



Cardiff University
Whistleblowing Policy
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complianceandrisk@cardiff.ac.uk

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Author/Lead Contact	University Secretary's Office Legal-Services@cardiff.ac.uk	
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Whistleblowing Policy

1. Purpose and Scope

- 1.1 The University is committed to conducting its business with honesty and integrity. Universities, like all public bodies, have a duty to conduct their business in a responsible and open manner and to comply with the requirements of funding bodies, the principles of their Charter and Statutes and the parameters outlined in the reports of the Nolan Committee.
- 1.2 The University expects high standards of integrity in accordance with its values and policies. All organisations however, face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring, and to address them when they do occur.
- 1.3 All members of the University should raise genuine concerns about wrongdoing at the earliest opportunity, in order to assist the University to take effective action to address those concerns and avoid more serious regulatory breaches or reputational damage.
- 1.4 The aims of the policy are:
 - 1.4.1 To encourage Whistleblowers to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected.
 - 1.4.2 To provide Whistleblowers with guidance on how to raise their concerns.
 - 1.4.3 To reassure Whistleblowers that they can raise genuine concerns without fear of reprisals, even if they turn out to be mistaken.
- 1.5 This policy covers all Members of the University community, including employees, Members of Council, suppliers and partners, consultants, contractors, volunteers, interns, casual workers agency workers and students, (who are all referred to as 'Whistleblowers' in this policy). Members of the public, who also have whistleblower concerns may also raise queries under this policy and procedure.

2. Definitions

Public interest Disclosure	The Public Interest Disclosure Act 1998 (the "Act"), applies to individuals raising genuine concerns relating to some actual or potential danger, fraud or other illegal or unethical conduct. The Act provides legal protection to prevent individuals being penalised, as a result of making a qualifying disclosure.
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Qualifying disclosure	A qualifying disclosure is one which, in the reasonable belief of the person making the disclosure, is in the public interest to disclose e.g. illegal or unethical conduct (see examples listed in 4.1 below).
Whistleblower	This is used to describe an individual who raises a qualifying disclosure under this policy
Whistleblowing	This is used to describe incidents where the individual discloses an alleged wrongdoing or dangers within the University, under this policy
Wrongdoing	<p>This includes improper, illegal or negligent behaviour and should form the underlying consideration when investigating Whistleblowing allegations raised.</p> <p>The Whistleblowing procedure provides the framework for dealing with serious concerns of wrongdoing/malpractice and is not designed to address personal grievances or to challenge decisions that have been properly taken under established and reasonable procedures by the University.</p>
Whistleblowing Officer	The Whistleblowing Officer role is carried out by the Chief Operating Officer. Whistleblowing complaints should be made to the Whistleblowing Officer, in the first instance.

3. Roles and Responsibilities

- 3.1 Council through the Audit and Risk Committee has overall responsibility for this policy, and for reviewing its effectiveness.
- 3.2 The Whistleblowing Officer role is carried out by the Chief Operating Officer who has day-to-day operational responsibility for this policy. Managers and other staff who deal with concerns or investigations, may take advice and guidance from the University Secretary's Office, which may organise staff briefing/training from time to time.
- 3.3 The Whistleblowing Officer will report annually to Council (through the Audit and Risk Committee) on the operation of the policy, and (subject to the obligations of confidentiality) whether any disclosures have been made).

4. Areas covered by this Policy

4.1 This policy has been developed to implement the requirement under the Public Interest Disclosure Act, to prevent individuals being penalised as a result of making a qualifying Whistleblowing disclosure. Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. This may include suspected wrongdoing on the following grounds; (this is not intended as an exhaustive list):

- criminal activity
- failure to comply with any legal or regulatory obligations
- miscarriages of justice
- danger to health and safety
- damage to the environment
- financial or non-financial fraud maladministration or malpractice (including breaches of the University's Financial Regulations or unauthorised use of public or charitable funds and failure to disclose a serious conflict of interest)
- Academic or professional malpractice
- failure to comply with the Statutes, Ordinances and Regulations of the University
- other illegal behaviour or serious malpractice that cannot be raised under an alternative policy/procedure;
- aiding, abetting or condoning any of the above matters or the concealment of any of the above matters.

