



**UNIVERSITY  
ACADEMY 92**  
MANCHESTER

## **UA92 WHISTLEBLOWING POLICY**

**Implementation date:**

**December 2020**

**Version number:**

**1.1**

<b><u>Document type</u></b>		Strategy
	✓	Policy
		Regulations
	✓	Procedure
		Code of Practice
		Guidance
<b><u>Area of UA92 business</u></b>	✓	Governance & Compliance
		Finance
	✓	People
		Student Life
		Academic
	✓	Operations
		External Affairs
	Other	
<b><u>Document Name:</u></b>		UA92 Whistleblowing Policy
<b><u>Author:</u></b>		Head of People and Organisational Development
<b><u>Owner (if different from above):</u></b>		Head of People and Organisational Development
<b><u>Document control information:</u></b>		
<b>Version number:</b>		1.1
<b>Date approved:</b>		
<b>Approved by:</b>		UA92 Board
<b>Implementation date:</b>		2 <sup>nd</sup> December 2020
<b>Review due:</b>		2023/24
<b>Document location:</b>		UA92 website
<b><u>Consultation required:</u></b>		
<b>Equality &amp; Diversity</b>		
<b>Legal considerations (including Consumer Rights)</b>		
<b>Information Governance</b>		
<b>Students</b>		N/A
<b>Employee Engagement Forum</b>		
<b>External</b>		N/A

<b>REVISION HISTORY</b>			
<b>Version</b>	<b>Date</b>	<b>Revision description/Summary of changes</b>	<b>Author</b>
1.1	16 <sup>th</sup> July 2021	Updating of departments and job titles	Sophie Pegum

## CONTENTS

Item	Page
(1) Purpose	4
(2) Scope	4
(3) Policy Statements	5
3.1 Whistleblowing Principles	5
3.2 Protected Disclosure	5
3.3 Qualifying Disclosure	5
3.4 Roles and Responsibilities	6
3.5 Doing the right Thing: Principles for Handling a Disclosure	6
(4) Whistleblowing Procedure	7
4.1 Raising the Whistleblowing Concern	7
4.1.1 Step 1: Ensuring your concern meets the Whistleblowing Criteria	7
4.1.2 Step 2: Making a Report	8
4.1.3 Step 3: What happens once you've made an initial report:	8
4.2 Investigation	8
4.3 Providing an Outcome	9
4.4 Follow up	10
(5) What happens when the policy is not followed?	10
(6) Independent Advice and guidance	10
(7) Related Documentation	11
(8) Appendices	11
8.1 Appendix A - Our General Ethical Principles in Practice	11
8.2 Appendix B - Frequently Asked Questions	12
8.3 Appendix C - Process Flow	13
	13

### 1. PURPOSE

1.1 The purpose of this policy and procedure is to outline the University Academy 92

(UA92) Whistleblowing policy (sometimes known as ‘making a disclosure in the Public Interest’ or ‘Public Interest Disclosure Policy’).

1.2 Whistleblowing is the name given to the act of the disclosure of information to the employer or the relevant authority by an individual who knows, or suspects, that the organisation is responsible for or has taken part in some wrongdoing.

1.3 The policy is designed to enable colleagues to raise concerns at a high level and/or disclose information which the individual believes to show serious malpractice and/or impropriety within the organisation.

1.4 This policy outlines the process for raising and escalating a concern relating to a matter of public interest. UA92 expects colleagues to always do the right thing and report suspected wrongdoing as soon as possible and without fear of negative consequences.

## **2. SCOPE**

2.1 This policy applies to all staff (referred to as colleagues in this policy) of UA92. This policy does not apply to students, apprentices, conference delegates or visitors, unless they are deemed employees of UA92. Staff at affiliated or accredited organisations should usually follow their own whistleblowing policy and procedure.

A whistleblowing concern may be raised by external parties including, but not limited to, ex-colleagues, contractors, suppliers and partners. Where disclosures are received from an external party, the Designated Officer will determine whether any action is required by UA92.

