

Whistleblowing Policy

(Public Interest Disclosure Code of Practice)

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1. Introduction

- 1.1 The University of Bradford has a duty to conduct its affairs responsibly and with honesty and integrity, following high standards of openness and accountability. The University must also take into account the requirements of the OfS and the seven principles of public life, also known as the Nolan Principles¹.
- 1.2 As with all organisations, however, there is the risk that despite the best of intentions, and appropriate policies and procedures, things may go wrong occasionally.
- 1.3 In such circumstances, the University is committed to addressing allegations of malpractice, impropriety and wrongdoing. This Policy sits alongside other University procedures for managing complaints made by staff, post graduate research students, members of Council, for framing the values and ethical position of the University.
- 1.4 Where an individual believes that wrongdoing may or has already occurred, they should report this in accordance with this Policy, without fear of repercussions. The University will protect those who come forward and make disclosures in accordance with this Policy.
- 1.5 The University encourages such disclosures as they enable the University to develop, improve and prevent recurrence.
- 1.6 The University of Bradford complies with the Public Interest Disclosure Act 1998 as amended (the Act). This Policy sets out the University's approach when allegations are made which fall within the scope of this Act. The aims of this Policy are:
- to encourage individuals to disclose, in good faith, matters of public interest where there are genuinely held concerns within the context of the Act;
 - to provide individuals with guidance on how to raise those concerns;
 - to reassure individuals who make such disclosures that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected; and

¹ The Seven Principles of Public Life: <https://www.gov.uk/government/publications/the-7-principles-of-public-life/the-7-principles-of-public-life--2>.

- to reassure those wishing to make a disclosure in good faith that they are able to raise genuine concerns without fear of reprisals, even if their concerns, upon investigation, prove to be unfounded.
- 1.7 When a disclosure is made in accordance with this Policy, the University will respond:
- comprehensively;
 - fairly and equitably;
 - in a timely matter;
 - as far as is possible, confidentially; and
 - in a manner which protects those making allegations from detrimental treatment, including victimisation.
- 1.8 If anyone is uncertain whether something is within the scope of this Policy, they should seek advice from the University Secretary or Head of Student Conduct, Risk and Information Governance whose contact details are at section 8. They may also contact Protect (<https://protect-advice.org.uk>), which is an independent whistleblowing charity which operates an advice hotline.
- 1.9 This Policy has been designed to ensure that no-one receives less favourable treatment due to any protected characteristic.
- 1.10 Alternative formats of this policy can be provided upon request. Please contact governance@bradford.ac.uk to discuss your requirements.

2. Scope

Personnel

- 2.1 This Policy applies to:
- employees of the University;
 - postgraduate research students;
 - external members of the Council and its committees; and
 - anyone else working for the University, including associates, temporary and agency workers and others working under a contract for services.
- 2.2 Students, other than postgraduate research students, are not included in the scope of this Policy as they do not meet the definition of worker used

in the Act. Where a student meets one of the other definitions above (such as where they are employed) the Policy will apply to them.

Coverage

- 2.3 The scope of the Act sets out specific criteria for a “qualifying disclosure” – this Policy, therefore, uses the same criteria.
- 2.4 Disclosures may be made under this policy if, in the reasonable belief of the person making it, the disclosure tends to show one or more of the following:
- that a criminal offence has been committed, is being committed or is likely to be committed;
 - that a person has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject;
 - that a miscarriage of justice has occurred, is occurring or is likely to occur;
 - that the health or safety of any individual has been, is being or is likely to be endangered;
 - that the environment has been, is being or is likely to be damaged; or
 - that information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed.

Exclusions

- 2.5 The following matters may be appropriately referred to internal processes where they do not rise to the level of a qualifying disclosure as outlined above:
- matters which relate to an individual member of staff’s contract of employment. Such matters should be raised in the first instance with the individual’s line manager and advice can be taken from Human Resources who will determine the most appropriate action to be taken;
 - Vexatious and/or malicious use of the Policy (i.e. repeated or persistent disclosures, disclosures that are knowingly false, trivial, or intended to misuse the process) or those accompanied by abusive or aggressive behaviour; and
 - personal grievances.

