

Document Details

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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

Referenced policies and documents

[Staff Grievance Procedures](#)

[Staff Bullying Harassment and Sexual Misconduct Policy](#)

[Student Complaints](#)

[Financial Regulations](#)

Raising Serious Concerns and Disclosing Public Interest Matters (Whistle blowing)

1. Introduction

- 1.1 The University's values expect us all to work together, ensuring accountability, integrity and professionalism. When we see something is wrong we should tell someone, particularly where public interest is at risk. To support this, and to fulfil its legal obligation, the University has a policy and process designed to allow people to raise concerns in a way that protects the University, the public and the person reporting (a person sometimes described as a 'whistle blower'). This document sets out the policy, the associated process and other relevant information.
- 1.2 Whistle blowing can be a very stressful act, and the University recognises the genuine fears that people may have in terms of the potential negative impact on employment, studies or general wellbeing. Set out below are the measures we take to ensure that no report made in good faith will result in negative reprisal.

2. The policy

- 2.1 Lancaster University commits to the following.
- Any disclosure of a serious concern about Lancaster University or one of its constituent parts, including those involving the public interest, will be considered through a robust process, as set out in this document.
 - The University will protect any individual who discloses (whistle blows) from direct, indirect and/or 'soft'¹ retaliation.
 - The University will continue to enhance its environment so all members of the University can be confident that well-intentioned disclosures are welcomed and reportable without fear of personal consequence.
 - All disclosures (including serious concerns) raised will be dealt with appropriately, consistently, fairly and professionally.
- 2.2 Lancaster University is confident that matters can be considered and addressed internally, but recognises that for legal reasons some public interest concerns may need to be raised outside the organisation.
- 2.3 Lancaster University does not consider it reasonable that the first disclosure of an issue would be via the media or social media.

¹ Such as loss of status, responsibilities, overtime opportunities, exclusion, avoidance, 'silent treatment' or undesirable assignments.

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 to other policies and procedures

- 5.1 The nuance between matters for whistle blowing and an individual's personal interests is not always clear. We will always encourage people to disclose a concern, but it may be that another University process or regulation, such as the staff grievance process or student complaints procedures, might be a better means to seek resolution. While not true in every case, as a common indicator, if the individual disclosing is seeking a personal outcome then it is likely not to be whistle blowing.
- 5.2 Where there is overlap or where, in the University's view, the matter would be better considered through an alternate process these will normally be used in the first instance.
- 5.3 The University recognises that it works closely with other bodies where alternate reporting arrangements may be in place, for example the NHS, and that there may be times where these alternate arrangements are the appropriate route for raising a concern.
- 5.4 The University's policies can be found on the [University's 'Policies and procedures' webpage](#) within its Publication Scheme. Staff can also access policy details via the University's intranet.

6. Protection

- 6.1 The University considers retaliation against persons who have disclosed a concern in good faith as wholly unacceptable. We will take disciplinary actions against anyone proven to directly or indirectly retaliate against or victimise a whistle blower. The University will also work to ensure that a whistle blower is not a victim of soft retaliation.
- 6.2 Should a whistle blower feel that they are being subject to retaliation they should inform their line manager or a University Whistle Blower Officer immediately (details available in section 19). If this does not remedy the situation, either the University's bullying policies should be invoked or a formal student complaint and/or staff grievance lodged.
- 6.3 While this policy will protect a whistle blower from reprisal, it does not provide immunity from wrongdoing. If the whistle blower is involved in the matter being reported the University will still take reasonable actions against the individual, although it may take into account the fact that it was the whistle blower who raised the matter.

7. Reporting, anonymous reporting and confidentiality

- 7.1 As with any procedure involving individuals within the University, rules of confidentiality apply, and any information is shared only with those who have a legitimate interest. The University always encourages people to provide their personal details and is committed to protecting disclosers from retaliation.

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

7.2 The University accepts four kinds of reporting and treats all of them seriously. However, by their nature some kinds of reporting will limit the actions the University can take. The four types of reporting are as follows.

1. Fully disclosed reporting. In this report the whistle blower allows full information, as relevant to the matter, to be disclosed to all parties involved (name, role, location, etc.). There are no limitations to the process under this kind of reporting and it will always be the University's preferred arrangement.
2. Limited disclosure. In this report the whistle blower allows some information, such as role or location, to be disclosed, but only the person to whom the disclosure is made knows the name of the discloser. Under this arrangement action can only be taken where there is a clear case presented by the whistle blower that: (a) warrants the investigation; and (b) it is clear that evidence can be provided that either does not contain the personal information of the whistle blower or can be redacted so that the personal information cannot be identified without compromise.
3. No disclosure. In this reporting only the person to whom the disclosure is made knows any of the personal information of the discloser. Under this arrangement the same limitations as in 2 apply, but with a higher amount of redaction likely to be required that could further compromise the evidence.
4. Fully anonymous. No one knows the identity of the discloser. The University will consider such disclosures, but will only take them forward where there is a compelling rationale to do so.

