

Swansea University

Whistleblowing (Public Interest Disclosure) Policy

1. Introduction

Swansea University is committed to the highest standards of openness, probity and accountability. It seeks to conduct its affairs in a responsible manner taking into account the requirements of the funding bodies and the standards in public life set out in the Nolan Principles. These are: selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

The [Public Interest Disclosure Act 1998 \(amended 2013\)](#) gives legal protection to employees and workers who disclose confidential information about malpractice in the workplace, whether carried out by other employees/workers or the employer, these are concerns which are both serious and likely to be of wider public interest.

- 1.1 This policy applies to all employees, students, all lay members, contractors, consultants, officers, interns, casual and agency workers.
- 1.2 If you are an employee, this policy does not form part of your contract of employment.
- 1.3 This policy is not intended to be used as a substitute for other University's policies and procedures and the following should be raised in the usual manner:
 - 1.3.1 This policy is intended to cover concerns of malpractice which are in the wider public interest.
 - 1.3.2 Allegations of research misconduct - these should be reported using the University's Policy on Handling Allegations of Research Misconduct ([link](#));
 - 1.3.3 Matters which relate to an individual's complaint regarding their employment or the way others are behaving towards them including any personal grievance or complaint they may have should be raised under the University's Grievance Ordinance ([link](#)) or under the Dignity at Work and Study Policy ([link](#)) as appropriate.;
 - 1.3.4 In the case of students, concerns other than those falling under the categories set out above should be raised through the normal complaints procedures ([link](#));
 - 1.3.5 Matters which relate to workplaces other than Swansea University, for example in hospitals, businesses or other places where students or staff may be based or on placement/secondment. In such cases the University, School or Department will ensure that students and staff are made aware of the relevant whistleblowing procedures in force at the other workplaces and, should it be necessary, will provide appropriate support to those seeking to follow other organisations' whistleblowing procedures;
 - 1.3.6 Lay members should not view this procedure as an avenue to challenge or question business or financial decisions taken by the University; as an avenue of appeal to challenge decisions previously taken under other procedures of the University; or as a way of dealing with malpractice/wrongdoing of students;

- 1.3.7 Concerns which have been addressed under other internal procedures, where decisions have been made and appeals processes exhausted should not be brought further under this policy.

2. What is whistleblowing?

The Department for Business, Innovation and Skills has developed [Guidance for Employers and Code of Practice](#) on Whistleblowing.

- 2.1 The University's aim is to maintain the highest standards of integrity in everything it does. However, all organisations can occasionally be affected by conduct that is dangerous, against the law or breaches ethical or professional codes. Should you have any such concerns, the University encourages you to report them immediately - this is called 'whistleblowing' (more formally known as making a disclosure in the public interest). You can be assured that the University will take your concerns seriously, they will be thoroughly investigated, and you can be confident there will be no reprisals. Details re protection for whistle-blowers can be found in para 5 below.
- 2.2 The types of concerns you may want to raise with the University by whistleblowing might include:
- any activity you suspect is criminal;
 - any activity you suspect is fraudulent;
 - any activity you suspect puts health and safety at risk;
 - any activity you suspect may damage the environment;
 - any activity you suspect as financial malpractice and impropriety (including but not limited to: financial irregularities, corruption, bribery and/or dishonesty);
 - any activity you suspect falls under the Criminal Finances Act;
 - any activity you suspect as a miscarriage of justice;
 - any failure to comply with legal or regulatory obligations;
 - any failure to comply with the University's Charter or Statutes and/or the Regulations of the University;
 - any unethical behaviour;
 - any failure to meet professional requirements; and/or
 - any attempt to conceal one or more of these activities.

This list is not intended to be exhaustive, and members of the University are encouraged to utilise this policy on occasions where they believe they have discovered malpractice or impropriety.

- 2.3 If in doubt, speak to your line manager, tutor or other appropriate trained individual if you are not sure whether something you have become aware of is covered by this policy. Note that if your complaint is covered under an alternative University Policy you will be given guidance on how to proceed.
- 2.4 A disclosure under this policy may be made by an individual or jointly with others.

3. How to raise a whistleblowing concern

- 3.1 In cases where an individual intends to make a disclosure under this policy, it should normally be made to the University in the first instance. As stated in 2.4 above, should you require support or advice in raising a concern, you can speak to your line manager, tutor or

other appropriate trained individual, in the first instance, who can further assist with the procedure below.

