



## WHISTLEBLOWING – ‘FREEDOM TO SPEAK UP’

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[Code of Conduct](#)

[The Counter Fraud and Bribery Policy](#)

[Public and Disclosure Act Modern](#)

[Slavery Policy](#)

[Grievance Policy](#)

[Disciplinary Policy](#)

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### **Policy statement**

UK Research and Innovation will not condone any form of malpractice in the workplace and is committed to creating a safe, fair and honest working environment.

UKRI Whistleblowing - 'Freedom To Speak Up' Policy encourages and enables employees to speak out when they encounter or suspect malpractice. No one who raises a genuine concern about malpractice will be at risk of losing their job or suffering any form of retribution or detriment as a result of doing this.

This Policy applies to all employees of UKRI. It also protects those workers who are on secondment, pursuing a doctoral degree, on a temporary contract or employed through an agency, an independent consultant, and contractors or suppliers of services to UKRI. Members of the public may also raise an issue through this Policy.

People in management positions throughout UKRI are expected to recognise their responsibilities in relation to whistleblowing and to adopt and implement the Policy and adhere to the corresponding Procedures.

The Whistleblowing – 'Freedom To Speak Up' Policy is agreed with the Trade Union Side and complies with legislation.

### **Management Guidance**

This document provides additional guidance for line managers, employees, HR and GARI in the handling of whistleblowing at work. The aim of this Policy is to encourage employees and others who have serious concerns within the workplace to come forward and voice those concerns.

Employees are often the first to realise that there may be something seriously wrong within the workplace. 'Whistleblowing' and the freedom to speak up is viewed by UKRI as a positive act that can make a valuable contribution to UKRI's efficiency and long-term success. It is not disloyal for employees to speak up; UKRI is committed to achieving the highest possible standards of service and the highest possible ethical standards in public life and in all of its practices. To help achieve these standards it encourages freedom to speak up.

This document falls within The Public Interest Disclosure Act. The Act protects workers from detrimental treatment or victimisation from their employer if, in the public interest, they blow the whistle on wrongdoing.

## 1. Purpose

UKRI encourages a culture of openness and transparency across the organisation so that employees can raise any concerns. The Policy is designed to ensure that employees can speak up with their concerns about wrongdoing or malpractice without fear of victimisation, subsequent discrimination, disadvantage or dismissal. The policy is also intended:

- to encourage and enable employees to raise serious concerns within the workplace rather than ignoring a problem or 'blowing the whistle' outside;
- to support colleagues in doing the right thing and to encourage employees to feel confident in raising serious concerns at the earliest opportunity and to question and act upon concerns about perceived malpractice;
- provide avenues for employees to raise those concerns and receive feedback on any action taken;
- ensure that employees receive a response to their concerns and that employees are aware of how to pursue them if they are not satisfied;
- reassure employees that they will be protected from possible reprisals or victimisation if employees have made any disclosure in good faith; and
- all concerns will be taken seriously and investigated appropriately under this Policy.

The Whistleblowing - 'Freedom to Speak up' Policy replaces previous Whistleblowing policies and procedures. If an employee's concern relates to their own treatment as an employee, they should raise it under the existing Grievance Procedure found in the Grievance Policy or the Harassment and Bullying Policy.

*Everyone working at UKRI has a duty to report things that are not right, are illegal or if anyone at work is neglecting their duties. If you have any concerns, you should raise it immediately using the processes outlined within this policy.*

## 2. Principles

- 2.1 If an employee has any concerns regarding the behaviour of others (including illegal, improper or unethical acts); they can take confidential action to raise their concerns. The employee should use this procedure to raise concerns which affect the public interest. A member of the public can also raise a report through the Whistleblowing Policy.
- 2.2 The employee will be protected where they have blown the whistle on a genuine concern. Specifically, protection is conferred where the employee's concern is:
  - covered by one of the categories set out in the [Public Interest Disclosure Act](#) (PIDA), and
  - made in the public interest and they have a reasonable belief that the behaviour in question is occurring, has occurred, or is likely to occur.