7.3 Any one disclosing under arrangements 2-4 above can agree a more open reporting arrangement at any time. Where more open reporting will enhance the likelihood of a successful outcome this will be discussed with the discloser (except where not possible under option 4), but at no point is the discloser under any obligation to change the reporting arrangements.

7.4 Where a discloser wants to remain anonymous, the University will respect this to the fullest extent permissible by law. However, there would be some situations where the University would need to act on information provided even if this meant compromising the identity of the source.

7.5 For the avoidance of doubt, no one can be contractually obligated to make a disclosure and no management instruction should be given requiring them to do so.

7.6 As stated above, the University will do what it can under law to protect a person's anonymity. However, the University cannot guarantee that people will not speculate, particularly where the issues come into the public sphere. Where a person is inadvertently identified the University will act to protect the individual from reprisal.

8. Malicious reporting

8.1 The University expects all persons using this process to do so in good faith and with respect. Where this is not the case, and where the University suspects that a report is malicious or vexatious or where someone intentionally misuses the process, it will consider disciplinary action.

8.2 For the avoidance of doubt, a report made in good faith but, following investigation, is in error, will not be considered malicious.

9. The process

9.1 When someone sees that something might be wrong the University hopes that the person will have the confidence to raise it with someone who is in a position to address the issue. This may be a line manager, Head of Department, student representative, Students' Union officer, member of a trade union or other such person. Working with that person, they may be able to resolve the issue quickly and informally. Alternately, they may be advised that they need take it to a higher level and hopefully will be supported to do so.

9.2 Where a person feels uncomfortable or unable to speak to a manager (including in order to protect anonymity), has done so but is not satisfied with the outcome, or considers/has been told that the matter is more serious, a disclosure should be made to the following persons, depending on the nature of the issue.

If the issue is primarily financial:

Sarah Randall-Paley, Director of Finance
B Floor
University House
Lancaster University
LA1 4YW
Email: s.randall-paley@lancaster.ac.uk

If the issue is primarily non-financial:

Nicola Owen, Chief Administrative Officer and Secretary
D Floor
University House
Lancaster University
LA1 4YW
Email: nicola.owen@lancaster.ac.uk

Should, for whatever reason, the person making the disclosure consider neither of these persons appropriate, a disclosure should be made to the Chair of the University Audit Committee via the committee secretary:

Claire Geddes
Secretary to Audit Committee
C Floor
University House
Lancaster University
LA1 4YW
Email: c.geddes@lancaster.ac.uk

- 9.3 The recipient will review the material submitted and make an initial determination on the case. In order for a case to be considered it must meet the following criteria:
- (i) it must be something for which the University is responsible;
 - (ii) it must meet the definition as set out in 4 above;
 - (iii) there must either be evidence provided or a clear indication of where evidence could be sourced (the University would only very exceptionally act on hearsay);
 - (iv) it must be an issue which is best considered through this process (see section 5);
 - (v) it should not be something that has been or is currently being considered through another process internally or externally.
- 9.4 In cases where no further action is to be taken, and where contact details have been provided, the recipient will acknowledge the disclosure, provide an explanation as to why the case is not going forward and pass the materials to Strategic Planning and Governance for retention.
- 9.5 In cases where the decision is that further action can be taken but through an alternate process, the following will happen. Where contact details have been provided, the recipient will acknowledge the disclosure, provide an explanation as to why the case will not be considered under this process, provide details of the alternate process where the case can be considered and pass the materials to Strategic Planning and Governance for retention. The recipient will not automatically pass the material to those responsible for the alternate process, but will at the discloser's request.
- 9.6 In cases where the decision is to consider the case under this process the recipient will, where contact details have been provided, acknowledge the disclosure and confirm under which of the four reporting types the discloser wishes the case to proceed.

