Document Details

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Version control

Version	Date	Description of changes and name and job title of person responsible for making changes
1.1	April 2019	First draft
1.2	June 2020	Change of named persons following changes to roles. Change made by Senior Governance Officer.
1.3	January 2021	Inclusion of fourth commitment under 2.1
1.3.1	September 2025	Minor updates, not requiring approval, to reflect interim arrangements for the Chief Operating Officer and changes to Audit and Risk Committee.

Referenced policies and documents

<u>Staff Grievance Procedures</u>

Staff Bullying Harassment and Sexual Misconduct Policy

Student Complaints

Financial Regulations

Raising Serious Concerns and Disclosing Public Interest Matters

3. Who is covered under this policy

- 3.1 This policy applies to all staff, students and lay members of the University regardless of location.
- 3.2 Staff and students in collaborative partnerships are encouraged to use this policy, but it may be that issues raised comes under the responsibility of the collaborative partner. In this case, depending on the nature of the disclosure, and always with the discloser's consent, the matter may be passed to the partner for consideration.
- 3.3 Other members of the University (for example alumni or emeritus staff) and others (for example, those in commercial relations with the University or members of the public) are encouraged to make use of this policy, but, while maintaining its legal responsibilities, the University reserves the right to limit its response.

4. What is a serious concern/public interest disclosure

- 4.1 This policy and process covers both disclosure of serious concerns and those of public interest. Many disclosures will involve both, and both can be considered whistle blowing and be afforded the same protections. However, there are differences. A disclosure of serious concern is where an individual raises a concern with the belief that, if unaddressed, the matter could have a serious negative impact on Lancaster University as a corporate body. However, the impact would be limited to the University itself and would not have wider public repercussions.
- 4.2 Public interest disclosure is legally defined in the Public Interest Disclosures Act (1998, modified 2013), as the act of an individual telling Lancaster University her or his reasonable belief that the University, in whole or in part (including an individual):
 - (a) has committed, is committing or is likely to commit a criminal offence;
 - (b) failed, is failing or is likely to fail to comply with any legal obligation to which it is subject;
 - (c) has caused a miscarriage of justice to occur or make likely to occur;
 - (d) has, is or is likely to endanger the health or safety of an individual;
 - (e) has, is or is likely to damage the environment; or
 - (f) has information tending to show deliberate concealment of any matter falling within any one of five above.
- 4.3 To be clear, this process is to allow individuals to raise serious issues about the University. It is not a process for management of personal grievances, internal regulatory breaches, or other matters that, while important, are better managed through other University policies, regulations and procedures.
- 4.4 Importantly, whistle blowing is not a means to challenge academic freedom.

 Someone's academic views, no matter how contrary, will not be considered under this process unless it can be shown that they also fulfil one of the criteria above.

5.	Relationship	o to other	policies and	procedures

5.1 The nuance between matters for whistle blowing and an individu5niv

However, owing to the recognised potential negative impact of whistle blowing, the University will allow anonymous reporting within this process.

- The commissioning manager, when not the Chair of Audit and Risk Committee, may want to seek that person's advice as part of their decision-making.
- 9.13 Where the commissioning manager decides (i) or (ii), the whistle blower will be informed and feedback provided as appropriate (see section 11).
- 9.14 Where the commissioning manager decides (iii) or (iv), a formal investigation will take place. The commissioning manager will determine who will undertake the investigation. Good practice would suggest that for serious cases a small independent panel including both senior University and lay membership, with external expertise (for example a solicitor or accountant) present as required and a clerk. The subject(s) of the allegation will be informed, unless this has already happened as an aspect of risk management, and provided with the evidence (redacted as required). Unless legally required, the status of the anonymity of the whistle blower does not change at this stage except through the whistle blower's consent.
- 9.15 The panel will conduct its investigation as sensitively and quickly as possible maintaining records of its meetings, interviews and other evidence gathered. The person(s) facing the allegation will be offered a meeting with the panel and each can bring a friend or representative. The whistle blower, if not anonymous, will also be offered a separate meeting to provide information to the investigation. However, the whistle blower will not be provided with any additional materials gathered either as part of the initial investigation or as part of the formal investigation.
- 9.16 The panel will produce a report and recommendations following the same format as the initial investigation and provide this to the commissioning manager. The commissioning manager will make a determination that might include, but is not limited to:

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9.18 The review will be a paper-based review of process and will comment only on whether due process was followed and natural justice attained. Should the review determine that the outcome is not robust the matter will be referred to the Vice-Chancellor for consideration and whose decision will be final. Should it be the Vice-Chancellor involved in the case, the review will be referred to the Pro-Chancellor.