### 3.0 Before taking action

- 3.1 Employees should not normally disclose confidential information or concerns relating to UKRI or the establishment's business or other employees without first raising them in accordance with the procedures set out in this policy. If an employee feels uncomfortable using the internal procedure, then a disclosure may be made to the external contacts identified here.
- 3.2 A procedure already exists for employees to raise personal employment -related grievances. In addition, the UKRI Code of Conduct sets out the standards of personal behaviour to which employees must conform. The procedure in this policy complements but does not replace these

existing procedures; employees should use the procedures in this section when the others are not appropriate.

**3.3** A protected disclosure is different to a grievance in that it will concern the conduct of another person in the workplace (whether or not that conduct affects the complainant personally) in circumstances where the complainant genuinely believes that the conduct in question amounts to a criminal offence, a breach of a legal obligation, or something likely to endanger health or safety or damage the environment.

**3.4** A grievance will concern an employee personally, e.g. the individual may have a complaint about:

- their pay or working hours;
- the amount of work that they are expected to do;
- working conditions; or
- being bullied by fellow workers

| <b>Examples of the difference between a grievance and a protected disclosure</b>   |   |
|--|---|
| <b>Grievance</b>   | <b>Protected Disclosure</b>   |
| An employee's complaint about the type of work that they are being asked to do, for example if it is not covered by their contract | A disclosure that an individual has been instructed to carry out actions that they genuinely believe to be illegal, e.g. to falsify tax returns |
| An employee's complaint that they have received insufficient safety training   | A disclosure that safety rules within the workplace are routinely being flouted, thus endangering safety  |
| An employee's complaint about the hours that they are expected to work   | A disclosure that the requirements imposed by the company on a group of employees represent a breach of the working time legislation            |

**3.5** Allegations of misconduct in research should be raised in accordance with UKRI's policy on that matter.

**3.6** If an employee is in any doubt about the way in which they should raise their concern on a matter of public interest, they should contact the local HR Business Partner or a senior manager.

**3.7** The employee may be accompanied by a trade union representative or work colleague at any stage of any informal or formal whistleblowing procedure.

**4. Qualifying Disclosures**

**4.1** To be protected the employee needs to make a 'qualifying disclosure' about alleged or actual malpractice. This could be:

- A criminal offence has been committed, is being committed or is likely to be committed;
- A person has failed, is failing or is likely to fail to comply with any legal obligation to which he is subject or has failed, is failing or is likely to fail to uphold professional standards or

- practice and/or behaviour (for example a breach of the Modern Slavery Act 2015<sup>1</sup>),
- The health and safety of an individual is being or is likely to be endangered;
  - The environment has been, is being or is likely to be damaged;
  - A miscarriage of justice has occurred, is occurring or is likely to occur;
  - A person is receiving or has received unlawful bribes, financial incentives or inducements for personal gain or that a person is involved (or generally suspected of being involved) in fraud. Fraud, bribery or corruption are defined by the UK Government as;
    - Fraud - A false representation, or failure to disclose that is dishonest, or the abuse of position with the intention to cause financial gain or loss (as set out in the Fraud Act 2006).
    - Bribery – The offering, promising or giving of a financial or other advantage to induce or reward improper performance and/or the request, or receipt of such an advantage. It includes the corporate offence of failing to prevent bribery (as set out in the Bribery Act 2010).
    - Corruption - The abuse of a public or private office for personal gain. The active or passive misuse of the powers of public officials, appointed or elected, for private financial or other benefits (as set out in the OECD glossary of international standards in criminal law).
  - Information on any of the above has been, is being or is likely to be concealed.

4.2 For the employee's disclosure to be protected by the law it should be made to the right person and in the right way. The employee must reasonably believe that the information is substantially true.

4.3 If the employee feels unable to raise their concerns internally, they must also reasonably believe that they are making the disclosure to the right 'prescribed person'.

4.4 Anyone wishing to raise a concern is encouraged to put their name to their allegation. Anonymous disclosures are less powerful and more difficult to investigate, but will be considered by UKRI in the context of the following:

- The seriousness of the disclosure
- The credibility of the concern
- Fairness to the individual who may be the subject of the concern raised
- Whether there is a likelihood that the allegation can be confirmed using reliable sources

## **5. Process Detail**

5.1 In the first instance, the employee should consider raising the concern with their Line Manager. In many circumstances the easiest way to get your concern resolved will be to raise it formally or informally with your Manager.

