



Swansea University
Prifysgol Abertawe

Whistleblowing (Public Interest Disclosure) Policy

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Swansea University

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1. Introduction

Swansea University is committed to the highest standards of openness, probity and accountability. It seeks to conduct its affairs in a responsible manner taking into account the requirements of the funding bodies and the standards in public life set out in the Nolan Principles. These are: selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

The [Public Interest Disclosure Act 1998 \(amended 2013\)](#) gives legal protection to employees and workers who disclose confidential information about malpractice in the workplace, whether carried out by other employees/workers or the employer, these are concerns which are both serious and likely to be of wider public interest.

- 1.1 This policy applies to all employees, students, all lay members, contractors, consultants, officers, interns, casual and agency workers.
- 1.2 This policy forms part of the University's internal governance and compliance framework. If an individual is an employee, this policy does not form part of their contract of employment.
- 1.3 This policy is intended to cover concerns of malpractice which are in the wider public interest.
- 1.4 This policy is not intended to be used as a substitute for other University policies and procedures, and the following should be raised in the usual manner:
 - 1.4.1 Allegations of research misconduct should be reported using the [University's Policy on Handling Allegations of Research Misconduct](#).
 - 1.4.2 Matters which relate to an individual's complaint regarding their employment or the way others are behaving towards them including any personal grievance or complaint they may have should be raised under the [University's Staff Grievance Ordinance](#) or under the [Dignity at Work and Study Policy](#) as appropriate.
 - 1.4.3 Allegations of Fraud or financial irregularities should be reported using the [University's Counter-Fraud-Policy](#).
 - 1.4.4 In the case of students, concerns other than those falling under the categories set out above should be raised through the normal [complaints procedure](#).
 - 1.4.5 Matters which relate to workplaces other than Swansea University, for example in hospitals, businesses or other places where students or staff may be based or on placement/secondment. In such cases the University, Faculty, School or Department will ensure that students and staff are made aware of the relevant whistleblowing procedures in force at the other workplaces and, should it be necessary, will provide appropriate support to those seeking to follow other organisations' whistleblowing procedures.
- 1.5 Council Lay members should not view this procedure as an avenue to challenge or question business or financial decisions taken by the University; as an avenue of appeal to challenge decisions previously taken under other procedures of the University; or as a way of dealing with malpractice/wrongdoing of staff or students.
- 1.6 Concerns which have been addressed under other internal procedures, where decisions have been made and appeals processes exhausted should not be brought further under this policy.

2. Definition of Whistleblowing

The Department for Business, Innovation and Skills has developed [Guidance for Employers and Code of Practice](#) on whistleblowing.

- 2.1 The University's aim is to maintain the highest standards of integrity in everything it does. However, all organisations can occasionally be affected by conduct that is dangerous, against the law or breaches ethical or professional codes. Should an individual have any such concerns, the University encourages them to report their concerns immediately - this is called 'whistleblowing' (more formally known as making a disclosure in the public interest). Individuals can be assured that the University will take their concerns seriously, that the concerns will be thoroughly investigated, and the individual can be confident there will be no reprisals. Details regarding protection for whistleblowers can be found in section 5 below.
- 2.2 The types of concerns an individual may want to raise with the University by whistleblowing might include:
- any activity they suspect is criminal;
 - any activity they suspect is fraudulent;
 - any activity they suspect puts health and safety at risk;
 - any activity they suspect may damage the environment;
 - any activity they suspect as financial malpractice and impropriety (including but not limited to financial irregularities, corruption, bribery and/or dishonesty);
 - any activity they suspect falls under the Criminal Finances Act;
 - any activity they suspect as a miscarriage of justice;
 - any failure to comply with legal or regulatory obligations;
 - any failure to comply with the University's Charter or Statutes or Ordinances and/or the Regulations of the University;
 - any unethical behaviors;
 - any failure to meet professional requirements; and/or
 - any attempt to conceal one or more of these activities.

This list is not intended to be exhaustive, and individuals are encouraged to utilise this policy on occasions where they believe they have discovered malpractice or impropriety.

- 2.3 If an individual is not sure whether something they have become aware of is covered by this policy they should speak to their line manager, tutor or one of the University's Whistleblowing Advisors. If the concern is covered under another university policy guidance will be given on how to proceed.
- 2.4 A disclosure under this policy may be made by an individual or jointly with others.

3. Procedure for raising a Whistleblowing Concern

- 3.1 In cases where an individual intends to make a disclosure under this policy, the disclosure should normally be made to the University in the first instance. As stated in 2.3 above, should support or advice in raising a concern be required, line managers, tutors or one of the University's Whistleblowing Advisors can assist in the first instance.
- 3.2 Whistleblowing disclosures should be submitted to the Registrar and Chief Operating Officer as Principal Officer under this Policy. However, if the concern relates to the actions of the Vice-Chancellor or the Registrar and Chief Operating Officer the disclosure should be submitted to the Chair of the Audit, Assurance and Risk Committee who will act as Principal Officer under

this Policy. The current Chair's details can be found [here](#).

