

## Whistleblowing Policy for Students

### 1 Introduction and purpose

- 1.1 This De Montfort University (“the University”) policy on raising concerns in relation to malpractice respects the current legal requirements in accordance with the Public Interest Disclosure Act 1998. The policy outlines the procedures for reporting any concerns through the appropriate channels.
- 1.2 In line with other public bodies the University has a duty to conduct its affairs in a responsible way and as such the University will treat all concerns raised seriously.
- 1.3 Any Student (irrespective of the nature or term of their study) is entitled to raise concerns about perceived irregularities in the governance and running of the University, or the activities of its Staff or Students, without fear of victimisation or harassment or detrimental effect on their academic results. See Appendix A: Contacts and Information, for supporting information.
- 1.4 This policy is not intended to replace the existing Student Complaints and Academic Appeals procedures.

### 2 Scope

- 2.1 The following are **examples** of malpractice (as defined in the Public Interest Disclosure Act 1998) which may be covered under this policy:
  - 2.1.1 Criminal offences that have been, are being, or are likely to be committed (including but not limited to financial irregularity, fraud, serious financial malpractice, bribery, blackmail or corruption);
  - 2.1.2 Unauthorised disclosure of confidential information including any breach of data protection requirements;

- 2.1.3 Failure to comply with a statutory duty or regulatory or professional obligation or with the University's codes, procedures or regulations;
  - 2.1.4 Failure to report a 'reportable event' as defined by the Office for Students' (OfS) regulatory framework;
  - 2.1.5 Endangering health and safety; which has occurred, is occurring or is likely to occur;
  - 2.1.6 Safeguarding concerns including but not limited to concerns about harm or risk of harm to children, vulnerable adults or to animals;
  - 2.1.7 Concerns about slavery or human trafficking;
  - 2.1.8 Endangering the environment, which has occurred, is occurring or is likely to occur;
  - 2.1.9 Miscarriage of justice, which has occurred, is occurring or is likely to occur;
  - 2.1.10 Conduct likely to damage the University's reputation or financial wellbeing;
  - 2.1.11 Attempts to conceal information relating to any of the above.
- 2.2. The above list is not intended to be exhaustive. Students are encouraged to raise any concerns about matters which they consider are potentially damaging to the University or harmful to individuals, even if those concerns do not clearly fit within one of the identified categories.
- 2.3. The policy is not designed to allow Students to:
- 2.3.1. Question legitimate financial, business or managerial decisions taken by the University;
  - 2.3.2. Seek reconsideration of any matters that have already been addressed under the grievance or disciplinary procedures; or

- 2.3.3. Raise concerns relating to their own personal circumstances.
- 2.4. Where a Student raises a concern under another University policy which highlights wider concerns that would fall within the scope of this policy e.g. concerns about health and safety breaches, the University reserves the right to investigate and, where necessary, take appropriate action in accordance with the policy under which the issue was first raised.
- 2.5. Where a Student raises a concern under this policy but the nature of the concern is within the scope of another University policy, the University reserves the right to investigate and, where necessary, take appropriate action in accordance with that other policy.
- 2.6. Students raising concerns which are within the scope of this policy will still be afforded the protection of this policy even if they have not been specifically raised as whistle blowing matters under this policy, or where the University has taken the decision to deal with the matter in accordance with another appropriate University policy.

### **3. Disclosures not pursued under this policy**

- 3.1. A decision not to pursue a disclosure may be taken before investigation if the Academic Support Office decides that the concern disclosed does not fall within the remit of this policy. In such cases, they may refer a Student to other internal procedures.
- 3.2. A decision not to pursue a disclosure may be taken before or after investigation if the Academic Support Office is:
  - 3.2.1. Aware that the matter is already subject to legal proceedings, or has already been referred to the police or relevant bodies.
  - 3.2.2. Aware that the matter is already, or has been, the subject of proceedings under one of the University's other procedures, and/or

- 3.2.3. Satisfied that a Student does not have reasonable grounds to believe that malpractice within the meaning of this policy has occurred, is occurring, or is likely to occur.

