



# Whistleblowing Policy

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**Version:** 6.0

Category: Policies – Probity and Ethics

Owner(s): CEO

Approved by: The Board of Governors

Access: **Public** – Anyone can view this document

Scope: This policy applies to all staff (including contractors and volunteers), students and members of the public

# 1. Policy Statement

- 1.1. Fairfield School of Business (FSB) is committed to governing its affairs in the public interest and upholding the highest standards of professional practice, having due regard for the transparency and probity requirements of its funding and regulatory bodies. Nonetheless, we acknowledge that all organisations face the risk of unknowingly harbouring illegal or unethical conduct.
- 1.2. The aim of the Whistleblowing Policy is to provide an open and transparent way to raise serious concerns that are in the public interest and that might otherwise take time to come to light. It sets out how FSB will support and protect individuals who raise such concerns from reprisals in and uphold their statutory rights. It also covers how the organisation will respond to such concerns.
- 1.1. This policy is not intended to be used to question financial or business decisions taken by the management of FSB or its governing body unless there is evidence of malpractice, nor should it be used to reconsider any personal matters which have been dealt with under other investigative procedures.

# 2. What is 'Whistleblowing'?

- 2.1. 'Whistleblowing' refers to the disclosure of activity taking place within a public or private organisation which may be deemed illegal, immoral, illicit, unsafe or fraudulent. This may include (without limitation):
  - any criminal activity,
  - a breach of legal or regulatory obligation,
  - academic or professional malpractice,
  - unsafe working practices or environments,
  - financial fraud, mismanagement or unsecured conflicts of interest,
  - bribery (as defined within FSB's Anti-corruption and Bribery Policy),
  - facilitating tax evasion,
  - damage to the environment,
  - unauthorised disclosure of confidential information,
  - conduct likely to endanger FSB's reputational or financial integrity,
  - unaccountability or negligence which may lead to any of the above,
  - the deliberate concealment of any of the above.
- 2.2. Such a disclosure might be reported internally (for example via a line manager, senior manager, FSB's HR team or other neutral third party), or externally (for example to government, law enforcement or a public, statutory or regulatory body). We recommend that concerns are raised internally in the first instance; this policy is intended to support individuals to do this.

- 2.3. There may be occasions where individuals feel they must report matters outside of the organisation. To ensure FSB can uphold whistleblowers' statutory rights, we strongly encourage any external disclosures to be made to a 'prescribed' person. A list of prescribed persons can be found [here](#). Concerns about Health and Safety can also be raised with the [Health and Safety Executive](#).
- 2.4. It is generally discouraged for whistleblowers to make disclosures publicly to the media or via social media as they may not be afforded the same protections in law set out in Section 3 of his policy.

### 3. Who is protected by law?

- 3.1. In the UK, whistleblowers are protected under the Public Interest Disclosure Act (PIDA) 2013 from any negative consequences that may arise as a result of making a disclosure where the whistleblower reasonably believes:
  - i. that a criminal offence or breach of legal obligation has taken place, or will take place; and/or
  - ii. that the matter is in the public interest. This means it must affect others, for example the general public; Fairfield School of Business (FSB) is a recipient of public money in the form of Student Loans. Furthermore, as a provider of higher education courses, FSB provides a service of general economic interest. As such, any activity described in 2.1. taking place at FSB could reasonably be considered a matter of public interest.
- 3.2. The Public Interest Disclosure Act (PIDA) is intended to protect company employees. However, we recognise students, as members of our academic community have a legitimate interest in the conduct and probity of FSB and shall extend the protections outlined in this policy to student whistleblowers. This policy will extend similar protection to external members of the Board of Governors and its Academic Board.
- 3.3. A 'negative consequence' might be (for example) dismissal or demotion, withholding or reduction of pay and/or benefits or other unwarranted disciplinary action, threats of legal action against the whistleblower, or being subject to any behaviours defined as 'harassment', 'victimisation' or 'bullying' within FSB's Dignity Policy; for student whistleblowers this may include expulsion from FSB, the withholding of educational or support services or the application of unfair academic penalties.
- 3.4. Whistleblowers will not suffer any negative consequence as a result of having made a genuine disclosure in good faith, even if an investigation finds the allegation to be without merit. However, the protections afforded to whistleblowers herein may not apply if:
  - a disclosure is found to have been made dishonestly with ulterior motive, or any part of the disclosure has been fabricated or deliberately presented out of context,

- the whistleblower has deliberately compromised the integrity of an internal investigation into the matter, or the confidentiality of persons involved in an investigation prior to its conclusion,
- The whistleblower has publicly disclosed the matter themselves, for example to media or via their own social media.

3.5. Where in doubt whistleblowers are advised to seek external advice:

**PROTECT are an independent whistleblowing charity who can offer confidential advice about whistleblowing. Please see [further information on their website](#) or by contacting their free helpline on 020 3117 2520.**

## 4. Making a disclosure

### 4.1. If you are an employee:

Any concern about a workplace situation should be raised in the first instance with your immediate manager or Head of Department. If the matter cannot be dealt with by this person, or the matter concerns them, then it should be raised with the Human Resources Team ([hr@fairfield.ac](mailto:hr@fairfield.ac)) or the Vice Principal (the designated person).

If none of the above parties are suitable, the matter should be addressed directly to the Principal. If you cannot raise the matter with the Principal, then you should contact the [prescribed external person or body](#).

Personal grievances (for example bullying, harassment or discrimination) are not covered by whistleblowing law, unless a particular case is in the public interest. Otherwise, these matters should be reported using the grievance procedures set out in the Employee Handbook and FSB's [Dignity Policy](#).

