

[WHISTLEBLOWING / CONFIDENTIAL REPORTING POLICY AND PROCEDURE]

Policy owner: Governance and Legal

Author: Director of Governance and Legal

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1. Introduction

- 1.1 Middlesex University is committed to the highest standards of quality, probity, openness and accountability and we expect our staff, students and community as a whole to maintain high standards, in accordance with our policies and procedures. The University has a duty to conduct its affairs in a responsible and transparent way and to take account of the requirements of its funding bodies for the proper use of public funds and of the standards required in public life. In addition, the University is committed to the principles of academic freedom embodied in its governing documents and enshrined in the Education Reform Act 1988.
- 1.2 The University understands that all organizations face the risk of things going wrong. A culture of openness and accountability is essential to prevent such situations occurring or addressing them when they do occur.
- 1.3 Employment Rights Act 1996 (Part IVA) and Employment Act 2025 (section 23 not yet in force but timetabled to be implemented later this year) provide a framework of protection against detriment or dismissal for raising concerns about certain matters of public interest and encourages the resolution of problems in the workplace.
- 1.4 Nothing in this policy restricts the University's duties under the Higher Education (Freedom of Speech) Act 2023.

2. Objectives of having a Whistleblowing/Confidential Reporting Policy and Procedure

- To promote a working environment where staff and others can feel safe in raising concerns without fear of being seen as troublemakers and to encourage freedom of speech without workers being subject to any detriment, including victimisation and/or disciplinary action.

- To promote the use of informal, internal mechanisms in order to prevent concerns being publicly disclosed with all the resultant negative publicity when the issues could have been resolved at an early stage internally.
- To provide for any genuine and legitimate concerns to be fully investigated and appropriate action taken towards resolving them.
- To deter wrongdoing.
- To promote accountability throughout Middlesex University.

3. Scope of the Policy and Procedure

- 3.1 This policy and procedure is designed to allow employees, workers, contractors, subcontractors, suppliers, visitors, volunteers and invitees, to raise, at high level, concerns or information which they reasonably believe provides evidence of malpractice or impropriety. Individuals discovering apparent evidence of malpractice, impropriety or wrongdoing within the University should feel able to disclose the information appropriately without fear of reprisal. The policy is designed to clarify the process for raising a concern at work and to assure individuals that where they do raise a genuine concern, this will be taken seriously and acted upon appropriately. This policy is broader than statutory whistleblowing protection. However, statutory protection under Part IVA of the Employment Rights Act 1996 applies only to those individuals who meet the legal definition of 'worker'.

(Students should use the [Student Complaint and Grievance Procedure](#) and members of the public should use the [External Complaints Policy](#)). See [Complaints | Middlesex University](#) for further information. The [Middlesex University Counter Fraud Policy & Fraud Response Plan](#) will be invoked when disclosures are made about fraud.

- 3.2 Anyone listed under paragraph 3.1 above is actively encouraged to report any wrongdoing which falls within the statutory definition of a qualifying disclosure as set out in [Part IVA of the Employment Rights Act 1996](#) and [Employment Rights Act 2025](#):

(a) that a criminal offence has been committed, is being committed or is likely to be committed,

(b) that a person has failed, is failing or is likely to fail to comply with any legal obligation to which he is subject,

(c) that a miscarriage of justice has occurred, is occurring or is likely to occur,

(d) that the health or safety of any individual has been, is being or is likely to be endangered,

(e) that sexual harassment has occurred, is occurring or is likely to occur,

(f) that the environment has been, is being or is likely to be damaged, or

(g) that information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed.

Protection applies where a worker has a reasonable belief that the disclosure is in the public interest.

- 3.3 'Whistleblowing' means the raising of a concern or making a disclosure of wrongdoing that has an impact beyond the individual making the disclosure.
- 3.4 Where concerns are solely of a personal nature, they must be raised under other procedures, such as the Grievance Procedure (for staff) or the Student Complaint and Grievance Procedure.

