APPROVED MARCH 2026

BIRMINGHAM CITY UNIVERSITY

BOARD OF GOVERNORS

POLICY AND CODE OF PRACTICE ON WHISTLEBLOWING

1. Purpose of this Policy and Code of Practice

1.1 The purpose of this Policy and Code of Practice is to provide clear guidance to University employees and other individuals who work at Birmingham City University, including independent contractors, work experience trainees, agency workers and Doctoral Research Students on the procedures that you may use to raise concerns about actual or suspected malpractice at Birmingham City University. They also provide guidance to the University authorities on the way in which concerns raised by workers at Birmingham City University should be investigated and handled.

2. Policy

2.1 Birmingham City University is committed to achieving the highest possible standards of service and the highest possible standards of openness, probity and accountability. To achieve these ends we encourage staff, and others who work at the University, who have serious concerns about any aspect of the University's work to report those concerns using the procedures set out in this Policy and Code of Practice.

2.2 This Policy will be interpreted and applied in a manner compatible with the University's Code of Practice on Freedom of Speech (the "Code"). The University has a duty to take reasonably practicable steps to secure freedom of speech within the law for students, staff and visiting speakers. In particular, no member of academic staff will be subject to disciplinary action as a consequence of exercising their academic freedom within the law. For the avoidance of doubt, if there is a conflict between this Policy and the Code, the Code will prevail.

3. Principles

3.1 All workers at Birmingham City University are encouraged and expected to draw issues of actual or suspected malpractice to the attention of the relevant University authorities.

3.2 Allegations of malpractice will be investigated fairly and promptly by the University and the outcome of such investigations will be reported to the person or body responsible and to the whistle-blower.

3.3 Findings of malpractice will be acted upon quickly with the view to remedying the situation and ensuring that it cannot be repeated easily. Where appropriate, disciplinary action will be initiated if there are grounds for believing that malpractice has occurred or is about to occur.

4. Is your concern appropriate for the Whistle Blowing Policy?

4.1 There are a number of policies and procedures which are available to address a wide range of issues which may be more appropriate to your concern. Copies of which can be found in Appendix 1 of this Policy.

4.2 This Policy and Code of Practice on Whistleblowing is intended to complement these procedures rather than replace them and the paragraphs below give

guidance on which procedure to follow when you wish to raise a concern.

4.3 If you are concerned about the propriety of the conduct of your colleagues you should normally report your concern to your own line manager or to the line manager of the colleague concerned, or if necessary to a more senior manager who will investigate the matter and consider whether disciplinary action should be initiated.

4.4 You should use this Code of Practice on Whistleblowing only if you have concerns about serious issues of malpractice and where the normal procedures set out in 4.1 to 4.4 above appear to be inappropriate or inadequate. Whistleblowing is not the same as a complaint. It is about raising concerns regarding malpractice or wrongdoing within the University. We would expect you to use this Code of Practice on Whistleblowing, for example, where you have concerns about the actions or conduct of individuals in authority and where, therefore, reporting your concerns through the management line might be inappropriate or where you genuinely fear reprisal.

4.5 Examples of serious issues of malpractice might include the following types of concern relating to past, present or likely future events. Although please note that other policies may be more appropriate to raise such issues under, as set out in the rest of this section 4:

4.5.1 a criminal offence;
4.5.2 failure to comply with a legal obligation;
4.5.3 miscarriage of justice;
4.5.4 where the health or safety of people is put at risk;
4.5.5 where action could reasonably be judged to damage the environment;
4.5.6 that sexual harassment has occurred, is occurring or is likely to occur
4.5.7 where academic staff have been placed in jeopardy or threatened with loss of job or privileges at the University as a result of their having questioned and tested received wisdom or of having put forward new ideas and controversial or unpopular opinions (please refer to the University Code for further information – see section 2.2 above);
4.5.8 in circumstances of academic or professional malpractice, for example, the theft of intellectual property or the falsification of research findings;
4.5.9 where there is improper conduct or unethical behaviour in breach of law, regulation, professional standards or University policy;
4.5.10 failure to comply with the Instrument or Articles of Government;
4.5.11 where reasonable suspicion exists that attempts have been made to conceal or suppress information relating to any of the above areas.

