



Writtle  
University  
College

## Whistleblowing Policy & Procedure

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<b>Policy Owner</b>	<b>Department</b>
Director of Human Resources	Human Resources
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1.1	December 2017
<b>Date Equality Impact Assessed</b>	<b>Has Prevent been considered (see Policies Guidance if unsure)</b>
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<b>Reviewed and Approved by (see Policies Guidance for approval process)</b>	<b>Date</b>
SLT P&R Committee of Governors	30 January 2018 2 February 2018
<b>Access (tick as appropriate)</b>	
Internal access (MyWi) <input checked="" type="checkbox"/>	Staff access only <input checked="" type="checkbox"/>

# Policy Overview and Scope

## Purpose

Writtle University College (WUC) encourages a free and open culture that allows workers to feel able to share their concerns internally in confidence. In particular, it recognises that effective and honest communication is essential if concerns about breaches or failures are to be effectively dealt with and WUC's success ensured.

The Public Interest Disclosure Act 1998 gives protection to Whistleblowers, but only if disclosures fall under a specific area of concern and are made in good faith using internal disclosure procedures, which are outlined below.

In line with best practice, Writtle University College has a whistleblowing policy for the following reasons:

- It is better for an employer to enable workers to voice concerns within the organisation, rather than forcing a whistleblower to go public and so expose the employer to damaging media coverage;
- A whistleblower may lose the protection of the Public Interest Disclosure Act 1998 if he or she ignores any internal policy;
- An internal policy can help an employer to detect problems before they seriously damage its business.

## Scope

This policy is designed to provide guidance to all workers who may from time to time feel that they need to raise certain issues relating to WUC with someone in confidence.

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## Basic Principles

This policy will apply in cases where employees genuinely and in good faith believe that one of the following set of circumstances is occurring, has occurred or may occur within the University College:

- A criminal offence has been committed, is being committed or is likely to be committed;
- A person has failed, is failing or is likely to fail to comply with any legal obligation to which he or she is subject;
- A miscarriage of justice has occurred, is occurring or is likely to occur;
- The health and safety of any individual has been, is being or is likely to be endangered;
- The environment has been, is being or is likely to be damaged;
- Information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed.

It is not necessary that employees prove the breach or failure that they are alleging has occurred or is likely to occur, but may simply raise a reasonable suspicion. However, they should note that they will not be protected from the consequences of making such a disclosure if, by doing so, they commit a criminal offence or if they make the disclosure motivated by a reason which is not in good faith.

## Good Faith

Apart from disclosures made to legal advisors, all qualifying disclosures should be made in good faith. The worker's motivation for making the disclosure should be an honest one. If the worker's disclosure is motivated by the desire to cause harm or by, for example, a personal grudge or other ulterior motive, he or she will not have satisfied the good faith requirement.

Writtle University College will -

- develop an environment within their organisation that encourages workers to share their concerns about actual or potential breaches of duty or a particular failure internally and in confidence,
- ensure that workers do not suffer any detriment or victimisation as a result of making a protected disclosure,
- ensure that any action taken against workers who make a disclosure is not related to that disclosure,

- under no circumstances attempt to suppress evidence of any breaches or failures,
- ensure that appropriate staff are trained to deal with whistleblowing and the related procedures.

Employees are expected to:

- comply with the University College Whistleblowing Policy,
- always, where possible, follow the internal procedures set down for whistleblowing,
- in most circumstances, raise concerns internally to an appropriate person before making a disclosure to any external body,
- consider making a disclosure to a prescribed regulator before disclosing it more widely,
- if a case is exceptionally serious, and there are good reasons for doing so, bypass the disclosure procedures,
- ensure that any disclosure of information is “reasonable in all the circumstances”.

### ***Prescribed Regulators***

Whistleblowing legislation protects those who make disclosures in good faith to “prescribed persons”. There is a full list of the approximately 50 prescribed persons in the Public Interest Disclosure (Prescribed Persons) (Amendment) Order 2003. The list includes:

- HM Revenue & Customs (HMRC),
- the Health and Safety Executive,
- the Financial Services Authority,
- the Food Standards Agency,
- the Information Commissioner,
- the Environmental Agency,
- the Charity Commissioners,
- the Director of the Serious Fraud Office,
- the Secretary of State for Business, Enterprise and Regulatory Reform,
- the Secretary of State for Transport,
- the Pensions Regulator.

