



BUCKINGHAMSHIRE
NEW UNIVERSITY

EST. 1891



Whistleblowing (Raising Concerns) Policy and Procedure

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Purpose

- 1 The University is committed to maintaining an open culture with the highest standards of honesty and accountability where members of our University community can report any legitimate concerns in confidence.
- 2 This policy is designed to encourage members of our University community to disclose information which they believe shows malpractice or illegal practices in the workplace without being penalised in any way. It reflects the legal protection given to them under the Public Interest Disclosure Act 1998.
- 3 It is an express term of the contract of employment that an employee will not disclose confidential information about the University's affairs. However, where an individual discovers information which they believe shows malpractice or illegal practices within the University or its official partners, then the option to disclose the information independently of line management, and without fear of reprisal should be made available.

Scope

- 4 The policy applies equally to all members of the University community including students, staff, partners, agency workers and contractors.
- 5 The policy is not designed to help anyone who wishes to question financial or business decisions which have been taken by the University; nor should it be used to seek reconsideration of matters which have already been addressed under the University's complaints, academic appeals, grievance, disciplinary, capability or respect, fairness and inclusion policies and procedures.
- 6 The law provides protection for those who raise legitimate concerns about specified matters. These are called 'qualifying disclosures', and the term 'Whistleblower' is sometimes used to describe the individual making the disclosure. A qualifying disclosure is one made in the public interest by an individual who has reasonable belief that one or more of the following have occurred, has been or is likely to be, committed:
 - a criminal offence
 - financial impropriety or fraud
 - failure to comply with legislation, the University's Articles of Government/Regulations
 - dangers to health, safety or the environment
 - criminal activity
 - academic or professional malpractice or witnessing unsafe practice/care whilst on official student placement or external business
 - improper conduct
 - attempts to conceal any of these.
- 7 It is not necessary for the individual to have proof that such an act is being, has been or is likely to be committed, a reasonable belief is sufficient. The individual has no responsibility to

investigate the matter, it is the University's responsibility to decide if sufficient information exists for an investigation to take place.

Responsibilities

- 8 Every member of the University community has a responsibility to notify the University if they become aware of malpractice such as the examples given above.
- 9 It is particularly important in matters concerning the health, safety and welfare of those working or residing in University premises or those of its official partners, whether employees, students, contractors or visitors, that anyone including an elected health and safety representative, who becomes aware of a hazard, actual or potential, or a dangerous occurrence is expressly required to immediately notify their line manager, or the Health and Safety Manager.
- 10 Once a disclosure has been made, whoever receives the disclosure has a duty to ensure that the appropriate action is taken, sensitively and confidentially. Advice may be sought from the University Secretary and Clerk to the Council.

Protection

- 11 This policy offers protection to those who disclose concerns from any personal claims and from any victimisation, harassment or bullying occasioned as a result of their disclosure, whether the item reported proves to be true or not, provided the reporting was carried out with reasonable belief of wrongdoing.
- 12 Any reprisal or similar action taken against an individual because of a protected disclosure, including someone who has been investigated as part of the disclosure, may be regarded as gross misconduct which will result in disciplinary action.

Confidentiality

- 13 The University will treat all disclosures in a confidential and sensitive manner. The identity of the individual making the allegation may be kept confidential so long as it does not hinder or frustrate any investigation. However, the individual making the disclosure may need to provide a statement as part of the evidence gathering process, and their identity may be revealed or implied as part of the investigating process. If a criminal investigation follows, the employee may be needed as a witness. In this event, it will be discussed with the individual prior to their identity being revealed.

Anonymous disclosures

- 14 The University aims to promote an open environment in which individuals are confident to raise any issues of concern and are encouraged to put their name to any disclosure they make. Concerns expressed anonymously are less powerful and may be less easy to investigate, but they

will be considered at the discretion of the University Secretary and Clerk to the Council and relevant University Executive Team lead.

