



HARTPURY

Public Interest Disclosure Policy ('Whistleblowing')

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INTRODUCTION

Hartpury is committed to the highest standards of openness, accountability and integrity. Therefore, we expect employees, students and other parties who work with Hartpury who have serious concerns about any aspect of Hartpury's work to voice those concerns.

The term 'whistleblowing' is the disclosure of information by an employee or worker to report wrongdoing at work that affects others, for example, it could affect the general public. The Public Interest Disclosure Act 1998, which was amended by the Enterprise and Regulatory Reform Act 2013, governs the making of disclosures concerning workplace activities and is intended to protect employees who "blow the whistle" on bad practice from being subjected to any detriment or unfairly dismissed as a result. In providing this protection, the Act also reinforces the obligations of all persons employed by Hartpury not to disclose to external sources any operational secrets or confidential information acquired during the course of their employment, unless they fall within the qualifying criteria for protection disclosures.

It is expected that an employee, students or other parties associated with Hartpury will be loyal to it and will not disclose confidential information about the employer's operations, which is calculated or likely to destroy the mutual trust and confidence on which the relationship is based. However, where an employee, student or other person discovers apparent malpractice, impropriety or wrongdoing within the organisation, then the information should be disclosed appropriately without fear of reprisal.

PURPOSE AND SCOPE

The primary purpose of this procedure is to provide employees, students and other parties with information about Hartpury's approach to matters relating to public interest disclosure (or 'whistleblowing' as it is known), and how they may raise a genuine concern without fear of reprisal.

Employees are protected by this policy and procedure from the beginning of their employment. People are also still protected even if they no longer work at Hartpury and wish to make a disclosure.

Complaints falling outside this procedure will be dealt with under other appropriate procedures (e.g. Grievance Procedure, Complaints Procedure).

This policy does not form part of any employee's contract of employment and may be amended at any time at the discretion of Hartpury.

APPLICATION OF THIS POLICY AND PROCEDURE

Legislation protects all 'workers' who disclose information in the correct manner, from dismissal or penalisation by their employers. 'Workers' has a broader definition than 'employee' and will apply to individuals who:

- Are employed under a contract of employment; including apprentices
- Are employed under any contract under which they perform personally, any work or services for another party (contract for services);
- Work or worked for a person in circumstances which they were introduced or supplied to do that work by a third person i.e. agency workers;
- Is or was provided with work experience provided pursuant to a training course or programme or with training for employment otherwise than under a contract of

employment, or by an educational establishment on a course run by the establishment, i.e. students.

Workers might be unsure whether it is appropriate to raise their concern under this policy and procedure or whether it is a personal grievance, which is more appropriate to raise under Hartpury's Grievance procedure. Any worker in this situation is encouraged to approach the HR department in confidence for advice.

By law (the Public Interest Disclosure Act 1998), whistleblowers are protected from:

- Unfair dismissal – if someone is dismissed for whistleblowing, it will be treated as an automatic unfair dismissal
- Detriment

Detriment means someone experiences one or both of the following because they made a disclosure:

- Being treated worse than before
- Having their situation made worse

Examples of detriment could be:

- Their employer reduces their hours
- They experience bullying
- They experience harassment
- Their employer turns down their training requests without good reason

To claim protection under the law, whistleblowers must show they:

- Made a qualifying disclosure
- Followed the correct disclosure procedure
- Were dismissed or suffered a detriment as a result of making the disclosure

SAFEGUARDS

A worker making a disclosure under this procedure can expect this to be treated confidentially and with respect by Hartpury and, where applicable, their name will not be disclosed to anyone implicated in the suspected wrongdoing, without their prior approval.

Hartpury will take all reasonable steps to ensure that any report of recommendations, or other relevant documentation, produced by Hartpury does not identify the worker making the disclosure without their written consent, or unless Hartpury is legally obliged to do so, or for purposes of seeking legal advice.

A worker will not suffer any detrimental action or any form of victimisation by Hartpury for making a disclosure in accordance with this policy or procedure.

A worker making a disclosure may want to confidentially request counselling or other support from occupational health (staff) or the Wellbeing department (student). Any such request should be addressed to the HR department. Such a request would be made in confidence.

Any member of Hartpury who chooses to make a disclosure outside Hartpury (including the press) without using this procedure may not be protected under the Act and may be subject to internal disciplinary procedures.

PROTECTED DISCLOSURE

The law protects workers who, out of a sense of public duty, want to reveal suspected wrongdoing or malpractice.

The law allows workers to raise what it defines as a 'protected disclosure'. In order to be a protected disclosure, a disclosure must relate to a specific subject matter (see below) and the disclosure must be made in an appropriate way. A 'protected disclosure' must, in the reasonable belief of the worker making it, also be made in the public interest. A protected disclosure must consist of information and not merely be allegations of suspected malpractice.

