

Public Interest Disclosure (Whistleblowing) Policy

1. Introduction

1.1 York St John University (YSJ) is committed to conducting its business with honesty and integrity, and all staff and students are expected to maintain those standards. 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 to prevent such situations occurring or to address them when they do occur.

1.2 Whistleblowing law in the UK (the Public Interest Disclosure Act 1998) protects the following people working within the University, and this policy applies to these categories:

- a. All individuals employed by YSJ at all levels of the organisation ('staff').
- b. Other individuals with a contractual relationship with YSJ, including workers, consultants, contractors, casual or agency staff and apprentices employed by the University ('other individuals')
- c. Former members of staff where the matter is related to their time in employment at YSJ ('former members of staff').

1.3 In addition, the following people are also able to use this policy to make a disclosure:

- a. Registered students of YSJ ('students').
- b. YSJ governors and co-opted members of governing body committees ('Governors').
- c. Those who volunteer at YSJ ('volunteers').
- d. Visiting speakers, where the concern relates to their engagement with YSJ.

1.4 The aims of this policy are:

- To encourage those to whom the policy applies to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate.
- To provide those to whom the policy applies with guidance as to how to raise those concerns.
- To reassure those to whom the policy applies that they should be able to raise genuine concerns in good faith without fear of reprisals, even if they turn out to be mistaken.

1.5 In fulfilling its obligations under the Higher Education (Freedom of Speech) Act, 2023, the University will ensure that this policy, and all related processes, are consistent with, and do not unduly restrict, lawful freedom of speech or academic freedom.

1.6 This policy does not form part of any employee's contract of employment or a student's terms and conditions, and it may be amended at any time.

2. What is Whistleblowing?

2.1 "Whistleblowing" is the disclosure of information which relates to suspected wrongdoing or dangers at work. This may include:

- criminal activity;
- miscarriages of justice;
- danger to health and safety;
- damage to the environment;
- failure to comply with any legal or professional obligation or regulatory requirements;
- bribery;
- financial fraud or mismanagement;
- negligence;
- breach of our internal policies and procedures including our Code of Conduct or our Code of Practice on Freedom of Speech and Academic Freedom;
- conduct likely to damage our reputation;
- unauthorised disclosure of confidential information;
- the deliberate concealment of any of the above matters.

2.2 A whistleblower is a person who raises a genuine concern in good faith relating to any of the above. If you have any genuine concerns related to suspected wrongdoing or danger affecting any of YSJ's activities (a "whistleblowing concern") you should report it under this policy.

2.3 This policy should not be used for complaints relating to your own personal circumstances. In those cases, you should use the Staff Grievance Procedure or the Student Complaints Procedure as appropriate.

2.4 If you are uncertain whether something is within the scope of this policy you should seek advice from the University Secretary & Registrar, who is the University's designated officer; and whose contact details are at the end of this policy.

3. Raising a Whistleblowing concern

3.1 To raise a whistleblowing concern you should contact the University Secretary & Registrar by one of the means listed at the end of this policy. The Head of Governance and Compliance will act as the University Secretary and Registrar's deputy for the purposes of this policy.

3.2 If the concern you wish to make is about the University Secretary & Registrar, then you should contact the Vice Chancellor by one of the means listed at the end of this policy.

- 3.3 If you are concerned about raising the issue with a member of university staff, the contact details of the Chair of the Board of Governors and the Chair of the Audit and Risk Committee are listed at the end of this policy.
- 3.4 It is hoped that those to whom the policy applies will feel able to voice whistleblowing concerns openly under this policy. However, if you want to raise your concern confidentially, every effort will be made to keep your identity confidential. If it is necessary for anyone investigating your concern to know your identity, this will be discussed with you.
- 3.5 Those to whom the policy applies are not encouraged to make disclosures anonymously. Proper investigation may be more difficult or impossible if further information cannot be obtained from you. It is also more difficult to establish whether any allegations are credible and have been made in good faith. Whistleblowers who are concerned about possible reprisals if their identity is revealed should come forward to the University Secretary & Registrar or one of the other contact points listed at the end of this document and appropriate measures can then be taken to preserve confidentiality. If you are in any doubt, you can seek advice from Protect, the independent whistleblowing charity, which offers a confidential helpline. Their contact details are at the end of this policy document.

4. Whistleblowing Investigations

- 4.1 After you have contacted the Designated Officer, a meeting will be arranged as soon as is feasible to discuss your concern. You may choose to bring someone with you to any meetings held under this policy, as follows:

Attendee	Representative who can also attend
Member of staff	Colleague, union representative
Student	Member of staff, fellow student, representative from student union
Individual, Volunteer, former member of staff	Member of staff
Governor	Another governor

Your companion must respect the confidentiality of your disclosure and any subsequent investigation.

