

## Raising Serious Concerns Whistleblowing Policy

October 2019

### 1. Introduction

- 1.1. Lancaster University Students' Union (Students' Union) is a registered charity is committed to ensuring that a safe and supportive environment exists for all Trustees, staff/officers, volunteers, students and visitors to the Union. The work of the Students' Union may include children, young people or adults whose involvement and input to the Union is welcomed, encouraged and appreciated.
- 1.2. The Students' Union encourages an open culture in all its dealings with Trustees, staff, officers, volunteers and all the people with whom we come into contact. The Students' Union's values and codes expect us all to work together, ensuring accountability, integrity and professionalism.
- 1.3. When we see something is wrong we should tell someone, particularly where public interest is at risk. To support this, and to fulfil its legal obligation as a charity, the Students' Union has a policy and process designed to allow people to raise concerns in a way that protects the Students' Union, the public and the person reporting (a person sometimes described as a 'whistle blower').
- 1.4. Effective and honest communication is essential if malpractice is to be effectively dealt with. This policy and procedure provide guidelines to all our staff, officers, volunteers and contractors, who feel they need to raise certain issues in confidence. This document sets out the policy, the associated process and other relevant information.
- 1.5. The Students' Union is confident that matters can be considered and addressed internally but recognises that for legal reasons some public interest concerns may need to be raised outside the organisation.
- 1.6. The Students' Union does not consider it reasonable that the first disclosure of an issue would be via the media or social media.
- 1.7. The Students' Union's policy on whistleblowing is intended to demonstrate that it:
  - 1.7.1. Will not tolerate malpractice
  - 1.7.2. Respects the confidentiality of Trustees, staff, officers and volunteers raising concerns and will provide procedures to maintain confidentiality so far as is consistent with progressing the issues effectively
  - 1.7.3. Will provide the opportunity to raise concerns outside of the normal line management structure where this is appropriate and
  - 1.7.4. Will provide a clear and simple procedure for raising concerns, which is accessible to all Trustees, members of staff, officers and volunteers.

### 2. Protecting Whistle blowers

- 2.1. Whistle blowing can be a very stressful act, and the Students' Union recognises the genuine fears that people may have in terms of the potential negative impact on employment, studies or general wellbeing. Set out below are the measures we take to ensure that no report made in good faith will result in negative reprisal.

2.2. The Students' Union commits to the following:

- 2.2.1. To consider through a robust process, as set out in this document any disclosure of a serious concern about the Students' Union including those involving the public interest,
- 2.2.2. To protect any individual who discloses (whistle blows) from direct, indirect and/or 'soft'<sup>1</sup> retaliation;
- 2.2.3. To continue to enhance its environment so all members of the Students Union and others involved with it can be confident that well-intentioned disclosures are welcomed and reportable without fear of personal consequence.

**3. Who is covered by this Policy**

- 3.1. This policy applies to all staff, students members, associate members and other volunteers with the Students' Union location.
- 3.2. Others for example, contractors, alumni or members of the public are encouraged to make use of this policy, but, while maintaining its legal responsibilities, the Students' Union reserves the right to limit its response.

**4. What is a serious concern/public interest disclosure?**

- 4.1. Whistle blowing can be defined as raising a concern about a wrongdoing within an organisation. The Students' Union has adopted this policy and procedure on whistleblowing to enable Trustees, members of staff, officers, volunteers and visitors to raise concerns in a confidential fashion.
- 4.2. This policy and procedure are designed to deal with disclosure of information by a Trustee, member of staff, officer, volunteer or visitor which relates to some danger, bribery, corruption, fraud or other unlawful or unethical conduct in the Students' Union's governance, projects, activities and services or, its affiliated student groups.
- 4.3. Employment legislation governs the making of disclosures concerning workplace activities and is intended to protect members of staff who blow the whistle on bad practice from being subjected to any detriment or from being unfairly dismissed as a result.
- 4.4. The policy and procedure should be used even in the event that the act or omission causing concern has finished or has not yet started.
- 4.5. A disclosure **of serious concern** is where an individual raises a concern with the belief that, if unaddressed, the matter could have a serious negative impact on the Students' Union as charity. However, the impact would be limited to the Students' Union and Lancaster University community itself and would not have wider public repercussions.
- 4.6. **Public interest** disclosure is legally defined in the Public Interest Disclosures Act (commonly known as the 'Whistle blowing Act' (1998, modified 2013). This Act sets out a framework to promote the responsible and protected disclosure of concerns on the following matters. It is the act of an individual telling the Students' Union of their reasonable belief that the Students' Union, in whole or in part (including an individual):

