

# Whistleblowing/Raising Concerns at the University of Plymouth

## Frequently Asked Questions

### 1. **I want to report something bad that I think is going on at work – what should I do?**

Normally you would take it up with your line manager. If you cannot raise the issue with your line manager, you may want to use the alternative step of “whistleblowing”. See the University’s [Whistleblowing Policy](#)

### 2. **What is “Whistleblowing”?**

“*Blowing the whistle*” occurs when a person (or group) raises a concern with their employer or a regulatory body about past, present or imminent wrongdoing or malpractice (actual or potential) within their organisation (or any attempt to cover these up). The concern will have a public interest aspect in that it affects (or may affect) others such as work colleagues, third parties or the public in general.

The University’s Whistleblowing Policy sets out how to blow the whistle.

### 3. **What are the benefits of Whistleblowing?**

However much an organisation prides itself on its efficiency and operations, things do sometimes go wrong and whistleblowing provides a means of highlighting problems that can then be addressed, hopefully, at an early stage. In addition to detecting and deterring wrongdoing and raising quality standards, a working environment that respects whistleblowing can:

- alert senior management to actual or potential health and safety risks, environmental problems, fraud, corruption, cover-ups and other issues, and provide them with the information they need to take action;
- protect people from harm;
- encourage staff to raise legitimate concerns by protecting them and giving them confidence that such concerns will be dealt with quickly and fully;
- save lives, jobs, money and reputations (both personal and institutional) and protect the environment and property; and
- reduce the risk of claims against the University or of malicious leaks to the media and others which may lead to negative publicity for the University and damage staff morale.

### 4. **What can I raise under the Whistleblowing Policy?**

In order for the disclosure of information to be protected under the whistleblowing legislation, you need to be able to establish that you have a reasonable belief that one of six specified malpractices (set out below) has taken place, is taking place or is likely to take place, and that its disclosure is in the public interest. The six specified malpractices are:

- criminal offences;
- breach of any legal obligations;
- miscarriages of justice;
- danger to an individual’s health and safety;
- damage to the environment; or
- the deliberate concealing of information about any of the above.

See Question 15 for examples.

5. **What is not covered by the Whistleblowing Policy?**

The Whistleblowing Policy should be used to address serious issues of malpractice or wrongdoing concerning the University, colleagues, students and/or the public at large, rather than personal grievances.

In contrast, personal complaints about your employment (for example, complaints about your working conditions, employment terms, promotion or selection procedures, or harassment, bullying and discrimination) would normally be dealt with by your line-manager or under the appropriate HR grievance or other complaints procedures. In addition, complaints about the quality of educational services provided by the University to its students are outside the scope of the Whistleblowing Policy; they are more likely to be covered under the student complaints procedures.

If you are asked to carry out a task which conflicts with your faith or personal beliefs, you may experience a “crisis of conscience” but this is not the same as whistleblowing where you must have a reasonable belief that wrongdoing has occurred, is occurring or will occur. If you have a crisis of conscience, you should discuss this with your line-manager in the first instance.

6. **Will there be repercussions or reprisals if I blow the Whistle?**

The University will take all reasonable steps to ensure that any member of staff who raises a genuine concern in accordance with the Whistleblowing Policy is not treated unfairly or victimised as a result (for example, by being subject to dismissal, disciplinary action, threats or other unfavourable treatment).

If you believe you are being victimised as a result of whistleblowing, inform your line manager or HR immediately. If you feel unable to do this, then notify the Registrar & Secretary or Chair of the Board.

7. **What approach should I take to the Whistleblowing Process?**

Each situation is different and so you should seek advice before blowing the whistle. *Public Concern at Work* (for details, see Question 8) advises you to bear in mind the following when raising a concern:-

- Stay calm.
- Think about the risks and outcomes before you act.
- Remember that you are a witness and not a complainant.
- You do not need to become a private detective.
- Let the facts speak for themselves – do not make ill-considered allegations. Remember that you may be mistaken, or there may be a perfectly innocent explanation.

8. **Where can I get support during the Whistleblowing Process?**

When raising or considering a concern you have, you may well become anxious or worried about what you are getting yourself involved in and the reaction you may encounter. If so, you can get support from various sources:

- your line-manager or another manager, or HR.
- The Registrar & Secretary (or the other contacts mentioned in the Whistleblowing Policy) can advise you on whether your concern comes within the Whistleblowing Policy, the appropriate channels available to you to raise your concern, any alternative channels and the next steps.

