

# WHISTLEBLOWING POLICY



University  
of Dundee

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## Contents

Part 1 - Whistleblowing Policy.....	2
1. About this policy .....	2
2. Background .....	2
3. Who can make a disclosure under this policy? .....	3
4. To whom should a disclosure be made? .....	3
5. What is whistleblowing? .....	4
6. What is a whistleblower? .....	4
7. What kinds of concern can you raise as a whistleblowing concern?.....	4
8. What concerns fall outside this policy? .....	5
9. What about confidentiality?.....	5
10. Anonymous disclosure .....	5
11. Protection against victimisation of a whistleblower.....	6
12. Disclosures to external bodies.....	6
13. Contact with the media.....	7
Part 2 Whistleblowing Procedure .....	8
1. Raising concerns informally .....	8
2. Formal Procedure .....	8
3. Roles and Responsibilities.....	9
4. Timescales.....	11
5. What happens after all matters are completed? .....	11
6. Further information.....	11
Annex A.....	12
Document information.....	13

## **Part 1 - Whistleblowing Policy**

### **1. About this policy**

- 1.1 This is a policy split into two parts. Part 1 provides the University community with guidance on whistleblowing and Part 2 the procedure for making protected disclosures and how they will be investigated.

### **2. Background**

- 2.1 The University of Dundee is committed to conducting our business with integrity, and we expect all staff to maintain standards consistent with:
- 2.1.1 The University's Values;
  - 2.1.2 The Nine Principles of Public Life in Scotland;
  - 2.1.3 The University's policies and procedures;
  - 2.1.4 Applicable law and regulation;
  - 2.1.5 Requirements of funding bodies; and
  - 2.1.6 Reasonable market practice.
- 2.2 However, all organisations 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.

### **Aims**

The aims of this policy are:

- To encourage staff 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, so far as practicable.
- To provide staff with guidance and a procedure as to how to raise those concerns.
- To reassure staff that they should be able to raise genuine concerns in the public interest without fear of reprisals, even if they turn out to be mistaken.

### **Legislation**

The relevant whistleblowing legislation is the Public Interest Disclosure Act 1998 (the “**Act**”), as amended by the Enterprise and Regulatory Reform Act 2013, which protects current and former employees and workers who “blow the whistle”.

### **Scope**

- The whistleblowing legislation only covers current and former employees and workers.

- However, the University wishes to hear from others within the University Community who may have serious concerns of the types set out in this policy and so is willing to extend the protections under this policy to students and members of the University Court who make disclosures that would normally be covered by the whistleblowing legislation.
- Specific processes for students and members of the University Court who wish to make relevant disclosures are covered under Clause 4.
- This policy does not form part of any employee's contract of employment and it may be amended at any time in accordance with local procedures.

### **3. Who can make a disclosure under this policy?**

3.1 This policy applies to:

- all employees and workers including persons contracted to personally provide services to the University, persons undergoing training or work experience as part of a training course and agency workers;
- all matriculated students of the University; and
- all members of University Court.

### **4. To whom should a disclosure be made?**

#### FOR MEMBERS OF STAFF

- 4.1 In the first instance, you can blow the whistle by contacting your line manager.
- 4.2 If you do not feel that it would be appropriate to blow the whistle to your line manager, you can contact any of the Responsible Officers set out in the Annex.
- 4.3 In exceptional circumstances, where you feel it is inappropriate to contact your line manager or the Responsible Officers, you may blow the whistle to the Chair of the Audit Committee or the Chair of the University Court.
- 4.4 For the purposes of clause 4.3, “exceptional circumstances” would be judged on the particular circumstances. However, to aid you the University would consider this test to be met if you had a reasonably held belief that disclosing to a line manager or the Responsible Officer(s) would result in (i) you being treated unfairly if you made the disclosure as prescribed; (ii) your disclosure would result in the destruction or concealment of information about your concern, and/or (iii) you have previously disclosed the same or very similar information and no action was taken.

#### FOR STUDENTS AND MEMBERS OF THE UNIVERSITY COURT

- 4.4A For students and members of the University Court, you can contact any of the Responsible Officers set out in the Annex. 4.3 and 4.4 will apply for any appropriate escalation.
- 4.5 Contact details are provided in the Annex.

## **5. What is whistleblowing?**

- 5.1 Under the whistleblowing legislation, 'qualifying disclosures', 'public interest disclosures' and 'protected disclosures' are different terms to describe the same thing, i.e. a whistleblowing concern.
- 5.2 They are disclosures of information where staff reasonably believe that one or more of the concerns described in section 7.1 below is either happening, has taken place, or is likely to happen in the future and it is in the public interest to raise this.
- 5.3 Where a person raises a concern of this nature this is often referred to as "whistleblowing".

