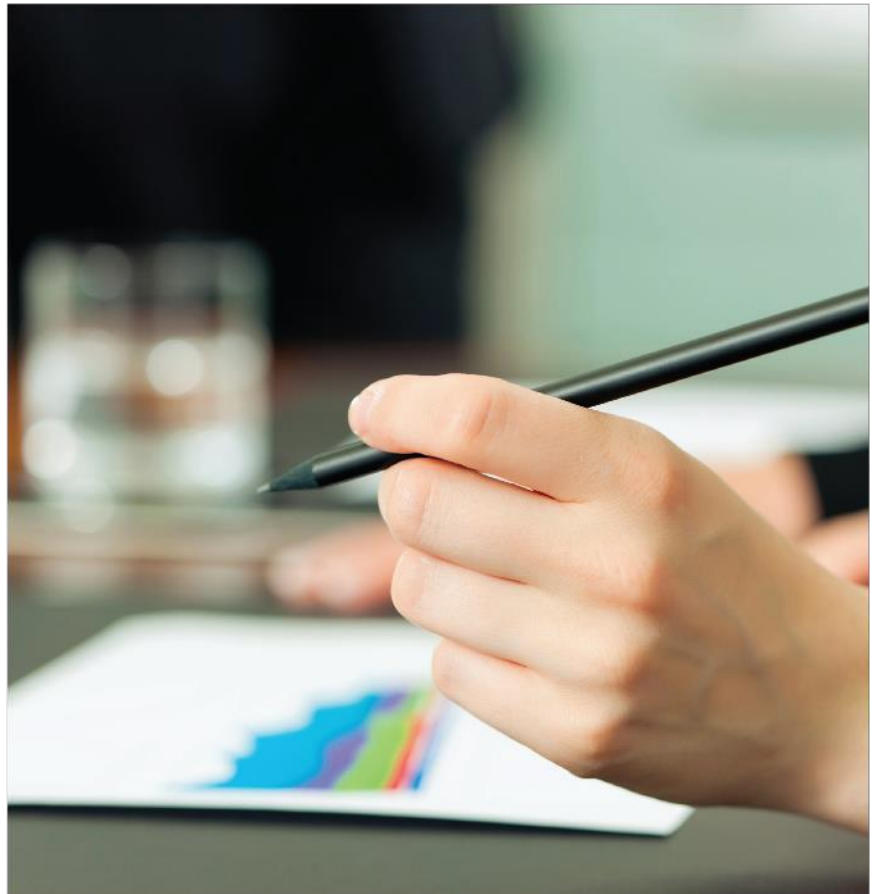
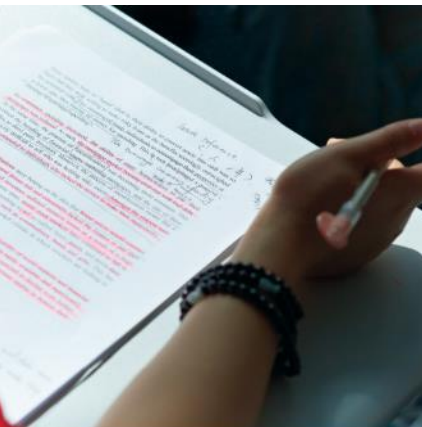


Legal and Governance

Public Interest Disclosure (Whistleblowing) Code of Practice



Version Control

Approved by:	Audit Committee
Date Approved:	17 March 2022
Next Review Date:	March 2025
Version Number:	V1.2
Applicable Statutory, Legal or National Best Practice Requirements:	Public Interest Disclosure Act 1998: https://www.legislation.gov.uk/ukpga/1998/23/pdfs/ukpga_19980023_en.pdf
Equality Impact Assessment Completion Date:	

This document can only be considered valid when viewed via the University website. If this document is printed into hard copy or saved to another location, you must check that the version number on your copy matches that of the one on the University website. Approved documents are valid for use after their approval date and remain in force beyond any expiry of their review date until a new version is available.

Public Interest Disclosure (Whistleblowing) Code of Practice

1. Purpose

- 1.1. The University of Bradford has a duty to conduct its affairs in accordance with the highest standards of openness and accountability. It is committed to addressing allegations of malpractice, impropriety and wrongdoing and this Code sits alongside other University procedures for managing complaints made by staff, students, members of Council and the public, and for framing the values and ethical position of the University.
- 1.2. The University of Bradford complies with the Public Interest Disclosure Act 1998 (the Act) and this Code sets out the University's approach when allegations are made which fall within the purview of this Act.
- 1.3. Essentially whistleblowing is the raising of a concern about malpractice, impropriety or wrongdoing, or a risk or danger so that it may be investigated and in a way that protects the person raising the concern.
- 1.4. This Code of Practice is designed to offer protection to those individuals who, in good faith, disclose matters of public interest where there are genuinely held concerns within the context of the Act.
- 1.5. It also aims to encourage people to have the confidence to come forward with serious concerns and enable them to be properly investigated.
- 1.6. The University will respond to disclosures made under this Code of Practice:
 - comprehensively;
 - fairly and equitably;
 - in a timely matter;
 - as far as is possible, confidentially; and
 - in a manner which protect those making allegations from detrimental treatment, including victimisation.
- 1.7. If anyone is uncertain whether something is within the scope of this Code of Practice, they should seek advice from the University Secretary or Assistant Head, Legal and Governance whose contact