3. Glossary

- 3.1 Whistleblowing:** Essentially whistleblowing is the raising, by a worker, of a concern about malpractice, impropriety or wrongdoing, or a risk or danger so that it may be investigated and in a way that protects the person raising the concern.

The Act and therefore this Policy is very specific about the types of wrongdoing etc, that it covers and this is set out in paragraph 2.3.

- 3.2 Whistleblower** A whistleblower is a person who raises a genuine concern relating to any of the criteria set out in paragraph 2.3 above. If any person has any genuine concerns related to suspected wrongdoing or danger affecting any of the activities of the University (a whistleblowing concern), it should be reported under this Policy.

Where a person raises a concern under this policy, they are protected from repercussions arising from raising the concern.

4. Responsibilities

The Audit and Risk Committee

- 4.1** The Audit and Risk Committee, on behalf of the University Council has overall responsibility for this Policy, for receiving and considering reports in relation to disclosures dealt with under this policy and reviewing the effectiveness of actions taken in response to such disclosures.

The University Secretary

- 4.2** The University Secretary has day-to-day operational responsibility for this Policy. They will ensure that all senior managers, staff with responsibility for people management and others are aware of this Policy.
- 4.3** In the absence of the University Secretary, the Head of Student Casework, Risk and Information Governance should be contacted.
- 4.4** They will also ensure that all personnel listed in paragraph 2.1 are aware of how to make a disclosure under this Policy.

5. General principles

Confidentiality and impartiality

- 5.1 The University will treat all disclosures made under this Policy as confidential and will handle them with impartiality, ensuring that concerns are considered fairly, objectively, and without bias.
- 5.2 Individuals making a disclosure (whistleblowers) may do so anonymously but the University does not encourage individuals to do so. This is because where a disclosure does not contain sufficient information it may not be possible to determine whether the matter falls under the scope of this Policy or to investigate the matter fully as the University cannot obtain further information from the person who has made the disclosure. It is also more difficult to establish whether any allegations are credible.
- 5.3 If an individual wishes to raise a concern confidentially, the University will make every effort to keep that person's identity secret. If it is necessary for persons investigating the concern or others to know that person's identity, this will be discussed with the person who has raised the concern.
- 5.4 People considering making a disclosure who are concerned about possible reprisals if their identity is revealed should come forward to the University Secretary and, if necessary, appropriate measures can then be taken to preserve confidentiality. Contact details are included at the end of this Policy.
- 5.5 If an individual is in any doubt, advice can be sought from Protect, the independent whistleblowing charity. Contact details are included at the end of this Policy.
- 5.6 In circumstances where it may be necessary to make known, more widely, the identity of the whistleblower, they will wherever possible, be notified in advance of the intention to disclose their identity and their views on this will be carefully considered before any such disclosure is made.
- 5.7 In some cases, such as where there are allegations of improper behaviour on the part of the Vice-Chancellor or members of Council, the University may be under an obligation to provide details of the issue to the Office for Students (OfS). In such cases, the identity of the whistleblower would not be provided in the first instance and would only be released with consent or if the University was obliged to do so
- 5.8 The University may also wish to report details of a case to an external agency such as the Police. In such cases, the identity of the whistleblower would not be provided in the first instance and would only be released with consent or if the University was obliged to do so