2.2 The policy is designed to enable colleagues to raise concerns at a high level and/or disclose information which the individual believes to show serious malpractice and/or impropriety within the organisation.

2.3 The disclosure should be in the ‘public interest’; therefore the policy cannot be used to raise purely private matters (e.g. relating to a member’s individual contract of employment) or in relation to a grievance which seeks to redress a wrong done to oneself.

2.4 The policy is not designed to provide an avenue for colleagues to question financial or business decisions taken by UA92 and it cannot be used as an avenue to reconsider matters which should or have already been addressed under other associated policies (see Related Documentation).

2.5 This policy has been developed in the context of the following legislation:

- i. Employment Rights Act 1996
- ii. Public Interest Disclosure Act 1998 (PIDA)
- iii. Bribery Act 2010
- iv. Enterprise and Regulatory Reform Act 2013
- v. The Data Protection Act 2018 and the implementation of the General Data Protection Regulation (GDPR)

### **3. POLICY STATEMENTS**

#### **3.1. WHISTLEBLOWING PRINCIPLES**

3.1.1 UA92 is committed to the highest standards of ethics, openness, probity and accountability. UA92 aims to establish and maintain a reputation for integrity that includes, but is not limited to, compliance with laws and regulations and our contractual obligations.

3.1.2 In areas of activity where there are no relevant laws or regulations, we will operate within a framework established by the Nolan [Seven Principles of Public Life](#)

3.1.3 We relate these principles to the personal and professional behaviour expected of all our community; our staff, contractors, our Board, our students and our partners.

#### **3.2 PROTECTED DISCLOSURE**

3.2.1 All colleagues are protected from unfair dismissal or being penalised or harassed as a Whistle Blower if they:

- Reasonably believe that malpractice in the workplace is happening, has happened in the past or is likely to happen in the future;
- Are making the disclosure in the public interest;
- Follow the whistleblowing process and guidelines.

#### **3.3 QUALIFYING DISCLOSURES**

3.3.1 A 'qualifying disclosure' means any disclosure of information where the colleague reasonably believes (and it is in the public interest to report it) that one or more of the following matters is either happening, has taken place or is likely to happen in the future:

- A criminal offence
- A miscarriage of justice
- An act creating risk to health and safety (includes risks to the general public as well as other employees or students of UA92)
- An act causing damage to the environment
- A breach of a legal obligation
- An act of bribery and/or corruption
- Potential harm to children/vulnerable adults in relation to or other malpractice which may harm students
- Deliberate attempts to cover up or conceal any of the above

3.3.2 Should the concern not meet the requirement to be a qualifying disclosure, you should raise this under the UA92 grievance policy. Where a concern is raised under the whistleblowing policy where it is not appropriate to do so, i.e. it relates to a personal grievance, the receiving manager will confirm that the matter will be addressed under the grievance policy.

#### **3.4 ROLES AND RESPONSIBILITIES**

3.4.1 All colleagues should adhere to any relevant legislation which is specific to

their area of responsibility and UA92 Policies, Procedures and Codes of Practice.

We expect them to:

- take responsibility for their decisions;
- be transparent and consistent in decision-making;
- raise concerns regarding whistleblowing matters should they arise;
- be honest and truthful in their work;
- declare interests and manage conflicts appropriately.

3.4.2 We will provide advice and guidance and ensure that our governance arrangements and frameworks for delegation make lines of accountability for decisions clear.