4.2 Issues for which appropriate University procedures already exist should not be reported under this policy, for example:

- Staff Disciplinary Procedures
- Grievance Procedures
- Students' Complaints Procedure
- Academic Research Misconduct Procedure (staff)
- Academic Appeals

- Student Disciplinary
- Harassment (Dignity at Work and Study Policy).

4.3 This policy should not be used to re-open or review a matter already considered and concluded upon, under such procedures.

4.4 If you are uncertain whether something is within the scope of this policy, you should seek advice from the University Secretary's Office who will refer the matter to the Whistleblowing Officer for a decision as to the appropriate procedure to apply. The decision of the Whistleblowing Officer will be final.

5. Raising a Whistleblowing concern

5.1 All Members of the University are encouraged to raise genuine concerns about wrongdoing or dangers, at the earliest opportunity. The University wishes to promote a culture of openness and will support individuals who raise genuine concerns even if they turn out to be mistaken.

5.2 All concerns will be:

- Acknowledged
- Recorded and
- Reviewed and where appropriate investigated.

5.3 The University hopes that in many cases, staff will initially be able to raise any concerns with a line manager or the next most senior manager (if the matter concerns the line manager). This can be done in person or in writing. They may be able to agree a way of resolving your concern quickly and effectively. In relevant cases they may refer the matter to the Whistleblowing Officer.

5.4 Where the matter is more serious, or you consider that the manager has not addressed your concern, or you would prefer not to raise it with them for any reason, or if you are not a member of staff, you should contact the Whistleblowing Officer (Chief Operating Officer). If, however, the disclosure relates to the Whistleblowing Officer, you should contact the Deputy Vice Chancellor. Contact details are set out at the end of this policy.

5.5 When raising a concern, Whistleblowers should provide a description of the concerns including wherever possible, precise information such as dates of events, names of those involved, meetings or correspondence which have taken place, and a reference to relevant documents or policies.

- 5.6 If required, we will arrange a meeting with you as soon as possible to discuss your concern. You may bring a colleague or trade union representative to any meetings under this policy. Your companion must respect the confidentiality of your disclosure and any subsequent investigation.
- 5.7 Following an initial review of the issue raised, where possible, we will aim to give you feedback as to whether this matter falls within the scope of this policy and how we propose to deal with the matter.
- 5.8 If a matter gives cause for concern', as referred to by Section III, paragraph 5 of Ordinance 12, about an academic member of Staff, the matter shall be referred in confidence to the relevant Head of School/Professional Service, together with the identity of the Whistleblower, where this is known. A Whistleblower wishing to remain known only to those investigating the disclosure, shall have the option of withdrawing the disclosure if the continuation of the investigation may lead to their identification to the person(s) who are the subject of the disclosure.
- 5.9 Where it is considered that the matter raises concerns that would fall under the remit of any other University disciplinary procedure, the matter shall be referred to the appropriate Head of School/Professional Service for consideration under those procedures.
- 5.10 Where there are existing procedures for the investigation of certain allegations, e.g. Bribery Policy/Investigation of Financial Irregularities, the matter will be referred to the relevant person(s)/body under those procedures.
- 5.11 Where the matter has been referred to another person(s)/body, you will be informed as to whether any further action is being taken.

6. Confidentiality

- 6.1 The University aims to ensure that Whistleblowers feel able to voice Whistleblowing concerns openly under this policy. However, if you want to raise your concern confidentially, we will make every effort to ensure that we do not reveal your identity to anyone other than those involved in investigating your concerns. If it becomes necessary for anyone else to know your identity in order to adequately investigate the concern, we will discuss this with you first.
- 6.2 The University aims to promote a culture in which individuals feel confident to raise their concerns. Consequently, anyone reporting a concern is asked to identify themselves when raising a concern. Proper investigation may be more difficult or impossible if we cannot obtain further information from a Whistleblower. It is also more difficult to establish the credibility of the allegations.