How to make a disclosure

- 5.9 All individuals are encouraged, in the first instance, to seek informal resolution of any concerns they have in line with University policies and procedures.
- 5.10 Individuals should raise any concerns in the first instance with their line manager/personal tutor/University contact where they feel able to as this person may be able to agree a way of resolving the concern quickly and effectively. In some cases they may refer the matter to the University Secretary.
- 5.11 Where informal resolution is not possible or appropriate and/or an individual wishes to raise a concern under this Policy, they should submit details of their concern in writing, making clear that they are invoking this Policy, addressed to the University Secretary (using the email address: whistleblowing@bradford.ac.uk).
- 5.12 Where the matter relates to the University Secretary, the concern should be raised with the Chair of the Audit and Risk Committee who can be contacted via the Vice-Chancellor's Office (using the email address: whistleblowing@bradford.ac.uk). The Chair of Audit and Risk Committee will nominate a member of the University's senior management or other suitable person to consider the issues raised. In such circumstances, all references below to the University Secretary should be deemed to refer to this nominee.
- 5.13 Disclosures should include the whistleblowers name and contact details, the nature of the alleged wrongdoing and the identity of any persons who are alleged to have committed that wrongdoing.
- 5.14 Anyone who may be unable to make a disclosure by email should contact the Executive Assistant to the University Secretary (tel: +44 1274 234278) who will discuss alternative reporting channels.
- 5.15 Persons making a disclosure may also do so via a third-party advocate or representative. They should provide written form of authority to the University to advise that the third party is acting on their behalf.

Consideration of concerns raised

- 5.16 In all cases where a concern is formally reported, its receipt will be acknowledged and a record of the case will be kept.
- 5.17 Where the University Secretary determines that, after an initial assessment, the disclosure falls under the scope of this Policy and

sufficient corroborating evidence appears to exist to support the allegations, they will arrange for an investigation to be undertaken.

- 5.18 Where the disclosure does not fall under the scope of this Policy, the initial assessment may result in referring the matter to another University procedure.
- 5.19 The investigation will be undertaken as soon as possible in a confidential and timely manner and will include consideration of the allegations made and any evidence submitted.
- 5.20 The person undertaking the investigation will be trained including on bias and on handling sensitive issues with discretion and care.
- 5.21 It will be conducted in accordance with the principles of natural justice and procedural fairness, and with due regard to the statutory rights of all individuals involved in the case. The person investigating will contact anyone named by the whistleblower and others if they deem it appropriate.
- 5.22 There will be no presumption of wrongdoing at the outset and the investigation will be conducted in an objective and impartial manner.
- 5.23 The officer conducting the investigation will prepare a report of the investigation for submission to the University Secretary, including a summary of the allegations, the process followed during the investigation, the conclusions reached and any recommendations for action to learn from the experience and avoid/mitigate against any future wrongdoing or harm.
- 5.24 Upon receipt of the investigation findings, if the University Secretary considers that the concerns raised are justified, they will direct that appropriate action should be taken according to established policy and procedures or by appropriate managerial intervention.
- 5.25 If appropriate, the University Secretary may refer the matter to the University's internal audit service to investigate under the University's fraud policies and procedures, or to an external agency should the circumstances warrant this action.
- 5.26 The report may lead to the matter being referred to the relevant internal procedure.
- 5.27 The whistleblower will, where their identity is known, be kept informed of the progress of the investigation and of the outcome of the investigation of the disclosure. It may not be possible, for example due to the confidentiality owed to others, to provide all details of the investigation

or the outcome to the discloser, however. If no action is to be taken, they will be informed of this fact the reason for it. The whistleblower should treat any information about the investigation as confidential.

- 5.28 If it is concluded that a whistleblower has made false allegations maliciously, that person may be subject to disciplinary action.

Review

- 5.29 The University cannot always guarantee the outcome a whistleblower is seeking but it will try to deal with the concern fairly and in an appropriate way.
- 5.30 If the whistleblower is dissatisfied with the outcome, they may seek a review of this decision from the Chair of the Audit and Risk Committee. If the original disclosure was made to that individual, review may be sought from the Chair of Council who can be contacted via the Vice-Chancellor's Office (using the email address: whistleblowing@bradford.ac.uk).
- 5.31 Requests for review will only be considered on one of the following grounds.
- Lack of procedural fairness: this can include bias or perceived bias, procedural mistakes or administrative errors;
 - New evidence or evidence that was not available, and could not reasonably have been made available, when the case was considered during earlier stages of the investigation; the request for review must specify the reasons why such evidence was not disclosed earlier; and/or
 - Clear unreasonableness of the decision: this applies where there is evidence to show that the outcome reached during earlier stages of the investigation was manifestly unreasonable and one which no reasonable person conducting a similar review could have reached on the available evidence.
- 5.32 The person considering the request for review will either confirm the decision that no further action be taken or will determine what further action is to be taken and process by which that action will be taken.

