Public Interest Disclosure (Whistleblowing) Policy

1. Introduction

The University is committed to conducting its affairs to the highest standards of honesty and integrity, and seeks to conduct its affairs at all times in a responsible manner, having regard to the requirements of the funding bodies and the standards in public life. 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.

2. Purpose

The aims of this policy are:

- To provide an internal mechanism for reporting, investigating and remedying any suspected wrongdoing or dangers at the University.
- To encourage individuals to report suspected wrongdoing or dangers at work 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.
- To reassure individuals that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken.
- To provide guidance as to how to raise concerns.

3. Scope

Whistleblowing is disclosure of information which relates to suspected wrongdoing or dangers at **work**, as defined by the Public Interest Disclosure Act 1998 (the 'Act'). Under the Act, **a worker** may not be subject to any detriment (including dismissal) for disclosing information **to their employer** (and in certain circumstances to others) as set out below.

The Act specifies that any disclosure of information, which in the reasonable belief of the individual making the disclosure tends to show one or more of the list below, is a protected disclosure:

a) that a criminal offence has been committed, is being committed or is likely to be committed,

b) that a person has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject,

c) that a miscarriage of justice has occurred, is occurring or is likely to occur,

d) that the health or safety of any individual has been, is being or is likely to be endangered,

e) that the environment has been, is being or is likely to be damaged,

f) that information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed, or

g) that sexual harassment as defined in section 26(2) of the Equality Act 2010 has occurred, is occurring or is likely to occur;

An individual who has a reasonable belief that a wrongdoing has or may be committed and raises a genuine concern relating to any of the above, believing that the concern is in the public interest, is a whistleblower and is protected under this policy. Any individual who has such a concern should report this as soon as possible in accordance with this policy.
This whistleblowing policy should not be used for complaints relating to an individual's own personal circumstances and covered by the University's Grievance Policy for employees, such as concerns related to the way that they believe they have been treated at work or, if a student, a complaint about any aspect of student life or an academic appeal (where the student complaint procedure should be followed).
This policy may not be used to re-open or review a matter already decided in such procedures.

If you are uncertain whether something is within the scope of this policy you should seek advice from the University Secretary university.secretary@cumbria.ac.uk. If a potential disclosure involves or implicates the University Secretary, then it should be made via whistleblowing@cumbria.ac.uk which alerts the Head of Internal Audit (outsourced to Uniac) and the Chair of the Audit and Risk Committee of University Board.

Investigation of matters raised under this policy may subsequently lead to the matter being pursued through other University policies or procedures.

This policy applies to employees of the University, members of the University Board and its committees, anyone else working for the University, including associates, temporary and agency workers and others working under a contract for services. Students, other than postgraduate research students, are not included in the scope of this policy as they do not meet the definition of worker used in the Act. Where a student meets one of the other definitions above (such as where they are employed) the policy will apply to them. 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 who make disclosures that would normally be covered by the whistleblowing legislation.

4. Policy

The University encourages individuals to report suspected wrongdoing or dangers at work. The protections and confidentiality of such disclosures are as set out below. Concerns will be taken seriously and investigated as appropriate.

4.1.Confidentiality

All disclosures made in accordance with this policy will be handled in a sensitive manner. The identity of an individual making a disclosure will, where requested to be and possible, be kept confidential to the extent that the maintenance of such confidentiality does not hinder or frustrate any related investigation. However, the course of investigation may inevitably lead to the need for the individual making the disclosure to provide a statement as part of the necessary gathering of evidence and could lead to the identity of the individual making the disclosure being revealed.

4.2. Protection

The University will not tolerate harassment or victimisation as set out in the University's Bullying and Harassment Policy, and will, where appropriate, take action to protect any individual making a disclosure under this policy. If an individual believes that they have

suffered detrimental treatment as a result of raising a genuine concern under this policy, they should inform the University Secretary immediately.

