

Whistleblowing (Public Interest Disclosure) Policy & Procedure

1. Introduction

- 1.1 The University is committed to the highest standards of honesty, openness and accountability in line with [Our Values and](#) in pursuit of [“Our Future”](#)
- 1.2 The University (like all public bodies) has a duty to conduct its affairs in a responsible, ethical and transparent manner and to comply with the requirements of funding bodies and the standards in public life as outlined in the reports of the Nolan Committee¹.
- 1.3 The University is committed to the principles of equality of opportunity and academic freedom embodied in the Charter and Statutes, and to promoting the importance of freedom of speech within the law as set out in the University’s [Code of Practice](#).
- 1.3 The University has a reasonable expectation that all employees, workers, students and members of the Board and General Assembly will conduct themselves in a manner which is consistent and conducive to the maintenance of the highest standards as befits those who at all levels have a responsibility to fulfil in relation to the use of public funds.
- 1.4 We recognise that there may be occasions when individuals have genuine concerns about an actual, potential or perceived risk, fraud or other illegal or unethical conduct concerning the University. We also recognise that our employees and workers represent a valuable source of information to identify potential problems and to ensure that they are dealt with before they damage the reputation of the University.
- 1.5 This policy takes account of The Public Interest Disclosure Act 1998 (PIDA) which provides a framework of protection against detriment or dismissal for individuals raising concerns about certain matters of public interest.
- 1.6 This policy does not form part of any contract of employment and the University may amend it at any time.

2. Aim of Policy

- 2.1 We recognise that a culture of transparency and the freedom to speak up are essential to prevent situations of risk, fraud or unethical conduct occurring. Equally important is a clear procedure to address concerns raised.
- 2.2 The aim of this policy and associated procedure is to:
 - reassure employees that it is safe for them to raise genuine concerns at the earliest possible stage about matters of public interest, without the fear of detrimental treatment.
 - provide clear guidance about the process for raising genuine concerns (as specified in Section 3).
 - provide assurance that such concerns will be taken seriously and investigated appropriately.

¹ <https://www.gov.uk/government/publications/the-7-principles-of-public-life>

2.3 All employees are responsible for the success of this policy and should ensure that they use it to disclose any suspected danger or wrongdoing. Employees are invited to comment on this policy and suggest ways in which it might be improved. Comments, suggestions and queries should be addressed to the Deputy Secretary (deputysecretary@manchester.ac.uk).

3.Scope

3.1 This policy is applicable to all employees (which for the purpose of this policy and for ease of reference, is wider than the legal definition of employees, including for example workers contractors and volunteers (see below in section 4.1).

3.2 Students are encouraged to raise any concerns through the [Student Complaints Procedure](#) .

3.3 This policy and associated procedure have been developed to meet the requirements under PIDA to prevent employees being penalised as a result of making a qualifying disclosure, relating to one or more of the following:

- Financial malpractice, impropriety or fraud
- Failure to comply with a legal obligation, regulatory requirements or within the laws of the University
- Serious danger to the health and safety of the individual or environment
- Criminal activity
- Academic or professional malpractice
- Miscarriage of justice
- Aiding/abetting or attempts to conceal any of the above
- Any other potentially unlawful behaviour which cannot be raised under an alternative internal policy/procedure

All employees are encouraged to bring to the attention of the University any concerns they reasonably believe to be true and in the public interest relating to the above.

3.4 This policy and associated procedure is not intended to replace or provide alternatives to remedies or procedures that already exist and are more appropriate to the circumstances. It is **not designed** to address the following:

- To question financial or business decisions taken by the University
- To reconsider matters which have already been addressed under established procedures (e.g., disciplinary or grievance)
- To investigate disputes for which there are already defined routes of complaint (eg [Dignity at Work Policy](#) and associated informal and formal procedures)
- Matters which relate to an employee's personal circumstances such as the way they have been treated at work or their individual employment contract (such complaints should be addressed via the [Grievance Procedure](#))
- To investigate any academic disputes
- To investigate complaints about research misconduct. Further information about these procedures is available here: [Research misconduct process at The University of Manchester](#)

3.5 If any employee is uncertain as to whether something is within the scope of this policy, they can informally discuss it with the Deputy Secretary (refer to section 6), or contact "Protect" – the independent whistleblowing charity (details are at the end of this policy and procedure). If a complaint relates to an individual's own personal circumstances but they also have wider concerns regarding one of the areas set out at section 3.3 above they should discuss the matter with the Deputy Secretary about which route is the most appropriate.

4. Definitions

4.1 For the purpose of this policy and procedure the following definitions will apply:

Discloser: The individual expressing/raising concerns in line with the associated procedure – often referred to as whistleblower”.

Employee : For the purposes of this policy, anyone who carries out work for the University, including apprentices, academic, research and professional services employees, holders of honorary status (e.g. professor emeriti NHS Staff), agency workers, casual workers, contractors, mentor/mentee, visiting lecturers/researchers, volunteers and University students when they are carrying out the duties of the role they are employed to do by the University, such as Ph.D. students in the role of Graduate Teaching Assistants, Student Ambassadors, or those on casual contracts within hospitality, for example.