---

<sup>1</sup> Such as loss of status, responsibilities, overtime opportunities, exclusion, avoidance, 'silent treatment' or undesirable assignments.

- 4.6.1. that a criminal offence has been committed, is being committed, or is likely to be committed
  - 4.6.2. that a person has failed, is failing, or is likely to fail to comply with a legal obligation which they are subject to
  - 4.6.3. that a miscarriage of justice has occurred, is occurring, or is likely to occur
  - 4.6.4. that the health and safety of an individual has been, is being, or is likely to be endangered
  - 4.6.5. that the environment has been, is being, or is likely to be damaged
  - 4.6.6. that information tending to show any matter falling within the matters above has been, is being, or is likely to be concealed
- 4.7. To be clear, this process is to allow individuals to raise serious issues about the Students' Union. It is not a process for management of personal grievances, internal regulatory breaches, or other matters that, while important, are better managed through other Students' Union or University policies, regulations and procedures.
- 4.8. Importantly, whistle blowing is not a means to challenge freedom of expression or speech.
- 4.9. The procedure allows individuals to have their concerns treated in confidence. All concerns must be raised in good faith. Anyone who abuses the procedure (for example by maliciously raising a concern they know to be untrue) will be subject to disciplinary action, as will anyone who victimises a colleague by raising a concern through this procedure.
- 4.10. This policy outlines the procedures that are in place in the Students' Union that enable any Trustee, member of staff, officer, volunteer or visitor to raise a legitimate concern regarding possible malpractice.
- 4.11. In line with the Safeguarding Policy all Trustees, members of staff, officers and volunteers must be mindful of their responsibility to safeguard and promote the welfare students and visitors. Issues of student welfare must always be of paramount importance.
- 4.12. Trustees, staff, officers and volunteers should try not to think '*What if I am wrong?*' but rather '*What if I am right?*' This policy aims to make explicit Students' Union's commitment to safeguarding and the development of good practice and appropriate procedures.

## 5. Safeguarding

- 5.1. *Safeguarding is Everyone's business – Lancaster University Students' Union is committed to safeguarding and promoting the wellbeing of all children and adults and expects all Trustees, staff/officers, and volunteers to share this commitment.*
- 5.2. Nothing within this policy is intended to prevent staff from complying with their statutory obligations in accordance with legislation and guidance. In particular:
  - 5.2.1. **Safeguarding Policy:** A Trustee, member of staff, officer or volunteer should raise any initial safeguarding concerns with the Designated Safeguarding Lead (or Deputies) in accordance with Students' Union's Safeguarding Policy and Procedures.

5.2.2. **Whistleblowing Policy:** A Trustee, member of staff, officer or volunteer should follow this procedure to raise concerns about poor or unsafe practices within the Students' Union or potential failures by Students' Union Trustees, staff, officers or volunteers to properly safeguard the welfare of children or adults if they are concerned Students' Union Safeguarding Policy and Procedures are not being followed correctly.