- 3.3 The disclosure should be submitted in writing and should clearly state that a concern is being raised under this Whistleblowing Policy. All the key facts should be disclosed including the background and reason behind the concern, whether the concern has already been raised with anyone else and if so their response, any relevant dates and the names of the people involved. On receipt of the written disclosure, the Principal Officer will acknowledge receipt normally within 5 working days.
- 3.4 The whistleblower may be invited to a meeting to discuss their concerns. If so, they are entitled to be accompanied at this meeting, and any subsequent meetings, by a colleague or a trade union representative. If a colleague or a trade union representative is in attendance, all parties must agree to keep disclosures confidential before and after the meeting, and during any investigation that may follow.
- 3.5 After the initial meeting, further meetings may be required, which could include specialists with particular knowledge or experience of the issues raised.
- 3.6 The Principal Officer will consider the information made available to them and decide on the form of investigation to be undertaken. This may be a) to investigate the matter internally and to appoint an Independent Investigator; b) to refer the matter to the police; or c) to call for an independent external inquiry.
 - 3.6.1 If the decision is that investigations should be conducted by more than one of these means, the Principal Officer should satisfy themselves that such a course of action is warranted.
 - 3.6.2 Where the matter is to be the subject of an internal investigation, the Principal Officer will consider how to conclude whether there is a prima facie case to answer. This consideration will include determining and formalising:
 - a) who should undertake the investigation (Independent Investigator);
 - b) the remit of the Independent Investigator, including the ability to make recommendations to the University regarding the actions to be taken;
 - c) the procedure to be followed;
 - d) the scope of the investigation and subsequent concluding report;
 - e) the appropriate governance route for concluding the investigation.In the event that actions of the Vice-Chancellor or the Registrar and Chief Operating Officer or any other member of the Senior Leadership Team are the subject of the whistleblowing disclosure the Principal Officer may wish to appoint an independent team to support the Independent Investigator to ensure complete independence.
 - 3.6.3 The Independent Investigator appointed will be at the discretion of the Principal Officer. The Independent Investigator may be someone internal to the University who is considered to have relevant knowledge and expertise of the issues raised, or an appropriate individual external to the University. The Independent Investigator will undertake the investigation and will report their findings to the Principal Officer.
 - 3.6.4 The Principal Officer, or if appropriate the Chair of the appropriate Council Committee, will be responsible for making any decision following the investigation and to fully consider any recommendations delivered within the report.
 - 3.6.5 It may be appropriate, following the initial investigation, to undertake further reviews to arrive at an overall conclusion. The scope of any extended review should be determined, formalised and agreed by the Principal Officer, or the Chair of the appropriate Council Committee, via the appropriate governance route.

- 3.6.6 As a result of the investigation other internal procedures may be invoked by the Principal Officer. Reference to the police or other external bodies may also be made at this point.
- 3.6.7 In these instances, it might also be necessary to refer the matter to an external authority for further investigation, e.g. Medr, or the [bodies listed](#) in Public Interest Disclosure Act.
- 3.7 Other individuals are likely to be interviewed as part of the investigation, including but not limited to any individuals against whom the disclosure has been raised. Any individual interviewed under this process will be afforded equal support and will be entitled to be accompanied at any meetings by a colleague or trade union representative and/or to reach out to any appropriately trained individual under this Policy. Any individual involved in the investigation, including all those interviewed, and any accompanying colleagues or trade union representatives, must agree to keep the disclosures confidential before and after the meeting, and during any investigation that may follow.
- 3.8 Formal records of any interviews will be retained as evidence of adherence to due process and to ensure a complete and transparent audit trail.
- 3.9 The whistleblower will be kept informed about how the investigation is progressing and how long it is likely to take. Sometimes, however, the Principal Officer may be unable to share details about the investigation (or any action it leads to) as the University must protect confidentiality and comply with legal obligations. In addition, if the concerns raised are particularly complex it may not be possible for the Principal Officer to specify the timeframe for the investigation. The Principal Officer will, however, update all parties as is felt appropriate within the circumstances of the investigation.
- 3.10 While concerns will be taken seriously, will be addressed fairly, and will be thoroughly investigated, the outcome may differ from expectations. If the whistleblower is not satisfied with how the University has conducted the investigation, and/or how the matter has been dealt with by the Registrar and Chief Operating Officer as Principal Officer, they can refer the matter to the Chair of the Audit, Assurance and Risk Committee for further consideration. If, however, the original concerns were dealt with by the Chair of the Audit, Assurance and Risk Committee as Principal Officer, the matter may be referred to the Chair of Council for further consideration. Where a whistleblower is not satisfied, they also have the right to refer their concerns to one of the relevant bodies referred to in point 3.6.7.
- 3.11 An individual will not suffer any detriment for making a whistleblowing disclosure which falls under 2.2 above and the University actively encourages individuals to come forward if they have any concerns. Even if the disclosure is found to be incorrect, the individual making the disclosure will not suffer any detriment provided that they reasonably believed in what they were saying when they raised the concerns and they reasonably believed they were acting in the public interest. Further information on protection for whistleblowers can be found in section 5.