15 In exercising this discretion, the factors taken into account will include the:

- seriousness of the issues raised
- credibility of the concern
- likelihood of confirming the allegation from attributable sources

Untrue allegations

16 If an individual has a reasonable belief of wrongdoing and makes an allegation, which is not confirmed by subsequent investigation, no action will be taken against them. If, however, they make malicious or vexatious allegations, particularly if they persist with making them, then disciplinary action may be taken against the individual concerned.

Procedure for making a disclosure

- 17 If an individual believes that a matter or practice within the scope of this policy (as referred to in 6 above) is being, is likely to be or has taken place, they are encouraged to immediately report it to their line manager or course leader. Should the matter or practice concern their line manager or course leader or if they remain concerned, then it should be reported to their Human Resources Business Partner (HRBP), Head of School/Directorate or more senior manager.
- 18 Alternatively, the individual may wish to report their concerns to the compliance team or confidentially to the University Secretary and Clerk to the Council at whistleblowing@bucks.ac.uk. If the disclosure concerns the University Secretary and Clerk to the Council, it should be made to the Vice-Chancellor.
- 19 If the University Secretary and Clerk to Council and relevant University Executive Team lead agree that an investigation should take place, an investigation will take place into the alleged matter or practice. When disclosing any concerns, the individual would not be expected to have absolute proof of malpractice or illegal practices but would need to show the sound reasons for their concerns.
- 20 Independent external advice may be sought from 'Protect', a charitable organisation which can provide free confidential advice by telephone or email to people concerned about wrongdoing at work at <https://protect-advice.org.uk>.

Raising issues of concern/whistleblowing investigation process

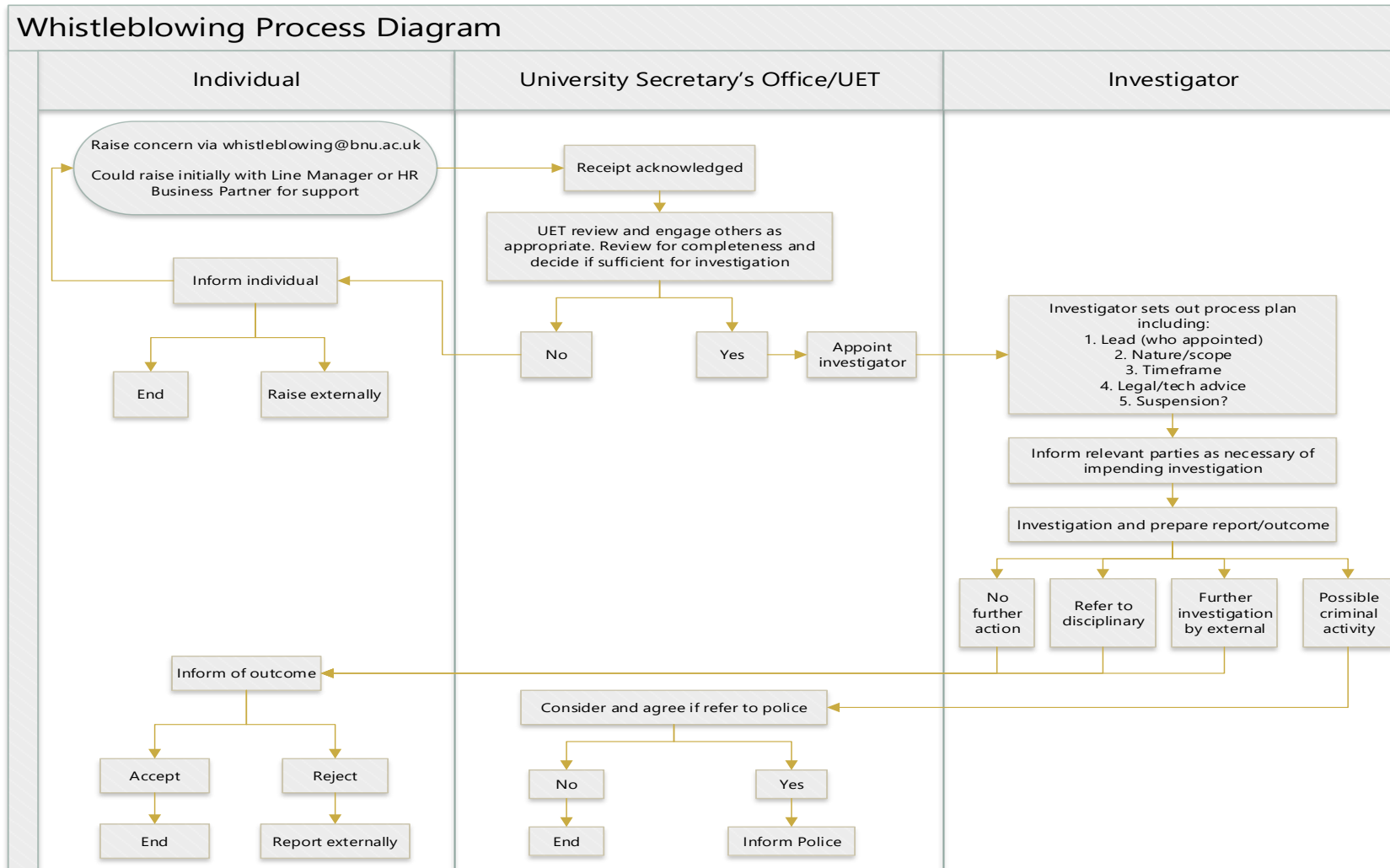
21 Once received, the disclosure will be referred to the University Secretary and Clerk to the Council or nominee who will report it to the relevant University Executive Team lead as appropriate, giving details of the disclosure including the:

