

# WHISTLEBLOWING POLICY



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<b>Executive Sponsor</b>	Chief Operating Officer
<b>Officer Responsible for Policy/ Procedures</b>	General Counsel
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## The University's Whistleblowing Policy

Our values and culture are vital to the successful delivery of the Aston University Strategy 2018 to 2023. The University recognises its responsibility to be an exemplar of behaviour and conduct in all that it does and aspires to lead the HE sector in terms of its approach to ethical corporate practice.

The University's reputation and the trust of its beneficiaries and stakeholders are among its most important assets – although these take a long time to attain they may be lost very quickly. Acting with integrity is not only the right thing to do, it protects the interests of our beneficiaries; improves our performance; and positions us in good standing in an increasingly competitive and complex global higher education market. All members of the Aston community have an important role to play in achieving this goal and creating a culture where ethical conduct is the norm.

From time to time we all may have concerns about what is happening at the University. Normally such concerns can easily be resolved. But when they are about breaches of the law, serious misconduct by another person, health and safety or financial malpractice, it can be difficult to know what to do.

This Policy reflects our collective commitment to the development of a trusting, open and transparent culture in which all members of the Aston community are encouraged and supported to raise concerns about possible illegal, dishonest, unethical or inappropriate behaviour at the earliest opportunity. The Policy seeks to ensure that individuals are treated fairly, with empathy and consideration, when they raise a concern. It also provides advice on whom to approach for advice and support.

If in doubt – do not hesitate to 'SPEAK UP, SPEAK OPENLY'!

A handwritten signature in black ink that reads "Alec Cameron". The signature is written in a cursive style with a long horizontal line extending from the end of the name.

Professor Alec Cameron,  
Vice-Chancellor and Chief Executive  
November 2021

# 1. INTRODUCTION

- 1.1** This Whistleblowing Policy provides a confidential and secure means by which members of the Aston community (including staff, students, members of the University Council and agents of the University) are encouraged and supported to raise concerns about conduct that is contrary to Aston's values. Such conduct includes:
- actions that may result in danger to the health and/or safety of people or damage to the environment;
  - criminal offences, including money laundering, fraud, bribery and corruption;
  - failure to comply with any legal obligation;
  - unethical practice in accounting, internal accounting controls, financial reporting and auditing matters;
  - miscarriage of justice;
  - conduct that conflicts with "Our Principles";
  - failure to comply with the Equality and Diversity Policy; and
  - any other legal or ethical concern and concealment of any of the above.
- 1.2** Should a member of the Aston community have concerns relating to one or more of the areas mentioned above or any other serious matter of a similar nature, it should be raised in accordance with this Policy. The Policy sets out the procedures by which concerns are raised, investigated and acted upon.
- 1.3** The University has developed separate policies and associated procedures to address grievances by staff, student complaints, student appeals, disciplinary procedures for staff and students, harassment and bullying and safeguarding as set out in the University's policy pillars: Academic, Integrity, Respect and Stewardship.
- 1.4** This Policy may not be used to re-open or review a matter already decided, within the remit of any other policy or that is being dealt with under any such policy and/or procedure. If a member of the University is uncertain whether something is within the scope of this Policy they should seek advice from their line manager, their trade union representative, their personal tutor, a sabbatical officer of the Students' Union, or the General Counsel (or their nominee) (GC) on behalf of the Executive. If a member of the University raises a concern under this Policy, but the GC on behalf of the Executive considers that it properly falls under one or other of the University's policies, then the concern will be dealt with in accordance with the applicable policy.
- 1.5** The purpose of this Policy is to provide members of the Aston Community the opportunity and protection they need to raise their concerns internally, so that they will not feel it necessary to report them to external bodies. In all but the most exceptional of circumstances concerns about misconduct should be raised internally. However, if the University is not the most appropriate body to consider the concern for example, it does not fall within the University's remit to investigate the concern, the University would consider referral of the matter to a relevant external body for example, the police, Health and Safety Executive, Office for Students or other regulatory body.

## 2. PURPOSE

2.1 The aims of this Policy are:

- to encourage members of the Aston community to report suspected serious misconduct as soon as possible, in the knowledge that their concerns will be taken seriously and investigated, and kept confidential.
- to provide members of the Aston community with guidance as to how to raise those concerns.
- to reassure members of the Aston community that they should be able to raise genuine concerns in good faith without fear of reprisals, even if they turn out to be mistaken.