details are at section 10. They may also contact Protect (<https://protect-advice.org.uk>), which is an independent whistleblowing charity which operates an advice hotline.

2. Scope

Personnel

- 2.1. This Code of Practice applies to the following:
- Anyone working for the University, including employees, associates, agency workers and others working under a contract for services;
 - Students, and
 - Lay members of the Council and its committees.
- 2.2. This Code of Practice has been designed to ensure that no-one receives less favourable treatment due to the protected characteristics of age, disability, gender (including gender identity), ethnicity and race, religion or belief, sexual orientation, marriage and civil partnership, pregnancy and maternity and social and economic background.

Coverage

- 2.3. The scope of the Public Interest Disclosure Act is limited to specific acts or omissions.
- 2.4. Matters covered by this Code of Practice, therefore, include the following:
- a criminal offence has been committed, is in the process of being committed, or is likely to be committed;
 - a person has failed, is failing, or is likely to fail to comply with any legal obligations to which they are subject;
 - a miscarriage of justice has occurred, is occurring, or is likely to occur;
 - the health and safety of an individual has been, is being, or is likely to be endangered;
 - the environment has been, is being, or is likely to be damaged; or
 - 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.

Exclusions

- 2.5. The following matters may be appropriately referred to internal complaints or HR process where they do not rise to the level of a protected disclosure outlined in paragraph 2.4 of this Code of Practice, as determined by the University Secretary, seeking further legal advice as required:
- Matters which relate to an individual member of staff's contract of employment. Such matters should be raised in the first instance with the individual's line manager and advice can be taken from Human Resources who will determine the most appropriate action to be taken.
 - Personal grievances
 - Matters occurring at workplaces other than the University, for example placement locations. The University has a duty to inform students on placement of the Whistleblowing procedures for the relevant employer and will, where appropriate, support students raising concerns about their placement experience.
- 2.6. Furthermore, vexatious and/or malicious use of the Code of Practice (i.e. repeated or persistent disclosures, disclosures which are trivial or untrue or made purposely to abuse this procedure) or those accompanied by abusive or aggressive behaviour may not be dealt with under this Code of Practice.

3. General Principles

Confidentiality

- 3.1. The University will treat all disclosures made under this Code of Practice as confidential. Individuals who wish to raise a concern under this Code must make it expressly clear that they are invoking this Code of Practice when raising these concerns.
- 3.2. Individuals making a disclosure may do so anonymously. However where there is insufficient information it may not be possible to determine whether may be necessary to make their identity known, for example where it is necessary to disclose information provided in confidence to allow a matter to be fully investigated, or to enable necessary advice to be obtained, the person making the disclosure will, wherever possible, be notified in advance of the intention to disclose their identity and their views on this will be carefully considered before any such disclosure is made.

- 3.3. In some cases, such as where there are allegations of improper behaviour on the part of the Vice-Chancellor or members of Council, the University may be under an obligation to provide details of the issue to the Office for Students (OfS). In such cases, the identity of the person making the disclosure would not be provided in the first instance and would only be released if it was legally required by OfS.
- 3.4. The University may also wish to report details of a case to an external agency such as the Police. In such cases, the identity of the person making the disclosure would not be provided in the first instance and would only be released if it was obliged to do so.

4. How to make a disclosure

- 4.1. All individuals are encouraged to seek informal resolution of any concerns they have in line with University policies and procedures, in the first instance.
- 4.2. Where informal resolution is not possible or appropriate and an individual wishes to raise a concern under this Code of Practice, they must submit details of their concern in writing, making clear that they are invoking this Code of Practice, addressed to the University Secretary at whistleblowing@bradford.ac.uk.
- 4.3. Where the matter relates to the University Secretary, the concern should be raised with the Chair of the Audit Committee who can be contacted via the Vice-Chancellor's Office. The Chair of Audit Committee will nominate a member of the University's senior management or other suitable person to consider the issues raised. In such circumstances, all references below to the University Secretary should be deemed to refer to this nominee.
- 4.4. A person wishing to make a disclosure may notify the Office for Students: <https://www.officeforstudents.org.uk/for-students/ofs-and-students/notifications/> if they feel that the University: may cover up the alleged malpractice; might treat them unfairly if they complained; or if they have previously made the disclosure and they believe that the University has not acted upon it.
- 4.5. If an individual does choose to report a concern outside the University, it is their responsibility to ensure that confidential information and personal data is not processed in a way that would breach the Data Protection legislation. If in doubt, the advice of the University's Data Protection Officer should be obtained.