Protection of persons making disclosures

- 5.33 Individuals considering making a disclosure may be concerned that about possible repercussions resulting from the disclosure. The University aims to encourage openness and will support those who raise genuine concerns under this Policy even if those concerns turn out to be

unfounded. This Policy is designed to offer protection to those members of the University who disclose concerns under this Policy.

5.34 Individuals reporting concerns will not suffer any detrimental treatment as a result of raising a concern in good faith. Detrimental treatment may include but is not limited to:

- discrimination; ;
- victimisation, harassment;
- bullying;
- disciplinary action;
- dismissal; undue denial of contract renewal or change in working hours; and
- threats or other unfavourable treatment connected with raising a concern.

5.35 If an individual making a disclosure under this Policy believes that they have suffered any such treatment, they should inform the person managing the case.

5.36 The University would take any detrimental treatment such as retaliation or victimisation, to a whistleblower under this Policy extremely seriously. Any individual alleged to have treated a whistleblower in this way may be subject to disciplinary action under the relevant procedure.

Advice to people who may be considering making a disclosure to an external organisation

5.37 This Policy is intended to provide an internal mechanism for reporting, investigating and remedying any concerns falling under the scope of the Act. In most cases, therefore, individuals should not find it necessary to make a disclosure to an external body.

5.38 In some circumstances, however, an individual with concerns may believe it appropriate to report those concerns to an external body such as the Office for Students if:

- they feel that the University may cover up the alleged malpractice;
- they feel that the University might treat them unfairly if they complained; or
- they have previously made the disclosure and they believe that the University has not acted upon it.

Contact details for the OfS are included at the end of this Policy.

- 5.39 If an individual does choose to report a concern outside the University, it is their responsibility to ensure that confidential information and personal data is not processed in a way that would breach data protection law legislation. If in doubt, the confidential advice of the University's Data Protection Officer (DPO) should be obtained. Contact details are included at the end of this Policy.
- 5.40 In most cases, raising concerns through internal or official channels is more appropriate than contacting the media. This is because the individual making the disclosure will not receive the protection provided by the Act and this Policy, it could cause reputational damage to the University and may result in unforeseen scrutiny upon the character, motivations and personal life of the individual making the disclosure. Individuals who may be reluctant to report matters to the University via this policy are encouraged to seek advice before reporting a concern to externally. The independent whistleblowing charity, Protect, operates a confidential helpline, and contact details are included at the end of this Policy.

Reporting

- 5.41 The University Secretary will maintain a register of matters raised under this Policy and will report cases considered under the Policy to the Audit and Risk Committee.

6. Monitoring and review

- 6.1 Outcomes of cases will be reviewed annually to determine whether the Policy remains fit for purpose.
- 6.2 Anonymised data will be collected as part of equality monitoring and used it to inform future policy reviews and improvements.
- 6.3 This Policy will be in place for three years unless it is deemed necessary to review it before then.

7. Related policies and standards / documentation

- 7.1 University Anti-Fraud Policy: <https://www.bradford.ac.uk/about/legal-and-governance/policies-statements/anti-fraud-policy/>

- 7.2 The Seven Principles of Public Life:
<https://www.gov.uk/government/publications/the-7-principles-of-public-life/the-7-principles-of-public-life--2>.

8. Contact Details

University Secretary

01274 234278 whistleblowing@bradford.ac.uk

Chair of the Audit Committee

Via the Vice-Chancellor's Office

01274 233007 whistleblowing@bradford.ac.uk

Chair of Council

Via the Vice-Chancellor's Office

01274 233007 whistleblowing@bradford.ac.uk

Protect

Independent whistleblowing charity operating an advice hotline:

<https://protect-advice.org.uk/>

020 7404 6609 whistle@protectadvice.org.uk

The Office for Students:

<https://www.officeforstudents.org.uk/for-students/ofs-and-students/notifications/>

0117 931 7317 notifications@officeforstudents.org.uk

9. Document and version control information:

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