### 4.2. If you are a Student:

Concerns would normally be raised and dealt with through the Student Complaints Procedures, however this may not be possible where there the alleged wrongdoing is of a serious or sensitive nature, and the normal complaints procedure may compromise a full investigation into the matter. If you cannot use the complaints procedure, you can speak to:

- your Campus Dean, or
- the Head of Student Lifecycle (Designated Safeguarding Lead), or
- the Vice Principal (the Designated Person) or
- any trusted third party within FSB

If none of the above parties are suitable, the matter should be addressed directly to the Principal. If you cannot raise the matter with the Principal, then you should contact the [prescribed external person or body](#).

- 4.3. Disclosures should (if possible) be made in writing, making clear that this is being done within the terms of this Policy. The whistleblower should include the nature of the alleged wrongdoing and how it relates to the public interest. The background and all relevant evidence should be included.
- 4.4. We will make every effort to protect the identity of those seeking to make a disclosure in confidence. If it is necessary for anyone investigating the concern to know the discloser's identity, FSB will discuss this with the whistleblower first.
- 4.5. Whilst we take all concerns seriously at the point of disclosure, we do not encourage whistleblowers to make disclosures anonymously as proper investigation may be more difficult or impossible if we cannot obtain further information. It is also more difficult to establish whether any allegations are credible.
- 4.6. There is no time limit to making a disclosure. A disclosure may be made about an incident that happened in the past, is happening now, or is reasonably believed will happen in the near future, provided that the criteria in 3.1 are met.

## 5. What happens when a disclosure is received

- 5.1. **Where disclosures are received and escalated internally**, the following shall apply:

The person receiving the disclosure shall seek to get as much information about the matter as possible and then escalate it to the Designated Person without undue delay; the Designated Person consider the substance of the disclosure and will then:

- i. initiate an investigation in accordance with the appropriate policy; or
  - ii. initiate an ad-hoc investigation (using FSB's standard investigative protocol) where the nature of the disclosure falls outside of FSBs policies and procedural frameworks; or
  - iii. refer the matter to the appropriate external authority (such as the police); or
  - iv. take no further action if on examination the concern is found to be without merit.
- 5.2. When planning a formal investigation as per i. or ii., the Designated Person may appoint an investigator or team of investigators including staff with relevant experience of or specialist knowledge of the matter. The investigator(s) will prepare a report for the relevant committee of inquiry, which may include an assessment of any institutional failings which have allowed the alleged wrongdoing to take place, and recommendations for remedial action.

- 5.3. The whistleblower shall be informed of the action taken and may be given the opportunity to contribute to any investigation or to comment on a decision not to take action. However, there may be a need to protect the confidentiality of other parties, for example where there has been an investigation and disciplinary action.
- 5.4. Where an internal investigation is undertaken, the outcome will be reported to the Designated Person, who will consider what further action to take. This may include referral under the relevant disciplinary procedures.
- 5.5. The Designated Person may also seek advice on whether the matter must be reported to any external public, statutory or regulatory body, and shall act accordingly.
- 5.6. If the whistleblower is dissatisfied with the action taken, or lack thereof in response to their disclosure, they may raise this with the Principal of FSB (if not already consulted) or the Chair of the Governing Body who may, at their discretion commission their own investigation.
- 5.7. Where all recourses for internal escalation has been exhausted and the whistleblower feels that the cause for concern remains, they should raise this with the [prescribed external person or body](#).
- 5.8. FSB will duly comply with any investigation or direction by a recognised external statutory or regulatory authority acting in response to a public interest disclosure.

## 6. Responsibility under this policy

- 6.1. The Board of Governors (“the Board”) has overall responsibility for the implementation of this policy and for reviewing the effectiveness of actions taken in response to concerns raised under it.
- 6.2. The Executive ensures that trained staff are designated for the purposes of receiving and processing disclosures made under this policy.
- 6.3. Designated persons within the organisation are responsible for advancing and overseeing the processes outlined herein and in any related Policy governing the conduct of internal investigations.
- 6.4. This policy is reviewed at least annually by the CEO and their Legal Counsel.

## 7. Legal Framework

Our Whistleblowing Policy has been created with due regard for the following legislation:

The Public Interest Disclosure Act 1998 (PIDA) is a UK law that protects employees who make disclosures of certain types of information in the public interest. It shields whistleblowers from retribution by their employers, such as dismissal or being passed over for promotion

The Employment Rights Act 1996 (amended by the Public Interest Disclosure Act 1998 and the Enterprise and Regulatory Reform Act 2013) gives legal protection to employees being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns This policy meets and exceeds the legal requirements set out in Act by extending protections to all members of its academic community, which includes students and governors.



## Version Tracking:

Version	Author / revisions by	Changes summary	Approved by	Date
1.0 – 3.0	Legal Advisor Head of HR Executive Committee	Original version and subsequent annual edits	Board of Governors	Sep 2016 Sep 2017 Sep 2018
4.0 – 4.2	Legal Advisor Senior HR Officer Quality Office	Review of sections concerning investigative procedures	Board of Governors	Aug 2020
5.0	Legal Counsel Quality Unit	Extensive revision to document structure and reformatting	Board of Governors	Jan 2022
5.1	Quality Unit CEO	Annual review; no changes to content; minor formatting changes	Board of Governors	Sep 2022
6.0	Quality Unit CEO	Substantial revisions to all sections and addition of prescribed external persons/bodies. Addition of legal framework.	Board of Governors (C.A.)	Jan 2024

**Date of next review:** September 2025