## 6. Reporting, Anonymous Reporting and Confidentiality

- 6.1. Trustees, members of staff, officers and volunteers who wish to raise a concern under this policy and procedure are entitled to have the matter treated confidentially insofar as possible. Rules of confidentiality apply, and any information is shared only with those who have a legitimate interest. The Students' Union always encourages people to provide their personal details and is committed to protecting disclosers from retaliation. However, owing to the recognised potential negative impact of whistle blowing, the Students' Union will allow anonymous reporting within this process.
- 6.2. The Students' Union accepts four kinds of reporting and treats all of them seriously. However, by their nature some kinds of reporting will limit the actions the University can take. The four types of reporting are as follows.
  - 6.2.1. **Fully disclosed reporting.** In this report the whistle blower allows full information, as relevant to the matter, to be disclosed to all parties involved (name, role, location, etc.). There are no limitations to the process under this kind of reporting and it will always be the Students' Union's preferred arrangement.
  - 6.2.2. **Limited disclosure.** In this report the whistle blower allows some information, such as role or location, to be disclosed, but only the person to whom the disclosure is made knows the name of the discloser. Under this arrangement action can only be taken where there is a clear case presented by the whistle blower that (a) warrants the investigation and (b) it is clear that evidence can be provided that either does not contain the personal information of the whistle blower or can be redacted so that the personal information cannot be identified without compromise.
  - 6.2.3. **No disclosure.** In this reporting only the person to whom the disclosure is made knows any of the personal information of the discloser. Under this arrangement the same limitations as in 2 apply, but with a higher amount of redaction likely to be required that could further compromise the evidence.
  - 6.2.4. **Fully anonymous.** No one knows the identity of the discloser. The Students' Union will consider such disclosures but will only take them forward where there is a compelling rationale to do so.
- 6.3. Any one disclosing under arrangements 6.2.2 -6.2.4 above can agree a more open reporting arrangement at any time. Where more open reporting will enhance the likelihood of a successful outcome this will be discussed with the discloser (except where not possible under the fourth option), but at no point is the discloser under any obligation to change the reporting arrangements.
- 6.4. Where a discloser wants to remain anonymous, the Students' Union will respect this to the fullest extent permissible by law. However, there would be some situations where the Students' Union would need to act on information provided even if this meant compromising the identity of the source.

- 6.5. For the avoidance of doubt, no one can be contractually obligated to make a disclosure and no management instruction should be given requiring them to do so.
- 6.6. As stated above, the Students' Union will do what it can under law to protect a person's anonymity. However, the Students' Union cannot guarantee that people will not speculate, particularly where the issues come into the public sphere. Where a person is inadvertently identified the Students' Union will act to protect the individual from reprisal.
- 6.7. Trustees, members of staff, officers or volunteers who are concerned about possible reprisals if their identity is revealed should make this known when raising their concerns. If there is evidence of criminal activity then the Police will in all cases be informed.

## **7. Whistle blowing Procedure**

### **7.1. Stage One**

- 7.1.1. When someone sees that something might be wrong the Students' Union hopes that the person will have the confidence to raise it with someone who is in a position to address the issue. This may be a line manager, Officer or staff contact or other such person. Working with that person, they may be able to resolve the issue quickly and informally. Alternately, they may be advised that they need take it to a higher level (stage two) and hopefully will be supported to do so.
  - 7.1.2. If someone is unable to raise the concern in accordance with 7.1.1. they are entitled to go directly to stage 2.
  - 7.1.3. The Students' Union will:
    - 7.1.3.1. give them information on the nature and progress of any enquiries
    - 7.1.3.2. take action to protect them from harassment or victimisation
    - 7.1.3.3. provide mediation and dispute resolution if appropriate do its best to protect their identity if they do not want their name disclosed (although this might not be possible in all cases, especially if a signed statement is needed from them in order to address the concern via another procedure, e.g. the disciplinary procedure); and
    - 7.1.3.4. take no action against them, if they raise a concern, in good faith, that is later confirmed to be unfounded.
  - 7.1.4. The Students' Union has a duty to follow up on concerns raised under the Whistleblowing Policy. The Students' Union will make initial enquiries (usually involving a meeting with the whistle-blower), to decide whether an investigation is required and what form it should take. For example, the matter raised may:
    - 7.1.4.1. be resolved simply without the need for further investigation
    - 7.1.4.2. be investigated internally by an appropriate manager, e.g. a member of the Management Team
    - 7.1.4.3. be referred to the Local Authority Designated Officer for advice
    - 7.1.4.4. be referred to the Police
    - 7.1.4.5. form the subject of an independent inquiry
- 7.2. Ordinarily within seven working days of the whistle-blower's concern being received, the person receiving the concern will send the whistle-blower a written response which will:
- 7.2.1.1. acknowledge that the concern has been received
  - 7.2.1.2. indicate how they propose to deal with the matter
  - 7.2.1.3. give an estimate of how long it will take to provide a final response; and/or