QUALIFYING DISCLOSURES

If, in the course of employment, a worker becomes aware of information which they reasonably believe tends to come under one or more of the following situations, they must use this procedure:

- 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 they are subject;
- That a miscarriage of justice has occurred, is occurring or is likely to occur;
- That the health and safety of any individual has been, is being or is likely to be damaged. It must indicate a greater danger than is associated with the normal use of the process/product, or a danger that is not usually associated with it;
- That the health and safety of the environment has been, is being or is likely to be damaged. It must indicate a greater danger than is associated with the normal use of the process/product, or a danger that is not usually associated with it.
- Administrative malpractice (financial or non-financial);
- Obstruction or frustration of the exercise of academic freedom;
- Academic or professional malpractice (including, for instance, violation of intellectual property rights or failure of integrity in research);
- Improper conduct or unethical behaviour;
- That information tending to show any matter falling within any one or more of the preceding paragraphs has been is being or is likely to be deliberately concealed.

These concerns may be investigated under this policy. If the concern raised in relation to the above matters, appears to relate more appropriately to a grievance, harassment or discipline, the appropriate Hartpury policy/procedure will be invoked.

By law, a worker will be protected as a whistleblower if they can show it is reasonable that what they are disclosing fits into one of the categories of a qualifying disclosure or is in the public interest.

In the public interest means it has to also affect others. For example, other workers, students, any other third party or the general public. A problem or grievance that is personal to an individual only is unlikely to count as being in the public interest.

Something is more likely to be in the public interest:

- the more serious the issue is

- if an individual is reporting something that was done deliberately
- if the concerns involve a large, influential or well-known employer
- if there are a large number of people affected by the concerns

A worker will not be protected by the law when making a qualifying disclosure if they:

- commit a criminal offence by disclosing the information
- breach legal professional privilege

MAKING A PUBLIC INTEREST DISCLOSURE

Information which a worker reasonably believes tends to show one or more of the situations given above should promptly be disclosed to the line manager or the relevant Executive member, in the first instance, so that concerns can be dealt with quickly and by the best person.

If it is inappropriate to make such a disclosure to their line manager, a worker can raise this issue with the Chief Operating Officer or Chief People Officer.

If the disclosure is about a member of the Senior Team (other than the designated Senior post holders: – the Vice-Chancellor, Principal CEO and Chief Operating Officer) a disclosure should be raised with the Vice-Chancellor, Principal and CEO.

Disclosures against the 'holder of a senior post' should be referred to the Clerk to the Corporation who will notify the Chair of the Audit & Risk Management Committee, who will make arrangements for the investigation, following the principles of this procedure.

Allegations against individual Governors should be referred to the Chair of the Board of Governors who will arrange for an investigation, following the principles of this procedure.

In the event of allegations against the Chair of the Board of Governors or the entire Board of Governors, the issue should be raised with the appropriate regulator e.g. ESFA, OfS.

A disclosure should be submitted to the relevant person in writing, either an email or letter. The disclosure should include:

- the background and reason for the concerns
- whether you've already raised the concern with anyone else and their response
- any relevant dates

You may also include any evidence, for example, documents, photographs, or screenshots. However, it is important to remember that it is not your responsibility to gather evidence. If you take documents or pass them to someone outside of Hartpury, you may be in breach of your contract or other laws.

All concerns raised will be acknowledged in writing and recorded within 5 working days.

CONFIDENTIALITY

Hartpury will treat all such disclosures with respect and in a confidential and sensitive manner. The identity of the individual making the allegation may be kept confidential as long as it does not hinder or frustrate any investigation. However, the investigation process may reveal the source of information and the individual making the disclosure may need to provide a statement as part of the evidence required.

ANONYMOUS ALLEGATIONS

This policy encourages workers to put their name on any disclosures they make. If an anonymous disclosure is made, Hartpury will not be in a position to notify the individual, making the disclosure, of the outcome or action taken by Hartpury. Anonymity also means that Hartpury will have difficulty in investigating a concern. Hartpury reserves the right to determine whether to apply this procedure in respect of an anonymous disclosure in light of the following considerations:

- The seriousness of the issues raised in the disclosure;
- The credibility of the concern; and
- How likely it is that the concern can be confirmed from attributable sources.

UNSUBSTANTIATED ALLEGATIONS

If an individual makes an allegation in good faith, which is confirmed by subsequent investigation, no action will be taken against that individual. If, however, an individual makes malicious or vexatious allegations and, particularly if they persist with making them, when they have been declared after due process or without foundation, disciplinary action may be taken against them. A disclosure may be deemed malicious or vexatious at any stage of the procedure.

PROCESS

When a worker makes a disclosure, Hartpury will acknowledge receipt, in writing, within 2-3 working days.

