



## **PUBLIC INTEREST DISCLOSURE PROTOCOL**

### **INTRODUCTION**

1. Royal Holloway, University of London is committed to the principles of academic freedom, and seeks to conduct its affairs in an open and responsible manner, and to take account of the requirements of funding bodies, and the standards in public life set out in the reports of the Nolan Committee. The College's major objectives include the fostering of integrity, tolerance and humane values and the promotion of equality of opportunity. Members of the academic staff have the right, as set out in Section 202(2) of the Education Reform Act, 1988, within the law to question and test received wisdom and to put forward controversial ideas without risk to their jobs or their position in the College. The College believes that all staff and students should be able to speak freely, without fear of disciplinary action or any other sanction, provided they do so lawfully, without malice and in the public interest.

### **WHISTLEBLOWING**

2. There is no legal definition of Whistleblowing, either within European Community law or UK law. The term Whistleblowing is most commonly used when an employee (or ex-employee) publicly alleges wrongdoing within an organisation. Such wrongdoing can include fraud or financial irregularities, serious maladministration arising from the deliberate commission of improper conduct, unethical activities by other staff which may be of a criminal nature and dangerous acts or omissions which create a risk to health, safety or the environment. It does not include mismanagement, which may arise from reasons other than deliberate malpractice. Lord Borrie QC has described whistleblowing as,

At the disclosure by an employee (or professional) of confidential information which relates to some danger, fraud or other illegal or unethical conduct connected with the workplace, be it of the employer or of his fellow employees.

#### **Recommended 'Response to a Whistleblowing Incident' (where the disclosure made could lead to a PR problem)**

Below is a suggested response to any follow-up from the Press, drawing our attention to a controversial statement about the College made by a member of staff/student:

A firm but non-committal response from the recipient of the call along the lines:

" I'm afraid I can't comment. Let me take your details and the Press Office will respond on behalf of the College as soon as possible" .

2) The recipient should take reporter's name, publication (or station) and phone number and refer details of the call and contact information to the Press & PR Officer.

3) The College would then investigate the matter and agree a comprehensive response or holding statement.

4) The Press & PR Officer (x3967), the Head of External Relations (x4079) (in her absence), or the Web & Publications Manager (x4172) (in his absence) would then respond to the enquiry once the facts have been established.

## **PUBLIC INTEREST DISCLOSURE**

3. This protocol has been headed the Public Interest Disclosure Protocol in order to emphasise the public interest element of it, and to be consistent with the Public Interest Disclosure Act 1998 (now part of the Employment Rights Act 1996). It is important that, while members of staff or others closely connected with the College, such as Academic Visitors or those holding honorary appointments, are given an opportunity to raise matters of concern, these should be matters of genuine public interest and not merely in the interests of the person concerned or as part of a personal dispute within the College. It is, after all, a fundamental term of a contract of employment that an employee will faithfully serve his or her employer and keep the employer's business confidential.

## **SCOPE OF THIS PROTOCOL**

4. This document covers the procedures within Royal Holloway to deal with allegations which may be made about any of the following:

- the commission of a criminal offence;
- a failure to observe a legal obligation, or to comply with the instrument of governance, ie the College Act, Statutes and Regulations;
- a miscarriage of justice;
- endangering health, or safety, or the environment;
- financial or non-financial administration and malpractice;
- the obstruction or frustration of the exercise of academic freedom;
- academic or professional malpractice;
- improper conduct or unethical behaviour;
- the suppression or concealment of any information relating to any of the above.

Matters raised in this way should be matters of public interest and not simply a private dispute.

5. This protocol provides a way in which individual members of staff, students and others closely involved with the College (see para 3 above) may raise genuine and legitimate concerns, and also enables the College to use publicly-known systems to investigate those concerns and take appropriate action, so that they can be resolved effectively.

