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# **FREEDOM TO SPEAK UP:**

# **Raising Concerns (Whistleblowing) Policy**

**1. Introduction**

The University is committed to the highest standards of openness, probity and accountability. The purpose of this policy is to encourage staff and other members of the University to speak up if they discover information which they believe to be true, that shows malpractice within the organisation, and that would be in the public interest to disclose. This policy provides an internal mechanism for reporting, investigating and remedying any danger, fraud or other illegal or unethical conduct in the University. This would help the University to address any issues and ameliorate any wrongdoing.

The guidance below is designed to give reassurance to staff and other members of the University that they should not feel worried or concerned about speaking up or raising concerns. The University’s Senior Management Team and Court are committed to an open and honest culture.

The principles in the policy are supported by the Public Interest Disclosure Act 1998 an insertion to the Employment Rights Act 1996 and as amended by the Enterprise and Regulatory Reform Act 2013 which gives legal protection to workers against being unfairly dismissed or penalised by their employers as a result of disclosing certain serious concerns. Employees are required not to disclose confidential information about the employer’s affairs, however, where an individual discovers information which they believe shows malpractice or wrongdoing within the organisation, the legislation ensures that this information can be disclosed without fear of reprisal and that it may be raised independently of line management.

**2. Who is covered by this Policy?**

The whistleblowing legislation only covers current and former employees and workers, but the University has extended the protection under this policy. This policy applies to all individuals working at all levels in the University and other members of the University including students as defined by [Ordinance 64](https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.stir.ac.uk%2Fmedia%2Fstirling%2Fservices%2Fpolicy-and-planning%2Funiversity-calendar%2F64-ordinances-members-of-the-university.docx&wdOrigin=BROWSELINK) such as members of Court (collectively referred to as “staff and other members of the University” in this Policy).

**3. Scope of Policy**

This policy covers concerns which individuals believe are in the public interest and sets out a procedure to allow staff or other members of the University to raise concerns and/or disclose information which shows malpractice or wrongdoing (“a public interest disclosure”) independently of line management. Such acts might include:

* financial malpractice or impropriety or fraud
* A danger to the health and safety of an individual
* risk or actual damage to the environment
* a criminal offence
* academic or professional malpractice
* improper conduct or unethical behaviour
* failure to comply with a legal obligation or with the Statutes and Ordinances of the University
* attempts to conceal or cover up wrongdoing in respect of any of the above acts.

Concerns in the public interest have a wider impact than and are separate to concerns about an individual’s ‘private’ employment rights. As a general rule, if an individual acts as a witness to wrongdoing, it is more likely to satisfy the public interest test. This means that the concerns impact others rather than just the individual.

**What concerns fall out with the scope of this policy?**

Separate policies and procedures are in place whereby staff and other members of the University can seek redress of personal concerns such as complaints, discipline, grievance and harassment. Personal grievances and complaints are not covered by this policy. Matters of concern relating to an individual’s employment situation would normally be dealt with under the University’s [Grievance Procedure](https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.stir.ac.uk%2Fmedia%2Fstirling%2Fservices%2Fpolicy-and-planning%2Funiversity-calendar%2F68-ordinances-university-staff.docx&wdOrigin=BROWSELINK) (Ordinance 68, Part II, Schedule III) or the [Respect at Work and Study Policy](https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.stir.ac.uk%2Fmedia%2Fstirling%2Fservices%2Fhuman-resources%2Fdocuments%2FRespect-at-work-and-study-policy.docx&wdOrigin=BROWSELINK).

In the case of students, concerns other than those falling under the categories set out above should be raised through the [Complaints Handling Procedure](https://www.stir.ac.uk/about/contact-us/complaints/).

Specifically, whistleblowing or this policy is not designed:

* to replace or bypass existing processes and procedures under existing policies of the University;
* to question financial or business decisions taken by the University;
* to reconsider any matters which have already been addressed under other University processes or procedures (including grievance);
* generally to be misused to raise personal disputes or disagreement against the University which are not in the public interest; or
* to investigate an academic dispute between a student and the institution.

Staff and other members of the University unsure as to whether something is within the scope of this Policy are encouraged to raise the matter anyway. It does not matter if it turns out to be a mistake if the individual believes that the information disclosed, and any allegation contained in it, are substantially true.