### **3.5 DOING THE RIGHT THING: PRINCIPLES FOR HANDLING A DISCLOSURE**

#### **3.5.1 Preventing and Eliminating Wrongdoing at Work:**

- All colleagues should be aware of the importance of doing the right thing by preventing and eliminating wrongdoing at work. UA92 encourages colleagues to openly share their concerns to make sure wrongdoing is promptly identified and can be addressed / resolved.
- Colleagues who come forward with concerns play an important role in maintaining a healthy, respectful and productive workplace, as well as protecting our colleagues, our students and our wider community.
- It is important for everyone to ensure that we create an environment where everyone can raise concerns or Ethics issues without fear of retaliation.
- Colleagues must not feel worried about coming forward with concerns and everyone must be treated with dignity and respect. Retaliation against colleagues who raise concerns or questions about misconduct will not be tolerated.
- Any detrimental treatment from colleagues towards the individual making the disclosure could result in disciplinary action, and should formal action be required as a result this will be carried out in accordance with the relevant policy.
- Any matter raised under this procedure should be investigated thoroughly, promptly and confidentially. Failure to do so may result in disciplinary action. In some serious cases, this may be deemed to be gross misconduct.
- Colleagues raising issues relating to any of the above must be reported to the Designated Officer in accordance with the process outlined later in this document. Failure to report a concern which meets the immediately reportable criteria, may result in disciplinary action.
- Any attempt to cover up wrongdoing or giving instruction to another colleague to do so, is itself a disciplinary offence.

- All concerns reported will be treated in the utmost confidence and every effort should be made to protect the identity of a colleague who raises a whistleblowing concern. However, in certain circumstances their evidence and identity may have to be disclosed. If this is required, it will be discussed with the colleague in advance.
- UA92 adheres to the relevant confidentiality and data protection regulation, i.e. The Data Protection Act 2018 and the implementation of the General Data Protection Regulation (GDPR).
- Where a whistleblowing concern has been raised anonymously and the identity of the colleague remains unknown, it won't be possible for any action or outcome to be relayed back to them. However, action should still be taken to investigate and where possible, resolve the concern. We don't encourage disclosures to be made anonymously where it's not essential, as it can make investigations more difficult.

## **4.0 WHISTLEBLOWING PROCEDURE**

### **4.1 RAISING THE WHISTLEBLOWING CONCERN**

#### **4.1.1 Step 1: Ensuring your concern meets the Whistleblowing Criteria**

- Colleagues should first ensure their concern meets the criteria outlined in this policy in order to amount to a Whistleblowing matter. You may consider reviewing the grievance policy as this may be more applicable. Where colleagues are unsure, they can refer to the free and independent whistleblowing advice line and further guidance from Protect, the UK's independent Whistleblowing Charity (see section 6 'Independent Advice and Guidance' on Page 10)

#### **4.1.2 Step 2: Making a Report**

- Upon confirming your concern meets the criteria as set out in this policy and amounts to a Whistleblowing matter, you should address your concern to UA92's Designated Officer. UA92's Independent Non-Executive Director and Chair of Audit and Risk is the Designated Officer and can be contacted by emailing [whistleblowing@ua92.ac.uk](mailto:whistleblowing@ua92.ac.uk)
- All concerns reported will be treated with the utmost confidence.
- A colleague may submit their concerns in any format and may be asked to confirm any verbal concerns in writing or to confirm a written record of a verbal report.

#### **4.1.3 Step 3: What happens once you've made an initial report:**

- At the point of receipt, the concern raised will be reviewed and an appropriate course of action put in place.
- Where the disclosure falls within the scope of the Whistleblowing Policy, the Designated Officer will decide whether to:
  - Appoint someone internal to UA92 to lead an investigation (known as Investigating Officer)
  - Appoint someone external to UA92 to lead an independent inquiry, or
  - Refer the matter to the police for investigation
- In these cases where a colleague has asked to remain anonymous their details will not be passed on, and all of those involved will be informed that they must maintain their role in strict confidence.
- Any investigation will be conducted in line with UA92's Investigations policy.
- In some cases, it may be determined that the matter should be referred outside of UA92 for investigation by an appropriate external party. In this instance, any external party would comply with UA92's confidentiality terms.