## **PRINCIPLES**

6. This protocol has been developed to ensure that members of staff and students who have genuine and legitimate concerns of the sort referred to above:

(i) have a means by which such concerns can be investigated quickly, fairly and thoroughly;

(ii) can be assured that such concerns will be judged on their individual merits;

(iii) can be assured that there will be no victimisation of any person raising such concerns;

(iv) may raise them in confidence, though it must be recognised that thorough investigation may not be compatible with maintaining complete confidentiality.

7. Allegations that are deemed to be frivolous or malicious may lead to disciplinary action against the person(s) who has or have made them.

## **OTHER COLLEGE REGULATIONS AND PROCEDURES**

8. All members of staff are required to observe and abide by the College's financial regulations and procedures derived from them. The financial regulations state that:

### **Disclosure of Fraud and Irregularity**

12.27 Any employee of the College who becomes aware or suspects any form of financial irregularity shall inform their Head of Department and the Director of Finance.

12.28 A member of Council who becomes aware or suspects any form of financial irregularity shall inform the College Secretary and the Director of Finance.

12.29 In all cases, the Director of Finance will inform the Internal Auditor, but where a financial irregularity appears to involve a criminal act and/or a disciplinary offence, the Director of Finance shall also report the matter to the Principal, who shall take whatever disciplinary action is appropriate, and who shall report to the Chairman of the Finance Committee financial irregularities involving a criminal act.

12.30 A financial irregularity occurs, inter alia, where:

(i) an employee or some other person obtains money or property due to or belonging to the College to which he or she is not lawfully entitled, whether or not the Financial Regulations are otherwise complied with, or

(ii) an employee, purporting to act on behalf of the College, obtains money, property, or other benefit illegally from a third party, or

(iii) those financial procedures and Regulations prescribed for the protection of the College are not complied with, whether or not the College suffers any financial or other disadvantage.

## **Disclosure of Interest**

12.31 Employees shall advise their Head of Department of paid work additional to their College employment, and the prior approval of the Principal shall be obtained.

12.32 Members of the Council and Senior Officers are subject to the specific requirements detailed in Council Regulation 7 - Declaration of Personal or Financial Interests.

12.33 All staff and members of College committees shall inform the College Secretary of:

(i) any interest, financial or otherwise, which they have in a business which has, or may have, a relationship with the College;

(ii) any interest, financial or otherwise, which a partner or close relative has in any financial arrangement with the College;

(iii) any matter which might reasonably be perceived by others to impact upon impartiality.

9. The procedures described in para 13 below should be used if it is believed that this annual declaration has not been carried out fully, or if it is believed that someone has benefited from an improper interest.

10. There are procedures which can be used by members of staff to seek a resolution of grievances that they may have. The procedures for Academic Teaching Staff are derived from Statute 25. Details of the procedures can be obtained from the Director of Human Resources.

11. Some of the Research Councils have published statements relating to the conduct of research, which require universities to have guidelines and policy statements to provide a framework within which individual members of staff conduct their research. These statements essentially relate to the arrangements for investigating allegations of fabrication, falsification, plagiarism or deception in proposing research, carrying it out or reporting its results, together with dangerous or negligent deviations from accepted research or scientific practice. There is a Code of Practice for Inquiring into Allegations of Misconduct in Relation to Academic, Research and Scientific Activities, which should be used to deal with any such concerns.

12. There is a complaints procedure by which students can raise concerns about the provision of facilities or services. Students may also use that procedure if they have concerns of the sort referred to in paragraph 4 above, or they may follow the procedure set out below.

## **PROCEDURES - FINANCIAL MATTERS**

13. If any member of staff is dissatisfied with the way in which an allegation concerning a financial irregularity has been investigated, as set out in paragraph 8 above, or for good reason does not wish to follow that procedure, s(he) should report the matter to the Internal Auditor. The Internal Auditor has a direct reporting relationship to the Principal and s(he) will investigate the allegation and report as appropriate. If a member of staff, for good

reason, does not wish to have an allegation investigated by the Internal Auditor, s(he) may submit a report to the Chair of the Audit Committee, who is an external, lay, member of the Council.