- *Public Concern at Work*, an independent charity, offers free, independent and confidential advice and support to individuals on whether and/or how to raise a concern at work (although it does not investigate cases). Their contact details are –

***Public Concern at Work*, Suite 306, 16 Baldwins Gardens, London, EC1N 7RJ  
Tel. 020 7404 6609: E-mail [helpline@pcaw.co.uk](mailto:helpline@pcaw.co.uk): Website. [www.pcaw.co.uk](http://www.pcaw.co.uk)**

- If you are a member of a trade union, you can seek advice from your union representative.

9. **Should I use the Whistleblowing Policy straightaway?**

The Whistleblowing Policy contains a *formal* procedure for dealing with relevant issues. However, in the first instance, if you have something on your mind, you should look to discuss it *informally* with your line-manager or HR first. Hopefully, you can resolve the issue quickly and fully without having to resort to that Policy.

However, you can go straight to the Registrar & Secretary with your concern if you feel that it is justified – for example, if that concern is sufficiently serious and urgent, or has already been raised locally but has not been addressed, or if your line-manager is implicated in it.

10. **Will my identity remain confidential?**

It is preferable if you raise your concerns openly as this makes it easier for the University to investigate and provide feedback. We take steps to protect staff who raise concerns from retaliation or reprisals.

The law does not require an employer to keep a whistleblower's identity secret. However, you can ask the University to keep your identity confidential and we will endeavour to do so as far as possible: your identity will only be disclosed to others on a "need-to-know" basis. However, there may be situations where, because of the nature of the disclosure or investigation, it is not possible to resolve the concern *and* guarantee confidentiality (for example, in relation to criminal matters or police investigations). If this is the case, the University will notify you as soon as is possible.

11. **Can I raise my concern anonymously?**

You can raise your concern without providing your name: raising a concern about potential wrongdoing anonymously is better than not raising it at all. However, if you remain anonymous, it is likely to be more difficult to investigate the matter properly as we may not have sufficient evidence to substantiate the complaint, and would not be able to obtain further information from you or provide you with feedback. Furthermore, the investigation may itself reveal the source of information; others may guess who has raised the concern. It is easier to obtain protection under the law if concerns are raised with your employer openly. Therefore, where possible, members of staff are encouraged to put their names to any concerns raised.

It may be possible to raise the concern as a team or group of colleagues.

12. **I don't yet have any proof of my concern. What should I do?**

When reporting a concern under the Whistleblowing Policy, you do not need to have proof that your concern is justified or to have investigated the matter; instead, it is sufficient for you to have a reasonable belief that wrongdoing has occurred, is occurring or is likely to occur, and that the concern is genuine and is true to the best of your knowledge.

A whistleblowing issue is likely to be of general concern to the University or the public at large. By alerting others, you are enabling them to investigate and address the matter. For this reason, you are not expected to produce hard evidence, prove the malpractice or conduct your own investigation.

13. **Will I be able to find out the outcome of the investigation?**

Within ten working days of receiving your concern or meeting you to discuss it, the person dealing with the matter will write to you to provide details of how the University intends to deal with it (please refer to paragraph 7.4 of the Whistleblowing Policy).

You will also be advised when the matter has been concluded and of the steps taken to investigate your concern.

14. **What if I'm not happy with the outcome of the investigation?**

If you have raised a concern in accordance with the Whistleblowing Policy but you are not satisfied with the outcome or the way in which the investigation has been handled, you may appeal to the Chair of the Board or Senior Independent Governor (paragraphs 7.5 and 7.7 of the Whistleblowing Policy) or request that the matter be referred to an independent advisor (paragraph 4.4, Appendix 1 to the Policy).

15. **What are examples of the type of wrongdoing which can be disclosed under the Whistleblowing Policy?**

This is not an exhaustive list.

***Misuse of information/abuse of position/maladministration:***

- Using information acquired during the course of carrying out official duties to pursue or further private interests or to gain an unfair advantage.
- Falsifying statistics to achieve objectives.
- Deceiving or knowingly misleading management or the Board of Governors.
- Ignoring relevant considerations or facts when providing advice or making decisions.
- Frustrating the implementation of agreed policies (eg, by declining to take required actions).
- Unjustifiably favouring, or discriminating against, particular individuals or interests.
- Awarding contracts without following the correct procedures.
- Acting in accordance with party political considerations or for party political purposes.
- Posting derogatory comments about the University on social media sites.
- Misuse of public money.

***Failure to comply with legal obligations/criminal offences affecting the work of the University:***

- Not protecting personal data as required by the Data Protection Act 1998.
- Failure to comply with Health and Safety regulations.

***Fraud and corruption:***

- Using preferred contractors in exchange for payment or other rewards.

***Endangering individuals' Health and Safety:***

- Suppressing known failings in a fire alarm system.
- Covering up the presence of asbestos.
- Neglecting to follow University safety procedures.

***Danger to the Environment:***

- Improper disposal of hazardous materials.