- 4.2 A written summary of your concern will be taken and a copy provided to you after the meeting.
- 4.3 Following this, an initial assessment to determine the scope of any investigation will be carried out. You will be informed of the outcome of the assessment. You may be required to attend additional meetings to provide further information.
- 4.4 In some cases, an investigator or team of investigators including staff with relevant experience of investigations or specialist knowledge of the subject matter may be appointed. The investigator(s) may make recommendations for change to minimise any risk of future wrongdoing.

- 4.5 You will be kept informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent disclosure of specific details of the investigation or any disciplinary action taken as a result. You should treat any information about the investigation as confidential.
- 4.6 If it is concluded that a whistleblower has made false allegations maliciously, in bad faith or with a view to personal gain, the whistleblower may be subject to disciplinary action if applicable.

5. If you are not satisfied

- 5.1 Whilst YSJ cannot always guarantee the outcome you are seeking, your concern will be dealt with fairly and appropriately. By using this policy, you can help us to achieve this.
- 5.2 If you are not happy with the way in which your concern has been handled, you can raise it with one of the other key contacts outlined at the end of this document. Contact details are set out at the end of this policy document. It will rarely, if ever, be appropriate to alert the media.
- 5.3 The law recognises that in some circumstances it may be appropriate for you to report your concerns to an external body such as a regulator. If you consider that this may be appropriate, you are encouraged to seek advice, for example from the independent whistleblowing charity Protect.
- 5.4 Whistleblowing concerns may sometimes relate to the actions of a third party, such as a supplier or service provider. The law allows you to raise a concern in good faith with a third party where you reasonably believe it relates mainly to their actions or something that is legally their responsibility. However, you are encouraged to report such concerns internally first.

6. Protection of, and support for, Whistleblowers

- 6.1 It is understandable that whistleblowers are sometimes worried about possible repercussions. Support will be given to those to whom the policy applies who raise genuine concerns in good faith under this policy, even if they turn out to be mistaken.
- 6.2 The whistleblower must not suffer any detrimental treatment as a result of raising a concern in good faith. Detrimental treatment under the law includes unfair dismissal or suffering a detriment including a reduction in hours, bullying, harassment, unfavourable treatment or disciplinary action. If you believe that you have suffered any such treatment, you should inform the University Secretary & Registrar as soon as practicable and/or consider raising the matter using the Staff Grievance Procedure or the Student Complaints Procedure as appropriate.
- 6.3 The University will also seek to ensure that Whistleblowing cases do not lead to any undue restrictions on lawful freedom of speech and academic freedom.
- 6.3 Any member of staff or student involved in threatening or acts of retaliation against whistleblowers may be subject to disciplinary action.

7. Responsibilities

- 7.1 The Board of Governors has overall responsibility for this policy, for reviewing the effectiveness of actions taken in response to concerns raised under this policy and for ensuring compliance with related duties, including under the Higher Education (Freedom of Speech) Act, in the context of this policy.
- 7.2 The University Secretary & Registrar has day-to-day operational responsibility for this policy and must ensure that all managers and other staff who may deal with concerns or investigations under this policy are appropriately briefed.
- 7.3 The Head of Governance and Compliance will act as the University Secretary & Registrar's deputy for the purposes of this policy.
- 7.4 The University Secretary & Registrar, in conjunction with the Board of Governors, will review this policy from a legal and operational perspective at least every three years.
- 7.5 All those to whom the policy applies are responsible for the success of this policy and should ensure that they use it to disclose any suspected danger or wrongdoing.

Contacts

- University Secretary and Registrar: Kathryn Kendon, 01904 876027, us@yorks.ac.uk
- Head of Governance and Compliance: Mia Bryden, m.bryden@yorks.ac.uk
- Vice Chancellor: Professor Karen Bryan, 01904 876600, vc@yorks.ac.uk
- Chair of the Board of Governors: Dame Julia Unwin, Private & Confidential c/o York St John University, Lord Mayor's Walk, York, YO31 7EX
- Chair of Audit & Risk Committee: Jennifer Adams, Private & Confidential c/o York St John University, Lord Mayor's Walk, York, YO31 7EX
- External Auditors: BDO, Private & Confidential c/o York St John University, Lord Mayor's Walk, York, YO31 7EX
- Protect (Independent Whistleblowing Charity): Helpline: 020 3117 2520, website: <https://protect-advice.org.uk/>, online form: <https://protect-advice.org.uk/contact-protectadvice-line/>

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