If an employee feels unable to raise the concerns with their Line Manager or Director, they may also raise their concern with the following UKRI nominated people;

- the Head of Governance; or
- the Chief Finance Officer; or
- Whistleblowing Freedom To Speak Up Guardian;

Should your concern involve your Line Manager, you should report your suspicion to the next highest level of authority without notifying the person concerned.

5.2 Alongside publication of this policy, the Chief People Officer (CPO) / HR is required to make all staff aware of who these individuals are and how they can be contacted.



- 5.3 Where employees still feel uncomfortable with these management routes, independent ‘Whistleblower’ contacts have also been established. These are:
- Email [whistleblowing@ukri.org](mailto:whistleblowing@ukri.org). Emails sent to this account will be managed by the Governance Team and passed directly to the Chair of the UKRI Audit, Risk, Assurance and Performance Committee (ARAPC)

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<sup>1</sup> UK legislation designed to combat modern slavery in the UK, see UKRI's Modern Slavery Policy

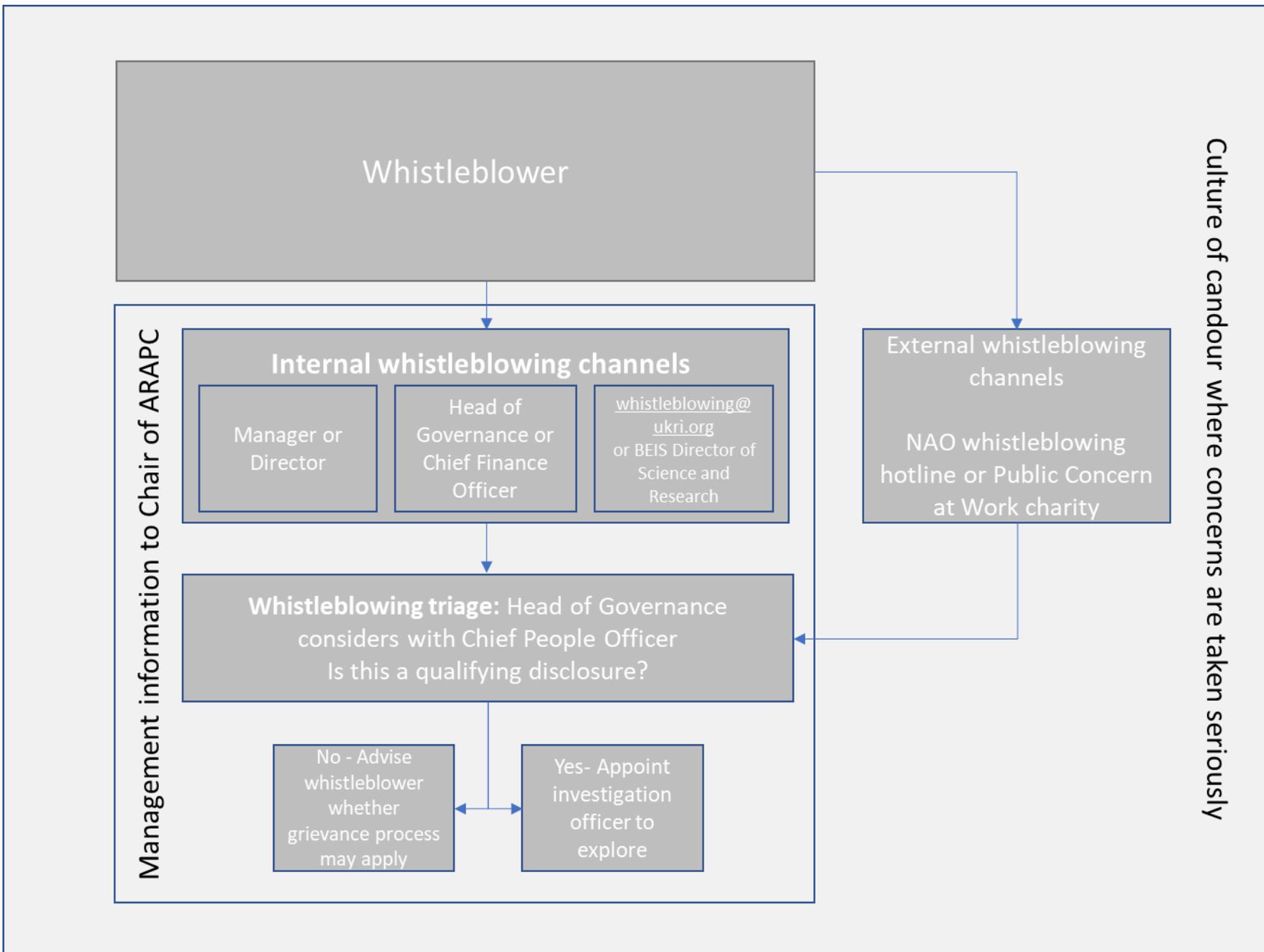
- The BEIS Director of Science and Research

