



Raising Concerns (Whistleblowing) Policy

Policy Name – Raising Concerns (Whistleblowing) Policy	
Version number: 2	
Policy Owner	Policy Author/Reviewer
Clare Jamison University Secretary	Maria McGilloway Office of the University Secretary
Approving Body	Date of Approval
Audit and Risk Committee	November 2024
Version Approval Date	Equality Screened
	Yes
	Next Review Date
	November 2026
<p>Queries relating to this document should be directed to the Policy Owner – Clare Jamison – universitysecretary@ulster.ac.uk</p> <p>This document can be made available on request, in alternative formats including Braille, computer disc, audiocassette, and in minority languages to meet the needs of those who are not fluent in English.</p>	

1. Policy Statement

The University is committed to the core values of inclusion, integrity, collaboration and enhancing potential and to creating a safe, open and transparent workplace culture. In this context, this policy aims to enable and encourage staff to raise concerns and recognises a worker's legal rights to make a protected disclosure to certain prescribed persons or bodies under the Public Interest Disclosure Act 1998, and any subsequent legislation, as incorporated into the Employment Rights Act 1996¹.

The Act protects workers from detrimental treatment or victimisation from their employer if, in the public interest, they blow the whistle on wrongdoing². No detrimental action of any kind will be tolerated against staff raising a concern under this policy, and the University will support staff members concerned and seek to protect them from reprisals. The policy reflects the University's commitment to tackle any identified malpractice and wrongdoing and is based on the premise that individuals must feel able to raise concerns and be supported in so doing. Staff also have a duty to report suspected concerns and are strongly encouraged to do so in line with this policy.

The University also recognises that its willingness to receive reports under this policy raises the risk of vexatious or malicious reports being made. The deliberate submission of a false report, or a report made in an attempt to cover up wrongdoing, will be regarded as a breach of discipline and dealt with under the staff disciplinary procedure.

2. Scope and Aims of the Policy

This policy exists for the protection of all members of the University and applies to all:

- a) staff, including temporary, casual and agency staff, those undertaking work experience and trainees. Other individuals who work or have worked within the organisation, such as former staff, volunteers, the self-employed and contractors, may also bring forward disclosures under this policy;
- b) activities of the University, whether related to its research, teaching, commercial or other activities.
- c) subsidiary companies (and references to the University in this policy shall be deemed to include reference to its subsidiary companies where applicable); and

While students can also raise a disclosure (for example, a concern relating to a member of staff committing a crime or fraud), it will be for the Office of the University Secretary to determine whether this should be considered under this policy, another policy or through the University's Student Complaint procedures.

The aims of this policy are to:

- a) encourage individuals to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate;
- b) provide individuals with guidance as to how to raise those concerns; and
- c) reassure individuals that they should be able to raise genuine concerns without fear of reprisal, even where these concerns turn out to be unfounded.

¹ In Northern Ireland, the [Public Interest Disclosure \(Northern Ireland\) Order 1998](#) incorporated into the [Employment Rights \(NI\) Order 1996](#)

² "Whistleblowing" is the disclosure of information which relates to suspected wrongdoing or dangers by or within the University. The term "Whistleblower" is used to describe an individual who raises a genuine concern.

The University also expects any person or organisation performing services for it or on its behalf (including agents and others who represent the University, suppliers, consultants and private sector partners) to report any suspected wrongdoing to their University contact.

3. Concerns Outside the Scope of this Policy

This policy does not cover concerns about an individual's or collective terms of employment, nor does it provide a route to re-examine the findings of other formal procedures, such as disciplinary or grievance proceedings.

It is not possible to give definitive guidance on whether a particular matter should be pursued under this policy or through the University's policies in relation to fraud, theft, disciplinary, capability, grievance or harassment or some other similar procedure.

This will depend on the particular circumstances. Senior staff, including in particular the Chief People Officer and the University Secretary, will always be willing to provide advice and guidance on the most appropriate policy to follow, in confidence where required.

However, as a general guide:

- this policy would be applicable where an individual has a concern about a malpractice, illegality or danger that has a public interest aspect to it³, for example because it threatens staff, students, third parties or the public generally; and
- this policy would not be applicable where an individual has a grievance that generally relates to their own employment position or personal circumstances at work.

