



Whistleblowing Policy

1. Introduction

- 1.1 Bath Spa Students' Union is committed to conducting its affairs in accordance with the highest possible standards of integrity. Our reputation as an honest and transparent organisation is extremely important. This policy and procedures is written to ensure that any malpractice, misconduct, corruption or other impropriety can be exposed and dealt with.
- 1.2 A member of staff may often be the first to discover issues of concern. We understand that people may be fearful of reprisals or other repercussions if they voice a concern under this policy. Note that the law protects employees who make a disclosure from victimisation and/or disciplinary action.
- 1.3 The purpose of this procedure is to encourage staff to raise genuine concerns without fear of being adversely affected. It shows how any concerns should be raised and how they will be dealt with. If any employee suspects or discovers something of concern, they should be confident to raise it. Their concerns will be taken seriously, will be investigated fairly and they will be supported. This will be the case even if the suspicion is found to be without grounds, providing it is not made maliciously.

2. What is Whistleblowing?

- 2.1 'Whistleblowing' is the disclosure of information which relates to some danger, fraud or other illegal or unethical conduct connected with the workplace.

This may include:

Criminal activity which has been or is likely to be committed

- Financial malpractice, bribery, impropriety or fraud
- Failure to comply with legal obligations
- Negligence
- Danger to health or safety or the environment
- Professional malpractice, including improper conduct or unethical behaviour
- Abuse or misuse of Union property
- Attempts to hide any of the above or to get others to do so.

A 'whistleblower' is someone who raises a genuine concern about any of these points.

3. Safeguards

3.1 The law provides protection for whistleblowers, provided the disclosure is made in good faith. Staff making a disclosure must not be subject to any detriment such as dismissal, disciplinary action, harassment, threats or other unfavourable treatment. Where an employee believes they have been subject to any detrimental treatment as a result of making a disclosure, they should raise it under the union's Grievance Policy. Anyone who is found to have threatened, victimised, harassed, or has retaliated in any way against someone who has raised a whistleblowing concern, will be subject to disciplinary action.

3.2 Any disclosures will be dealt with fully, fairly, quickly and confidentially. The Students' Union will try to keep the identity of the whistle blower secret wherever possible, as long as it does not hinder or frustrate any investigation. However, it must be understood that the investigation process may reveal the source of the information and/or the individual making the disclosure may need to provide a statement as part of the evidence required (for example, if there is an investigation by the Police).

3.3 Anonymous Allegations

We would prefer staff not to make disclosures anonymously because a thorough investigation may be difficult or even impossible without the key information. It's also more difficult to prove that the allegations are credible and being made with honest intent. All disclosures will be considered seriously, but action on anonymous allegations will only be taken at the discretion of the Union. In doing this we will take into account the seriousness of the issues raised and the ability to find credible supporting information.

3.4 Untrue Allegations

Anyone who makes a disclosure should take due care to ensure the accuracy of the information, wherever possible. No action will be taken against an individual if they make an allegation in good faith but which is not confirmed by subsequent investigation.

If, however, an individual makes malicious allegations, or claims which they know to be untrue, disciplinary action may be taken against them.

4.0 How to make a Disclosure

4.1 Any employee concerned about malpractice within the Union should raise their concern in writing to the Chief Executive. If the issue concerns the Chief Executive, the employee should write to the Chair of the Board of Trustees.

4.2 If neither of the above routes are suitable or acceptable to the employee, then they may approach one of the following people:

- Chair of the Audit & Risk Committee
- Director of Corporate & External relations (who, under the Union's Complaints Procedure, is the University Board of Governors' appointed independent arbiter.)

4.3 The Chief Executive (or Chair of Trustees or designated individual appointed under 4.2) will acknowledge receipt of your disclosure. The relevant party will investigate the disclosure and decide upon the appropriate course of action. This may require the appointment of an investigating officer.