- 6.3 Concerns raised anonymously will be considered at the discretion of the University according to:
- The seriousness of the issues concerned;
 - The likelihood of confirming the allegation from alternative credible sources.
- 6.4 Whistleblowers who are concerned about possible reprisals if their identity is revealed should raise their concerns with the Whistleblowing Officer (or Deputy Vice Chancellor as appropriate) and appropriate measures can then be taken to preserve confidentiality. If you are in any doubt about confidentiality, you can seek advice from the Trade Unions, a HR Business Partner or 'Protect' - the independent whistleblowing charity, which offers a confidential helpline (contact details are at the end of this policy).
- 6.5 Once a disclosure has been made under this policy, the Whistleblower shall not communicate the information provided, or matters arising from the investigation, to any person or persons external to the University, except as specified in paragraph 12 below.

7. Investigation and Outcome

- 7.1 Once you have raised a concern, an initial assessment will be carried out to determine the scope of any investigation. The University will inform you of the outcome of its assessment. You may be required to attend additional meetings in order to provide further information.
- 7.2 In some cases, the University may appoint an investigator or team of investigators, including staff with relevant experience of investigations or specialist knowledge of the subject matter. The investigator(s) may make recommendations for change, to enable the University to minimise the risk of future wrongdoing.

8. Procedure – Preliminary review and Informal stage:

- 8.1 Once a disclosure has been made, the University shall:
1. Make a record of its receipt (and any subsequent action);
 2. Carry out a preliminary review of the disclosure. This will be carried out by the Whistleblowing Officer or their nominee with a view to establishing:
 - a) whether the disclosure falls under the scope of the Whistleblowing policy;
 - b) whether there is any prima facie evidence to suggest that the issue should be investigated, or appoint a person or persons to investigate on their behalf;

- 8.2 Following the preliminary review, the Whistleblowing Officer will make a preliminary decision and notify the Whistleblower, where it is possible and appropriate to do so, that:
1. The disclosure will be investigated further under the formal investigation procedure (see 9 below);
 2. The disclosure has been investigated and relevant action taken; or
 3. The disclosure has been drawn to the attention of a named person(s) who has (have) authority to act on the matter; or
 4. the disclosure has been dismissed as having no grounds for investigation.
- 8.3 Any allegations considered to be malicious, frivolous and/or vexatious may be dismissed by the Whistleblowing Officer.

9. Procedure - Formal Investigation

- 9.1 Where the preliminary review (outlined in section 8 above) identifies that a formal investigation is required, the following shall apply:
- 9.1.1 The University will appoint an investigator or team of investigators including staff with relevant experience of investigations or specialist knowledge of the subject matter, to carry out a formal investigation.
 - 9.1.2 The University will inform the person or persons who are the subject of the disclosure, of the substance of the disclosure and any evidence supporting it;
 - 9.1.3 The University shall offer to interview the person or persons who are the subject of the disclosure, who may be accompanied by a trade union representative/or work colleague;
 - 9.1.4 Following the interview, the University shall draw up a report of their findings including recommendations as to what further steps, if any, need to be taken. Any recommendations will be referred to the appropriate officers/department for action; (this may include remedial action/disciplinary action)
- 9.2 The University will aim to keep the Whistleblower informed of the progress of the investigation and its likely timescale, where it is appropriate to do so. However, sometimes the need for confidentiality may prevent it from providing specific details of the investigation or any disciplinary action taken as a result. The Whistleblower should treat any information about the investigation, as confidential.

- 9.3 If it is concluded that a Whistleblower has made allegations maliciously, frivolously, vexatiously and/ or with a view to personal gain, and particularly where they persist in making them, disciplinary or other appropriate action may be taken against the individual concerned.

10. Reporting of Outcomes

- 10.1 In all cases, a report of the outcome of any investigation will be provided to the Audit and Risk Committee.
- 10.2 The Whistleblowing Officer shall on behalf of the University, keep a register of all disclosures and outcomes.