## **4 Confidentiality**

- 4.1 Confidentiality is an important part of this policy and the University will use all reasonable endeavours to protect the identity of a Student who raised concerns in accordance with this policy. Details of concerns raised and the names of any individuals involved will only be disclosed where it is absolutely necessary and/or lawful to do so, and in particular where required for any investigation or to remedy any issue related to the safety of individuals.
- 4.2 While the University will do all it can to protect individuals, the University cannot guarantee that a Student's identity will remain undisclosed for example in the following circumstances:
- 4.2.1 Disclosure of a Student's identity is a legal obligation.
  - 4.2.2 A Student's identity as discloser is already in the public domain.
  - 4.2.3 Disclosure is to a professionally qualified lawyer for the purposes of obtaining legal advice.
  - 4.2.4 Disclosure is necessary for any investigation.
  - 4.2.5 A Student's identity as the discloser can be deduced from the information provided.
- 4.3 If the investigation process may itself reveal a Student as the source of the information, or it is difficult to properly investigate without revealing a Student as the source, this will be discussed with a Student and a Student will be informed as to the degree of protection afforded to a Student under this policy and/or the law.

## **5 Anonymous disclosures**

- 5.1 Anonymous disclosures are not encouraged. Concerns expressed anonymously are much less powerful, but they may be considered at the discretion of the University. In exercising this discretion, the University will consider:
- 5.1.1 The seriousness of the issues raised including but not limited to whether it amounts to criminal misconduct or a breach of a statutory duty
  - 5.1.2 Any information or evidence presented in support of the disclosure;
  - 5.1.3 Data protection considerations e.g. the duty to process data fairly in the context of allegations about a named individual from an unknown informant;
  - 5.1.4 And the likelihood of confirming the information from attributable sources.
- 5.2 The University reserves the right to take such action in response to anonymous disclosures as it considers appropriate.
- 5.3 If a Student is raising a concern anonymously a Student should be aware of the following:
- 5.3.1 Proper investigation may be more difficult or impossible if further information cannot be obtained from a Student.
  - 5.3.2 It is more difficult to establish whether the information is credible.
  - 5.3.3 It will not be possible to provide feedback to a Student in relation to the concerns raised. Legal protection as a 'whistle-blower' will only be available where there is evidence which links you to the disclosure of information.

## 6 Data protection

- 6.1 A disclosure made under this policy is likely to identify an individual or individuals, or may lead to an investigation in which it is necessary to identify individuals. It will therefore involve the processing of personal data under the [Data Protection Act 2018](#) (DPA) and UK General Data Protection Regulation (GDPR). Depending on the nature of the allegations or information disclosed it may also involve the processing of special category personal data and/or personal data relating to criminal offences and convictions.
- 6.2 The University's lawful basis for processing personal data in response to a disclosure made under this policy including special category data is set out in our [Privacy Notice](#).
- 6.3 Individuals named in a disclosure will normally be told of the allegations and the identity of anyone who will receive personal data about them during the investigation of the matter, unless there is a substantial risk that this will prejudice the investigation or it would otherwise be unlawful.
- 6.4 All personal data collected during receipt and investigation of a concern raised under this policy will be processed fairly and lawfully in accordance with the GDPR and DPA. From the information gathered, the retention and processing of personal data will be restricted to what is necessary for the purpose of investigating and responding to the concern raised. Personal data may need to be shared with relevant third parties in the course of investigating or responding to a concern raised; this will only happen where it is fair, lawful and necessary (to the extent such steps are required by applicable data protection laws) for the proper investigation and resolution of the matter. Where it is necessary to share information with third parties, this will be restricted to information which is needed for the investigation and the university will redact or anonymise personal data where it is possible to do so without compromising the purpose of the investigation.