To verify the position that a personal grievance is not generally regarded as a protected disclosure, please refer to the [Government's guidance for whistleblowers](#). You can also contact the [Labour Relations Agency](#) for guidance on whistleblowing and grievances. Staff that belong to a Trade Union, can also get advice from their union representative.

Further information on University policies can be found at:

<https://www.ulster.ac.uk/about/governance/policies>.

4. Further Information

For further information on this policy, please contact the Office of the University Secretary (OUS) at universitysecretary@ulster.ac.uk.

5. Policy Review

This policy will be subject to continuous review. If you have any suggestions for improvement, please forward these to universitysecretary@ulster.ac.uk.

³ The public interest is defined as the welfare or well-being of the general public and society.



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1. What Areas Does This Procedure Cover?

This procedure is intended to promote the disclosure of information which relates to suspected wrongdoing or dangers to the University. The statutory categories for raising concerns are:

- that a criminal offence has been committed, is being committed or is likely to be committed;
- a miscarriage of justice;
- endangering an individual's health or safety;
- damage to the environment;
- a breach of any legal obligation; or
- the deliberate concealment of information relating to any of the above matters.

These types of wrongdoing may relate to the University itself, to any of its staff or to an individual or organisation performing services for or on behalf of the University.

A whistleblower is a person who raises a genuine concern relating to any of the above. It is not necessary for a whistleblower to have proof that wrongdoing is being, has been, or is likely to be committed – a reasonable belief, suspicion or concern is sufficient. Staff are not responsible for investigating a suspicion or concern – it is for the University to carry out an investigation where it has received a report (see Investigation of Reports of Wrongdoing below) and feels it is appropriate to do so.

2. Raising Concerns

If an individual experiences something in the workplace which they perceive to be wrongdoing, it is important that the concern is raised straight away. Proof is not required as this is the University's responsibility. A reasonable belief that raising the concern is in the public interest is sufficient to disclose the concern¹.

Concerns should be made in writing (including email). Where an individual does not feel able to make the disclosure in writing, a meeting will be arranged. When any meetings are arranged with a member of staff who is making or has made a protected disclosure, they may be accompanied by a work colleague or, for those staff that belong to a Trade Union, represented by a Trade Union official. Although staff are not expected to prove the allegation, they will generally need to demonstrate there are sufficient grounds for concern, providing as a minimum:

- The nature of the wrongdoing and what makes them believe that wrongdoing has occurred;
- The background and history of the concern (giving relevant names, dates and written evidence, where possible).

The University does not encourage individuals to raise matters anonymously. Whilst evidence presented anonymously will be treated seriously and investigated as far as is practicable and as seems warranted by the information provided, anonymous reports are not encouraged as these are often very difficult to investigate effectively.

Where anonymous allegations are not supported by evidence, these will not normally be pursued. Similarly, if the details provided are vague or unclear, this may hinder the University's ability to carry out an effective investigation into the concerns raised. Staff who are concerned about possible reprisals if their identity is revealed should raise this at the

¹ The public interest is defined as the welfare or well-being of the general public and society.

time at which the complaint is made and/or contact the University Secretary directly. Further information on confidentiality is set out in Section 4.3 below.

This procedure is underpinned by two important principles:

- as far as possible, concerns should be raised and resolved at the lowest appropriate level in the organisational and management structure of the University; nevertheless
- staff may draw a serious matter to the attention of a senior officer without working through the normal line management structure where they feel this is required.

While suspected wrongdoing in relation to bribery, fraud, theft, or other forms of financial misconduct may be raised under this policy, and the individual raising the concern afforded the protections available under this policy, the University may determine that it is more appropriate to move the investigation forward under the following policies:

- [Anti-Bribery and Corruption Policy](#); or
- [Fraud and Theft Response Plan](#)

3. Raising a Concern

Where an individual is comfortable in doing so, they should raise the concern with their line manager. However, if the person expressing a concern feels this is not appropriate, for whatever reason, they can raise a concern in a number of other ways:

- Academic staff, staff and students within Faculties and Schools can raise the concern with a Senior Manager within their School or Faculty, with their Head of School or with the Faculty Executive Dean.
- Professional/administrative staff can raise the concern with a Senior Manager in the relevant administrative area, or with the Chief People Officer or the Chief Strategy and Finance Officer.
- All staff and students can raise a concern directly with the Office of the University Secretary, who can also be contacted for advice and guidance on how to proceed, where required.