3.5 Although workplace concerns would normally be raised first with line managers, it is recognized that there will be circumstances where this will not be appropriate (see section 5 below).

4. Designated Assessors

4.1 The Vice-Chancellor will ensure that at least three but not more than six members of staff of appropriate experience and standing within the University are designated at any time for the purposes of this procedure as Assessors.

4.2 The current Assessors are Teresa Kelly (Lead Assessor), Dave Lewis, Sioban O'Farrell-Pearce, Gareth Williams, Kurt Barling and Belen Olmos Giupponi.

4.3 The authority to revoke the designation of a whistleblowing assessor rests with the Vice-Chancellor. Reasons for revocation would include (but not be limited to) conflict of interest; incapacity or unavailability; or termination of employment.

4.4 The Lead Assessor will co-ordinate the training of the Designated Assessors where appropriate.

5. Procedure for Raising a Concern

Informal process

5.1 Normally any concern about a workplace situation should be raised in the first instance with the employee's immediate line manager or Head of Department. However, it is recognised that because of the seriousness and sensitivity of some issues, together with the knowledge of who the employee thinks may be involved in wrongdoing, this may be difficult. In this case the formal process should be used.

Formal process

5.2 The individual should make the disclosure to a designated assessor. They may wish to take advice from a colleague or union representative before doing so.

5.3 Disclosures should normally be made in writing, making clear that this is being done within the terms of this policy. The disclosure should include the nature of the concern and why it is believed to show malpractice. The background and any relevant evidence should be included.

5.4 Following receipt of a disclosure, the designated person will acknowledge the disclosure in writing within 10 working days and, at their discretion, will discuss next steps with another senior independent member of staff.

5.5 Next steps might be:

- An 'ad hoc' investigation depending on the nature of the disclosure
- A referral to the police
- No further action, if on examination, the concern is judged to be unfounded.

5.6 Where an investigation is undertaken, the outcome will be reported to the designated assessor, who will consider what further action to take, if any. This may include a referral under the Disciplinary Procedure.

- 5.7 The individual raising the concern will be kept informed of progress and may be given the opportunity to contribute to any investigation.
- 5.8 Feedback regarding the outcome of the disclosure will be normally given to the individual within 3 months of acknowledgement of the disclosure. However, there may be a need to protect the confidentiality of other parties, for example, where there has been an investigation and subsequent disciplinary action.
- 5.9 If the disclosure relates to wrongdoing by the Director of Governance and Legal or the Vice-Chancellor, the disclosure should be made direct to the Chair or (in the Chair's absence) the Deputy-Chair of the Board of Governors who will then decide what action should be taken.
- 5.10 There is no right of appeal under this procedure. Any concerns about the way that the procedure has been applied should be addressed using the Grievance Procedure (for staff) or the Student Complaint and Grievance Procedure.

6. External Disclosure

- 6.1 The University recommends that concerns are raised internally in the first instance. This policy, and the protection it provides, is intended to support individuals who do so.
- 6.2 There may be occasions where individuals feel they need to report matters outside of the University. To retain legal rights, external disclosures must be made to an appropriate recipient in accordance with Part IVA Employment Rights Act 1996, for example a prescribed person as set out in the Public Interest Disclosure (Prescribed Persons) Order (as amended from time to time). A prescribed person is someone who is independent of the University but does have an authoritative relationship with the University for example the University's External Auditors (BDO); Office for Students; the Health and Safety Executive or the independent whistleblowing charity, PROTECT. PROTECT provides free help to prospective whistleblowers and advice on whistleblowing laws. Their website is at: [Protect - Speak up stop harm - Whistleblowing Homepage](#)
- 6.3 Disclosures made publicly will only be protected if a range of specific conditions are met and in most cases individuals will not be able to satisfy the requirements contained in Section 43G Employment Rights Act 1996.
- 6.4 The individual may at any time disclose the matter on a confidential basis to a professionally qualified lawyer for the purpose of taking legal advice.