- 9.7 A preliminary investigation will be undertaken either by the recipient or by a commissioned investigating officer. If the officer is not the recipient (hereafter the commissioning manager), materials will be redacted according to the type of reporting. An investigating officer cannot have been previously involved in any aspect of the issues, must have sufficient expertise to understand what is involved and must respect the confidentiality of the process. The commissioning manager will inform the whistle blower of who will be undertaking the initial investigating and told where impartial support and advice can be found.
- 9.8 The initial investigation should proceed as expeditiously as possible, aiming to complete within 21 days of the date of disclosure, and, regardless of the reporting type, all effort should be made to protect the anonymity of the whistle blower. For example, the investigating officer would not normally directly contact anyone subject to an allegation at this stage. Should the complexity of the case or other reason require a longer timeframe the investigator would inform the whistle blower, provide reasons and a timeframe for completion.
- 9.9 Should the reporting type allow, the investigating officer would offer to meet with the whistle blower. The whistle blower is allowed to be accompanied or represented by a friend or Union representative, so long as this person also agrees to respect the confidentiality of the process. A written record of meeting will be kept.
- 9.10 Should, in the course of the investigation, the investigating officer consider there to be reasonable grounds for suspecting that a member of staff or student represents a significant risk to the institution, the officer should draw this to the commissioning manager's attention as soon as possible. The commissioning manager can then determine what actions may be required in line with University risk management arrangements.
- 9.11 The investigating officer will produce a report with recommendations for the commissioning manager. The report should set out the allegation, the facts of the case as best the initial investigation is able to gather, along with the relevant evidence including the notes of the meeting with the whistle blower, should this have happened. Where the whistle blower identified an issue larger than an individual's action, the initial investigator should also indicate who within the organisation holds accountability (this may be more than one person, and different persons may have different levels of accountability for which different outcomes might be appropriate).
- 9.12 Recommendations might include, but are not limited to:
- (i) no further action to be taken;
 - (ii) adjustments to practice, but no further formal actions;
 - (iii) a formal investigation of the allegations;
 - (iv) a formal investigation and reporting the matter to an external body (Office for Students, National Audit Office or some other body);
 - (v) reporting the matter to the police, with any further University processes suspended until any police or judicial matters are completed.

The commissioning manager, when not the Chair of Audit 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:
- (i) no further action to be taken, save to inform those involved of the outcome and provide feedback as allowed;
 - (ii) to refer individuals for appropriate action within existing University regulations and procedures;
 - (iii) to refer systemic issues to University Council or another governance body for consideration;
 - (iv) to report matters to an external body;
 - (v) to report matters to the police.
- 9.17 If the whistle blower remains dissatisfied once the above process has been exhausted, that individual can request a final internal review. The Chair of Audit Committee will either undertake or commission this, provided the Chair has had no prior involvement. If the Chair of Audit Committee had been involved, the Pro-Chancellor, as Chair of Council will nominate another lay member not previously involved to undertake the review.

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 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, particularly if the allegation proves to be false, to consider the matter as an attempt to bring the University into disrepute.

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.

15. Oversight and review

- 15.1 The University Council will maintain overall responsibility for this policy and associated process, with no amendments made to it without Council approval. Oversight of the implementation of the policy and associated process will rest with the University Audit Committee.
- 15.2 Strategic Planning and Governance will maintain responsibility for operation of this policy and associated process, working with the Finance Division, Human Resources, Student Based Services and others as required for its proper implementation.
- 15.3 Periodic audits of the effectiveness of this policy and associated process will be conducted, reporting to Audit Committee with any recommendations for change going to Council for approval.

16. Legal obligations

- 16.1 The following are the key documents that set out our legal obligations in relation to whistle blowing.

Lancaster University Charter 1964 – sets the requirement for the University to be an exemplar by its “corporate life” and grants members the freedom “within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or privileges”.

Education Reform Act 1988 – enshrines the principle of academic freedom.

Public Interest Disclosure Act 1998 – sets out the key principles and requirements for public disclosure.

Enterprise and Regulatory Reform Act 2013 – further refines the principles and requirements from the 1998 Act, in particular inserting that public disclosure is made in “the public interest”.

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 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 or express strong or antagonistic personal opinions.
5. Be structured; set out the case in a logical way using headings and other indicators to aid the reader's understanding.
6. If the case is dependent on the testimony of others be confident they will provide it (note, the University had no powers to compel testimony).

18. External and independent advice

18.1 There is an independent charity, Protect (previously Public Concern at Work (PCaW)) that can be contacted via its [website](#) or by telephone (020 3117 2520).

18.2 Potential disclosers may also wish to seek independent legal advice.

19. Contact details, useful links and related University documents

Whistle Blowing Officer (staff)
Claire Geddes, Secretary to Audit Committee
Email: c.geddes@lancaster.ac.uk

Whistle Blowing Officer (students)
John Dickinson, University Complaints Co-ordinator
Email: j.dickinson@lancaster.ac.uk

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](#)