

Green Templeton College University of Oxford

Whistle Blowing (Making a Protected Disclosure)

Introduction

Under certain circumstances, employees have legal protection if they make disclosures about organisations for whom they work. These employees are commonly referred to as “whistle blowers” and their activities have often received wide publicity in the media.

An employee who believed, for example, that organisations were disposing of toxic waste illegally may have “blown the whistle” directly to the press or television, perhaps because of concern for the environment, a belief that the organisation would attempt a “cover-up” if asked to stop, or for financial gain.

Employees who blew the whistle in organisations, were often treated detrimentally by them or their engagements were terminated. This discouraged employees from whistle blowing even where such action would be for the good of the public. The legislation is designed to protect employees from suffering any detriment or termination of engagement for whistle blowing.

Qualifying Disclosures

Certain disclosures are prescribed by law as “qualifying disclosures”. Disclosures are qualifying disclosures where it can be shown that the college commits a “relevant failure” by:-

- a) Committing a criminal offence
- b) Failing to comply with a legal obligation
- c) A miscarriage of justice
- d) Endangering the health and safety of an individual
- e) Environmental damage
- f) Concealing any information relating to the above

These acts can be in the past, present or future. For example, a disclosure qualifies if it relates to environmental damage that has happened, is happening, or is likely to happen.

The Procedure

An employee should in the first instance report any concerns to their line manager, or a more senior member of staff if this is more appropriate, who will treat the matter in complete confidence. If not satisfied with the explanation or reason given, the matter should be raised with the appropriate organization or body, e.g. the Police, the Environment Agency, Health and Safety Executive or Social Services Department.

Concerns may be taken direct to the appropriate organization or body.

General Notes

The Public Interest Disclosure Act 1998 prevents an individual from suffering a detriment or having their contract terminated for “whistle blowing” and the College takes very seriously any concerns which may be raised under this legislation.

Staff should be confident to use the procedure if they are concerned about any wrong doing at work. However, if the procedure has not been invoked in good faith (e.g. for malicious reasons or in pursuit of a personal grudge), then disciplinary action may be taken, as may be appropriate in the circumstances.