4.6 You may also use the Code of Practice on Whistleblowing where you have already made a report through the management line process and it appears, after a reasonable period of time that the misconduct that you have reported is still continuing. If you raise a genuine concern under the whistleblowing code you will be protected providing:

4.6.1 you raise your concern, reasonably believing it to be in the public interest; and
4.6.2 your actions are not motivated by malice or the prospect of personal gain.

4.7 Disciplinary action may be taken against you, however, if there are reasonable grounds for believing that the allegations you have made are vexatious or malicious or motivated by the prospect of personal gain. . For the avoidance of doubt, a concern will not be treated as vexatious or malicious solely because it is controversial, relates to lawful expression or academic freedom, challenges prevailing views, or is not ultimately upheld, provided it is raised honestly and with a reasonable belief in the information reported.

4.8 This Policy is **not** designed to be used:

4.8.1 for complaints related to grievance related to a staff members employment. This can include the way they have been treated at work, or personal circumstances, which are covered by other policies. Complaints of this nature should be raised under the staff grievance procedure. For staff employed via BCU Support Services, grievances should be raised under the BCU Support Services Ltd Grievance Policy. In circumstances where the University considers such concerns would be appropriately considered under these policies it will duly consider them in line with those policies.

4.8.2 for complaints relating to a student's study, academic matters, or personal circumstances, which should be raised under the Student Complaints Procedure.

4.8.3 to consider any matters which should be raised under other internal policies. A list of which can be found in Appendix 1 of this policy.

4.8.4 to reconsider, review or reopen any matters already addressed under other internal policies, for example, complaints, disciplinary or grievance procedures.

4.8.5 by individuals to challenge decisions taken correctly by the University, where such challenges are not genuinely based on whistleblowing concerns.

4.8.6 for issues which fall outside of the matters covered in this policy.

5. How to report a concern

5.1 If you have concerns about an individual's financial conduct in relation to University affairs you should normally raise your concern with the Chief Financial and Commercial Officer If you feel that it is inappropriate to report your concern to the Chief Financial and Commercial Officer, you should inform the Vice-Chancellor. If, for any reason, you consider that neither of these officers is appropriate you should raise your concern with the Chair of the Audit Committee, who is an external governor of the University and can be contacted in confidence at the following email address: ChairofAudit@bcu.ac.uk.

5.2 If you have a concern about a non-financial issue, for example the behaviour of a senior University officer or of a member of the Board of Governors or about the propriety of decisions made by a committee you should raise your concern in writing with the Vice-Chancellor, the Chief Compliance Officer and University Secretary or the Chair of the Board of Governors, as you consider appropriate. If you feel, for whatever reason, that none of these individuals is appropriate, you should raise your concern with the Chair of the Audit Committee using the email address provided in paragraph 5.1 above.

5.3 You may be accompanied by an authorised representative (which would generally include a fellow workplace colleague or registered student or union representative). at any stage of reporting your concerns or of their investigation under this Procedure or in any subsequent official action. Please note, your companion must respect the confidentiality of any disclosure and any subsequent investigation.

5.4 Your identity will be kept confidential until a decision is made to launch an investigation, after which it may be disclosed to the investigator(s). If no investigation is launched, your identity will remain confidential. No guarantee of confidentiality can be given, however, once the initial investigation has been concluded and if a decision is taken to initiate further official action.