2.2 This Policy does not form part of a student contract or any employee's contract of employment and it may be amended at any time.

## 3. RAISING A CONCERN WITHIN THE UNIVERSITY'S REMIT

### 3.1 Step 1 – Informal Consultation

- a) Channels exist through which concerns can be raised in an informal and relatively low-key way. Members of staff and students may raise a concern in the first instance with their line manager, trade union representative, Sabbatical Office of the Student's Union, personal tutor or colleague. Members of Council may discuss any concerns they have informally with the GC. Agents of the University may discuss their concerns informally with the GC, or the Executive Director of HR and Organisational Development (EDHROD). The person notified may be able to advise on a way of resolving the concern quickly and effectively, or to take action personally by formally reporting the matter to the Designated Officer responsible for dealing with concerns raised by members of the Aston Community.
- b) Members of staff or students may have concerns about raising these issues through the channels above. In these circumstances, they may, choose to raise their concern in the first instance with the GC or if reporting about the GC, to the EDHROD.

### 3.2 Step 2 – Formal Reporting to a Designated Officer (Speaking Up)

- a) Members of the Aston Community who feel, perhaps after having undertaken any informal consultation, that their concern should be formally reported and investigated (the Concerned Individual) should follow the following procedures:
- The Concerned Individual should either make an appointment to discuss their concerns with the EDHROD or submit their concern in writing to the EDHROD, unless the EDHROD is the subject of the concern or is in some way implicated in it (in which case the following paragraph applies).
  - Where a concern relates to the EDHROD, the Concerned Individual may refer the matter to the Deputy Vice Chancellor Engagement (DVCE) or the Chief Operating Officer (COO), either by arranging a meeting to discuss their concern or by submitting the concern in writing addressed to the DVCE or the COO.
- If the Concerned Individual considers it inappropriate to raise the concern with either the EDHROD, DVCE or COO, he/she may refer the matter to the Chair of the Audit and Risk Committee who is an independent and external member of the University's governing body, the Council. This should be submitted in writing addressed to the Chair of the Audit

and Risk Committee, c/o Secretary to Council, Aston University, Birmingham, B4 7ET and marked "Strictly Confidential". It may be submitted by email to [ogc@aston.ac.uk](mailto:ogc@aston.ac.uk).

## 4. INVESTIGATION AND OUTCOME

4.1 The exact nature of the investigation when the concern raised is within the University's remit will depend on the nature of the concern raised, but in each case, the following procedure will be used:

- a) The person to whom the concern is reported will acknowledge its receipt and keep a record of action taken.
- b) Once a member of the University has raised a concern an initial assessment will be carried out by the Designated Officer (EDHROD/DVCE/COO/Chair of Audit and Risk Committee) in consultation with the GC to determine the scope of any investigation.
- c) If, on preliminary examination by the Designated Officer, the concern is judged to be without substance or merit, no further action will be taken, and the Concerned Individual will be informed if appropriate.
- d) The Designated Officer may appoint another person to undertake the investigation on their behalf. For example, Internal Auditors may be asked to investigate concerns raised about financial conduct. Where there is an investigation, the person or persons identified as the subject of the concern will be informed of each allegation made against them and any evidence supporting it and will be allowed to comment before the investigation is concluded. Refer to Section 5 below which covers the issue of confidentiality and the protection of the identity of the Concerned Individual.
- e) The Designated Officer will respect the confidentiality of the Concerned Individual as far as possible and keep them informed of the progress of the investigation and its likely timescale. However, sometimes the University's need to maintain confidentiality in respect of all individuals involved may prevent their giving the Concerned Individual specific details of the investigation or any disciplinary action taken as a result. The Concerned Individual should treat any information about the investigation as confidential.
- f) Upon the conclusion of an investigation, the Designated Officer will where possible inform the Concerned Individual of the outcome. However, sometimes the need for confidentiality may prevent the Designated Officer from giving the Concerned Individual specific details of the investigation or any disciplinary action taken as a result. The Designated Officer will also be responsible for the submission of a report to the Audit Committee. The Audit Committee must also be made aware of any concerns dismissed after preliminary examination. If the Concerned Individual is apprehensive that they might suffer reprisals, they should raise the matter with the Designated Officer as soon as possible, who will provide reassurance and, if necessary, take appropriate steps to ensure that the Concerned Individual is not subject to reprisals.
- g) Individuals should only make an allegation which they reasonably believe to be true or at least worthy of investigation. Where such an allegation is not confirmed by subsequent investigation, no action will be taken against that individual. If, however, the investigation shows that an individual has made malicious or vexatious allegations, and particularly if they persist in making them, disciplinary action may be taken against the individual concerned.
- h) There is no formal right of appeal under this Policy. In many cases, it may not be possible for the Concerned Individual to be provided with a formal outcome or full details of the investigation, and so an appeal process will be impractical. However, if an individual is concerned that the issue they have raised has not been properly dealt with,