- date and substance of the disclosure
 - identity and level of seniority of the alleged wrongdoer(s)
 - level of risk associated with the alleged wrongdoing.
- 22 The University Secretary and Clerk to the Council and relevant University Executive Team lead will decide whether sufficient information exists to allow the allegation(s) to be investigated, and, if so, the appropriate raising issues of concern/whistle blowing investigation process, to determine:
- the nature and scope of the investigation
 - who will lead the investigation (that person may be external to the University)
 - the nature of any technical, financial or legal advice that may be required
 - a timeframe for the investigation (paying regard to the level of risk)
 - whether the individual(s) under investigation should be suspended.
- 23 The University Secretary and Clerk to the Council and relevant University Executive Team lead will also consider the appropriate time to inform the alleged wrongdoer(s) of the investigation process.
- 24 Possible outcomes of the investigation may include:
- no further action
 - disciplinary action (and therefore a transfer to the [Employee Disciplinary Policy and Procedure](#))
 - further investigation by an external authority.
- 25 The outcome of the investigation should be communicated to the individual making the complaint. The response should be transparent but should not compromise confidentiality.
- 26 It should be noted that cases relating to suspected criminal activity including but not limited to fraud would be reviewed by the University Secretary and Clerk to the Council and relevant University Executive Team lead to decide whether they should be referred to the police or other relevant body.
- 27 If on conclusion of the investigation the individual reasonably believes that the appropriate action has not been taken, they should report the matter to the proper authority. The legislation sets out a number of bodies to which qualifying disclosures may be made, but not limited to. These include:
- HM Revenue & Customs
 - Financial Conduct Authority (formerly the Financial Services Authority)
 - Health and Safety Executive
 - Environment Agency
 - Independent Police Complaints Commission
 - Serious Fraud Office

Review

- 28 The policy will be monitored and reviewed to ensure it remains fit for purpose and complies with any changes to practice or legislation.

Appendix 1: Whistleblowing Process Diagram



Appendix 2: Equality Impact Assessment

1. What is changing and why?

The Whistleblowing Policy has been recently updated to ensure that there is clarity regarding how members of our university community can disclose information they believe shows malpractice or illegal practices in the workplace. The procedure aims to raise awareness of what whistleblowing is, aid understanding of how concerns can be raised and provide clarity over the process that will be followed whilst the concern is reviewed. BNU hopes to ensure a more consistent approach is taking to any concerns that are raised.