5.5 You should be told how and by whom the concern will be handled and be given an estimate of how long the investigation will take. It should also be explained that if the whistle-blower believes that he or she is suffering a detriment for having raised a concern, this should be reported and the whistle-blower is entitled to seek

independent advice, for example from Public Concern at Work (see Point 5.6 below). The Birmingham City Advice Centre provides free, confidential and impartial advice for students studying at Birmingham City University (https://www.bcusu.com/advice/) or, for staff, the Health Assured EAP Management Referral Portal provides advice (https://pages.healthassured.org/EAP_Management_Referral_Consent_Required.html)

5.6 Independent advice regarding whistleblowing is available for members of staff via trade unions or professional bodies (such as the AHEP or UCU). Alternatively, there is the independent charity Public Concern at Work (PCAW), which can be contacted via its website http://www.pcaw.org.uk/ or via the telephone number 0207 404 6609. PCAW offers advice on raising a concern about serious malpractice at work and would be able to advise on the circumstances (for example criminal activity) in which actions could be reported directly to an outside body, such as a regulator or to the Police.

6. Stage I: Investigation of concerns raised under the Code of Practice on Whistleblowing

6.1 The person who receives a report of an allegation of financial or non-financial misconduct shall make a record of its receipt and of what subsequent action is taken. He or she shall normally initiate a preliminary investigation, either personally or, more usually, by appointing a person or persons to conduct the investigation on their behalf. Depending on the nature and seriousness of the allegation, a range of individuals or agencies may be appropriate, ranging from a member of University staff, internal or external audit, a specialist consultant or the police. The person who initiates the investigation should take steps to ensure that the investigations are not carried out by the person who may ultimately have to decide whether there is a case to answer and what further official action should be taken.

6.2 Depending on the nature of the allegation, the person who initiates the investigation may rule that it be conducted in secret.

6.3 You will be told whether an investigation is to be conducted and, if so, whether rules of secrecy are to apply.

6.4 Where no investigation is carried out under this policy this may be because the:

6.4.1 The concern raised is better dealt with under the relevant grievance or student complaints procedure. The University will, in these circumstances determine whether it is appropriate to commence proceedings in line with the relevant procedure or whether to invite the individual raising the complaint to re-present it under the relevant procedure.

6.4.2 The concern is dismissed, in which case you will be given reasons and be provided with a further opportunity to make further representations.

6.4 Concerns raised anonymously may be reported, investigated or acted upon as the person receiving the complaint sees fit, having regard to the seriousness of the issue raised, the credibility of the complaint, the prospects of being able to investigate the matter, and fairness to any individual mentioned in the complaint.

6.5 Investigations will be conducted as speedily as possible, having regard to the nature and complexity of the complaint.

6.6 The university will ensure that academic employees, and professional services employees who undertake academic work, have the freedom within the law to

question and test received wisdom. Please see the University Code for further information on the University's commitment to free speech.

7. Reporting and Recording Allegations

7.1 If an allegation of financial misconduct is made to the Chief Financial and Commercial Officer, he or she should report it immediately to the Vice-Chancellor, who is the Chief Accounting Officer of the University. If the Vice-Chancellor personally is the subject of the allegation, the Chief Financial and Commercial Officer should report the allegation to the Chair of the Audit Committee. The Vice-Chancellor or the Chair of the Audit Committee, on receiving the report of the allegation, shall decide to whom and when any further report of the incident is to be made. If the initial report is made to the Vice-Chancellor he or she shall inform the Chair of the Audit Committee within one week of receiving the report of the allegation made and the action taken to investigate it. The requirements of the law, the relevant higher education audit codes of practice, and the University's insurance policies may dictate that further reports be made to appropriate agencies.

7.2 The person who receives a report of alleged non-financial misconduct shall decide to whom and when any further report of the allegation is to be made.

7.3 An official written record will be kept of each stage of the receipt, investigation, and further pursuit of an allegation.

8. Stage II: Action following an investigation

8.1 The investigation may indicate that the allegation should be dismissed or that further action of a disciplinary or another nature should be initiated. The decision as to whether there is a case to answer and what further official action is required should be taken by someone other than the person who has carried out the investigation. As the person who raised the complaint, you will be informed whether further action is to be taken or not.

8.2 Where further action is initiated the person or persons against whom the allegation is made must be told of the allegation and the evidence supporting it, and be given an opportunity to see, hear, and challenge the evidence brought against them and to submit evidence in their own defence, before the action is concluded.

