



Whistle Blowing Policy

Policy Statement

York St John Students' Union (YSJSU) is committed to the highest standards of openness, probity and accountability.

YSJSU has a duty to conduct its affairs in a responsible and transparent way. This policy provides a process through which employees and students can disclose information which, they reasonably believe, tends to show one or more of the following:

- That a criminal offence has been committed, is being committed, or is likely to be committed
- That a person has failed, is failing, or is likely to fail to comply with any legal obligation to which she/he is subject
- That a miscarriage of justice has occurred, is occurring, or is likely to occur
- That the health or safety of any individual has been, is being, or is likely to be endangered
- That the environment has been, is being, or is likely to be damaged.

[The Public Interest Disclosure Act 2013](#) gives legal protection to employees against being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns.

This policy further seeks to ensure that any individual reporting such matters in the public interest will not suffer any detriment at the time of the disclosure or subsequently solely as a consequence of making the report.

Scope of Policy

Employees or students of YSJSU can make a disclosure under the procedures of this policy where they reasonably believe that the information is substantially true. Any concern or complaint by an employee about their terms and conditions of employment should be raised through the Grievance Procedure.

It should be emphasised that this policy is intended to assist individuals who reasonably believe that they have discovered malpractice or serious wrongdoing provided that they make the disclosure in the public interest in accordance with this policy and associated procedure.

Nothing in this procedure prevents an individual from exercising their statutory rights under the Public Interest Disclosure Act 2013. Individuals are however advised to seek professional or trade union advice before deciding to disclose matters to a third party/prescribed person outside the YSJSU without attempting to use this procedure in the first instance.

Procedure

1. Any disclosure should be made in writing to the Chief Executive. If the Chief Executive considers the disclosure to be sufficiently serious, she/he will bring its contents to the attention of the President and Deputy Chair of Trustee Board.
2. If a disclosure is made about the Chief Executive, then it should be passed to the Senior Management Team, who should follow the same procedure, excluding the Chief Executive.
3. Individuals making a disclosure are encouraged to put their name to it. Whilst YSJSU will make every effort to protect the identity of the individual. It must be recognised that the investigation process may reveal them as the source. Where formal disciplinary action or criminal or civil proceedings result from an investigation it may not be possible to keep the identity of the individual confidential.
4. The Chief Executive will make an initial investigation into the disclosure to ascertain if there are sufficient grounds for proceeding further. Where it is decided not to precede the decision, will be explained fully to the individual who made the disclosure.
5. Where subsequent and more detailed investigations are necessary the Chief Executive may involve other managers to assist or lead the investigation.
6. The individual who made the disclosure will be notified of the outcome of the investigation.
7. Any breach of conduct by an employee will be subjected to the normal disciplinary procedures.
8. Any individual may also use external routes if they do not have confidence to raise matters internally within YSJSU, such as the external auditors of YSJSU (BHP Barron & Barron) or regulatory and funding bodies. However, given this condition for protection under the legislation, employees are strongly advised to seek advice from their trade union, professional association or confidential advisory organisation, such as Public Concern at Work, before pursuing this route.
9. Regardless of whether a disclosure is founded YSJSU will seek to ensure that any individual making such a disclosure is not subject to any future prejudice including bullying or harassment by staff or students of YSJSU. If an employee feels she/he is being subjected to detrimental treatment as a consequence of her/his disclosure she/he should raise her/his concerns through the YSJSU Grievance Procedure. Where following investigation it is found that the individual has suffered a detriment, steps will be taken to redress this and disciplinary action may be taken against those responsible.
10. If an investigation concludes that a disclosure has been made maliciously, the 'whistle blower' will be subject to disciplinary action through relevant YSJSU procedures.

Further Information

This policy aims to work alongside the YSJSU Zero Tolerance Policy and YSJSU Student Disciplinary Policy which can be found on S Drive.

Further details about the Public Interest Disclosure Act 2013 and whistleblowing can be found at: www.gov.uk/whistleblowing/overview