11. If the Whistleblower is not satisfied

- 11.1 While the outcome sought cannot be guaranteed, the University will try to deal with the Whistleblower's concern fairly and in an appropriate way. By using this policy, the Whistleblower can help the University achieve this.
- 11.2 The Whistleblower may not seek a review of any decision made by the Whistleblowing Officer, but if they are concerned about the way in which their concern has been handled, the Whistleblower can raise it with one of the other key contacts set out at the end of this policy.

12. External disclosures

- 12.1 The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the University. In most cases therefore, a Whistleblower should not find it necessary to alert anyone externally.
- 12.2 The law recognises that in some circumstances it may be appropriate for a Whistleblower to report their concerns to an external body, such as a regulator. It will very rarely if ever, be appropriate to alert the media. The University would strongly encourage Whistleblowers to seek advice before reporting a concern externally. The independent whistleblowing charity, Protect, operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern. Their contact details are at the end of this policy.
- 12.3 Whistleblowing concerns usually relate to the conduct of the University's staff, but they may sometimes relate to the actions of a third party. In some circumstances, the law will protect an individual if they raise the matter with the third party directly. However, the University would encourage individuals to report such concerns internally first. Please contact your line manager or Whistleblowing Officer or other appropriate person referred to in paragraph 5, for guidance.

- 12.4 Nothing in this policy removes the right of any individual to report a suspected crime to the police, nor is anything in this policy intended to remove, or shall have the effect of removing, any right given under the Act.

13 Protection and support for Whistleblowers

- 13.1 Whistleblowers must not suffer any detrimental treatment as a result of raising a genuine concern. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If a Whistleblower believes they have suffered any such treatment, they should inform the Whistleblowing Officer immediately. If the matter is not remedied, the Whistleblower should raise it formally using either the Staff Grievance Procedure or the Student Complaints procedure, as appropriate.
- 13.2 Staff must not threaten or retaliate against Whistleblowers in any way. If they are involved in such conduct, they may be subject to disciplinary action. In some cases, the Whistleblower may have the right to take legal action against a member of staff personally for any such conduct.
- 13.3 A confidential support and counselling hotline is available to Whistleblowers, who raise concerns under this policy. Their contact details are set out at the end of this policy.
- 13.4 If the whistleblowing disclosure involves a member of staff either as a complainant or as one of the individuals the complaint is about, then the Whistleblowing Officer will discuss with the Director of Human Resources any HR support that may be offered to the staff involved – including providing a point of contact for questions about the procedure. For students the Whistleblowing Officer may discuss support requirements with the Director of Student Support and Wellbeing.

14 Application

- 14.1 The University reserves the right to substitute any officers within the policy, as necessary.
- 14.2 Further information is available from the University Secretary's Office

15 Review Approval & Publication

- 15.1 The Whistleblowing Officer will review this policy in line with any updates to relevant legislation and/or relevant sector guidance.
- 15.2 The Audit and Risk Committee is ultimately responsible for the approval of this policy.

15.3 This policy will be published in on the Policies and Procedures page of the University's Website.

16 Contacts

Whistleblowing Officer	Chief Operating Officer <u>coo@cardiff.ac.uk</u> coo-pa@cardiff.ac.uk
Alternative Whistleblowing Officer (Unless the concern relates to the COO, all concerns to be raised with COO in the first instance)	Deputy Vice Chancellor <u>DeputyVC@cardiff.ac.uk</u> DVC-PA@cardiff.ac.uk
Chairperson of the Audit and Risk Committee	Via secretary to Audit and Risk Committee: University Secretary and General Counsel Email: <u>JainR27@Cardiff.ac.uk</u>
For advice on policy/procedure	Compliance and Risk Team, University Secretary's Office Complianceandrisk@cardiff.c.uk
Protect (Independent whistleblowing charity)	Helpline: 0203 117 2520 E-mail: whistle@pcaw.co.uk Website: www.pcaw.co.uk