The University will not, however, tolerate individuals who maliciously make false allegations (or persist with allegations of a vexatious nature) or with a view to personal gain, and in such circumstances disciplinary action will normally be taken, where appropriate, against the individual involved.

4.3. Anonymous Allegations

The University does not encourage the making of anonymous allegations; it encourages individuals to put their names to any disclosures made. Where allegations are made on an anonymous basis this is likely to hinder the University's ability to fully investigate matters. The University will only consider anonymous disclosures in exceptional circumstances, and any decision to consider an anonymous allegation will be at the absolute discretion of the University. In exercising this discretion, factors to be taken into account will include:

- The seriousness of the issues raised.
- The credibility of the concern.
- The likelihood of confirming the allegation from attributable sources.

4.4. Sexual Harassment Disclosures

For the purposes of section 3 (g), sexual harassment disclosures shall be afforded the same protections and procedural safeguards as all other qualifying disclosures under this policy.

The disclosure must be made in the reasonable belief that it is in the public interest. Workers making disclosures relating to sexual harassment shall be protected from detriment in accordance with the provisions of the Employment Rights Act 1996 as amended.

The provisions relating to sexual harassment as a qualifying disclosure shall take effect from 6 April 2026 in accordance with the Employment Rights Act 2025.

5. Process for Raising a Concern

An individual should raise any concern with the 'designated person' which is the University Secretary via university.secretary@cumbria.ac.uk . If a disclosure involves or implicates the University Secretary, then it should be made via whistleblowing@cumbria.ac.uk which alerts the Head of Internal Audit (outsourced to Uniac) and the Chair of the Audit and Risk Committee of University Board. A decision will be made by the recipients as to who is to act as the 'designated person' in such a case.

If the individual making the disclosure wishes their identity to remain confidential they must make this clear at the point of disclosure. Their identity will need to be disclosed to the designated person and investigating officer, once appointed, if the case is to be taken forward to an investigation.

The individual making a disclosure will not be expected to prove the truth of any allegation but sufficient information should be contained in the disclosure to demonstrate that the individual has a genuine concern of suspected wrongdoing.

6. Process

On receipt of a disclosure the designated person (usually the University Secretary as set out above) will brief relevant individuals as follows:

- The Vice Chancellor. The only exception to this is when the allegation relates to the Vice Chancellor.

- Where the Vice-Chancellor or a member of University Board is the subject of disclosure, the designated person will brief the Chair of University Board, except in cases of financial impropriety, when the Chair of the Audit and Risk Committee will be briefed, copied to the Chair of University Board.

- Where the Chair of University Board is the subject of disclosure, the designated person shall brief the Vice Chancellor and Chair of Audit and Risk Committee.

The designated person will consider the matters disclosed and, if there is a prima facie case that there are grounds for proceeding further i.e. the matters fall within the policy (see section 2), they will:

- Decide whether an investigation should be conducted.
- Appoint an investigating officer to carry out the investigation and provide a report.
- On receipt of the report, determine whether the matter should be taken further and, if so, how it should be handled. Taking the matter further may include the initiation of formal procedures within the University, reference to an outside agency or the agreement of actions to stop the matter occurring again.
- Advise the Vice-Chancellor of the outcome, unless they were the subject of the disclosure, in which case the same individuals as were briefed will be informed of the outcome.
- Prepare a summary outcome report which will be reported to Audit and Risk Committee and, where deemed appropriate, the individual who made the disclosure. If the summary outcome report is not appropriate to be shared with the individual who made the disclosure, the designated person will write to the individual providing what can be shared regarding the outcome of the investigation.

Where the disclosure relates to an individual who is a member of a registered body the University will inform the body of the matter at the appropriate point in the process, as advised by the body's requirements (noting that this can be prior to any investigation).

The investigating officer will observe the rules of procedural fairness and natural justice, namely that they should have no personal interest in the outcome of the case and that there should be no real likelihood of bias. A member of staff from the University, or from the University's internal auditors or any other appropriate external body, may be the investigating officer.