they can write to the Chair of Council and ask that they review their complaint and the process followed. The Chair of Council will confirm that this has taken place, and where possible details of the outcome.

- i) If the Concerned Individual is a student and is not satisfied by the process or outcome of the procedure, he/she may be entitled to refer the matter to the Office of the Independent Adjudicator (OIA). Students are strongly recommended to contact the Advice and Representation Centre (ARC) in the Students' Union to discuss the merits of an OIA referral.

## 5. CONFIDENTIALITY

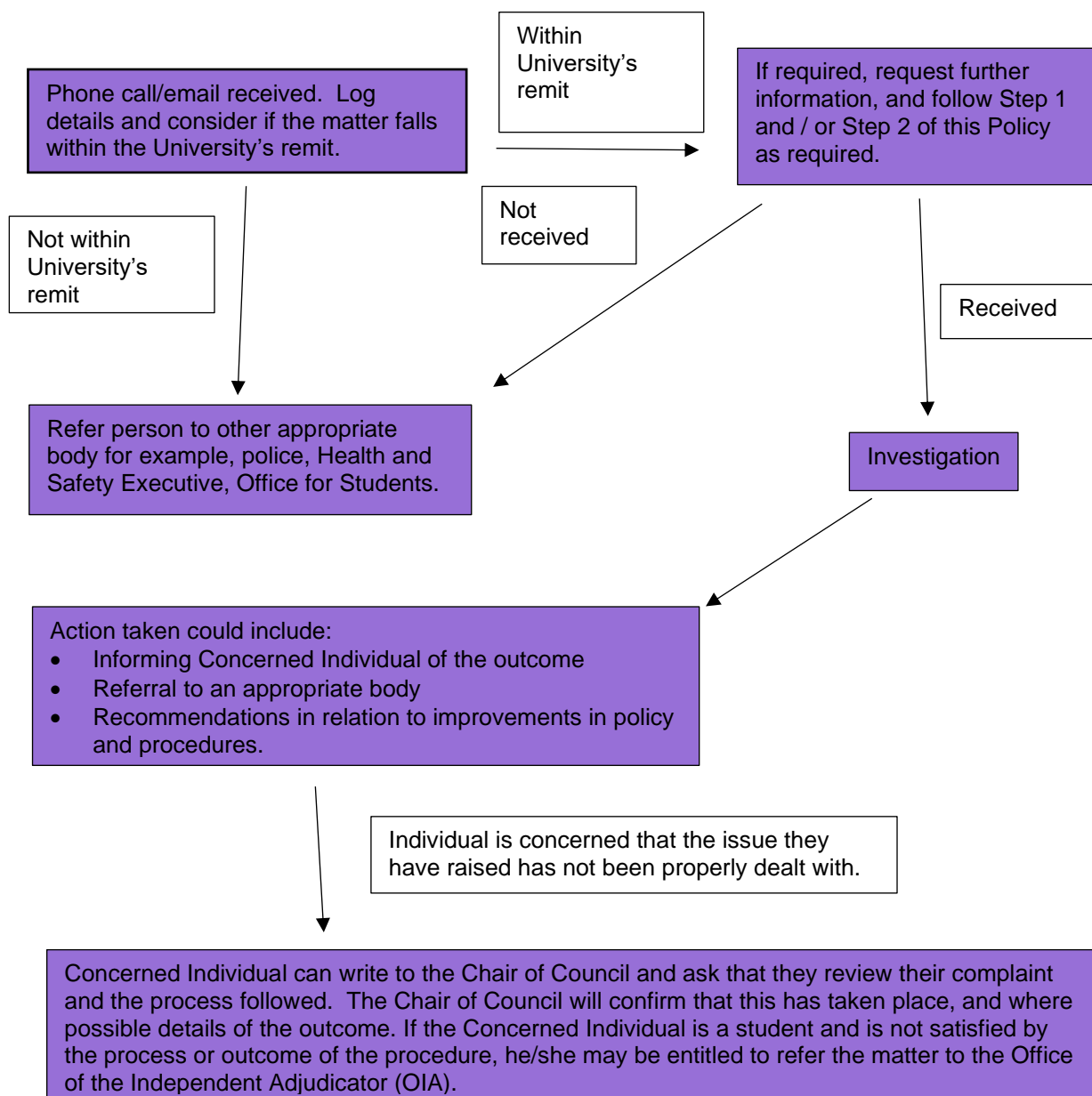
- 5.1 If an individual wishes to raise a concern confidentially, the University will make every effort to keep their identity confidential. The identity of the Concerned Individual will not be revealed without their consent, unless required by law, or for other good and urgent cause. While the University will not reveal the identity of the Concerned Individual, it cannot guarantee that others will not try to deduce (correctly or otherwise) their identity.
- 5.2 The University hopes that members of the Aston community will feel able to voice concerns openly under this Policy and encourages them to put their name to any disclosures they make. Concerns expressed anonymously are much less powerful, but they will be considered at the discretion of the University. In exercising this discretion, the factors to be taken into account will include:
  - the seriousness of the issues raised;
  - the credibility of the concern; and
  - the likelihood of confirming the allegation from alternative credible sources.