5. Consideration of the matter

- 5.1. In all cases where a concern is formally reported, the person to whom it is reported will acknowledge its receipt and keep records of the case.
- 5.2. Where the University Secretary determines that, on initial examination, sufficient corroborating evidence appears to exist to support the allegations, they will arrange for an investigation to be undertaken.
- 5.3. The investigation will be undertaken as soon as possible in a confidential and timely manner and will include consideration of the allegations made and any evidence submitted. It will be conducted in accordance with the principles of natural justice and procedural fairness, and with due regard to the statutory rights of all individuals involved in the case. The person investigating will contact anyone named by the person making the disclosure and others if they deem it appropriate.
- 5.4. There will be no presumption of wrongdoing at the outset and the investigation will be conducted in an objective and impartial manner.
- 5.5. The officer conducting the investigation will prepare a report of the investigation for submission to the University Secretary, including a summary of the allegations, the process followed during the investigation, the conclusions reached and any recommendations for action.
- 5.6. Upon receipt of the investigation findings, if the University Secretary considers that the concerns raised are justified, they will direct that appropriate action should be taken according to established policy and procedures or by appropriate managerial intervention.
- 5.7. If appropriate, the University Secretary may refer the matter to the University's internal audit service to investigate under the University's Fraud Policy and Procedure, or to an external agency should the circumstances warrant this action.
- 5.8. The report may lead to the matter being referred to the relevant disciplinary, harassment, complaint or grievance procedure.
- 5.9. The person making the disclosure will, where their identity is known, be kept informed of the progress of the investigation and

of the outcome of the investigation of the disclosure. Due to confidentiality it may not be possible to provide all details of the investigation or the outcome to the discloser, however. If no action is to be taken, they will be informed of this fact the reason for it.

6. Review

- 6.1. If the person making the disclosure is dissatisfied with the outcome, they may seek a review of this decision from the Chair of the Audit Committee. If the original disclosure was made to that individual, review may be sought from the Chair of Council.
- 6.2. Requests for review will only be considered on one of the following grounds.
- Lack of procedural fairness: this can include bias or perceived bias, procedural irregularity or other administrative error or failure which has led to a material disadvantage;
 - New evidence or evidence that was not available, and could not reasonably have been made available, when the case was considered during earlier stages of the investigation; the request for review must specify the reasons why such evidence was not disclosed earlier.
 - Manifest unreasonableness of the decision: this applies where there is evidence to show that the outcome reached during earlier stages of the investigation was manifestly unreasonable and one which no reasonable person conducting a similar review could have reached on the available evidence.
- 6.3. The person considering the request for review will either confirm the decision that no further action be taken or will determine what further action is to be taken and process by which that action will be taken.

7. Protection of persons making disclosures

- 7.1. Individuals will not be dismissed or be subjected to any detriment or victimization as a consequence of their disclosure.
- 7.2. Individuals reporting concerns will not suffer any detrimental treatment as a result of raising a concern in good faith. Detrimental treatment may include but is not limited to: discrimination; harassment; bullying; disciplinary action; dismissal; threats or other unfavourable treatment connected with raising a concern.

- 7.3. If an individual making a disclosure under this Code of Practice believes that they have suffered any such treatment, they should inform the person managing the case.
- 7.4. Any instances of victimisation, retaliation or harassment related to matters raised under this Code of Practice will be managed through the relevant staff or student disciplinary procedure.

8. Further provisions

- 8.1. If an investigation under this Code of Practice finds that an individual has made false allegations deliberately or which are malicious, the individual may be subject to action through the relevant staff or student disciplinary procedure.

9. Reporting

- 9.1. The University Secretary will keep a register of matters raised under this Code of Practice and will make an annual report to the Audit Committee.

10. Key contacts

University Secretary

01274 234278

whistleblowing@bradford.ac.uk

Assistant Head, Legal and Governance and Data Protection Officer

01274 233021

m.stephenson5@bradford.ac.uk

Chair of the Audit Committee

Via the Vice-Chancellor's Office

01274 233007

m.kenyon2@bradford.ac.uk

Chair of Council

Via the Vice-Chancellor's Office

01274 233007

m.kenyon2@bradford.ac.uk

Protect

Independent whistleblowing charity operating an advice hotline:

<https://protect-advice.org.uk/>

020 7404 6609

whistle@protectadvice.org.uk

The Office for Students:

<https://www.officeforstudents.org.uk/for-students/ofs-and-students/notifications/>

0117 931 7317

notifications@officeforstudents.org.uk