## 4.2 INVESTIGATION

4.2.1 Following receipt of a disclosure made under this policy by the Designated Officer, and the appointment of an Investigating Officer; an investigation meeting may be held with the employee. The purpose of this meeting is to gather as much information as possible from the employee regarding their concerns, including whether they have any supporting evidence or can identify any witnesses. This meeting will be held within *a reasonable time frame* following receipt of the disclosure i.e. 5-10 days.

4.2.2 After this meeting, the Investigating Officer will commence a full investigation into the concerns raised. The investigation will aim to gather all relevant information including relevant documentary evidence or witness statements. This investigation must be completed within *3 weeks* following receipt of the disclosure. If this is not possible, the Investigating Officer will speak to the employee in advance of the completion deadline to agree an extended period of investigation.

4.2.3 Once the investigation is complete, the Investigating Officer will present findings to the Designated Officer, who will write to the employee confirming the outcome.

## 4.3 PROVIDING AN OUTCOME



4.3.1 Any action that is taken to address the concern will be shared with the colleague who raised the concern to reassure them that appropriate action was taken, except where the need for confidentiality prevents this. Details of any disciplinary action that may have been taken against a colleague(s) must remain confidential and not be disclosed to the colleague who raised the concern.

4.3.2. The individual who made the disclosure, will where their identity is known, be informed of the outcome of the investigation of the disclosure. If no action is to be taken, the individual will be informed of the reason for this and advised that, if they are dissatisfied with this outcome, they may escalate the disclosure to the Chair of the Board.

4.3.3 The Chair of the Board 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.

4.3.4. If it is believed that the colleague intentionally raised a false allegation, this will need to be addressed under the disciplinary procedure and investigated as a separate matter.

4.3.5. If the colleague is not satisfied with the explanation or outcome, they may escalate the disclosure to the Chair of the Board.

#### **4.4 FOLLOW UP**

4.4.1 Once an investigation (whether internal or independent inquiry) has been completed, a written report will be submitted to the Designated Officer who will determine what action, if any, should be taken in the circumstances. This might include invoking other UA92 Policies or reference to an external agency as appropriate. These may include;

- Police;
- Office for Students;
- HM Revenue and Customs;
- Health and Safety Executive;
- Office of Fair Trading;
- Environment Agency;
- Serious Fraud Office;
- Director of Public Prosecutions.

4.4.2 Summary reporting of outcomes:

- The Designated Officer will produce an annual summary of all disclosures and any subsequent investigation, determination and resolution to the UA92 Board.
- Summary reports will not identify the individuals who made the disclosures or the subject of the disclosures. Information relating to whistleblowing disclosures will be retained for a minimum period of six years.

#### **5.0 WHAT HAPPENS WHEN THE POLICY IS NOT FOLLOWED?**

5.1. The Chair of the Board (on behalf of the UA92 Board) and the UA92 Accountable Officer are ultimately responsible for overseeing and enforcing this policy with operational support from the Independent Non-Executive Director and the Registrar and Secretary. Failure to comply with this policy may lead to;

- Reputational damage to UA92;
- Staff loss of confidence and belief in the integrity of the Senior Leadership Team at UA92.

## 6.0 INDEPENDENT ADVICE AND GUIDANCE

6.1. Colleagues can seek independent advice by contacting a regulatory body (for example ACAS) or the UK’s independent whistleblowing charity, Protect (formerly Public Concern at Work), which operates a confidential helpline and provides free, independent and confidential advice.

6.2. Where colleagues are unable or unwilling to make a disclosure to the Designated Officer, they can discuss and consult with an external independent prescribed person or body about the malpractice. Below is a link to ‘Protect’ the UK’s charity for Whistleblowing. Protect provide free and independent guidance and support to any Whistle-blower through their free advice line. UA92 encourages colleagues who do not feel able or are unwilling to make a disclosure to the Designated Officer, to instead contact Protect.

