



UNIVERSITY OF  
WINCHESTER

## Whistleblowing Policy and Procedure

<b>Document Title:</b>	Whistleblowing Policy and Procedure
<b>Responsible Role and Department:</b>	Director of People and Culture, People and Culture Team
<b>Approving Body:</b>	University Leadership Team (ULT)
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<p><b>Indicate whether the document is for public access or internal access only.</b></p> <p><b>Indicate whether the document applies to collaborative provision?</b></p> <p><i>(Strikethrough text, as appropriate)</i></p>	<p><b>Public Access</b></p> <p><del><b>Internal Access Only</b></del></p> <p><del><b>Applies to Collaborative Provision</b></del></p>
<p><b>Summary:</b></p> <p>This policy provides a fair and transparent process to raise whistleblowing (i.e. protected disclosure) concerns.</p>	

## **1. INTRODUCTION**

This policy and procedure is intended to encourage openness and communication within the University. It seeks to provide you, and others who come within the scope of the Public Interest Disclosure Act 1998 ('the Act'), with clearly defined routes for disclosing information about wrongdoing in the workplace (commonly referred to as "whistleblowing"), both internally and externally.

We recognise that raising a whistleblowing concern can be daunting. However, we encourage you to report concerns internally as soon as possible where you suspect wrongdoing. We are here to listen and will take all concerns that you raise seriously.

This policy sets out the procedure for raising a whistleblowing concern and the support and protection that is available to you when you do so.

If your concern relates to a personal grievance that is not in the public interest (for example, an allegation of bullying or harassment, or an allegation that your contract of employment has been breached), you should raise it under the appropriate People and Culture Policy (for example, the Bullying, harassment and sexual misconduct policy, the Grievance policy and procedure etc.).

If you are unsure about whether your concerns are best dealt with under this policy or another People and Culture Policy, please speak to a member of the People and Culture Team for further advice.

This policy does not form part of your contract of employment and we reserve the right to amend or withdraw it at any time.

## **2. SCOPE**

This policy applies to all employees and workers employed by us.

Other individuals, including our contractors, subcontractors, suppliers and volunteers are also encouraged to follow the procedure set out in this policy.

## **3. LEGAL CONTEXT**

Whistleblowing is the act of reporting suspected wrongdoing or risk of wrongdoing relating to:

- A criminal offence;
- A failure to comply with a legal obligation;
- A miscarriage of justice;
- A risk to the health and safety of any individual;
- Damage to the environment;
- Sexual harassment; or

- An attempt to cover up any of the above.

In terms of whistleblowing, it is not necessary for you to prove the wrongdoing. However, to be protected by whistleblowing laws, you must reasonably believe that wrongdoing (related to one of the categories listed above) is being, has been, or is likely to be committed, and that your disclosure is in the public interest. Where these elements are met, this is termed as a 'protected disclosure'.

Individual grievances or complaints would not normally be considered whistleblowing, as they relate to you (rather than a wider public interest). As such, individual grievances and complaints are typically dealt with under the University's Grievance Policy and Procedure.

## **4 WHISTLEBLOWING PROCEDURE**

The University provides several routes for you to raise concerns, including this policy. If you are unsure as to how to raise concerns, or which policy to follow, please speak to a member of the People and Culture Team for more advice.

### **STAGE 1 - RAISING A WHISTLEBLOWING CONCERN**

If you have a genuine concern relating to any type of wrongdoing that is covered under this policy, then you should raise it to a member of the University's Executive Leadership Team or with a member of the People and Culture Team.

If you believe it would be inappropriate to disclose your concerns to a member of the University's Executive Leadership Team (for example, if you believe they are involved in the reported wrongdoing), then you should seek advice from the People and Culture Team. Exceptionally, the People and Culture Team may advise raising disclosures directly to the Chair of the Board of Governors, and/or the Chair of the Risk and Audit Committee.

You can raise your concern orally, or in writing. However, we recommend that you raise your concern in writing to ensure that it can be fully understood and investigated. When raising your concern it is important that you set out clearly:

- The details of the suspected wrongdoing;
- The names of any individuals involved, if you know this; and
- And what action (if any) you are seeking.

### **STAGE 2 – RESPONDING TO A WHISTLEBLOWING CONCERN**

Any allegation made under this procedure shall normally be the subject of an investigation. The manager to whom you raise your concern (the 'Commissioning Manager') will decide if an investigation is required and, if it is, the most appropriate

person to conduct it.