5.4 If the employee feels unable to use these internal procedures, you can report your concerns or seek further advice through:

- NAO Whistleblower Hotline: details on website or call: 020 7798 7999
- Protect – formerly Public Concern at Work, a charity specialising in providing advice for whistleblowers, on 0203 117 2520 or visit their website [www.protect-advice.org.uk](http://www.protect-advice.org.uk)

Further information on prescribed persons for whistleblowing can be found on the [Gov.uk](http://Gov.uk) website.

Please see the following process diagram.



- 5.5 Concerns can also be escalated, or taken externally by the whistleblower at any point in the procedure, if:
- They reasonably believe that they will be victimised if they raise the matter internally or have suffered an identifiable detriment
  - They reasonably believe that evidence is likely to be concealed or destroyed
  - They have previously raised their concern internally without success.
- 5.6 When raising a concern outside of the organisation, the whistleblower should provide an overview of the issue(s) and
- Any action they have taken to date to resolve the issue or to follow the whistleblowing procedures
  - Why they feel they cannot, or are unable to continue to, raise the issue internally
- 5.7 Whistleblowing reports will be reported to the Audit, Risk, Assurance and Performance Committee (ARAPC), with the Chair being made aware immediately. A report will be made available for each ARAPC meeting summarising any whistleblowing activity.
- All concerns will be treated in confidence and every effort will be made not to reveal anyone's identity in so far as this is consistent with the proper examination and investigation of the matter. If it is necessary to reveal the employee's identity, this will be discussed with them at the earliest possible stage of the procedure.
- 5.8 The Head of Governance will consider with the Chief People Officer if this is a qualifying disclosure in the public interest (see section 4). If it is, the Head of Governance will appoint an investigation officer. The investigation officer will have responsibilities as set out as below, to look into the case and provide recommendations to Head of Governance, who will in report these to ARAPC and the Chief Finance Officer.
- 5.9 If it is not a qualifying disclosure, the Head of Governance and Chief People Officer may advise the whistleblower that the matter could be subject to the UKRI Grievance process and may ask the whistleblower if they would wish to pursue that process with HR colleagues.
- 5.10 This process should not be used to raise a grievance – the employee should raise the matter using the grievance process. If an employee is found to have raised a concern maliciously or in a vexatious manner not in line with the UKRI Code of Conduct, they may lose the protection of the Whistleblowing-'Freedom to Speak up' Policy and may be subject to disciplinary action under the UKRI's Disciplinary Policy. The intent here is not cause concern in whistleblowers seeking to raise a genuine issue, but to protect others against misuse of this process in the unusual situation where this may occur.

***Everyone working at UKRI has a duty to report things that are not right, are illegal or if anyone at work is neglecting their duties. If you have any concerns, you should raise it immediately using the processes outlined within this policy.***

5.11 Further information on the PIDA and guidance on whistleblowing can be found at [www.direct.gov.uk](http://www.direct.gov.uk)

## **6. Responsibilities**

### **6.1 Manager responsibilities:**

- Ensure the individual raising the concern is familiar with this Policy and has access to this policy.
- Ensure all concerns raised are taken seriously; Managers are expected to respond to the employees' concerns immediately, and report to the concern to GARI. By doing so this ensures all investigations are started as soon as the employee has lodged their concerns, and the investigation is concluded as soon as possible (see section 5.4 process diagram)
- Ensure complete confidentiality when handling sensitive, confidential information and maintaining anonymity where necessary. Ensure employees are respected by taking their feelings into account and supporting employees through this process.
- Evaluating the basis of any concern brought to their attention and referring upwards to a more senior manager where appropriate. If an employee is not happy with the way in which their concern has been handled, they can raise it with an appropriate, more senior person from the options at 5.1 of this policy.

