



Title:	WaterBear Staff Whistleblowing Policy
Code:	WBWBP-01
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Approved by:	Senior Management Team
Policy owner:	CFO (in their capacity as HR lead)

WaterBear is a College of Falmouth University and as such its students are students of Falmouth University, studying at WaterBear. All WaterBear policies and procedures have been tailored to best suit the specific requirements of the College, its students and staff. In some instances, Falmouth policies and procedures may be deferred to for additional guidance, or where Falmouth policy has been deemed to cover both the requirements of the University's operations and those of its academic partners.

1. Introduction

- 1.1. Employees, may in properly carrying out their duties, have access to, or come into contact with, information of a confidential nature. Their terms and conditions provide that except in the proper performance of their duties, employees are forbidden from disclosing, or making use of in any form whatsoever, such confidential information.
- 1.2. However, under the Public Interest Disclosure Act 1998 (PIDA), employees are legally protected when making a 'protected disclosure'. To qualify, a disclosure must relate to a specific subject matter (clause 2), and the disclosure must also be made in an appropriate way (clause 3). Whistleblowing protection is confined to a disclosure that, in the reasonable belief of the employee making the disclosure, is made in the public interest.
- 1.3. WaterBear Education Limited ('the Company') is committed to compliance with the Bribery Act 2010. The Company actively encourages a culture of honesty and openness and therefore all employees are required to bring up their manager or other designated person any issue that, in the employee's opinion might constitute bribery or corruption.

2. Purpose and scope of this policy

- 2.1. All organisations face the risk of things going wrong or of unknowingly being involved in or subject to malpractice.
- 2.2. The Company takes malpractice very seriously. We are committed to conducting our business with honesty, integrity, openness and accountability, and we expect our community, as a whole, to maintain these high standards, in accordance with our



policies and procedures. This policy applies to all staff within our institution who we encourage to speak up about any behaviours that give cause for concern. We want everyone to feel secure about raising such concerns.

2.3. The aims of this policy are:

- to give employees the opportunity and guidance to confidentially report concerns about suspected wrongdoing that affects WaterBear (and/or other people where there is a public interest) as soon as possible, in the knowledge that concerns will be taken seriously and investigated appropriately, and that their confidentiality will be respected
- to provide employees with guidance as to how to raise those concerns; and
- to reassure employees that they should be able to raise genuine concerns without fear of any repercussions including any detriment to their employment even if they turn out to be mistaken.

2.4. It does not matter if an employee who raises a concern is mistaken about it – they do not have to prove anything about the allegation that they are making but they must reasonably believe that the disclosure is made in the interests of the institution and its community and that the information they have tends to show some malpractice.

2.5. This policy is non-contractual, and we may amend it at any time.

3. When to use this policy

3.1. There is a difference between whistleblowing and raising a complaint or grievance. Whistleblowing is where there is a concern about a danger or illegality that has a public interest aspect to it, for example because it threatens other employees, students, third parties or the public generally, whereas a complaint will typically relate to personal circumstances or interactions with WaterBear.

3.2. This policy does not set out the procedure that applies to general or personal complaints about WaterBear.

3.3. This policy may not be used to re-open or review a matter already decided in connection with WaterBear's other policies and procedures or to question or reconsider any financial or business decisions.

3.4. We have separate Anti-Bribery and Anti-Fraud policies, which are available [here](#). These should be referred for reporting concerns about such issues instead of the process set out here.



4. Specific Subject Matter or malpractice covered by this policy

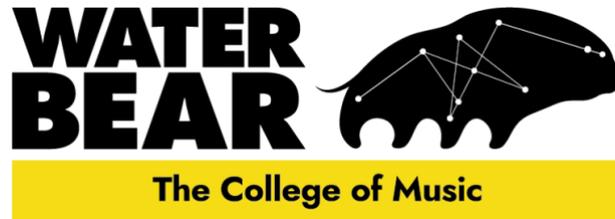
- 4.1. If, in the course of employment, an employee becomes aware of information that they reasonably believe tends to show one or more of the following:
 - a. that a criminal offence has been committed, is being committed or is likely to be committed
 - b. that a person has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject
 - c. that a miscarriage of justice has occurred, is occurring, or is likely to occur
 - d. that the health and safety of any individual has been, is being, or is likely to be endangered
 - e. that the environment has been, is being, or is likely to be damaged
 - f. that information tending to show any of the above is being, or is likely to be deliberately concealed
 - g. that the business or any associated person has been, is being, or is likely to be receiving or offering bribes