- 7.2.1.4. indicate whether any initial enquiries have been made, and whether further investigations will take place
- 7.2.1.5. explain the reasons for not investigating further if that is the decision; and/or
- 7.2.1.6. indicate when the whistle-blower can expect to receive further details, if the situation is not yet resolved

### 7.3. Stage Two

- 7.4. Where a person feels uncomfortable or unable to speak to a line manager, Officer or staff contact (including in order to protect anonymity), has done so but is not satisfied with the outcome, or considers/has been told that the matter is more serious, a disclosure should be made to the following persons, depending on the nature of the issue. They can expect a response detailing any action taken within seven days of these staff becoming aware of the disclosure.

If the issue is primarily financial:

Jane Morgan Jones, Financial Controller and Director of Finance.  
B Floor  
Students' Union  
Bowland Main  
Lancaster University  
LA1 4YT

Telephone: 01524 592212

Email: [j.morganjones@lancaster.ac.uk](mailto:j.morganjones@lancaster.ac.uk)

If the issue is primarily non-financial:

Misbah Ashraf, Head of Marketing & Organisational  
B Floor  
Students' Union  
Bowland Main  
Lancaster University  
LA1 4YT

Telephone: 01524 510418

Email: [misbah.ashraf@lancaster.ac.uk](mailto:misbah.ashraf@lancaster.ac.uk)

- 7.5 **Stage 3:** Should, for whatever reason, the person making the disclosure consider neither of these persons appropriate, a disclosure should be made to the Vice Chair of the Trustee Board who is the Designated Trustee for Safeguarding, Whistleblowing and Concerns.

Graeme Osborn

[g.osborn@lancaster.ac.uk](mailto:g.osborn@lancaster.ac.uk)

- 7.6 **Stage four:** If the whistle-blower does not receive a response within seven days, they shall be entitled to notify a relevant and appropriate body outside of the Students' Union which may include the Police, Charity Commission, Environment Agency or Health and Safety Executive.

## **8. Raising Concerns About the Students' Union to Lancaster University**

- 8.1. The Students' Union and University are separate legal entities and accountable to different regulators. The University is not a prescribed whistleblowing body for the Students' Union.
- 8.2. However, the University does have some legal obligations relating to the Students' Union deriving from the Education Act 1994 Section 22. These are to take steps which are reasonably practical to ensure the following requirements are observed:
- 8.2.1. That there is a written constitution/Articles of Association approved by the University Council and reviewed every 5 years
  - 8.2.2. Student Member of Students' Union Opt Out without disadvantage
  - 8.2.3. Free and fair elections for Full Time Officers by secret ballot
  - 8.2.4. Proper conduct of financial affair and budget approval
  - 8.2.5. Financial and Annual Reporting
  - 8.2.6. Procedure for allocation of funding to student groups
  - 8.2.7. Publications of affiliations and submitted to members for approval

- 8.3. This should be done to the:

The Lancaster University Whistle Blowing Officer (students)  
John Dickinson, University Complaints Co-ordinator  
Telephone: 01524 592365  
Email: [j.dickinson@lancaster.ac.uk](mailto:j.dickinson@lancaster.ac.uk)

## **9. External Procedures**

- 9.1. In extreme circumstances a Trustee, member of staff, officer or volunteer will have the right to raise a concern directly with a relevant and appropriate outside body without first having followed the stages above.
- 9.2. This may however cause damage to the Students' Union and its reputation as well as constitute a breach of the whistle-blower's own duty of confidentiality towards the Students' Union and this action should only be taken in extreme circumstances and after careful thought.
- 9.3. The Students' Union will consider extreme circumstances exist where the whistle-blower has a reasonable belief that Students' Union will subject them to detriment if they inform the member of the Management Team in accordance with Stage two of the procedures or if they inform the Vice Chair of the Board of Trustees with Stage three or a cover-up is being mounted by the Students' Union or a disclosure made previously to the line manager or member of the Management Team or Chief Executive Officer in accordance with the stages of the procedure has not prompted a satisfactory response.