### **6.2 HR responsibilities:**

- The Chief People Officer (CPO) / HR owns the whistleblowing policy.
- Communicate the policy; ensuring that employees and managers understand their responsibilities and help to engender a culture where employees feel able to speak up.
- Maintain and update the policy.
- Provide whistleblowing training if required.

### **6.3 Governance Assurance Risk and Information Responsibilities:**

- Maintain a Whistleblowing register. This will include all monitoring and handling of reports.
- Work with HR to ensure that associated lessons learnt are properly recorded.
- Improvement actions will be tracked using the EasyRisk system. Automated reminders are sent to action owners and the People and Finance Operations Board (PFO) will receive reports on outstanding actions. GARI will be responsible for reporting on progress against actions to PFO.
- Inform Counter Fraud of any investigation reports received that require further investigation.

### **6.4 Employees responsibilities:**

- Raise concerns through their Managers as soon as possible.
- If it is not appropriate to raise concern with Manager, please refer to Para2.3.
- Co-operate fully with any investigation. This will enable an immediate start to the process in order to ensure the investigation is completed as soon as possible.

### **6.5 The Whistleblowing - Freedom to Speak Guardian responsibilities:**

- Fairly review the handling of employee whistleblowing cases and any actions taken as a result.
- Seek assurance that employees have received appropriate feedback on how issues that they speak up about are investigated.
- Assess the effectiveness of the process and liaise with GARI in relation to any amendments that might be required.
- Provide any assistance that may be required in ensuring that any lessons learnt are disseminated.

- If concerns are reported to the Freedom to Speak Guardian directly, pass the report confidentially to GARI to ensure that an appropriate person is identified to manage the investigation process in a timely manner.
- Make recommendations and ensure action is taken.

### 6.6 Investigation Officer Responsibilities:

- Will be appointed by GARI
- The investigating officer receiving the concern will aim to contact the individual within three working days of receiving the concern to acknowledge the concern and inform the individual of the next steps.
- To carry out a full investigation; when the investigation is concluded the findings of the outcome to be sent to GARI.

## 7. Wrong-doing discovered while working for an outside organisation

If an employee suspects wrongdoing while working for or based at an outside organisation, they should use the internal procedures of that organisation, contacting the organisation's HR team if necessary. The employee may also contact GARI for advice.

## 8. Policy Review

This policy will be regularly reviewed to incorporate any legislation changes. The TU may request that a policy is reviewed.

**Appendix A - Document Control Sheet**

**Version Control**

| Version Number | Status   | Revision Date | Author(s)                       | Summary of Changes   |
|----------------|----------|---------------|---------------------------------|--|
| 0.5            | Complete | 12 Dec 2017   | Yasmin Heckbarally              | Role of Freedom to Speak Up Guardian; process map; formal process simplified |
| 0.6            | Complete | 7 Jan 2019    | Rebecca Brazier, Sophie Wallace | Amendments following review from T&Cs Working Group                          |
| 0.7            | Complete | 10 Jan 2019   | Rebecca Brazier, Rob Parsons    | Addition of pending Freedom to Speak Up Guardian                             |
| 1.1            | Draft    | 19 Dec 2019   | Alexandra Wall                  | UKRI Branding and government definitions                                     |

**Distribution for Review**

| Name/Group        | Title/Function                                   | Approved | Date        |
|-------------------|--|----------|-------------|
| T&C Working Group | Review employment policy in preparation for JNCC | Y        | 20 Dec 2018 |
| JNCC              | Consultation                                     | Y        | 16 Jan 2019 |
| Fiona Driscoll    | Freedom to Speak Up Guardian and Chair of ARAPC  | Y        | 4 Feb 2019  |

**Publication**

| Version | Effective from Date | Date of Approval | Owner       | Author | Url   | Review Date |
|---------|---------------------|------------------|-------------|--------|---|-------------|
| 1.0     | 8 Feb 2019          | 7 Feb 2019       | John Arnott |        | <a href="https://www.ukri.org/about-us/working-for-us/terms-and-conditions/">https://www.ukri.org/about-us/working-for-us/terms-and-conditions/</a> | Feb 2020    |
|         |                     |                  |             |        |   |             |
|         |                     |                  |             |        |   |             |