The University recognises that members of the BNU community may be reluctant to raise issues of concern due to past experiences of raising concern that had a negative impact on them (e.g. their concerns were dismissed because the person they reported them to believed they were lying or that their concerns were not worthy of being considered due to their skin colour or because they had a disability, or they experienced pressure to remain silent about their concerns from management) or a general anxiety about the possible negative impact on them. The policy aims to mitigate this by stating clearly in paragraph 15 that no action will be taken against a person who raises a concern without any malicious intent (i.e. they sincerely believe wrongdoing may be occurring) which is not confirmed by the subsequent investigation. It also provides a range of methods to raise concerns which it again hopes may overcome reluctance to raise a concern.

The University will also undertake monitoring of concerns raised to ensure the University uncovers any patterns in concerns being raised by minoritized groups and take action to address those patterns/concerns and eliminate discrimination identified.

2. What do you know?

Members of our University community have legal protection under the Public Interest Disclosure Act 1998. Employment contracts also state confidential information about the University's affairs will not be disclosed but if malpractice or illegal practices are identified, there is the option to disclose this information without fear of reprisal.

3. Assessing the impact				
	Could benefit	May adversely impact	What does this mean? <i>Impacts identified from what you know (actual and potential)</i>	What can you do? <i>Actions (or why no action is possible) to advance equality of opportunity, eliminate discrimination, and foster good relations</i>
a) How could this affect different ethnicities? <i>Including Gypsy, Roma, Traveller, Showmen and Boaters, migrants, refugees and asylum seekers.</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Recognising that members of the BNU community from different ethnicities who may/will have experienced discrimination may be reluctant to raise concerns due to the fear of a negative impact on them, it is hoped that this policy will give staff and students from different ethnicities the confidence to raise issues of concern without fear.</p> <p>Increased reporting from different ethnicities will enable BNU to identify any acts of discrimination occurring with BNU and enable BNU to take action to stop them.</p> <p>In addition, this policy offers protection to members of the BNU community who report concerns (see paragraph 10 for more detail). Furthermore, as outlined in paragraphs 12 and 13, all disclosures are treated as confidential and anonymous disclosures are permitted. Therefore members of the BNU community from different ethnicities are supported through the Whistleblowing process leading to more positive outcomes.</p>	<p>BNU will seek feedback from its community to ensure the procedure is suitable for all university members and address any concerns accordingly.</p> <p>BNU will monitor concerns raised to identify any patterns in complaints coming from minoritized groups. We will take further action to understand the cause/root of those complaints and eliminate discrimination identified through those patterns.</p>
b) How could this affect cisgender and transgender men and women (including maternity/pregnancy)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Recognising that transgender and non-binary members of the BNU community who may/will have experienced discrimination may be reluctant to raise concerns due to the fear that this will have a negative impact on them, it is hoped that this policy will give</p>	<p>BNU will seek feedback from its community to ensure the procedure is suitable for all university members and address any concerns accordingly.</p>

<p>impact), as well as non-binary people?</p>			<p>staff and students from different ethnicities the confidence to raise issues of concern without fear.</p> <p>Increased reporting from transgender and non-binary members of the community will enable BNU to identify any acts of discrimination occurring with BNU and enable BNU to take action to stop them.</p> <p>It is hoped that cisgender members of the BNU community will also feel confident to raise issues of concern without fear of negative impact on them.</p> <p>In addition, this policy offers protection to members of the BNU community who report concerns (see paragraph 10 for more detail). Furthermore, as outlined in paragraphs 12 and 13, all disclosures are treated as confidential and anonymous disclosures are permitted. Therefore members of the BNU community who are trans or cisgender are supported through the Whistleblowing process leading to more positive outcomes.</p>	<p>BNU will monitor concerns raised to identify any patterns in complaints coming from minoritized groups. We will take further action to understand the cause/root of those complaints and eliminate discrimination identified through those patterns.</p>
<p>c) How could this affect disabled people or carers? <i>Including neurodiversity, invisible disabilities and mental health conditions.</i></p>	<p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p>Recognising that disabled members of the BNU community or carers who may/will have experienced discrimination may be reluctant to raise concerns due to the fear of a negative impact on them, it is hoped that this policy will give disabled staff and students and carers the confidence to raise issues of concern without fear.</p> <p>Increased reporting from disabled people and carers will enable BNU to identify any acts of discrimination</p>	<p>BNU will seek feedback from its community to ensure the procedure is suitable for all university members and address any concerns accordingly.</p> <p>BNU will monitor concerns raised to identify any patterns in complaints coming from minoritized groups. We will take further action to understand the cause/root of those complaints and eliminate discrimination identified through those patterns.</p>