In particularly serious cases, the person expressing a concern may feel that they have to bring a matter directly to the attention of the University Secretary or the Vice-Chancellor. Concerns relating to the Vice-Chancellor, a member of the Senior Leadership Team, the Chair of Council and/or members Council, should be directed in the first instance to the University Secretary. Contact details are provided in Section 8 below.

4. Investigation of Reports of Wrongdoing

Individuals should feel confident that concerns raised will be taken seriously, that these will be properly investigated, and that they will not suffer any criticism or disadvantage for raising concerns genuinely held, even if these prove to be unfounded.

4.1 Conduct of Investigations

Any disclosure made under this procedure, especially where the individual raising their concern, states that they are doing so under the Raising Concerns (Whistleblowing) Policy and Procedures, should be referred directly to the Office of the University Secretary (OUS) at universitysecretary@ulster.ac.uk.

The steps in the conduct of investigations are as follows:

- (i) All disclosures should be referred to the OUS. Within five working days of a concern being raised, the person who has received the disclosure or the University Secretary will write out to the individual raising the concern to acknowledge that the concern has been received and to request further information if required.
- (ii) The University Secretary will determine if the matter should be investigated under the Raising Concerns (Whistleblowing) Policy or under a more appropriate policy – for example those relating to personal grievances such as bullying, harassment or discrimination. Where cases are referred to the Chief Strategy and Finance Officer in respect of claims of potential fraud or financial misconduct, the protections provided within this policy will remain in place. Where a referral to a more appropriate policy is made, no further action will be taken under this policy.
- (iii) At this point, the University Secretary may also determine that no further action is required and, if so, will inform the individual raising the disclosure accordingly.
- (iv) Where the concern raised constitutes a Whistleblowing concern/protected disclosure, the University Secretary will arrange for an investigation to be conducted to determine the nature and scope of the disclosure, and to gather evidence where available. This investigation will be taken forward by a small panel comprising two independent senior officers with support from the OUS. Where the University Secretary considers it appropriate, an independent individual or organisation may also be appointed to support the panel in its investigation.
- (v) The investigation panel will consider the information made available to it and will decide on what form any investigation should take. The seriousness and complexity of a reported concern will have an impact on the time needed to carry out and conclude an investigation and, in some instances, it may be necessary to refer a matter to an external prescribed person or body. Some matters may require immediate referral to an outside body for consideration and investigation (see section on external reports below) but usually a preliminary internal investigation will first be undertaken.
- (vi) Having completed its investigation, the panel will report to the University Secretary on the outcome of the investigation and on its recommendations on the most appropriate next steps.
- (vii) The University Secretary will review the outcome of the investigations and determine, in consultation with the Vice-Chancellor and the Chief People Officer, the most appropriate course of action.
- (viii) The University Secretary will keep key individuals informed on progress during the investigation process. After the investigation, the University Secretary will provide the person raising the concern with reasonable information about the outcome of any investigation in accordance with confidentiality and data protection requirements. External legal advice may also be sought if the University Secretary wishes to discuss whether the investigation report should be subject to legal professional privilege.

4.2 Reporting

Under the Delegated Authority Framework, the following reporting requirements are in place:

- (i) The Chair of the Audit and Risk Committee to be informed of any Whistleblowing disclosures received, with (anonymised) updates on progress in their

investigation/lessons learned to be brought to the next meeting of the Committee for noting. Where the Chair of the Audit and Risk Committee or Vice-Chancellor considers it appropriate, the disclosure will be notified to the Chair of Council/full Council.

- (ii) The University Secretary to provide a report on any disclosure to the Chief Strategy and Finance Officer to facilitate reporting of disclosures to DfE, where required under the terms of the Financial Memorandum.