9. Reporting the findings of an investigation

9.1 The findings of an investigation into financial malpractice shall be reported to the Audit Committee.

9.2 The findings of investigations into other issues should be reported to the Vice-Chancellor and/or the Chair of the Board of Governors as appropriate.

9.3 Any report under 9.1 or 9.2 above may be made in confidence and the minute of the proceedings kept confidential. The public interest shall be the overriding factor which influences whether a report or a minute should be kept confidential.

10. Protection of employment under the Public Interest Disclosure Act 1998*

10.1 The purpose of this Policy and Code of Practice on Whistleblowing is to provide you with clear advice on the procedures you should follow if you wish to raise a concern internally about serious malpractice at Birmingham City University. In addition to the guarantees given in this Code that your employment will not be jeopardised if you raise such concerns, the Public Interest Disclosure Act 1998 gives certain legal protections to workers against detriment or dismissal by their

employers for raising concerns about matters that are in the public interest.

10.2 The Act gives legal protection to an individual who discloses malpractice to their employer under any of the areas covered by sub-paragraphs 4.5.1 to 4.5.5 inclusive and 4.5.10 of this Code, provided the disclosure is made in the public interest and they reasonably believe the information disclosed and the allegations contained within it to be substantially true.

10.3 In circumstances where a concern raised with the University is a qualifying protected disclosure the protections set out in the policy apply irrespective of whether the concern is raised under this policy or under some other policy (e.g. the Grievance Policy or Grievance Policy (BCU Support Services Ltd Staff)). No workers or employees will be subject to detriment on the ground that they have made such a disclosure.

10.4 A qualifying protected disclosure is a disclosure of information which tends to show; criminal activity, failure to comply with legal obligations, miscarriages of justice, health and safety breaches, damage to the environment, sexual harassment has occurred, is occurring or is likely to occur, or the deliberate concealment of any of these. Such disclosure must be made with the individual making the disclosure having a reasonable belief in the veracity of the information being disclosed and with the disclosure being made in the public interest.

10.5 The Act also gives legal protection to an individual who makes a disclosure outside their employing organisation if:

10.5.1 you make the disclosure to a legal adviser in the course of seeking legal advice;

10.5.2 you make the disclosure to one of a range of bodies prescribed by the Secretary of State (according to the nature of your concern), including, among others, the Health and Safety Executive, the Inland Revenue, the Audit Commission, the Environment Agency, Customs and Excise and the Serious Fraud Office;

10.5.3 you make the disclosure to someone other than the individuals/bodies listed in 10.3.1 and 10.3.2 provided you make the disclosure in the public interest and you reasonably believe the information disclosed and the allegations contained within it to be substantially true and if you do not make the disclosure for personal gain and if one of the following also applies:

- you reasonably believe you will be subjected to a detriment by your employer if you make the disclosure to your employer; or

- you reasonably believe that any evidence will be concealed or destroyed; or

- you have previously made a disclosure of the same information to your employer; or

- in cases of exceptionally serious wrongdoing where it is reasonable to bypass internal procedures.

Karen Stephenson
Chief Compliance
Officer and
University Secretary

Approved by the Audit Committee of the Board of Governors on 11 March 2026.

This policy is reviewed every three years. The next review date by the Audit Committee of the Board of Governors will be in March 2029.

* This summary of the main terms of the Public Interest Disclosure Act 1998 is provided for general information only. It is not intended to be a definitive or comprehensive guide and we cannot guarantee its accuracy. You should seek professional advice about the terms of the Act if you need definitive guidance.

Appendix 1 – Policies for raising concerns outside of this policy.

Anti-Bribery Policy

Individual Grievance Policy (BCU Employees)

Grievance Policy (BCU Support Services Employees)

The Disciplinary Procedure (BCU Employees)

The Disciplinary Procedure (BCU Support Services Employees)

Anti-Fraud Policy

Research Misconduct Policy

Policy for the Prevention of Bullying, Harassment and Victimisation.

Students Complaint Procedure

Academic Misconduct Procedure

Relationships between employees and students policy