- 3.2 You should write to the Principal Officer under this Policy, being either the Registrar and Chief Operating Officer or the Provost. If your concern relates to the actions of the Vice-Chancellor, the Registrar and Chief Operating Officer or the Provost you should write to the Chair of the Audit, Assurance and Risk Committee.
- 3.3 Your letter should clearly state that you are raising your concerns under this Whistleblowing Policy and then explain what they are. Include all the key facts, dates, and the names of the people involved. On receipt of your letter, the Principal Officer will write to you acknowledging receipt within 5 working days.
- 3.4 You will be invited to a meeting to discuss your concerns, and you are entitled to be accompanied at this and any subsequent meetings by a colleague or trade union representative. If you bring a companion, you must both agree to keep your disclosures confidential before, and after the meeting and during any investigation that may follow.
- 3.5 After the initial meeting, you may be asked to attend further meetings, which could include specialists with particular knowledge or experience of the issues you have raised.
- 3.6 The Principal Officer will consider the information made available to him/her and decide on the form of investigation to be undertaken. This may be: a) to investigate the matter internally and to appoint an Independent Investigator; b) to refer the matter to the police; c) to call for an independent external inquiry.
 - 3.6.1 If the decision is that investigations should be conducted by more than one of these means, the Principal Officer should satisfy him/herself that such a course of action is warranted.
 - 3.6.2 Where the matter is to be the subject of an internal inquiry, the Principal Officer will then consider how to conclude whether there is a prima facie case to answer. This consideration will include determining: a) who should undertake the investigation (Independent Investigator); b) the remit of the Internal Investigator including the ability to make recommendations to the University regarding the actions to be taken c) the procedure to be followed; d) the scope of the concluding report. In the event that actions of the Vice Chancellor, the Registrar and Chief Operating Officer, the Provost or any other member of the Senior Leadership Team are the subject of whistleblowing the Principal Officer may wish to appoint an independent team to support the Independent Investigator to ensure complete independence.
 - 3.6.3 The Independent Investigator appointed will be at the discretion of the Principal Officer, the Independent Investigator may be someone within the University who is considered to have relevant knowledge and expertise of the issues raised, or an appropriate individual external to the University. The Independent Investigator will undertake the internal investigation and will report his/her findings to the Principal Officer. The Principal Officer will be responsible for making any decision following the investigation and to fully consider any recommendations delivered within the report.

- 3.6.4 As a result of this investigation other internal procedures may be invoked by the Principal Officer. Reference to the police or other external bodies may also be made at this point.
- 3.6.5 In some instances it might be necessary to refer the matter to an external authority for further investigation, e.g. the Higher Education Funding Council for Wales, or the [bodies listed](#) in Public Interest Disclosure Act.
- 3.7 Due to the concerns you have raised, other individuals are likely to be interviewed as part of your Whistleblowing Complaint, including but not limited to the individual who the concern have been raised against. Any individual interviewed under this process will be afforded equal support and are entitled to be accompanied at any meetings by a colleague or trade union representative and to reach out to any appropriately trained individual under this Policy. Any individual involved, including all those interviewed, and all companions, must agree to keep the disclosures confidential before, and after the meeting and during any investigation that may follow.
- 3.8 You will be kept informed about how the investigations are progressing and how long they are likely to take. Sometimes, however, the Principal Officer may be unable to give you details about the investigation (or any action it leads to) as the University needs to protect confidentiality and comply with legal obligations. It is understood that this may be frustrating and give you concerns about whether any action has been taken, and if this happens an appropriate individual will explain why the University is acting in this way. Also, due to the complexity of the concerns you have raised it may be impossible for the Principal Officer to provide you with a timeframe for such an investigation. The Principal Officer will however keep you updated as is felt appropriate within the circumstances of the investigation.
- 3.9 Your concerns will be addressed fairly and the investigation will be thorough, however the outcome may differ from your expectations. If you are not satisfied with how the University has conducted the investigations, and your matter has been dealt with by either the Registrar and Chief Operating Officer or the Provost, you can take the matter to the Chair of the Audit, Assurance and Risk Committee for further consideration. If your original concerns were dealt with by the Chair of the Audit, Assurance and Risk Committee you may take the matter to the Chair of Council for further consideration. Where a whistle-blower is not satisfied, they also have the right to refer their concerns to one of the relevant bodies referred to in point 3.6.5.
- 3.10 An individual will not suffer any detriment at all for making a disclosure which falls under paragraph 2.2 above and the University actively encourages individuals to come forward if they have any concerns. Even if the disclosure is found to be incorrect, the individual making the disclosure will not suffer any detriment provided that they believed in what they were saying when they raised the concerns. Details re protection for whistle blowers can be found in para 5 below.

4. Confidentiality and anonymity

- 4.1 There is a significant difference between wanting to keep your concerns confidential and making a disclosure anonymously. While anonymous whistle blowing is actively discouraged, the University may use its discretion in exceptional circumstances.