- 6.5 Personal data gathered will be kept until the end of the investigation or any subsequent legal, regulatory or disciplinary proceedings and any necessary data will be retained securely for seven years after the close of the case or in accordance with the University's Records Retention Schedule. After the retention period has lapsed any personal data will be securely destroyed in accordance with the Information Handling Policy

## 7 Raising a concern, investigation and conclusion

- 7.1 The Student should request a meeting by emailing [acasupportoffice@dmu.ac.uk](mailto:acasupportoffice@dmu.ac.uk) to arrange a meeting to discuss the matter with the **Academic Support Office**.
- 7.2 **During meetings** written records will be kept. The Student may be accompanied by a Student Companion, DSU [DSU Advice and Wellbeing-  
dsuadvice@dmu.ac.uk](mailto:DSUAdviceandWellbeing@dmu.ac.uk). The Student and Student Companion must respect the confidentiality of the disclosure and any subsequent investigation.
- 7.3 The Student Appeals and Conduct Officer will refer the matter to the **Director of Registry Services** and, in conjunction with the **Head of Legal Services and Governance**, a decision will be taken as to whether the matter will be investigated internally, referred to the police or independently investigated. This will be dependent on the nature and severity of the allegations made.
- 7.4 If the disclosure is about any of the recipients named in this policy then the Student may raise concerns directly with the **Vice-Chancellor**. If the disclosure is about the Vice-Chancellor then the Student may raise concerns directly with the Chair of the Board of Governors.
- 7.5 Following their initial assessment, the Academic Support Office will inform the Student of the outcome e.g. if there is no further action required or if there is a need to act such as to investigate the matter internally or refer the matter to the police or other external body.

- 7.6. The nature and scope of any investigation required will depend on the nature of the concern raised; however, the Academic Support Office will ensure in each instance that the investigation is reasonable and fair, impartial and sufficiently documented. In some instances, the Academic Support Office, together with other colleagues, may decide to refer the matter to another University procedure or departments.
- 7.7 In some cases, the University may appoint an impartial investigator or team of investigators, including staff, with relevant experience of investigations or specialist knowledge of the subject matter.
- 7.8 The Academic Support Office will aim to keep a Student informed of the progress of the investigation and its likely timescale and a Student may be required to attend additional meetings to provide further information. However, sometimes the need for confidentiality may prevent the University giving a Student specific details of the investigation or any disciplinary action taken as a result. (See Section 4).
- 7.9 If a Student wishes to raise a concern about a placement provider, this should normally be raised in the first instance through the placement provider's procedures, which will be outlined in the placement learning agreement or contract. However, if a Student does not feel able to raise it directly with their placement supervisor/mentor/practice educator, then the matter should be raised through the University's internal procedures, and the University will then raise it with the organisation in question on a Student's behalf. Before contacting any placement provider, the Academic Support Office will liaise with the appropriate Dean of Faculty or Head of School or Department

## **8 If you are not satisfied**

- 8.1 The University cannot guarantee any particular outcome to any concern raised, but will try to deal with concerns raised under this policy fairly and appropriately.
- 8.2 If the Student is not happy with the way in which a concern has been handled, the Student can raise it with one of the other Recipients listed within Points 7.3 & 7.4. They will consider all the information presented, the procedures that were followed and the reasons for the action taken or the reasons for taking no action. The outcome of this will be either to confirm that no further action is required or that further investigation is required and will follow the procedures referred to in section 6.



- 8.3 If, having followed this policy, you are not satisfied with the steps taken, a Student may raise the matter confidentially with the [Office for Independent Adjudicator's](#) and inform the Academic Support Office of the referral via [acasupportoffice@dmu.ac.uk](mailto:acasupportoffice@dmu.ac.uk)

## **9 Malicious allegations and breaches of the policy**

- 9.1 Where the University has grounds to believe that an allegation has been made maliciously or in bad faith without reasonable belief in its truth; or where an external disclosure is made in breach of this policy without reasonable grounds; or where a disclosure is made to an external body other than those set out in section 12 without reasonable grounds, disciplinary action may be taken against you, up to as per [Chapter 2 of the General Regulations](#).

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