10. Reporting outcomes

10.1 Once concluded, a report of all disclosures and their outcomes will be made to the Vice-Chancellor and the University's Audit and Risk Committee. That Committee, at its discretion, will report matters of interest to Council.

11. What the whistle blower can and cannot be told

11.1 A whistle blower clearly has an interest in knowing the outcome of an investigation and any subsequent actions. Unless there is good reason, whistle blowers (unless wholly anonymous) will be told: (a) if an investigation was conducted; (b) if that investigation led to action being taken; and (c) any actions taken which can be shared without breaching data protection requirements.

12. External disclosure

- 12.1 The aim of this policy is to give people both assurance and a mechanism to handle issues internally. As such, external disclosures should not be necessary in most cases. However, the law recognises that in some circumstances it may be appropriate to go to an external body such as a 'prescribed person' as defined under the Public Interest Disclosures Act. The government maintains an up-to-date list of prescribed persons and the circumstances under which it would be reasonable to approach them.
- 12.2 Where someone reasonably considers external disclosure to be legally compelled the University and will provide the same internal procedure protections against reprisal.

13. Using the media and social media

- 13.1 The University recognises no valid reason why a person should disclose via the media or social media without first having given the University the opportunity to address the issue through its internal processes or through the external prescribed person route. To do so is to assume culpability without due process.
- 13.2 Before going to the media or social media a person should be aware that this would, in most cases, forfeit legal protection under the Public Interest Disclosure Act. The University also reserves the right, particular1 (e)-2 (s)1co sen scial me2 (c)-1a

14. Record keeping and retention

- 14.1 Records of disclosure, the associated process and outcomes will be kept in Strategic Planning and Governance. These will be retained for the duration of the process and any subsequent actions or procedures, internal or external. Usually, records of disclosure would be retained only until the investigation or disciplinary process is completed. Should a case be subject to criminal proceedings, the information will be retained for 7 years after the end of the criminal case. This is the longest period the University will retain disclosure data. Following completion of procedures basic information will be retained to support business operations and archival purposes, including protection of the whistle blower from retaliation.
- 14.2 Records of disclosure will not be kept on formal staff or student records. 14.20C /verrs\(\phi\)u(a)-14-1 (4

17. Advice and support for using the process

- 17.1 Staff and lay members of the University who would like advice and support can seek it via the Employee Assistance Programme, via their trade union, or via their professional body (for example AUA). The Secretary to the University Audit and Risk Committee as the University-designated 'Whistle blower Officer (staff)' can provide impartial advice on the implementation of this policy and process, but cannot provide case specific advice or advocacy support.
- 17.2 Students who would like advice and support can seek it via the Lancaster University Students' Union Advice Team or the NUS. The University Complaint Co-ordinator, as a University-designated 'Whistle blower Officer (students)', can provide impartial advice on the implementation of this policy and process, but cannot provide case specific advice or advocacy support.
- 17.3 In general the following advice is offered.
 - 1. The sooner a disclosure is made the better. While delays may be reasonable they also can lead to misinterpretation of motivation.
 - 2. Be accurate and, where possible, either provide evidence or clearly indicate where it can be found.
 - 3. Be precise; provide constructive context but do not embellish the facts.
 - 4. Be professional; do not be uncritically negative o tBe d(tBe)-1(e)-2 (ly)fBesignaet(3.)TjCpticl2

Useful links

Government Guidance

Protect (previously Public Concern at Work (PCaW)) (an independent whistle blowing support service)

Related University documents

Staff Grievance Procedures

Student Complaints

Financial Regulations