5. Investigation Procedure

- 5.1 The Chief Executive Officer or Investigating Officer should meet with the employee making the disclosure as soon as possible to obtain full details of the complaint. This will be done confidentially.
- 5.2 The Chief Executive (or the Investigating Officer) will make a judgement about the complaint and its validity. This will be detailed in a written report containing the findings of the investigations and reasons for the judgement. The report will be passed to the Chief Executive or Chair of Trustees as appropriate. The Chief Executive / Chair of Trustees will decide what action to take as detailed below.
- 5.3 Where any complaint or investigation uncovers alleged malpractice by a member of Union staff, the Union's disciplinary policy will be invoked.
- 5.4 If there is evidence of potential criminal activity then the Chief Executive (or Investigating Officer) must inform the police. The Union will ensure that any internal investigation does not hinder any formal police investigation.
- 5.5 The Chief Executive (or Investigating Officer) should also consider the involvement of the Union Auditors where financial or procedural irregularities are alleged.
- 5.6 The Investigating Officer should inform the member of staff against whom the complaint is made as soon as is practically possible. The member of staff will be informed of their right to be accompanied by a trade union or colleague at any future interview or hearing held under the provision of these procedures.
- 5.7 The employee making the disclosure should be kept informed of the progress of the investigations and, wherever appropriate, of the final outcome. This information must be treated as confidential where necessary.

6. Timescales

- 6.1 As whistle blowing complaints may involve internal and external investigations, it is not possible to give precise timescales. The Investigating Officer should ensure that the investigations are undertaken as quickly as possible without affecting their quality and depth.
- 6.2 If the investigation is a prolonged one, the Investigating Officer should keep the employee making the disclosure informed, in writing, as to the progress of the investigation and as to when it is likely to be concluded.

7. What if you are unsatisfied about the outcome?

- 7.1 If the employee is not satisfied that their concern is being properly dealt with by the Investigating Officer, they have the right to raise it in confidence with the Chief Executive/Chair of Trustees (or one of the designated people described at 4.2).
- 7.2 If the investigation finds the allegations unsubstantiated and all internal procedures have been exhausted, but the employee is not satisfied with the outcome of the investigation, the Union recognises the lawful rights of employees and ex-employees to make disclosures to public bodies, (such as the Health and Safety Executive), or, where justified, elsewhere.
- 7.3 The individual is entitled to raise the issue with an appropriate public body if:
 - The allegation is made in good faith,

- They reasonably believes the information disclosed is substantially true
- The disclosure is not made for purposes of personal gain

And at least one of the following applies:

- a. The individual reasonably believes the internal procedure was compromised or incomplete, or
- b. They reasonably believe the Union's response to have been inappropriate in view of the facts brought to light.

7.4 The employee is entitled to bypass internal procedures only if the matter is exceptionally serious and:

- The allegation is made in good faith,
- The complainant reasonably believes the information disclosed is substantially true,
- The disclosure is not made for purposes of personal gain.

And at least one of the following must be true:

- a. The individual has reason to believe they will be subject to a detriment by their employer or manager if they disclose malpractice to their employer or to a prescribed person
- a. They have reason to believe that evidence will be concealed or destroyed if they discloses malpractice to their employer or to a prescribed person within the University
- b. They have reason to believe the internal procedures are being unreasonably delayed or sabotaged.

8. Inappropriate Disclosure

8.1 Where an employee makes a disclosure to an external organisation, the Union has the right to invoke its disciplinary procedures against them where at least one of the following circumstances apply:

- The Union considers it has carried out the internal procedures fairly and reasonably, and has taken action, or not taken action, as they judged was appropriate in the light of the investigation.
- The Union considers that the complainant has bypassed the internal procedures unreasonably.
- The employee did not make the disclosure in good faith,
- The employee did not reasonably believe that the allegation was substantially true.
- The disclosure was made for the purpose of personal gain.

Approved by Board of Trustees: March 2017

Review Date: March 2020