- 4.1.1 In exercising this discretion, the factors to be taken into account will include: the seriousness of the issues raised; the credibility of the concern; and the likelihood of confirming the allegation from attributable sources.
- 4.1.2 Concerns raised anonymously are very difficult - and sometimes impossible - to investigate. The University can't properly establish whether your allegations are credible without being able to ask you for more details or for clarification, and this makes it hard to reach an informed decision. This is why you are urged you not to report matters anonymously.
- 4.2 You are always encouraged to raise concerns openly, and if you prefer to do so in confidence, the University will do all that it can to ensure your identity remains hidden. The Investigator may want to disclose your identity to people involved in the investigation but will always discuss this with you first.
- 4.3 The University will treat all appropriate disclosures made in accordance with this policy in a confidential and sensitive manner. It will therefore endeavour to keep confidential the identity of the person who has raised the concern. However, it must be appreciated that the investigation process may reveal the source of the information and that a formal statement from the original complainant may be required as part of the investigative process.
- 4.4 You are protected from reprisals under this policy (see paragraph 5) but if you are still worried you are encouraged to discuss this with the Principal Officer, the Investigator or an appropriate individual and they will explore how far the investigation can go in keeping your concerns confidential.

5. How whistle blowers are protected

- 5.1 If you raise a concern under this policy, the University will support you fully even if it is found through the investigations that the concern was raised as a result of a genuine mistake or that there has been no breach of policy, legal obligation etc. However, if you feel you have been treated detrimentally as a result of raising a concern, you must tell the Principal Officer immediately. First inform your manager and, if the matter remains unresolved, you must follow the formal process under the [Grievance Ordinance](#).
- 5.2 Victimisation or other detrimental treatment of an employee, student or other member of the University, as a result of that person raising concerns under this policy, may be considered a serious disciplinary offence under the University's disciplinary procedure.
- 5.3 Victimisation or other detrimental treatment of an individual who has supported an employee, student or other member of the University, as a result of that person raising concerns under this policy, may be considered a serious disciplinary offence under the University's disciplinary procedure.
- 5.4 All whistle-blowers are afforded the same protection, so individuals must not threaten others who have raised concerns or carry out reprisals against them. Individuals who do so may face disciplinary action which could include dismissal for gross misconduct, if we find they have. Individuals doing so may also face legal action from the whistle-blower in these circumstances.
- 5.5 Any individual within the scope of this policy who attempts to prevent an individual raising a concern under this policy may face disciplinary action which could include dismissal for gross

misconduct. They may also face legal action from the whistle-blower in these circumstances.

- 5.6 It should be noted however that any disclosure made by anyone in the organisation in bad faith or maliciously will not be tolerated and could lead to disciplinary action. Such disclosures undermine the whole tenet of a whistleblowing policy.

6. Taking your concerns outside the University

- 6.1 This policy outlines the process for raising, investigating, and resolving wrongdoing or malpractice within the University. It is rarely necessary for anyone outside the University to become involved when a whistleblowing allegation is made.
- 6.2 In some exceptional circumstances, you may need to go to an external body or regulator.
- 6.3 This policy covers the actions of third parties such as suppliers, service providers, and clients, as well as our staff, students and lay members. Should you have concerns about a third party, you are encouraged to raise these concerns with us before approaching anyone else. Your line manager, tutor, or appropriate person will be able to explain how you should proceed.
- 6.4 Alerting the media or an irrelevant third party to a concern - particularly before or during an internal investigation - is almost never justified or appropriate in any situation. We strongly discourage you from doing so and may consider contact with the press to be a disciplinary issue justifying dismissal, unless exceptional circumstances exist. We would normally expect you to have taken all reasonable steps to deal with the matter internally or with an external regulator, and to have taken full independent legal advice before being justified in approaching the press or an irrelevant third party. You should also note that taking a matter to the press or an irrelevant third party may potentially affect your rights and protection under the Public Interest Disclosure Act 1998 (amended 2013).
- 6.5 In respect of external regulators mentioned above (6.2), this will depend on the nature of the concern. However, these may include but are not limited to:
- The Charity Commission
 - Higher Education Funding Council for Wales (HEFCW)
 - The Home Office
 - The relevant Police Regulatory Authority
 - The relevant Research Council
 - External funding bodies

In line with clauses 2.3 and 2.4 above, if in doubt, you may seek advice and support from your line manager, tutor or other appropriate trained individual.

7. Reporting of Outcomes

- 7.1 A report of all disclosures and any subsequent actions taken will be made by the Principal Officer who will retain such reports for three years. In all cases a report of the outcomes of any investigation will be made to the Audit, Assurance and Risk Committee, in detail as a means of allowing the Committee to monitor the effectiveness of the procedure.

Approved by Council – 29 November 2021