In some cases, it may be necessary to ask you to attend a meeting to clarify the nature of your concern. This will be arranged as soon as possible. You may, if you wish, bring a willing work colleague or a trade union representative with you to the meeting. Where it is considered appropriate, a note taker and member of the People and Culture Team may also be present. Appendix A sets out further information on such meetings.

Where an investigation is required, the University's Investigation Policy shall apply. The level of investigation, and the time this will take, will vary depending on the nature of the suspected wrongdoing.

Following the investigation, the Commissioning Manager will inform you in writing, as quickly as possible after completion of the investigation, of the outcome and any next steps or action that will be taken.

If the Commissioning Manager determines that an investigation is not required, they will confirm this to you in writing to you, along with their reasons and any next steps or action that will be taken.

While we aim to provide you with comprehensive feedback, in some cases this may not be possible, for example where data protection rules apply or there are sensitive issues that need to remain confidential.

The Commissioning Manager must also:

- Keep a record of the concern(s) raised and of action(s) taken;
- Share the concern(s), and investigation report (where applicable), with the University's Risk and Audit Committee for assurance purposes.

### **STAGE 3 – APPEAL**

If you are not satisfied with how your concern has been dealt with, then you can raise an appeal to the Chief Operating Officer (the 'Appeal Manager'). Where the Chief Operating Officer has been previously involved in the matter (for example, as a Commissioning Manager) you should appeal to the Vice-Chancellor.

In cases where the Chair of the Board and/or the Chair of the Risk and Audit Committee have acted as Commissioning Manager, please speak to a member of the People and Culture Team for advice on who to address your appeal to.

You can raise your appeal orally, or in writing. However, we recommend that you raise your appeal in writing to ensure that it can be fully understood. It is important that you set out clearly the grounds of your appeal, i.e. the basis on which you consider that your original concern has not been satisfactorily dealt with.

In some cases, it may be necessary for the Appeal Manager to ask you to attend a meeting to clarify the nature of your appeal. This will be arranged as soon as possible.

You may, if you wish, bring a willing work colleague or a trade union representative with you to the meeting. Where it is considered appropriate, a note taker and member of the People and Culture Team may also be present. Appendix A sets out further information on such meetings.

The Appeal Manager will consider your grounds for appeal and review the manner in which your original whistleblowing concern was handled. You will be informed in writing of the outcome as quickly as possible.

Once an appeal has been heard, this concludes the internal whistleblowing procedure.

## **5 RAISING YOUR WHISTLEBLOWING CONCERNS EXTERNALLY**

We encourage you to raise your whistleblowing concerns internally in the first instance using the procedure set out above. This is consistent with the Act, which assumes that colleagues will take advantage of internal procedures before making any external disclosure.

However, if you feel that appropriate action has not been taken, then you can report the matter to the correct prescribed external body or person (see list on [GOV.UK](https://www.gov.uk)).

Note. You should seek external advice if you are thinking of raising your concern with the media as you will not have protection under whistleblowing laws unless certain conditions are met.

## **6 CONFIDENTIALITY AND ANONYMITY**

We want you to feel comfortable about raising a whistleblowing concern openly and actively encourage you to do so.

If you raise a concern under this policy, then you may request that your identity is kept confidential. The University will accommodate this to the extent reasonably practicable, except where this is incompatible with a fair investigation and/or there is a clear and overriding reason for you to be identified. If we need to disclose your identity to anyone, we will notify you beforehand.

In the alternative, you may decide to raise a whistleblowing concern anonymously. You can do this through the University's 'Report and Support' service. You can find further information on Report and Support on the University's website. We encourage anonymous reporting over remaining silent. Although we will investigate any concern that is reported anonymously as best we can, an anonymous report is likely to be more difficult for us to investigate and we will not be in a position to provide you with any feedback.

## **7 OUR COMMITMENT TO YOU**

The Act provides statutory protection for Whistleblowers making a protected disclosure. As such, where you have made a protected disclosure under this policy, you have the right not to be subjected to any detrimental treatment (including being unfairly penalised, disciplined or dismissed) because you have made this disclosure.

More broadly, where you raise a whistleblowing concern in accordance with this policy, we will ensure that you are treated with respect and provided with adequate support and protection.