5. Disclosure Procedure

- 5.1. Information that an employee reasonably believes tends to show one or more of the above should promptly be disclosed to a member of the Senior Management Team so that any appropriate action can be taken.
- 5.2. If it is inappropriate to make such a disclosure to a senior manager, the employee should speak to the Chief Executive Officer (CEO) or the Chief Finance Officer (CFO).
- 5.3. Employees will suffer no detriment of any sort for making such a disclosure in accordance with this procedure.
- 5.4. However, failure to follow this procedure may result in the disclosure of information losing its 'protected status'.
- 5.5. For further guidance in relation to this matter or concerning the use of the disclosure procedure generally, employees should speak in confidence to the CFO.

6. Responding to concerns raised

- 6.1. WaterBear is committed to ensuring that all disclosures raised will be dealt with appropriately, fairly and professionally. We aim to acknowledge any disclosure within five working days of receipt.



- 6.2. WaterBear will conduct an initial assessment to decide what action we need to take to deal with the disclosure. This may involve simply clarifying certain matters, clearing up misunderstandings or resolving the matter without the need for investigation. We may need to arrange a meeting with the discloser to discuss the concern raised. In such circumstances, the discloser may bring another staff member or other appropriate representative to any meeting that takes place, provided that the companion shall respect the confidentiality of the disclosure and any subsequent investigation. WaterBear may ask the discloser for further information about the concern raised, either at this meeting or at a later stage.
- 6.3. After its initial assessment, WaterBear will decide how to respond. Usually this will involve making internal enquiries first, but it may be necessary to carry out an investigation at a later stage which may be formal or informal depending on the nature of the concern raised. External investigators may be brought in where necessary. WaterBear will endeavour to complete investigations within a reasonable time.

7. Investigations

- 7.1. Following receipt of a disclosure, the Company will need to investigate the disclosure. Depending on the nature of the disclosure, this may be investigated in line with the Company's Investigation Protocol.
- 7.2. WaterBear will keep the discloser informed of the progress of the investigation carried out and when it is completed and give an indication of timings for any actions or next steps that WaterBear will take, but WaterBear will not be able to inform the discloser of any matters which would infringe any duty of confidentiality owed to others. If it is determined that a concern should be dealt with under another internal procedure, we will notify the discloser of that decision. That internal procedure will take place in the normal way and in accordance with any relevant policies.

8. Confidentiality

- 8.1. WaterBear hopes that all employees will feel able to voice concerns openly under this policy; however, should an employee wish to raise a concern, all such concerns shall be treated in confidence and every effort will be made not to reveal the employee's identity to anyone, other than those involved in investigating the concern(s). If it becomes necessary for anyone else to know the employee's identity in order to adequately investigate the concern, WaterBear will discuss this with the employee first. Furthermore, if disciplinary or other proceedings follow the investigation, it may not be possible to take action as a result of a disclosure without the disclosing employees help, so they may be asked to come forward as a witness. If the disclosing employee agrees to this, they will be offered advice and support.



- 8.2. Whilst a concern may be made anonymously, WaterBear encourages employees to put their name to the allegation whenever possible. If this is not done, it will be much more difficult for WaterBear to give feedback on the outcome of investigations. Concerns that are expressed completely anonymously are much less powerful and are difficult to investigate. WaterBear will consider them at its discretion, taking into account factors such as the seriousness of the issue raised, the credibility of the concern and the likelihood of confirming the allegation from other sources.

9. Protection and support for those raising concerns

- 9.1. WaterBear is committed to good practice and high standards and to being supportive to employees who raise genuine concerns under this policy, even if they turn out to be mistaken.
- 9.2. Any employee raising a genuine concern shall not suffer any detriment to their status at WaterBear as a result of doing so. If an individual believes that they have suffered such treatment, they should inform the CEO immediately.
- 9.3. WaterBear will not tolerate any harassment or victimisation of any individual who has raised a concern under this policy. It should be noted that harassing or victimising individuals for raising concerns amounts to misconduct and could also lead to disciplinary action.
- 9.4. However, to ensure the protection of all our employees, those who raise a concern maliciously and/or for personal gain and/or make an allegation they do not reasonably believe to be true may also be liable to disciplinary action under our Staff Disciplinary policy.

10. Related Policies

- 10.1. Anti-Bribery Policy
- 10.2. Anti-Fraud Policy

Further information can be found on GOV.UK under 'Whistleblowing: list of prescribed people and bodies'.