## **10. Whistle blowing to a Prescribed Person**

- 10.1. If you do not want to report your concern to your employer, for example you can get independent legal advice or tell a prescribed person or body. If you tell a [prescribed](#)

[person or body](#), it must be one that deals with the issue you're raising. The following link provides a list of the prescribed persons and bodies who you can make a disclosure to. There is also a brief description about the matters you can report to each prescribed person.

10.2. There is an independent charity, Public Concern at Work (PCAW) that can be contacted via its [website](#) or by telephone (0207 404 6609).

## **11. Advice and Support**

11.1. Jointly employed staff of the Students' Union and University who would like advice and support can seek it via the [Employee Assistance Programme](#), via their trade union, or via their professional body .

11.2. Students who would like support can seek it from the University's Student Based Services Team on the implementation of this policy or via the National Union of Students.

11.3. In general the following advice is offered.

11.3.1. The sooner a disclosure is made the better. While delays may be reasonable, they also can lead to misinterpretation of motivation.

11.3.2. Be accurate and, where possible, either provide evidence or clearly indicate where it can be found.

11.3.3. Be precise; provide constructive context but do not embellish the facts.

11.3.4. Be professional; do not be uncritically negative or express strong or antagonistic personal opinions.

11.3.5. Be structured; set out the case in a logical way using headings and other indicators to aid the reader's understanding.

11.3.6. If the case is dependent on the testimony of others be confident they will provide it (note, the University had no powers to compel testimony).

## **12. Reporting outcomes**

12.1. Once concluded, a report of all disclosures and their outcomes will be made to the Chair and Vice Chair of the Trustee Board who at their discretion, will report matters of interest to the Trustee Board.

## **13. What the whistle blower can and cannot be told**

13.1. A whistle blower clearly has an interest in knowing the outcome of an investigation and any subsequent actions. Unless there is good reason, whistle blowers (unless wholly anonymous) will be told: (a) if an investigation was conducted, (b) if that investigation led to action being taken and (c) any actions taken which can be shared without breaching data protection requirements.

## **14. Using the media and social media**

14.1. The Students' Union recognises no valid reason why a person should disclose via the media or social media without first having given the Students' Union the opportunity to address the issue through its internal processes or through the external prescribed person route. To do so is to assume culpability without due process.

14.2. Before going to the media or social media a person should be aware that this would, in most cases, forfeit legal protection under the Public Interest Disclosure Act. The Students' Union also reserves the right, particularly if the allegation proves to be false, to consider the matter as an attempt to bring the Students' Union into disrepute.

## **15. Record Keeping**

15.1. Records of disclosure, the associated process and outcomes will be kept in centrally. These will be retained for the duration of the process and any subsequent actions or procedures, internal or external. Usually, records of disclosure would be retained only until the investigation or disciplinary process is completed. Should a case be subject to criminal proceedings, the information will be retained for 7 years after the end of the criminal case. This is the longest period the Students' Union will retain disclosure data.

15.2. Following completion of procedures basic information will be retained to support business operations and archival purposes, including protection of the whistle blower from retaliation.

15.3. Records of disclosure will not be kept on formal staff or member records.

## **16. Oversight and Review**

16.1. The Students' Union Board of Trustees will maintain overall responsibility for this policy and associated process, with no amendments made to it without Trustee Board Approval. Oversight of the implementation of the policy and associated process will rest with the Governance Sub Committee

16.2. The Chief Executive will maintain responsibility for operation of this policy and associated process, working with Management Team and others as required for its proper implementation.

16.3. Periodic audits of the effectiveness of this policy and associated process will be conducted, reporting to Governance Sub Committee with any recommendations for change going to Trustee Board for approval.