7. Confidentiality

- 7.1 It is hoped that a worker will feel confident in openly raising a concern. The University will treat all disclosures made in line with this policy in a confidential and sensitive manner. The identity of people raising concerns and those who are the subject of allegations will be kept confidential as far as possible under the terms of the investigation. The identity of the individual making the allegation will not be disclosed without their written consent during the course of this procedure, except where:
- the Designated Assessor is under a legal obligation to do **OR**
 - there are grounds for believing the Discloser has acted maliciously **OR**
 - the information is already in the public domain **OR**
 - it is essential to do so in order to deal appropriately with the matter disclosed e.g. disclosing

the name to a professionally qualified lawyer for the purpose of obtaining legal advice

- 7.2 Any documentation (including computer files and disks) kept by the Designated Assessor relating to the matter will be kept secure, so that, as far as practicable, only the Designated Assessor and his or her administrative assistant shall have access to it. As far as practicable, any documentation prepared by the Designated Assessor will not reveal the identity of the individual as the discloser of information under this procedure.
- 7.3 An individual is entitled to be accompanied by a workplace colleague (University employee) or union representative at any meeting with a Designated Assessor under this procedure. The companion will be asked to respect the confidentiality of the disclosure and any subsequent investigation.
- 7.4 Where the individual participates in any such enquiry or investigation e.g. by providing a witness statement or by assisting in the gathering of evidence, that participation will usually be required to be on an open rather than a confidential basis, although the identity of the individual as the original discloser of information will still remain confidential.

8. Anonymous Reporting

- 8.1 The University encourages individuals to put their name to any disclosure they make. Concerns expressed anonymously will be assessed and investigated if possible, but it is likely to be more difficult to investigate anonymous reports.

9. Safeguards

- 9.1 All concerns raised under this policy will be treated in confidence and kept confidential as far as possible. The University would prefer an anonymous disclosure to silence about serious wrongdoing. However, if the matter becomes subject to a disciplinary process, involves unlawful activity, or is referred to the police, then the individual raising the concern may need to be called as a witness or provide a witness statement.
- 9.2 This policy offers individuals who raise concerns in the belief that their disclosure is true, protection against dismissal. The University will not tolerate any harassment or victimization of individuals and such treatment is likely to result in disciplinary action.
- 9.3 If you raise a concern that you believe to be true but it turns out to be unfounded we will not take any action against you. However, if you deliberately raise a concern that you know to be false then disciplinary action may be taken against you.

10. Report of Outcomes

- 10.1 A report of all disclosures and any subsequent actions taken will be made by the Lead Assessor who will retain such reports for a period of not less than three years. In all cases a report of the outcomes of any investigation will be made to the Audit, Assurance and Risk Committee in detail where the issue falls within its remit, and in summary in other cases as a means of allowing the Audit, Assurance and Risk Committee to monitor the effectiveness of the procedure.
- 10.2 Any reports of whistleblowing are reported to the Board of Governors through the Audit, Assurance & Risk Committee where whistleblowing is a standing agenda item.

11. Data Processing

11.1 All personal data processed under this policy will be handled in accordance with the UK GDPR and the Data Protection Act 2018

12. Charity Law/Governance

12.1 Middlesex University is an exempt charity and trustees (Board of Governors) have obligations under charity law. Where appropriate, serious incidents will be reported to relevant regulators, including the Charity Commission.

13. Contact details

13.1 The designated assessors can be contacted as follows:

Teresa Kelly / t.kelly@mdx.ac.uk / 020 8411 6018

Dave Lewis / d.lewis@mdx.ac.uk / 020 8411 5983

Sioban O'Farrell-Pearce / s.ofarrell-pearce@mdx.ac.uk / 020 8411 3217

Gareth Williams / g.r.williams@mdx.ac.uk / 0208 411 4019

Kurt Barling / k.barling@mdx.ac.uk / 0208 411 6622

Belen Olmos Giupponi / b.olmosquipponi@mdx.ac.uk

Reporting Process flow chart