If you are told not to raise or pursue a whistleblowing concern, or you believe that you have been subjected to detrimental treatment because you have raised a whistleblowing concern, you should report the matter to a member of the People and Culture Team. In the alternative, you can raise it under our Grievance policy and procedure.

Any such behaviour will not be tolerated and may result in disciplinary proceedings.

Equally, if we find that you have knowingly raised false allegations, then this may also result in disciplinary proceedings.

## **8 FURTHER INFORMATION AND SUPPORT**

If you need further guidance or support with this policy and procedure, you can contact a member of the People and Culture Team and/or a trade union representative. Further details of both can be found on the University's Intranet.

External advice is available through the whistleblowing charity Protect, or through Citizens Advice.

The University provides comprehensive support for your wellbeing. Further information can be found in the 'Staff health, wellbeing and stress management policy' or from the University's Intranet.

Related University Policies:

- Bullying, harassment and sexual misconduct policy
- Data protection policy
- Fraud Prevention policy and procedure
- Grievance policy and procedure
- Investigation policy
- Reasonable adjustments policy
- Staff Disciplinary policy and procedure
- Staff Health, wellbeing and stress management policy

## APPENDIX A – PREPARING AND DURING MEETINGS

Your Trade Union or the People and Culture Team can provide you with advice on preparing for meetings, including what to expect during them. Additionally, for managers, template letters, in support of this policy and process, can be accessed from the People the Culture Team.

<b>Reasonable Adjustments</b>
If any aspect of this procedure causes you difficulty either in understanding it or because you need some elements adjusted for example because of a disability or if English is not your first language, you should raise this with an appropriate manager or the People and Culture Team, who will make appropriate arrangements to support you. See the Reasonable Adjustments Policy for more information.
<b>Written invitation and right to representation</b>
At every stage in the formal process, unless mutually agreed otherwise, you will be invited in writing with at least five working days' notice. You have the right to be represented by a willing work colleague or trade union official. Neither can be acting in a legal capacity. We strongly encourage you to seek support from an early outset. Witnesses asked to attend hearings or meetings will be invited in writing with as much notice as possible but they do not normally have the right to representation in these meetings.
<b>Remote proceedings</b>
Where it is not possible to hold a face-to-face meeting or as a reasonable adjustment, meetings can be conducted remotely, normally through video conference. We will ensure that you have access to the necessary technology. Your rights will not be affected, and we will ensure that the procedure remains fair and reasonable.
<b>Written Record of meetings</b>
A written record of all meetings conducted under this procedure will be made, either by the person holding the meeting, a member of the people and culture team or by an additional person arranged by us to take notes. Audio or video recordings of meetings are not normally permitted, unless these are as a pre-agreed reasonable adjustment as a result of written medical advice. Please see the data protection policy, section 5.8 for more information.

**Non-attendance at the meetings**

We would usually re-arrange a meeting, once, if you or your companion/ representative are unable to make it with good cause. If this is the case, we would ask you to inform us of an alternative suitable date as soon as possible, ideally within five working days. If you fail to attend without explanation, or if it appears that you have not made sufficient attempts to attend, the procedure will continue in your absence, based on the documentation available.

Before this decision is taken, however, the manager will try and talk to you about why you cannot attend and to give you an opportunity to submit a written response instead.

<b>Equality Impact Assessment</b>	
Summary of process undertaken to determine equality impacts:	Discussion(s) of application of policy within University across a range of Committees and forums, including with recognised Trade Unions.
University Committee (name/ date) where equality impacts discussed (may be Committee of approval, or another):	Executive Leadership Team (ELT) University Leadership Team (ULT) Trade Union Consultation
<b>Identified equality impact(s) on colleagues and students</b> (i.e. any specific impacts related to this policy that may cause disadvantage for people due to one or more particular protective characteristic)	
Protected Characteristic	Impact(s) identified and any action(s)/mitigation(s) to address these impact(s), as necessary.
Age	No specific impact(s) identified.
Disability	No specific impact but colleagues are reminded to consider reasonable adjustments where required throughout the policy.
Gender Identity	No specific impact(s) identified.
Marriage/Civil Partnership	No specific impact(s) identified.
Pregnancy and Maternity	No specific impact(s) identified.
Race (incl. nationality)	No specific impact(s) identified.
Religion and Belief	No specific impact(s) identified.
Sex	No specific impact(s) identified.
Sexual Orientation	No specific impact(s) identified.