Hartpury will then determine whether or not it believes that the disclosure meets the threshold for an investigation. If Hartpury considers that the disclosure does not have sufficient merit to warrant further action, the worker will be notified in writing of the reasons for Hartpury's decision and advised that no further action will be taken by Hartpury under this policy and procedure. Considerations to be taken into account when making this determination may include the following:

- If Hartpury is satisfied that a worker does not have a reasonable belief that suspected malpractice is occurring; or
- If the matter is already the subject of legal proceedings or appropriate action by an external body; or
- If the matter is already subject of another, appropriate procedure.

When a worker makes a disclosure which has sufficient substance or merit warranting further action, Hartpury will discuss confidentiality with the individual and reassure them about protection from detriment.

Hartpury is committed to investigating disclosures fully, fairly, quickly and confidentially where circumstances permit. The length and scope of the investigation will depend on the subject matter of the disclosure, however, would not normally exceed 20 working days. If a longer investigation is considered necessary, an investigator or investigative team will be appointed including personnel with experience of operating workplace procedures or specialist knowledge of the subject matter of the disclosure. Investigations will not normally be conducted by any person who will potentially have to reach a decision on the matter. So far as appropriate and practicable, the worker who made the disclosure will be kept informed of the progress of the investigation at regular intervals as deemed necessary. However, the

need for confidentiality may prevent Hartpury from disclosing specific details of the investigation or actions taken.

If appropriate, any internal investigation would be conducted by a manager of Hartpury without any direct association with the individual to whom the disclosure relates, or by an external investigator appointed by Hartpury as appropriate.

Any recommendations for further action by Hartpury will be addressed to the Senior Management Team or the Chair of the Board as appropriate in the circumstances. The recipient will take all steps within their power to ensure the recommendations are implemented unless there are good reasons for not doing so.

OUTCOME AND REPORTING

Without breaching any duty of confidentiality or privacy that Hartpury may owe to third parties (including other staff), Hartpury will seek to notify the worker of the outcome of any investigation, providing a full, evidence-based response explaining findings and actions taken where appropriate. This will normally confirm whether the investigation upheld the worker's concern and the fact that measures are being implemented to address recommendations arising from an investigation. Often, the need for confidentiality will prevent Hartpury giving the worker specific details of the investigation, the outcome, specific measures implemented or any disciplinary action taken against staff members found to be culpable. In any event, the worker must treat any information about the investigation as confidential.

While Hartpury cannot always guarantee any outcome the worker is seeking, it will aim to deal with concerns fairly and in an appropriate way.

APPEALS PROCEDURE

If someone who has made an allegation under this procedure remains dissatisfied with the outcome of the investigation, then they may appeal but only on procedural grounds. An appeal on procedural grounds should be sent to the Chair of the Audit and Risk Committee, who may commission a procedural review if it is clear that there has been a procedural failure and establish its terms of reference. If the initial disclosure was referred to the Chair of the Audit, Risk and Assurance Committee, an appeal may be made to the Chair of the Board of Governors. The length and scope of the procedural review should not normally exceed 20 working days.

ACCOUNTABILITY

Hartpury will keep a record of all concerns raised under this policy and procedure, including cases where Hartpury deems that there is no case to answer and therefore no action should be taken.

There will be an annual report to the Audit and Risk Management Committee on the operation of the policy and (subject to the obligations of confidentiality set out above) whether any disclosures have been made. Details of any public interest disclosures during the 12-month review period will also be included within the Annual People Report to Governors.

REFERENCE TO OTHER POLICIES

- Disciplinary and Dismissal Policy and Procedure
- Grievance Policy and Procedure

- Hartpury's Complaints Policy
- Code of Professional Conduct

FREEDOM OF SPEECH

As part of this policy, Hartpury reaffirms its commitment to the principles of freedom of speech and academic freedom, in accordance with the Higher Education (Freedom of Speech) Act 2023 and guidance from the Office for Students (OfS). Hartpury will take all reasonably practicable steps to secure the right to express lawful views and engage in open debate without fear of censorship or institutional discipline for staff, students, and visiting speakers. In addition, this policy prohibits the use of non-disclosure agreements (NDAs) in any situation that would prevent staff from speaking out about misconduct, harassment, or other matters of public interest.

EQUALITY, DIVERSITY AND INCLUSION

As with all Hartpury policies and procedures, due care has been taken to ensure that this policy is appropriate to all members of staff and students regardless of their age, disability, ethnicity, gender, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sexual orientation and transgender status.

The policy will be applied fairly and consistently whilst upholding Hartpury's commitment to providing equality to all. If any employee or student feels that this or any other policy does not meet this aim, please contact the HR Department (staff) or an academic tutor (student).

Hartpury is committed towards promoting positive mental health by working towards the MINDFUL EMPLOYER Charter, holds the Student Minds University Mental Health accreditation and has signed the AoC Mental Charter. Hartpury aims to create a culture of support within the workplace where employees can talk about mental health problems without the fear of stigma or discrimination.