## **PROCEDURES - OTHER MATTERS**

14. If any member of staff has concerns about other matters of the type referred to in paragraph 4 above, s(he) should normally report the matter to the College Secretary. As the Secretary to the Council, the College Secretary has a professional responsibility for ensuring that procedures are properly followed, and has a degree of independence in this respect. The College Secretary will arrange for the matter to be investigated in the most appropriate manner. If the concerns relate to the College Secretary, they should be brought to the attention of the Principal. If the concerns relate to the Principal, they should be brought to the attention of either the Chair of the Audit Committee or Chair of the Council. If, for good reason, a member of staff does not wish to report the matter to the College Secretary, s/he may contact the Chair of the Audit Committee and/or the Chair of Council.

15. All allegations of the sort referred to in paragraphs 13-14 will be recorded in writing by the person to whom they are made, and details will be passed, for investigation, either to the Internal Auditor, the College Secretary, or if appropriate a lay member of the Council. Allegations of this sort will be investigated as quickly as practicable.

16. Allegations, other than those relating to financial irregularities or malpractice, will normally be investigated:

- by a panel rather than a single individual;
- by persons more senior to the member of staff against whom the allegation has been made;
- by persons who are as independent as is practicable.

17. In general, allegations about members of staff at or below the level of Head of Department will be investigated by a panel of three members, appointed by the Principal, one of whom shall be a Vice-Principal who will act as Chair. Allegations about a Vice-Principal or Senior College Officer will be investigated by a panel of three members, chaired by the Principal and including at least one lay member of the Council. Allegations about the Principal or a lay member of the Council will be investigated by a panel of members of the Council, including the Chair of the Audit Committee and chaired by the Chair of Council. The College Secretary will normally service investigating panels.

18. Investigating panels will seek to establish all relevant facts by obtaining written evidence and interviewing the person or persons making the allegation and others who may be able to provide information relating to it. Their role is fact-finding only. The person or persons against whom an allegation has been made will be informed of the allegation and given an opportunity to respond. In the event of a particularly serious allegation, or in an emergency, the Principal may use his power to suspend a member or members of staff. If, prima facie, an allegation is substantiated, it will be dealt with by the appropriate disciplinary procedure, which includes a right to and mechanism for appeal. A written record shall be kept at every stage of any investigation.

19. If, for good reason, an allegation is not investigated, and this has the effect of rejecting or dismissing it, the person making the allegation shall be informed and given the opportunity to present the allegation to another of the College officers referred to in paragraphs 13 or 14 above.

20. Any person making an allegation under paragraphs 13 or 14 will, if s(he) so wishes, be guaranteed that the allegation is regarded as confidential to the receiver until a formal investigation is launched. Thereafter, the identity of the person making the allegation may be kept confidential, if requested, unless this is incompatible with a fair investigation, or if there is an overriding reason for disclosure.

## **COLLABORATIVE ARRANGEMENTS**

21. The College will ensure that other institutions which teach or undertake other work, under franchise or similar agreements, have adequate internal procedures for dealing with staff and student complaints, as well as a public interest disclosure procedure with an independent element. The College will reserve the right in such relationships to use its own procedures to investigate, or rule upon, matters which arise in, or from, the partner institution.

## **ANONYMOUS ALLEGATIONS**

22. Anonymous allegations are not covered by this procedure, but they may be reported, investigated or acted upon as the officer receiving the complaint sees fit (including the use of this procedure), having regard to the seriousness of the issue raised, the credibility of the complaint, the prospects of being able to investigate the matter, and fairness to any individual mentioned in the complaint.

## **REPORTS**

23. All allegations made under this protocol, and their outcomes, will be reported to the Audit Committee, and summaries which do not include names will be reported to the Council. Should any disciplinary or other action be needed in response to an investigation, the normal College procedures will apply.

**Katie Kerr**

College Secretary's Office

Approved by Council February 2010