**4. Safeguards**

*4.1 Protection*

This policy is designed to offer protection to staff and other members of the University who raise a concern:

1. in the reasonable belief that it tends to show malpractice.

It is understandable that people speaking up may be worried about possible repercussions. We aim to encourage openness and will support staff or other members of the University who raise genuine concerns under this policy, even if they turn out to be mistaken.

Staff or other members of the University will not suffer any detrimental treatment as a result of raising a concern. Detrimental treatment such as dismissal, disciplinary action, threats or other unfavourable treatment as a result of raising a concern will not be tolerated. If any member of staff or other member of the University believes that they have suffered any such treatment, they should inform the Designated Person immediately. If the matter is not remedied, they should raise it formally using the University’s [Grievance Procedure (Ordinance 68, Part II, Schedule III)](https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.stir.ac.uk%2Fmedia%2Fstirling%2Fservices%2Fpolicy-and-planning%2Funiversity-calendar%2F68-ordinances-university-staff.docx&wdOrigin=BROWSELINK) or the Respect at Work and Study Policy.

Staff or other members of the University must not threaten or retaliate against people raising concerns in any way. Anyone found to be involved in such conduct may be subject to disciplinary action.

The individual will also be protected if they make the disclosure to an appropriate person/body under paragraph 5.5 below. However, it is reasonable for the University to expect staff and other members of the University in the first instance to use this Policy to raise concerns of malpractice or wrongdoing rather than air their complaints outside the University.

*4.2 Confidentiality*

The University hopes that staff or other members of the University will feel able to voice concerns openly under this Policy. The University will, as far as reasonably practicable, treat such disclosures in a confidential and sensitive manner. The University will endeavour to keep the identity of the individual making the allegation confidential so long as it does not hinder or frustrate any investigation. However, if required as part of the investigation process the source of the information may have to be revealed and the individual making the disclosure may need to provide a statement as part of the evidence required. If it is necessary for anyone to know the identity of the person making the allegation we will discuss it with the individual concerned.

*4.3 Anonymous Allegations*

The University encourages individuals to put their name to any disclosures they make and does not encourage staff or other member of the University to make disclosures anonymously. Concerns expressed anonymously are much less powerful and proper investigations may not be possible if the University cannot obtain further information from the person making the allegation. However, anonymous allegations will still be considered by the University and acted upon at the University’s discretion.

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 being able to confirm the allegation from attributable sources.

*4.4 Untrue Allegations*

If an individual raises a concern, in the public interest, which they believe to be true, which is not confirmed by subsequent investigation, no action will be taken against that individual. If, however, an individual is found to have made vexatious allegations which they do not believe to be true, and which are not confirmed by subsequent investigation, (and particularly if the individual persists in making them), disciplinary action may be considered against the individual.

**5. Procedures for Making a Disclosure**

*5.1 Initial Step*

If possible, any concerns should be dealt with informally first through discussions with the individual’s line manager. This may be done in person or in writing. However, where the line manager is unable address the issues, the following formal process should be followed.

An individual should make a disclosure to the Designated Person who will normally be the Chief Operating Officer and University Secretary. The Designated Person should also be contacted if the individual would like to discuss the matter informally in the first instance.

In cases involving financial malpractice, the Chief Operating Officer and University Secretary should act throughout in close consultation with the Principal, as the Designated Accounting Officer for the University’s public funding.

If the disclosure involves or implicates the Chief Operating Officer and University Secretary then the disclosure should be made to the Principal.

If the disclosure involves or implicates the Principal, then the individual may raise the issue with the Chair of the Audit Committee, if the issue falls within the purview of that Committee, or with the Chair of Court. The contact details for each are referred to at the end of this Policy.

*5.2 Process*

Once the concern has been raised, the Designated Person (or designated alternative) will carry out an initial assessment, normally within ten working days, to determine whether the matter requires further investigation. This assessment will also decide whether the matter would be better addressed under a different University Policy. The reporting individual will be informed of the outcome of the initial assessment, along with an indication of how it is proposed that the matter be dealt with.

If it is felt that the concern requires further investigation, the Designated Person (or designated alternative) will determine the most appropriate form of investigation. This may be undertaken by:

a. One or more senior members of University staff

b. Internal Audit

c. External Auditors

d. Other individuals suitably trained in investigating practice

e. Referral directly for external investigation by an appropriate body

The scope and form of the investigation to be undertaken will depend on the nature of the matter raised.