The investigation is likely to start with the investigating officer meeting with the individual that made the disclosure. The individual may be accompanied by a trade union representative or colleague. Following the meeting any required investigation will be carried out.

When an allegation is made against a 'named individual' they will be informed of the allegation and supporting evidence, subject to the allegation not being of a matter that could require police referral. The point at which this occurs will depend on the specific nature of the case. They will be given an opportunity to respond either in writing or orally and, if interviewed about the matter, will be given an opportunity to be accompanied by a trade union representative, or colleague, not involved in the area of university activity subject to the disclosure.

Where a disclosure is made and retracted, the designated person withholds the right to continue to pursue the matter.

7. Appeal

If the individual that made the disclosure is not satisfied with the outcome they can appeal to the Chair of Audit and Risk Committee via whistleblowing@cumbria.ac.uk. Grounds for an appeal are limited to perceived procedural irregularity or new evidence not previously available. Any appeal must be made within 30 calendar days of receiving the outcome. It is the Chair of Audit and Risk Committee's decision as to how to progress any appeal.

The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any suspected wrongdoing at the University. In most cases individuals should not find it necessary to alert anyone externally. If the individual that raised the concern does not reasonably believe that appropriate action has been taken in relation to their disclosure, then they may raise it to an external body such as a regulator. It will very rarely, if ever, be appropriate to alert the media. The University would encourage members of staff to seek advice before reporting a concern to anyone external. Advice is available from your trade union representative, or the independent whistleblowing charity, Protect (formerly Public Concern at Work), who operate a confidential helpline http://www.pcaw.co.uk/

8. Roles and Responsibilities

Chair of University Board

Receive briefings and outcome reports for any disclosure that implicates the Vice-Chancellor or a member of University Board, or involves financial impropriety.

Chair of Audit and Risk Committee

Provide approval of the policy and oversight of its implementation.

In any case where the University Secretary is implicated, receive disclosures, along with the Head of Internal Audit, and agree who is to be the designated person.

Receive briefings and outcome reports for any disclosure that implicates the Vice-Chancellor or a member of University Board and relates to potential financial impropriety, or where the Chair of University Board is the subject of disclosure.

Receive, and determine the action to be taken, in relation to any appeal.

Vice Chancellor

Receive briefings and outcome reports for any disclosure within which they are not personally implicated.

University Secretary

The designated person for all disclosures other than any that they are implicated within.

Responsibilities to:

- Determine if there is a prima facie case to be investigated.
- Undertake the process, as detailed in section 6, if there is a case to be investigated.
- Report to Audit and Risk Committee on the operation of the policy

Head of internal audit

In any case where the University Secretary is implicated, receive disclosures, along with the Chair of Audit and Risk Committee, and agree who is to be the designated person.

Undertake investigations as requested.

9. Related Policies and Procedures

The legislation: Public Interest Disclosure Act 1998, Equality Act 2010 and Employment Rights Act 2025 (legislation.gov.uk)

Government 'Whistleblowing for employees' guidance: Whistleblowing for employees: What is a whistleblower - GOV.UK (www.gov.uk)

10. Approval, Publication, Implementation & Review

This policy requires approval from Audit and Risk Committee, following the appropriate approval by the executive.

The policy is the responsibility of the University Secretary, in liaison with the Director of People and Culture. It is published on the Vice Chancellor's Office SharePoint mini-site.

The policy should be communicated via the staff Global on a regular basis.

The policy will be reviewed and re-approved every three years, with a light touch review to update administrative matters such as role titles, on an annual basis.

11. Document Control Information

Document Name	Public Interest Disclosure (Whistleblowing) Policy
Owner	Jean Brown, University Secretary, VCO
Document Location	VCO mini-site
Lead contact	Jean.brown@cumbria.ac.uk
Approved By	Audit and Risk Committee
Approval Date	25 June 2026
Version Number & Key Amendment	2.0
Date of Last Review	June 2026
Date for Next Review	June 2029
Related University Policy Documents	University's Grievance Policy student complaint procedure
For Office Use – Keywords for search function	