## **6. What is a whistleblower?**

- 6.1 A whistleblower is a person who makes a qualifying disclosure, protected disclosure, public interest disclosure or otherwise 'blows the whistle' under this policy.
- 6.2 the whistleblower is usually the witness providing information to the employer about a concern which it is in the public interest to raise.

## **7. What kinds of concern can you raise as a whistleblowing concern?**

- 7.1 The following areas of malpractice or serious concerns can be raised under this policy:
- criminal activity;
  - a failure to comply with any material legal obligation;
  - danger to health and safety;
  - damage to the environment;
  - bribery;
  - financial fraud or mismanagement;
  - unauthorised disclosure of confidential information;
  - research misconduct;
  - miscarriage of justice; and/or
  - deliberate concealment of any of the above matters.
- 7.2 The above does not represent an exhaustive list of areas covered by this policy.
- 7.3 Concerns can be raised in relation to matters that have taken place, continue to take place or are likely to take place in the future.
- 7.4 This policy does not preclude you from raising other serious concerns regarding the University's business with members of senior management or Court committees or members.
- 7.5 If in doubt, please consult with the University Secretary or Director or Legal for a confidential discussion.

## **8. What concerns fall outside this policy?**

- 8.1 Sometimes an employee believes they are blowing the whistle when, in fact, their complaint is a personal grievance.
- 8.2 Any person who makes a disclosure under this policy should believe that they are acting in the public interest. This means that personal grievances and complaints are not covered by whistleblowing legislation.
- 8.3 Matters of concern relating to your employment situation which would normally be dealt with under the University's Grievance Procedure or Dignity at Work and Study Policy should continue to be handled in that way.
- 8.4 In the case of students, concerns other than those falling under the categories set out at section 7.1 above should be raised through the Complaints Handling Procedure.
- 8.5 Specifically, whistleblowing or this policy is not designed:
- to replace or bypass existing processes and procedures under existing policies of the University;
  - to question financial or business decisions taken by the University;
  - to reconsider any matters which have already been addressed under other University processes or procedures (including grievance);
  - generally, to be misused to raise personal disputes or disagreement against the University which are not in the public interest; or
  - to investigate an academic dispute between a student and the institution.

## **9. What about confidentiality?**

- 9.1 All parties who play a role in respect of this policy undertake to keep confidential and not disclose or discuss the circumstances of any whistleblowing concern with any person or organisation other than as may be required for the purpose of investigating and reporting on the whistleblowing concern itself.
- 9.2 Every reasonable effort will be made not to reveal your identity if that is your wish.
- 9.3 If disciplinary or other proceedings follow the investigation, it may not be possible to take action as a result of your disclosure without your help, so you may be asked to come forward as a witness. If you agree to this, you will be offered advice and support.

## **10. Anonymous disclosure**

- 10.1 If a disclosure is made anonymously this could make it difficult for the University to deal with the disclosure effectively.
- 10.2 It will be challenging to obtain further information which might facilitate a full investigation. It may also be difficult to assess whether the disclosure is protected. You are therefore strongly encouraged to make yourself known when making a disclosure under this policy.

- 10.3 Disclosures which are made anonymously will still be considered under this policy, with careful consideration given to their investigation. Where it is considered that an allegation may have been made without foundation it may not be progressed.

## **11. Protection against victimisation of a whistleblower**

- 11.1 The Act makes it unlawful for the University to dismiss anyone or allow them to be victimised on the basis that they have made an appropriate lawful disclosure in accordance with the Act, for example dismissal, disciplinary action, threats or other unfavourable treatment.
- 11.2 The University recognises that the decision to report a concern can be a difficult one to make. If you honestly and reasonably believe what you are saying is true, you should have nothing to fear because you will be doing your duty to the University as your employer, your colleagues and those for whom you are providing a service.
- 11.3 The University will not tolerate any harassment or victimisation of a whistleblower (including informal pressures) and will take appropriate and reasonable action to protect you when you raise a concern in good faith. The University will treat any such harassment or victimisation as a serious disciplinary offence which will be dealt with under the University's disciplinary rules and procedure. If you believe that you have suffered any such treatment, you should inform the Director of Legal immediately.