Contact details:

The UK free advice and helpline for Protect is 020 3117 2520

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

## 7.0 RELATED DOCUMENTATION

7.1 Consideration of whistleblowing issues should be considered as part of the Ethics framework and ‘doing the right thing’ principles; much of UA92’s ethical guidance is set out in other Policies, Procedures and Codes of Practice. Key documents are listed below:

General	<ul style="list-style-type: none"> <li>● UA92 Vision, Mission and Values Statement</li> <li>● UA92 Overview of Management and Governance</li> <li>● UA92 Freedom of Speech Policy and Procedure</li> <li>● Ethics framework</li> </ul>
Employees	<ul style="list-style-type: none"> <li>● Whistleblowing Policy and Procedure</li> <li>● Anti-Bribery Policy (Financial Management)</li> <li>● Disciplinary Policy</li> </ul>
Students	<ul style="list-style-type: none"> <li>● Student Code of Behaviour and Disciplinary Policy</li> <li>● Student Complaints Policy and Procedure</li> </ul>
Partners	<ul style="list-style-type: none"> <li>● Partner Pledge</li> </ul>

## **8.0 APPENDICES**

### **APPENDIX A – OUR GENERAL ETHICAL PRINCIPLES IN PRACTICE**

### **APPENDIX B – FREQUENTLY ASKED QUESTIONS**

### **APPENDIX C – PROCESS FLOW**

## **8.1 APPENDIX A – OUR GENERAL ETHICAL PRINCIPLES IN PRACTICE**

8.1.2 When dealing with a situation with ethical implications such as whistleblowing, you should consider the following questions and guidance:

- Have you considered all those who might be affected by your decision and those who might criticise your decision and the foreseeable reasons they would give for you not taking the decision?
- As well as the risk of harm, have you considered positive obligations – formal or informal – that you owe to those affected by your decision?
- Have you considered what could go wrong as a result of your decision for you, your colleagues (staff and students), UA92 or other stakeholders?
- What options have you considered for responding to the situation?
- Think carefully about the factual basis for your decision. Is your understanding of the facts robust and fair?
- How would you justify your behaviour to your manager or a colleague or friend if asked?
- How would you defend your actions if publicised in the media?
- Are you confident that your decision is the best one in the circumstances?

8.1.3 Another perspective can often help to determine the way forward. If you are concerned, postpone any action until you have obtained further advice and guidance.

8.1.4 Talk to a colleague or your Line Manager about the situation. Try to discuss how detractors might see your decision and the possibility of other alternative actions other than those you have thought of, so that this discussion is of maximum use to good decision making.

8.1.5 It is not feasible for an individual to be an expert in every single field of activity. Please check the list of related documents in Appendix A to see if there is a specific policy or guidance that relates to your situation. Where a policy does exist, direct the enquiry to the appropriate contact specified in the relevant policy document.

## **8.2 APPENDIX B – FREQUENTLY ASKED QUESTIONS**

### **Q: Where do we keep documents relating to a whistleblowing concern?**

A: All whistleblowing documentation should be kept in a file in a secure cabinet or saved with password protection on the manager's one drive. These documents should not be kept on a colleague file but in a separate file specifically for whistleblowing concerns. Documents should then be retained on MS Teams/ SharePoint in a confidential manner in accordance with UA92's Record Retention schedule.

### **Q: What if a colleague raises a concern that is a grievance?**

A: If a colleague raises a concern that's deemed to be a grievance, the relevant and correct policy and procedure will be applied e.g. if the colleague's complaint is relating to their terms and conditions, the Grievance Policy will be applied.

### **Q: What if a colleague raising a concern is mistaken?**

A: Colleagues raising concerns are sometimes worried about possible repercussions. UA92 encourages openness and will support colleagues who raise genuine concerns in good faith, even if they turn out to be mistaken.

### **Q: What if the whistle blower has another motive?**

A: Every concern should be treated as being made in good faith. However, if during investigations there's evidence to suggest the colleague had no grounds to raise the concern and has intentionally made false accusations with a view to harming another colleague/UA92, this may result in disciplinary action.

### 8.3 APPENDIX C – PROCESS FLOW