Public Interest Disclosure Act 1998 (“PIDA”): applies to individuals raising genuine concerns about suspected wrongdoing or dangers at work. PIDA protects individuals from detrimental treatment (i.e. victimisation or dismissal) for raising such concerns.

Public Interest: The Public Interest requirement is specific to PIDA and separates out concerns about someone’s ‘private’ employment rights from ‘public’ concerns that have wider impact and are more likely to be covered by whistleblowing protection.²

Qualifying or Protected Disclosure: For a disclosure to be protected PIDA’s provisions it must relate to matters that “qualify” for protection under PIDA. Qualifying or protected disclosures are disclosures which the worker reasonably believes tends to show that one or more of the concerns listed in section 3.3 above is either happening now, took place in the past, or is likely to happen in the future.

Whistleblowing: This is not a legally defined term but is commonly used to describe a situation where an individual discloses information which relates to suspected wrongdoing or dangers at work listed in 3.3.

Whistleblowing Concern: This is a concern relating to one or more of the issues listed in 3.3.

5. General Principles

- 5.1 All employees are encouraged to raise genuine whistleblowing concerns at the earliest opportunity.
- 5.2 Disclosures under this policy should be made with the reasonable belief that the information disclosed is substantially true and in the public interest.
- 5.3 The University will support employees who have raised genuine whistleblowing concerns even if through investigation they turn out to be mistaken.

6.0 Confidentiality and Anonymity

- 6.1 All disclosures made under this policy and procedure will be treated in a sensitive and where possible confidential manner.
- 6.2 The University aims to promote a culture where employees feel confident and comfortable to raise whistleblowing concerns, openly and we would therefore expect employees who wish to report a

² Protect: [Public Interest - Protect - Speak up stop harm \(protect-advice.org.uk\)](https://protect-advice.org.uk)

whistleblowing concern to identify themselves and, if necessary, participate in any investigation that may be required.

- 6.3 If an employee wishes to make a disclosure about a whistleblowing concern but is concerned about potential repercussions if their identity is revealed, they should contact the Deputy Secretary to discuss possible measures to keep their identity secret. Disclosers can also seek advice from "Protect". In these circumstances, if it becomes necessary as part of any investigation to know the discloser's identity, the Deputy Secretary will discuss this with the discloser in advance.
- 6.4 Reasonable steps will be taken to maintain confidentiality in so far as it is consistent with a fair investigation and with the right of the person or persons being investigated to be aware of the nature of the matter raised.
- 6.5 We do not encourage employees to make disclosures anonymously. Disclosures made anonymously can be significantly more difficult or not possible to investigate adequately or manage. It is also more difficult to establish whether any allegations are credible. The ability to provide appropriate feedback and protect against detriment is also more difficult if the identity of the discloser is unknown.
- 6.6 Disclosures made anonymously will be considered at the discretion of the University and consideration will include:
- The seriousness of the concerns raised
 - The credibility of the concerns raised based on the information provided
 - The ability of investigating the allegations from alternative credible sources

7.0 Protection and Support

- 7.1 The University understands raising concerns can be difficult and we recognise that disclosers may be worried about possible repercussions if concerns are raised.
- 7.2 Employees must not suffer any detrimental treatment as a result of raising a whistleblowing concern with a reasonable belief that it is true. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavorable treatment connected with raising a concern. Under no circumstances must a fellow employee retaliate or victimise anybody who has made a disclosure. Any employee that does so will be subject to the appropriate action which may include the activation of the disciplinary procedure.
- 7.3 If any employee believes that they have suffered any such treatment they should inform the Deputy Secretary.
- 7.4 Details of organisations that can offer support and guidance are detailed in Appendix1.

8.0 Procedure

8.1: Making a disclosure:

8.1.1 The University hopes that in most cases employees will be able to raise whistleblowing concerns with their line manager or the next most senior manager if the concern relates to their line manager. Where a manager is uncertain as to which procedure is most appropriate to address the issue raised, advice can be sought from a member of the People and OD Directorate.

8.1.2 If an employee believes that it may be necessary or appropriate to raise the matter formally under this procedure, such a disclosure should be made verbally or in writing to the Deputy Secretary. If the whistleblowing concern involves or implicates the Deputy Secretary, then it should be made to the Director of Legal Affairs and Board Secretariat

8.1.3 The discloser should complete the [Whistleblowing Form](#) to ensure that as much information and detail regarding the concerns are established.

8.1.4 The role of the Deputy Secretary (or other designated person) will be to provide initial guidance and assistance which may include guidance on the appropriate procedure through which the disclosure should be progressed if it does not fulfill the criteria defined in Section 3.

8.1.5 If the Deputy Secretary (or the Director of Legal Affairs and Board Secretariat if the disclosure relates to the Deputy Secretary) considers that it should be investigated formally through this procedure it should be sent in writing to the Registrar, Secretary and Chief Operating Officer (RSCOO). If the disclosure involves or implicates the RSCOO, it should be raised with the President and Vice Chancellor who will nominate a suitable person to consider the issues raised.