## 6. PROTECTION FOR THOSE WHO SPEAK UP

- 6.1 Concerned Individuals understandably may be worried about the risk of possible repercussions if they speak up. The University aims to encourage openness and will support Concerned Individuals by ensuring that they do not suffer any detriment as a result of raising a genuine concern that misconduct is occurring.
- 6.2 Members of the University will not suffer any detrimental treatment as a result of raising a concern, where they reasonably believe it to be true or worthy of further investigation. This applies whether the concern is addressed under this Policy or is addressed under any other applicable policy. If the Concerned Individual believes that they have suffered any such detrimental treatment, they should inform the relevant contact (listed in paragraph 4.1.2) immediately. If the matter is not remedied, the Concerned Individual should raise it formally using the student complaints procedure or staff grievance procedure or submit a formal letter of complaint to the Chair of the University Council as appropriate.
- 6.3 The University will not tolerate retaliation or threatening behaviour towards Concerned Individuals. Any persons making any such threats or retaliation may be subject to University disciplinary procedures and/or other action (e.g. criminal proceedings or fitness to practise procedures).

## 7. SUMMARY

7.1 The diagram below illustrates how the University will deal with concerns raised under this Policy:



## 8. TRAINING AND AWARENESS

8.1 This Whistleblowing Policy will be developed and continuously promoted to encourage and enable individuals to report and discuss concerns early and before a serious incident occurs. The University will work closely with trade union representatives and officers of the Students' Union to create a climate in which staff and students will have the confidence to raise their concerns and reduce the risk that unethical practice goes unchallenged.



- 8.2 The University recognises that however good a whistleblowing policy looks on paper, it is of little value if its members do not know about it. Accordingly, awareness of the Policy will be raised by displaying posters and/or using messages on Aston's intranet and MAP (Aston's portal) which remind members of the University to raise a concern before it becomes a complaint.
- 8.3 Many concerns will be raised openly with line managers as part of normal day-to-day practice. The University will therefore ensure that appropriate training and support is provided for managers so that they fully understand their roles and responsibilities in handling concerns which will enable them to support staff to raise issues with them and respond appropriately.
- 8.4 All managers and Designated Officers will be briefed on:
- the value and importance of an open and accountable workplace;
  - how to handle concerns confidentially, fairly and professionally;
  - how to protect staff who raise a genuine concern and where staff can get help or where to refer a concern;
  - how to manage expectations of confidentiality;
  - the importance of an alternative to line management if the usual channels of communication are not felt to be appropriate;
  - sources of confidential advice, counselling and debriefing to help managers deal with serious and potentially distressing cases; and
  - how to brief their staff on arrangements.
- 8.5 Senior managers and Designated Officers who have a specific role in the Policy will be trained on how to handle a concern at a senior level.

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