
HR Policies and Procedures

Whistle Blowing

For NFER Employees

National Foundation for Educational Research (NFER)

Restricted

November 2018

Version Control

Update Date

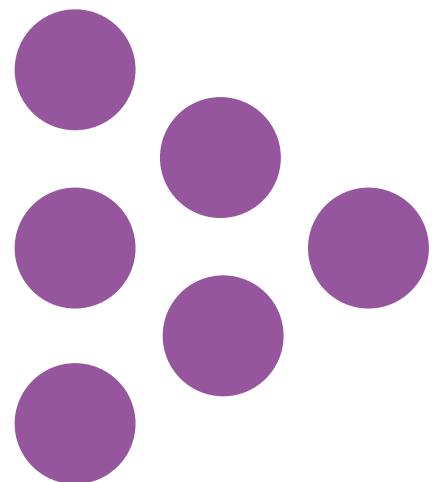
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May 2015

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Introduction

“Whistle blowing” is the term used to describe the situation when an individual knows, or suspects, that some wrongdoing has / is or, they believe, will take place in the near future within their organisation, and alerts their employer or the relevant authority accordingly.

The Public Interest Disclosure Act 1998 gives protection to individual employees including casual workers, agency workers and contractors who make such a qualifying disclosure when they reasonably believe it is in the public interest for them to do so.

Contents

1.	Actions to be taken by the individual	1
2.	Possible situations	1
3.	Action to be taken by the manager	1
4.	Alerting outside bodies to a potential wrongdoing	2
5.	Contacting non-prescribed regulatory persons / bodies	2
6.	Protection against detriment	3

1. Actions to be taken by the individual

If an employee knows or suspects that some wrongdoing is occurring within NFER he/she should raise the matter immediately with their Head of Department / Head of Centre. If they don't know who to approach they should, in the first instance, talk to their line manager or the HR Department.

Employees can raise their concern at any time about an incident that happened in the past, is happening now, or they believe will happen in the near future.

2. Possible situations

The wrongdoing that is disclosed must be in the public interest, i.e. it must affect others. Although this list is not exhaustive, examples of situations in which it might be appropriate for an employee to report a wrongdoing include:

- a breach, or potential breach, of data security policy or procedure
- a breach, or potential breach, of health and safety legislation
- a breach, or potential breach, in confidentiality concerning a statutory test
- financial irregularities
- inappropriate use of personal data held by the Foundation
- harassment of a colleague, customer or other individual
- damage to the environment
- the committing of a criminal offence, e.g. fraud
- an act of bribery
- deliberate concealment of any of the above.

Personal grievances (e.g. bullying, harassment, discrimination) aren't covered by whistle blowing law, unless a particular case is in the public interest.

3. Action to be taken by the manager

Anyone reporting a wrongdoing can do so anonymously but the manager who has been informed may not be able to take the claim further if the employee hasn't provided all the information the manager needs.

Any manager who is informed by an employee of potential wrongdoing must take immediate action to investigate the situation. Where the employee concerned requests confidentiality the manager should take every possible step to maintain his/her anonymity.

The employee who has raised the issue should be kept informed of any investigation that is taking place and the outcome of that investigation. It may not always be appropriate to give the employee the details of any action that is taken as a result, if the manager has to keep the confidence of other people, but the employee should be informed if that is the case.

4. Alerting outside bodies to a potential wrongdoing

An employee should always, in the first instance, talk to a manager in the organisation about a potential wrongdoing. If the employee is not satisfied with the response, if they believe their concern wasn't taken seriously or the wrongdoing is still going on, he/she should raise the issue with the Head of HR.

If the employee remains concerned about the way in which the matter is being dealt with he/she is entitled to contact a prescribed external person / body to express their concerns. In doing this the employee should:

- have a reasonable belief that the allegation is based on correct facts
- make the disclosure to a relevant prescribed person or body
- have a reasonable belief it is in the public interest to make the disclosure.

A "relevant prescribed person or body" is likely to be a regulatory body (e.g. the Health and Safety Executive, the National Crime Agency, Ofsted, Ofqual, HMRC, , the Information Commissioner's Office or the Charities Commission), and must be one that deals with the issue being raised. A list of prescribed persons or bodies and their relevance is available from the BIS website.

Employees could also contact the [Advisory, Conciliation and Arbitration Service \(Acas\)](#) or the whistleblowing charity [Public Concern at Work](#) for more guidance.

5. Contacting non-prescribed regulatory persons / bodies

In the unlikely event that an employee has exhausted all internal routes and any relevant prescribed persons or bodies and failed to get any satisfaction, and if he / she remain confident

that their complaint is substantial it may be appropriate for them to contact a non-prescribed regulator such as the police, MPs or the media.

6. Protection against detriment

Any employee who takes action under the Public Interest Disclosure Act 1998 will be protected from suffering any detriment in relation to the allegations that are made, including victimisation by the organisation or by colleagues.

If the employee does not follow the procedure set out, which encompasses the requirements of the Public Disclosure Act 1998, the protection against detriment will not apply. Disclosing information in an inappropriate way (e.g. contacting the media) could result in disciplinary action being taken against the individual, which could include dismissal.