8.1.6 In all cases where a concern has been raised under this procedure, the person with whom it has been raised will make a record of its receipt and the subsequent action taken. Such records will be retained by the Deputy Secretary for a minimum period of three years.

8.2: The University response to a disclosure

8.2.1 Upon receipt of the formal disclosure, the RSCOO's initial purpose will be to establish if there are *prima facie* grounds for the concern(s) and if so the appropriate means to deal with them. The discloser should ensure that upon submission to the RSCOO the Whistleblowing Form includes all the relevant information to be considered.

8.2.2 The outcome of the initial review from the RSCOO may be either:

- the information disclosed does not concern information covered by this policy and no further action will be taken: or
- the information disclosed should be dealt with under a different University procedure and the discloser will be advised as to the appropriate procedure to follow: or
- the information disclosed does concern matters covered by the policy and there are *prima facie* grounds for concern. A decision will then be made as to whether an investigation is required and what form it should take. Not all disclosures will require an investigation.

8.2.3 The discloser will be informed of the outcome of the initial review.

8.2.4 If further to 8.2.1 and 8.2.2. the matter is judged not to require further investigation the discloser will be given the opportunity to refer it to the Chair of the Board, who will take such steps as they deem necessary to review the case. Any decision by the Chair of the Board will be final.

8.3 Investigation

8.3.1 Where the RSCOO determines that a concern raised requires an investigation, they will appoint a relevant manager (or if appropriate based on the nature of the concern an external person) to conduct the investigation (Investigating Officer).

8.3.2 Investigations will be conducted as sensitively and as quickly as possible in line with the nature and complexity of the disclosure.

8.3.3 Whilst the scope of the investigation will be determined by the RSCOO and/or the relevant Investigating Officer, there may be a need for investigatory meetings to discuss the concern raised. Employees will be able to bring a fellow employee or trade union representative to any meetings

under this procedure. Confidentiality of the disclosure and any subsequent investigation must be respected by all.

8.3.4 The Investigating Officer will prepare a report for RSCOO to review and submit to the President and Vice Chancellor (the conclusions of the report must be endorsed by the RSCOO before the report is submitted). Where a concern relates to the President and or Vice Chancellor, the report will be prepared for consideration by the Chair of the Board.

8.4 Outcome of Investigation

8.4.1 The President and Vice Chancellor (or Chair of the Board as per 8.3.4) will consider the report and, if they determine that the concerns raised are justified, will determine the action to be taken. Such action could include:

8.4.1.1 Referring the matter to the relevant University procedure, including the University Disciplinary Procedure. If the latter, the relevant Disciplinary Manager (in the case of misconduct) or Chair of the Disciplinary Panel (in the case of serious misconduct) will determine if they have sufficient information and evidence to proceed to a disciplinary hearing or if additional investigation is required under the relevant misconduct procedure

8.4.1.2 The matter should be referred under the relevant University procedure and if necessary, any other appropriate external measure (e.g., referral to appropriate external body)

8.4.1.3 The matter has already been appropriately dealt with under the relevant alternative University procedure

8.4.1.4 That no further formal action is necessary, or informal appropriate management intervention is sufficient.

8.4.2 The Decision of the President and Vice Chancellor (or Chair of the Board) will be final.

8.4.3 Where possible, the outcome will be reported to the discloser on a strictly confidential basis, however sometimes the need for confidentiality may prevent the University from giving the discloser specific details of the investigation or any action taken as a result.

9. Reporting of Outcomes

9.1 All matters raised formally under this procedure, including those dismissed after initial consideration either before or after investigation (as per 8.2.2 and 8.4.1.3) must be reported to the Audit and Risk Committee.

10. Vexatious and Malicious Claims

10.1 If an employee makes malicious and/or vexatious allegations under this policy or allegations that they could not reasonably believe to be true this may be considered as an abuse of the whistleblowing policy and disciplinary action may be taken.

11. External Disclosures

11.1 The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying identified malpractice within the University and therefore employees should not find it necessary to alert an external body.

- 11.2 However the law recognises that in some circumstances it may be appropriate to report concerns to an external body such as a regulator. It will very rarely if ever be appropriate to alert the media.
- 11.3 Employees should seek advice prior to reporting externally a concern and the independent whistleblowing charity "Protect" has a list of prescribed regulators for reporting certain types of concern.
- 11.4 Concerns usually are in relation to University matters but may relate to the actions of a third party. In some circumstances the law will offer protection if concerns are raised directly with the third party, however the University would encourage concerns to be raised internally initially.

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Appendix 1: Public Interest Disclosure Support:

ACAS:

- [The ACAS Helpline](#) – for more advice on whistleblowing, dismissal and detriment.

Protect:

Protect are the UK's whistleblowing charity offering free, confidential advice:

- [Protect Website](#)
- Confidential Helpline: 020 3117 2520

The Whistleblowing International Network (WIN)

WIN is run for and by NGOs working around the world to support and protect workplace whistleblowing:

- [WIN Website](#)