			<p>occurring with BNU and enable BNU to take action to stop them.</p> <p>In addition, this policy offers protection to members of the BNU community who report concerns (see paragraph 10 for more detail). Furthermore, as outlined in paragraphs 12 and 13, all disclosures are treated as confidential and anonymous disclosures are permitted. Therefore members of the BNU community who are disabled or carers are supported through the Whistleblowing process leading to more positive outcomes.</p>	
d) How could this affect people from different faith groups?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Recognising that members of the BNU community from different faith groups who may/will have experienced discrimination may be reluctant to raise concerns due to the fear of a negative impact on them, it is hoped that this policy will give them the confidence to raise issues of concern without fear.</p> <p>Increased reporting from people from different faith groups will enable BNU to identify any acts of discrimination occurring with BNU and enable BNU to take action to stop them.</p> <p>In addition, this policy offers protection to members of the BNU community who report concerns (see paragraph 10 for more detail). Furthermore, as outlined in paragraphs 12 and 13, all disclosures are treated as confidential and anonymous disclosures are permitted. Therefore members of the BNU community from all faith groups are supported</p>	<p>BNU will seek feedback from its community to ensure the procedure is suitable for all university members and address any concerns accordingly.</p> <p>BNU will monitor concerns raised to identify any patterns in complaints coming from minoritized groups. We will take further action to understand the cause/root of those complaints and eliminate discrimination identified through those patterns.</p>

			through the Whistleblowing process leading to more positive outcomes.	
e) How could this affect people with different sexual orientations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Recognising that members of the BNU community with different sexual orientations who may/will have experienced discrimination may be reluctant to raise concerns due to the fear of a negative impact on them, it is hoped that this policy will give these staff and the confidence to raise issues of concern without fear.</p> <p>Increased reporting from people with different sexual orientations will enable BNU to identify any acts of discrimination occurring with BNU and enable BNU to take action to stop them.</p> <p>In addition, this policy offers protection to members of the BNU community who report concerns (see paragraph 10 for more detail). Furthermore, as outlined in paragraphs 12 and 13, all disclosures are treated as confidential and anonymous disclosures are permitted. Therefore members of the BNU community with all sexual orientations are supported through the Whistleblowing process leading to more positive outcomes.</p>	<p>BNU will seek feedback from its community to ensure the procedure is suitable for all university members and address any concerns accordingly.</p> <p>BNU will monitor concerns raised to identify any patterns in complaints coming from minoritized groups. We will take further action to understand the cause/root of those complaints and eliminate discrimination identified through those patterns.</p>
f) How could this affect different age groups or generations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Recognising that members of the BNU community from different age groups who may/will have experienced ageism may be reluctant to raise concerns due to the fear of a negative impact on them, it is hoped that this policy will give members of</p>	<p>BNU will seek feedback from its community to ensure the procedure is suitable for all university members and address any concerns accordingly.</p>