## **12. Disclosures to external bodies**

- 12.1 The purpose of this policy is to create the conditions in which you feel confident to raise matters of concern within the University.
- 12.2 Once a disclosure is being dealt with under this policy, it is reasonable to expect individuals to await the conclusion of any investigation or review instigated under its terms before seeking to air their complaints outside the institution.
- 12.3 It is also recognised that there may be circumstances where matters may be properly reported to certain external bodies.
- 12.4 Certain external bodies to which matters may be properly reported are known as 'prescribed persons'. A list of prescribed persons is made available by the Secretary of State, who currently lists more than 50 regulatory bodies to whom protected disclosures can be made. It can be found at <https://www.gov.uk/whistleblowing/howto-blow-the-whistle>.
- 12.5 If you are unsure whether it is appropriate to report your concern externally you can contact the independent whistleblowing charity, Protect, which operates a confidential helpline.
- 12.6 In circumstances where you decide to raise the matter externally, you will only be protected under this policy, and under employment law, where the disclosure is made in accordance with the Act.

### 13. **Contact with the media**

- 13.1 This policy has been developed to enable you to express concerns on the basis that it is in the public interest to make such matters known to the University. However, reporting of a concern does not mean that such matters should be made available for public consumption through the media and/or social media.



## **Part 2 Whistleblowing Procedure**

### **1. Raising concerns informally**

- 1.1 We hope that in many cases you will be able to raise any concerns with your line manager.
- 1.2 You may tell them in person or put the matter in writing if you prefer. They may be able to agree a way of resolving your concern quickly and effectively.
- 1.3 Where the matter is more serious, or you feel that your line manager has not addressed your concern, or you prefer not to raise it with them for any reason then the process noted below should be followed.

### **2. Formal Procedure**

#### Stage 1 - Disclosure

- A. Disclosure is made by the whistleblower to the Responsible Officer.
- B. The Responsible Officer will escalate to the Monitoring Officer.
- C. The Monitoring Officer shall:
  - acknowledge receipt of the disclosure;
  - take ownership for the processing of the disclosure under this policy,
  - liaise with those within the University as necessary; and
  - determine if the disclosure meets the requirements for investigation under this policy.
- D. A detailed list of persons authorised to act in these capacities is set out in the Annex.

#### Stage 2 - Initial Assessment of Disclosure

- A. The Monitoring Officer may direct you to other University policies and procedures where the issue you have raised would be best addressed under one of those policies/procedures.
- B. The Monitoring Officer may recommend that a matter which has been disclosed be:
  - investigated internally;
  - referred to a committee of the University Court or Senate;
  - referred to the Police; or
  - referred to a relevant external third party (for example funders, professional bodies, academic journals etc.).

#### Stage 3 - Investigation

- A. Once the initial assessment has been made and the Monitoring Officer has determined that the matter should be investigated internally, the Monitoring Officer shall appoint an investigator. A support person may be appointed to an investigator.
- B. The Monitoring Officer shall provide to the investigator the scope of the investigation and any relevant information in respect of the allegations.

- C. The Monitoring Officer shall ensure that the investigator is suitably qualified to perform the investigation and is provided with sufficient access and information in order to carry out the investigation to a reasonable standard.
- D. The investigator should provide a report to the Monitoring Officer, usually within 30 working days.
- E. Notwithstanding the investigation, the Monitoring Officer may also recommend urgent action to curtail alleged malpractice prior to further investigation.

#### Stage 4 - Discharge of Disclosure

- A. Once the investigator has provided their report to the Monitoring Officer, the Monitoring Officer acting reasonably may decide that the matter should be:
  - closed with no further action required;
  - referred to be discharged under the University's existing processes and procedures (for example disciplinary procedures);
  - referred to a committee of the University Court or Senate;
  - referred to the Police; or
  - referred to relevant external third parties (for example funders, professional bodies, academic journals etc.).
- B. Prior to deciding the Monitoring Officer, shall consult with the Director of Legal in respect of any legal aspects in relation to the discharge of the disclosure.
- C. The Monitoring Officer shall notify relevant stakeholders of his or her decision, (including as far as possible the whistleblower) subject to applicable laws and regulation (for example data protection laws).