4.3 Confidentiality

Every effort will be made to respect the confidentiality of those reporting concerns if sought. However, there are certain situations where confidentiality cannot be guaranteed, for example: where this would impede an effective investigation; where evidence is available to demonstrate that the reporting person member is part of the wrongdoing; where the investigation reveals behaviour of a potentially criminal nature and the matter is reported to the relevant authorities; and / or where the University is required by law to disclose the reporting member's identity.

The University is fully committed to observing the principles of natural justice² in its handling of matters. This applies equally to those about whose actions concerns have been expressed as well as those expressing a concern. For this reason, whatever the circumstances, there may come a point in the investigation of an allegation where the person, or persons, about whom the concern has been expressed is told of the nature of the allegation, shown the evidence supporting it and allowed to comment before the investigation is completed and a report made. It will be a matter of the University's judgement if, and at what point this is necessary.

If the University's investigation concludes that a whistleblower has made false allegations maliciously, the whistleblower may be subject to disciplinary action.

5. Protection and Support for Whistleblowers

Recipients of reports of concerns under this procedure will take them seriously and be seen to do so. Their attitude will be one of initially accepting, on the face of matters, that the person expressing a concern genuinely believes that a problem exists, and that, if the individual has bypassed the normal line management structure, they may have had good reason to do so. Whistleblowers are protected by law and staff will not be treated unfairly or dismissed as a result of raising a concern (see <https://www.gov.uk/whistleblowing>).

The University understands that raising a concern can be difficult for staff, especially if they fear reprisal from those responsible for the malpractice. The University will not tolerate bullying, harassment and victimisation of anyone raising a concern, and there should be no impact on the continued employment and opportunities for future promotion or training of anyone raising a concern. Any such behaviour is a serious breach of our values as an organisation and, if upheld following investigation, could result in disciplinary action potentially leading to dismissal. If a whistleblower feels that they have been subjected to any form of a detriment, they should inform the Chief People Officer or the University Secretary immediately.

If a member of staff reasonably believes that the information disclosed, and any allegation contained in it, are substantially true, but the allegation is not confirmed by the investigation, no action will be taken against that member of staff. They will not be at risk of losing their job

² Natural justice is also known as universal justice or fair play in action. It is based on the law of equity by promoting equity among parties, equal treatment, and opportunity.

or suffering any form of reprisal as a result. Provided the member of staff is acting honestly, it does not matter if they are mistaken or if there is an innocent explanation for their concerns.

6. External Reports of Wrongdoing

The aim of this procedure is to encourage individuals to raise concerns internally and to provide an internal mechanism for reporting, investigating, and remedying any wrongdoing in the University. In most cases staff should not find it necessary to alert anyone externally. Staff are advised that external bodies receiving a report may ask whether a matter being brought to them had been raised internally, and if not, why not. Therefore, if a report of misconduct is to be made externally, the University would advise that the person expressing a concern prepares an explanation of why internal routes have not been exhausted or are not appropriate.

The University strongly encourages staff to seek advice before reporting a concern to anyone external and, other than in exceptional circumstances, all concerns should be raised internally in the first instance.

Certain prescribed bodies or individuals³ include, the Department for the Economy, legal advisers, a Government Minister or another person listed as a prescribed person in the Public Interest Disclosure (NI) Order 1998. The full list of prescribed persons and bodies can be found on the [UK government website](#).

7. More Information and Support

For further information on this policy and how to raise a concern, contact the University Secretary (details below). The University's [People and Culture team](#) can provide advice and guidance to all members of staff through Employee Wellbeing Advisors, Safety Advisors, Occupational Health, People Partners and the Inspire Workplace counselling support service. Students can receive support from [Student Wellbeing](#) and the [Students' Union](#).

Staff can get information on whistleblowing from the [Labour Relations Agency](#) and staff that belong to a Trade Union, may also seek support and further advice from their Trade Union representative.

[Protect](#) is the UK's whistleblowing charity that aims to stop harm by encouraging safe whistleblowing. They provide a legal advice service and offer free expert and confidential advice on how best to raise a concern and protection as whistleblower.

8. Contact Details

Ms Clare Jamison
University Secretary
(028) 7012 4563
universitysecretary@ulster.ac.uk

³ Organisations and individuals that staff may approach outside their workplace to report suspected or known wrongdoing.