4. Confidentiality and Anonymity

- 4.1 There is a significant difference between wanting to keep concerns confidential and making a disclosure anonymously. While anonymous whistleblowing is actively discouraged, not least as making a disclosure anonymously means it can be more difficult for the whistleblower to qualify for protections as a whistleblower, the University may use its discretion in exceptional circumstances.
- 4.1.1 In exercising this discretion, the factors to be taken into account will include: the seriousness of the issues raised; the credibility of the concern; and the likelihood of confirming the allegation from attributable sources.
- 4.1.2 Concerns raised anonymously are very difficult - and sometimes impossible - to investigate. The University cannot properly establish whether the allegations are credible without being

able to request further detail or for clarification, and this makes it hard to reach an informed decision.

- 4.2 Whistleblowers are encouraged to raise concerns openly in confidence, the University will do all that it can to ensure the whistleblower's identity remains confidential. The Independent Investigator may need to disclose the whistleblower's identity to other individuals involved in the investigation, but permission will be sought prior to disclosure.
- 4.3 The University will treat all appropriate disclosures made in accordance with this policy in a confidential and sensitive manner and will endeavour to keep confidential the identity of the person who has raised the concern. However, it must be appreciated that the investigation process may reveal the source of the information and that a formal statement from the original complainant may be required as part of the investigative process.

5. Protection for Whistleblowers

- 5.1 Individuals who raise a concern under this policy will be supported by the University even if it is subsequently found through the investigation that the concern was raised as a result of a genuine mistake or that there has been no breach of policy or legal obligation. However, if it is felt that an individual has been treated detrimentally as a result of raising a concern, the Principal Officer should be informed immediately.
- 5.2 Victimisation or other detrimental treatment of an employee, student or other member of the University, as a result of them raising a concern or acting in a supporting capacity under this policy, may be considered a serious disciplinary offence under the University's disciplinary procedure.
- 5.3 All whistleblowers are afforded the same protection, so individuals must not threaten others who have raised concerns or carry out reprisals against them. Any individual within the scope of this policy who attempts to prevent an individual raising a concern under this policy may face disciplinary action which could include dismissal for gross misconduct. Individuals doing so may also face legal action from the whistleblower in these circumstances
- 5.4 It should be noted, however, that any disclosure made maliciously or with the knowledge that the allegation is false will not be tolerated and could lead to disciplinary action. Such disclosures undermine the whole tenet of a whistleblowing policy.

6. Taking concerns outside the University

- 6.1 This policy outlines the governance process for raising, investigating, and resolving concerns relating to wrongdoing or malpractice within the University. It is rarely necessary for anyone outside the University to become involved when a whistleblowing disclosure is made.
- 6.2 In some exceptional circumstances, however, an external body, professional body or regulator may need to be informed.
- 6.3 This policy covers the actions of third parties such as suppliers, service providers, and clients, as well as University staff, students and lay members. Should concerns regarding a third party arise, individuals are encouraged to raise concerns internally in the first instance. Line managers, tutors, or one of the University's Whistleblowing Advisors will be able to explain how this can be done.
- 6.4 Alerting the media or an unrelated third party to a concern - particularly before or during an internal investigation - is almost never justified or appropriate in any situation. Individuals are strongly discouraged from doing so and contact with the media may be considered to be a disciplinary issue justifying dismissal, unless exceptional circumstances exist. It would normally be expected that all reasonable steps would have been taken to deal with the matter internally or with an external regulator, and to have taken full independent legal advice before being justified in approaching the media or any unrelated third parties. It should also be noted that

taking a matter to the media or any unrelated third parties may potentially affect the individuals' rights and protection under the Public Interest Disclosure Act 1998 (amended 2013).

6.5 In respect of external regulators and professional bodies mentioned in 6.2 above, this will depend on the nature of the concern. However, these may include but are not limited to:

- Charity Commission;
- Commission for Tertiary Education and Research (Medr);
- Home Office;
- The relevant Police Regulatory Authority;
- The relevant Research Council;
- External funding bodies.

6.6 In line with 2.3 and 2.4 above, if an individual is not sure whether something they have become aware of is covered by this policy they should speak to their line manager, tutor or one of the University's Whistleblowing Advisors.

7. Reporting of Outcomes

7.1 A full report on all disclosures and any subsequent actions taken will be made by the Principal Officer to the appropriate governance Committee as defined in the agreed investigation scope in line with 3.6.2 above. A full outcome report will be provided to the Chair of Audit, Assurance and Risk Committee together with unrestricted access to the investigator, if required. A summary of the report will be shared with the Audit, Assurance and Risk Committee as a means of facilitating the Committee to monitor the effectiveness of the Policy, unless the Chair of Audit, Assurance and Risk Committee deems it appropriate to share the full report with the Committee.

7.2 Subject to protecting confidentiality and complying with legal obligations, the Principal Officer will provide feedback to the whistleblower after the investigation is completed, explaining if action has been taken so that they understand how their disclosure has been handled and dealt with.

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