***Miscarriages of justice:***

- Withholding or destruction of evidence.

***Improper or unethical conduct:***

- Being coerced or enticed into keeping quiet about the misuse of University funds or into taking part in wrongdoing.

***Deliberate concealment of any of the above.***

16. **What is the relevant Whistleblowing Legislation?**

The Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998) (“**PIDA**”) promotes accountability and good internal governance by:

- encouraging members of staff to disclose malpractice in the workplace, and employers to solicit and be open to whistleblowing concerns;
- reassuring employees and others that there is a safe alternative to silence; and
- ensuring employers address any wrongdoing properly, rather than taking retribution against the messenger.

**General:** The PIDA protects employees and other workers who disclose specified work-related malpractices, having met certain conditions.

**Scope:** Whistleblowing protection applies to employees (full-time and part-time), agency staff, contractors, home and seconded workers, trainees and NHS professionals. It does not apply to the genuinely self-employed or volunteers. The PIDA covers workers from the beginning of their employment; they do not need to have served a minimum of two years as for other types of employment claim (such as unfair dismissal).

If someone raises a concern with their employer and then subsequently leaves their employment or is dismissed, they could still be protected under the PIDA. Likewise, if someone chooses to leave or is dismissed and later decides to disclose a concern, the PIDA may still protect them if there is a connection between the disclosure and their former employment.

The Whistleblowing Policy goes beyond the PIDA and provides a means of raising concerns to self-employed consultants, interns, students and student union officers, and members of the Board of Governors, as well as current employees and workers.

The PIDA applies whether or not the information concerned is confidential and extends to malpractice occurring in the UK and any other country or territory.

**Type of Disclosure:** To be protected under the PIDA, the disclosure should be a “qualifying disclosure”: ie, the disclosure should relate to crime, civil offences (including negligence, breach of contract, etc), miscarriages of justice, health and safety or environmental offences and the cover-up of any of these. Other disclosures by an employee would not be protected under the PIDA.

**Other Conditions:** In addition, to be protected under the PIDA:

- the employee needs to be able to show that they have a reasonable belief that one of the specified malpractices has taken place, is taking place or is likely to take place, and that its disclosure is in the public interest. It is not necessary for the disclosure also to have been made “in good faith”; and

- the concern should primarily be raised internally with their employer (or with a third party whom the employee reasonably believes is responsible for the wrongdoing). However, it may be disclosed to certain prescribed regulatory bodies (such as HM Revenue & Customs, the Information Commissioner, the Health & Safety Executive or the Financial Conduct Authority) without telling the employer first if the whistleblower reasonably believes that the information and their allegations are substantially true and that the matter is within the area of responsibility of that regulatory body.

A disclosure to other parties (such as the police, MPs, the media and non-prescribed regulators) would still be protected if, in addition to the tests for regulatory disclosures, the whistleblower can demonstrate that they were not acting for personal gain, were acting reasonably and (unless the case was “exceptionally serious”), they either:-

- reasonably believed they would be victimised if they raised the matter internally or with a designated regulator;
- reasonably believed a cover-up was likely and there was no regulator; or
- had already raised the matter internally or with a prescribed regulator.

An employee who makes a public disclosure of this kind is more likely to be protected if there is no internal whistleblowing procedure in place.

**Form of Protection:** An employer is obliged to protect their employee or worker from any detrimental treatment resulting from their making a protected disclosure – “detrimental treatment” would include not just dismissal but also disciplinary action, threats, loss of work or pay, or damage to career prospects. If an employee were dismissed simply for raising a concern, such a dismissal would be automatically unfair. An individual suffering dismissal or some other detriment can bring a claim at an Employment Tribunal for compensation or an interim order against dismissal. Damages would be based on losses suffered and are potentially unlimited.

**Liability:** The Enterprise and Regulatory Reform Act 2013 imposes personal liability on co-workers who victimise or harass whistleblowers, as well as vicarious liability on their employers. Unless an employer has taken reasonable steps (for example, by adopting and communicating an appropriate policy and providing training) to prevent this type of victimisation by co-workers, it will be deemed liable for the acts of its staff.

#### 17. I do not live in the United Kingdom. Where can I get advice and information on Whistleblowing?

Various organisations around the world provide advice and information on whistleblowing. Please contact *Public Concern at Work* (see Question 8) for further information. Otherwise, we suggest you contact a local lawyer in your jurisdiction.

#### 18. I have concerns about another organisation or one of its staff – what should I do?

If you have concerns about a person who works for another employer (for example, where you are in a multi-disciplinary team), you might approach the person directly on an informal basis. If this is not possible or appropriate, you should report these concerns to your line-manager who can then raise them with the manager of the person concerned. Alternatively, you should consult that other organisation’s whistleblowing policies and procedures.