadership Team of this University. An anonymised, annual report of any concerns raised and subsequent actions will be made to the Audit Committee, the Senate and University Council.

POLICY SIGN-OFF AND OWNERSHIP DETAILS	
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Document Location:	https://www.hud.ac.uk/media/policydocuments/Whistleblowing-Policy.pdf
Compliance Checks:	Audit, monitor use of whistleblowing inbox, annual confirmation from SMT
Related Policies/Procedures:	University's Financial Regulations Anti-corruption, Bribery and Fraud Policy

REVISION HISTORY			
Version	Date	Revision description/Summary of changes	Author
V1.0	Feb 2019	First major re-draft under Policy Framework	University Solicitor
V2.0	October 2021	Minor re-drafting	University Secretary