### **3.Roles and Responsibilities**

#### 3.1 Whistleblower's obligations

- A. You should report any concern under this policy to the relevant person.
- B. You should do so where you have a reasonable belief that malpractice has occurred, is taking place or is likely to take place, where you have any serious concerns, and it is in the public interest to do so.
- C. You should not use this policy for personal complaints relating to your employment which do not have a wider public interest element, as they are best addressed using existing alternative procedures such as the University's Grievance Procedure.
- D. You are responsible for acting professionally if you have a concern about the work of your colleagues, including an expectation on you to report malpractice.
- E. You may also be called upon to assist any investigation regarding your disclosure and provide such evidence in your possession to support your allegations.
- F. You must have a reasonable belief that the matter you are reporting is in the public interest. In the unlikely event that your reported concern or issue is found to be deliberately vexatious or malicious this will be considered as a disciplinary matter.

### 3.2 The Responsible Officer's obligations

- A. The Responsible Officer will liaise (as appropriate and at their discretion) with the Monitoring Officer to report the disclosure under this policy.
- B. If requested by the Monitoring Officer, to conduct investigations and report back to them with their findings.
- C. On appointment to investigate, the Responsible Officer is briefed by the Monitoring Officer and will follow the procedures as set out within this policy.
- D. The investigation outcome report of the Responsible Officer within the University will contain enough detail to allow the Monitoring Officer to question persons where necessary and to call upon relevant persons within the University to account for their handling of matters.
- E. Responsible Officers may also be called upon to assist the Monitoring Officer regarding the disclosure.

### 3.3 The Monitoring Officer's obligations

- A. When an initial report is received from the Responsible Officer it will be discussed with the Monitoring Officer and the category of the disclosure will be agreed.
- B. The Monitoring Officer will liaise with the whistleblower on disclosure investigations and provide the outcome if appropriate to do so.
- C. The Monitoring Officer will determine when input should be sought from Legal, HR or any other relevant section/function of the University.
- D. The Monitoring Officer will identify appropriate persons as investigators (including but not limited to Responsible Officers) to carry out those investigations deemed necessary and liaise with the whistleblower as appropriate.
- E. Any matter reported to the Monitoring Officer will not be widely disseminated.
- F. However, disclosures will be reported to the Principal, Chair of University Court and Chair of the Audit Committee (provided not involved) in the first instance, both to allow for input and to ensure that there is a general awareness of concerns being raised at the most senior level within the University.
- G. Where there is deviation from the timescale set out at clause 4 below, it may be appropriate for the Monitoring Officer to set a revised timescale for completion of the process.
- H. If it is determined that action is to be taken which is not in line with a recommendation of an investigation, the Monitoring Officer shall set out the reasons for this decision and report them to the Chair of the Audit Committee in terms of what action is to be taken, by whom and why any recommendations have not been followed.

### 3.4 General

- A. The University Court has overall responsibility for this policy and for reviewing the effectiveness of actions in response to concerns raised. The Audit Committee has responsibility for maintaining records and annual reporting in respect of disclosures under this policy.
- B. The University Secretary has responsibility for ensuring investigations are properly taken forward and that the Monitoring Officers, Responsible Officers and investigators receive regular and appropriate training.
- C. This policy will be reviewed from a legal and an operational perspective annually and the outcome of the review reported to the Audit Committee and to University Court.

### **4. Timescales**

- 4.1 The relevant timescales to complete the entire Process from disclosure to discharge shall be determined by the seriousness of the disclosure.
- 4.2 However, the University shall aim to discharge its duties under this policy within 90 days of first disclosure.

### **5. What happens after all matters are completed?**

- 5.1 An anonymised annual report shall be made by the University Secretary to the Audit Committee and University Court of disclosures made under this procedure.

### **6. Further information**

- 6.1 If you have any queries about whistleblowing, please do email the University Secretary, Jim McGeorge at: [j.mcgeorge@dundee.ac.uk](mailto:j.mcgeorge@dundee.ac.uk)

#### References

[University of Dundee - Code of practice for the use of animals in teaching and research](#)

[University of Dundee - Committee on Standards in Public Life](#)

[University of Dundee – Complaints](#)

[University of Dundee - Dignity at Work and Study Policy](#)

[University of Dundee - Grievance Procedure](#)

## **Annex A**

### **Responsible Officers**

- A. Any UEG member serving from time to time
- B. Directors of Professional Services
- C. Deans of Schools
- D. School Managers
- E. DUSA Executive
- F. Trade Union Representative of the recognised Trade Unions of the University
- G. Chair of the Audit Committee
- H. Chair of the University Court.

### **Monitoring Officer**

- A. University Secretary  
OR
- B. Director of Academic and Corporate Governance  
OR
- C. Director of Legal

If the Responsible Officer is Chair of the Audit Committee or the Chair of the University Court then:

- A. University Secretary (as Secretary to Court)  
OR
- B. Director of Legal

## Document information

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