			<p>the BNU community of all ages the confidence to raise issues of concern without fear.</p> <p>Increased reporting from people from different age groups or generations will enable BNU to identify any acts of discrimination / ageism occurring with BNU and enable BNU to take action to stop them.</p> <p>In addition, this policy offers protection to members of the BNU community who report concerns (see paragraph 10 for more detail). Furthermore, as outlined in paragraphs 12 and 13, all disclosures are treated as confidential and anonymous disclosures are permitted. Therefore any member of the BNU community with all sexual orientations are supported through the Whistleblowing process leading to more positive outcomes.</p>	<p>BNU will monitor concerns raised to identify any patterns in complaints coming from minoritized groups. We will take further action to understand the cause/root of those complaints and eliminate discrimination identified through those patterns.</p>
g) How could this affect those who are married or in a civil partnership?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>It is hoped that members of the BNU community who are married or in a civil partnership, and who may have experienced discrimination because they are in a civil partnership, will feel confident to raise issues of concern without any fear of a negative impact on them.</p> <p>In addition, this policy offers protection to members of the BNU community who report concerns (see paragraph 10 for more detail). Furthermore, as outlined in paragraphs 12 and 13, all disclosures are treated as confidential and anonymous disclosures are permitted. Therefore members of the BNU community with any married or partnered status are</p>	<p>BNU will seek feedback from its community to ensure the procedure is suitable for all university members and address any concerns accordingly.</p> <p>BNU will monitor concerns raised to identify any patterns in complaints coming from minoritized groups. We will take further action to understand the cause/root of those complaints and eliminate discrimination identified through those patterns.</p>

			supported through the Whistleblowing process leading to more positive outcomes.	
h) How could this affect people from different backgrounds such as: socio-economic disadvantage, homeless, alcohol and/or substance misuse, people experiencing domestic and/or sexual violence, ex-armed forces, looked after children and care leavers.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Recognising that members of the BNU community from different backgrounds who may/will have experienced discrimination may be reluctant to raise concerns due to the fear of a negative impact on them, it is hoped that this policy will give them the confidence to raise issues of concern without fear.</p> <p>Increased reporting from people from different backgrounds will enable BNU to identify any acts of discrimination occurring with BNU and enable BNU to take action to stop them.</p> <p>In addition, this policy offers protection to members of the BNU community who report concerns (see paragraph 10 for more detail). Furthermore, as outlined in paragraphs 12 and 13, all disclosures are treated as confidential and anonymous disclosures are permitted. Therefore members of the BNU community from all socio-economic backgrounds are supported through the Whistleblowing process leading to more positive outcomes.</p>	<p>BNU will seek feedback from its community to ensure the procedure is suitable for all university members and address any concerns accordingly.</p> <p>BNU will monitor concerns raised to identify any patterns in complaints coming from minoritized groups. We will take further action to understand the cause/root of those complaints and eliminate discrimination identified through those patterns.</p>
i) How could this affect people with multiple intersectional experiences?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Recognising that members of the BNU community with multiple intersectional experiences who may/will have experienced discrimination may be reluctant to raise concerns due to the fear of a negative impact on them, it is hoped that this policy will give them the confidence to raise issues of concern without fear.</p>	<p>BNU will seek feedback from its community to ensure the procedure is suitable for all university members and address any concerns accordingly.</p> <p>BNU will monitor concerns raised to identify any patterns in complaints coming from minoritized</p>

			<p>Increased reporting from people with multiple intersectional experiences will enable BNU to identify any acts of discrimination occurring with BNU and enable BNU to take action to stop them.</p> <p>In addition, this policy offers protection to members of the BNU community who report concerns (see paragraph 10 for more detail). Furthermore, as outlined in paragraphs 12 and 13, all disclosures are treated as confidential and anonymous disclosures are permitted. Therefore members of the BNU community with intersectional experiences are supported through the Whistleblowing process leading to more positive outcomes.</p>	groups. We will take further action to understand the cause/root of those complaints and eliminate discrimination identified through those patterns.
4. Overall outcome				
No major change needed <input checked="" type="checkbox"/>	Adjust approach <input type="checkbox"/>	Adverse impact but continue <input type="checkbox"/>	Stop and remove <input type="checkbox"/>	
5. Details of further actions needed				
I do not think that, based on the above, the Whistleblowing Policy requires further amendment.				
6. Arrangements for delivery and future monitoring				
This policy has been reviewed and approved by the necessary groups within the University who will review any future amendments. Monitoring of concerns raised will be reported via the Annual Report on Fraud, Bribery, Corruption and Whistleblowing received by Council's Audit Committee.				
7. Completed by:	Louise Lord / Emma Tomsett	Compliance Officer / University Secretariat Manager	Date	06/02/2023

8. Signed off by:	Ellie Smith	University Secretary	Date	07/09/2023
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