Should you require more information about the full list of prescribed people and bodies, please visit the Government website for further guidance: <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies>

The whistleblower is protected if he or she reasonably believes that the subject matter properly falls within the prescribed person’s remit, the disclosure is made in good faith, and that the information and any allegation in the information are substantially true.

### ***Reasonable in all the Circumstances***

Whether or not a disclosure will be considered “reasonable in all the circumstances” will depend on the following factors:

- the identity of the person to whom the disclosure is made,
- the seriousness of the concern,
- whether the matter is continuing or is likely to occur in the future,
- whether the disclosure is made in breach of a duty of confidentiality owed by the employer to another person (for example, to protect patient confidentiality),
- any action which the employer or prescribed person has taken, or might reasonably be expected to have taken, as a result of a previous disclosure,
- whether the worker complied with an authorised procedure when raising the issue with the employer.

### ***Exceptionally Serious Cases***

In certain circumstances, the subject of a disclosure made by a whistleblower may be exceptionally serious. The whistleblower will then be justified in bypassing disclosure procedures. The whistleblower will need to show that:

- the qualifying disclosure was made in good faith,
- he or she reasonably believed that the allegations were substantially true,
- the disclosure was not made for personal gain,
- it was reasonable in all the circumstances for the disclosure to have been made, with particular reference to the identity of the person to whom it was made.

## **The Procedure**

If employees wish to raise or discuss any issues which might fall into the categories described in this policy, they should contact the Director of Human Resources or, in his or her absence or in any other circumstances the Human Resources Business Partner, who will treat the matter in confidence. If these managers are notified of a concern they:

- have a responsibility to ensure that concerns raised are taken seriously,
- should investigate properly and make an objective assessment of the concern, as appropriate,
- should keep the employee advised of progress ,
- have a responsibility to ensure that the action necessary to resolve a concern is taken.

In such cases, it is likely that further investigation will be necessary and employees may be required to attend a disciplinary or hearing as a witness. Appropriate steps will be taken to ensure that their working environment and/or working relationship is/are not prejudiced by the fact of the disclosure.

Writtle University College will take all reasonable steps to ensure that the identity of those raising issues will be kept confidential, as judged necessary to carry out a full and fair investigation.

If employees reasonably believe that the relevant failure (that is, one of the set of circumstances in the basic principles section listed above) relates wholly or mainly to the conduct of a person other than their employer or any other matter for which a person other than WUC has legal responsibility, then they should make that disclosure to that other person.

Reporting concerns outside normal channels may be necessary where attempts to report them in the past have not been successful or where the incident is exceptionally serious. A copy of the Reporting Serious Incidents policy can be requested from the University College Secretary or the Accountable Officer (Writtle University College's Vice Chancellor).

Also, employees may make such a disclosure to [Public Concern at Work](#), the leading authority on public interest whistleblowing if employees consider that it has an interest in the matter and, despite the best efforts of WUC, employees believe that internal disclosure is inappropriate or has been unsuccessful. Disclosures made to employees' legal advisors in the course of obtaining legal advice will be protected.

Employees should be aware that the policy will apply where a disclosure is made in good faith and where they reasonably believe that the information disclosed and any allegation contained in it are substantially true.

If any disclosure is made in bad faith (for instance, in order to cause disruption within the University College), or concerns information which employees do not substantially believe is true, or indeed if the disclosure is made for personal gain, then such a disclosure will constitute a disciplinary offence for the purposes of Writtle University College's Disciplinary Policy and Procedures and may constitute gross misconduct for which summary dismissal is the sanction.

While WUC hopes that such disclosures will never be necessary within its organisation, it also recognises that it may find itself in circumstances which are new to it. Each case will be treated on its own facts.

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This policy supersedes any other policy and procedural guidelines, which may be in other existing University College documents. Writtle University College may amend this policy from time to time and any such amendments will be notified via the website, through Writtle Weekly or by email.

If this information is difficult to access, read or understand, it can be provided in another format, for example in Braille, in large print, on audiotape, in another language or by someone talking it through with you.

## **Version Control**

Version Number	Purpose/Amendment	Date
1.0	Existing policy moved to new WUC template	March 2017
1.1	Policy Update	December 2017