*5.3 Investigation*

Once it has been determined that the matter should be investigated internally, the Designated Person will appoint an independent officer of the University. The independent officer will undertake an investigation and will report findings to the Designated Person. Investigations should not be carried out by the person who will have to reach a decision on the matter. Any investigation will be conducted as sensitively and speedily as possible. Notwithstanding the investigation, the Designated Person may also recommend urgent action to curtail alleged malpractice prior to further investigation.

Where a disclosure is made, the person or persons against whom the disclosure is made may be told of it, the evidence supporting it and may be allowed to comment before any investigation or other action is concluded. As a result of this investigation other internal procedures may be invoked, or it may form the basis of a special investigation. In some instances, it may be necessary to refer the matter to an external authority for further investigation. For example, in cases alleging misuse of public funds, the Scottish Funding Council may wish to undertake its own investigation.

*5.4 Feedback and Review*

The Designated Person will aim to keep the person making the disclosure informed of what action, if any, is to be taken and the progress of any investigation and its likely timescales. However, the need for confidentiality may prevent the University giving specific details of the investigation or any disciplinary action taken as a result. If no action is to be taken then the individual concerned should be informed of the reason for this and allowed the opportunity to make the disclosure again to another appropriate person. For example, if the initial disclosure was made to an Officer of the University then the subsequent disclosure might be made to the Chair of the Audit Committee or Chair of Court. This other person will consider all the information presented, the procedures that were followed and the reason for not taking any further action. The outcome of this will be either to confirm that no further action is required or that further investigation is required and will follow the procedures referred to in 5.2 and 5.3 above.

*5.5 External Disclosures*

The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any danger, fraud or other illegal or unethical conduct in the University. Staff and members of the University are advised to seek professional independent advice before reporting a concern externally. The independent whistleblowing charity [Protect](https://protect-advice.org.uk/) provides free, confidential advice and operates a confidential advice line.

Other than in exceptional circumstances, all concerns should be raised internally in the first instance. In most cases members of staff or other member of the University should not find it necessary to report a concern to an external body such as a regulator. The law does recognise that in some circumstances it may be appropriate. Certain external bodies to which matters may be properly reported are known as ‘prescribed persons’.

The independent whistleblowing charity Protect have a [list of prescribed people and bodies](https://protect-advice.org.uk/external-disclosures/) for reporting certain types of concern. A list of prescribed people and bodies is also made available by the UK Government Department for Business and Trade to whom protected disclosures can be made.

It is unlikely to be deemed acceptable conduct for a concern to be made available for public consumption through the media or social media.

*5.6 Reporting of Outcomes*

A report of all disclosures and any subsequent actions taken will be made by the Designated Person who will retain such reports for a period of three years. A detailed report of the investigation and any outcomes will be made to the Audit Committee where the issue falls within its purview, and, in other cases, a report in summary form will be provided as a means of allowing the Committee to monitor the effectiveness of this procedure.

**6. Responsibility for success**

The Audit Committee has overall responsibility for this policy, and for reviewing the effectiveness of actions taken in response to concerns raised under this policy. The Designated Person has day-to-day operational responsibility for this policy and must ensure that all managers and other staff are familiar with it.

All staff are responsible for the success of this policy and should ensure that they use it to disclose any suspected danger or wrongdoing.

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| Authors: | Policy & Planning and HR&OD |
| Originally approved by Court: | 25 June 2012 |
| Revision approved by Court: | 17 June 2019 and 11 December 2023 |
| Next review due: | December 2028 |

**Appendix 1: Contacts Details**

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| Designated Person:  Chief Operating Officer and University Secretary | 01786 467018/Extn. 7018 or university.secretary@stir.ac.uk |
| Or in the absence of the Chief Operating Officer and University Secretary | 01786 467030/Extn. 7030 or deputy.secretary@stir.ac.uk |
| Principal: | 01786 467012/Extn. 7012 or principal@stir.ac.uk |
| Chair of Court | courtchair@stir.ac.uk |
| Chair of the Audit Committee | auditchair@stir.ac.uk |
| Protect | 020 3117 2520 or  <https://protect-advice.org.uk/> |