



WHISTLE-BLOWING POLICY

Introduction

1. This policy covers complaints of serious malpractice or impropriety by the University of the Arts London, Governors or employees. Disclosures under this policy should relate to past, present or likely future wrongdoing, which falls into one or more of the following prescribed categories:
 - A criminal offence (including fraud);
 - Failure to comply with a legal obligation;
 - Miscarriage of justice;
 - Health and safety dangers;
 - Causing environmental damage;
 - Concealing information about any of the above.
2. These procedures apply to matters raised by students, staff¹, governors or members of the public and are available on the University's intranet or on request from the University Secretary and Registrar's office.
3. The University of the Arts London is committed to high standards of openness, probity and accountability, and seeks to conduct its affairs in a responsible manner, in the light of the requirements of the funding bodies and the standards for public life set out in the reports of the Nolan Committee; and in accordance with the Public Interest Disclosure Act 1998 and the Enterprise and Regulatory Reform Act 2013.
4. Workers (defined in the Act not only as employees but also self-employed people working under a contract for services and agency workers) will not be penalised as a result of disclosing confidential information which relates to illegal or unethical conduct (as set out at paragraph 1), providing that it is in the public interest to make the disclosure
5. The University has set in place a procedure for these concerns to be raised and dealt with internally. Any concern raised will be properly examined and action will be taken to correct any wrongdoings, where discovered. It is intended to

¹ Inclusive of staff who have signed settlement agreements.

assist those who believe they have discovered serious malpractice or impropriety. The person making the disclosure should hold a reasonable belief that, in doing so, she/he is acting in the public interest. This policy should not normally be used for raising individual grievances against a manager or other employee. Such grievances should be raised via the University's Grievance Policy and Procedure (available from Human Resources).

Procedure

6. If it is believed there is evidence of serious malpractice or impropriety the disclosure should be raised with the University Secretary and Registrar as soon as possible. If the disclosure concerns the University Secretary and Registrar the matter should instead be raised in writing with the Chair of the Court of Governors. An alternative to the above would be to report the matter to the Director of HR, the Chief Financial Officer or the Vice-Chancellor.
 7. A Response Group will usually be made up of the Director of HR, the Chief Financial Officer and the University Secretary and Registrar. In the event of one of the officers of this Group being included within the disclosure, the Vice-Chancellor will appoint a replacement. Where the Vice-Chancellor is included within the disclosure, the Chair of the Court of Governors (or the Deputy-Chair of the Court of Governors or an appropriate Governor nominated by the Chair or Deputy-Chair of the Court of Governors) would be included within the Response Group.
 8. Having received the disclosure, the Response Group will consider the information made available and decide whether there is a prima facie case to answer. In doing so, the Response Group will decide whether an investigation should be conducted and, if so, who should conduct it and what form it should take. Depending on the nature and seriousness of the matter raised, he or she may decide:
 - That it would be more appropriately dealt with as an employment grievance (ie the evidence submitted does not warrant investigation under the terms of the Public Interest Disclosure Act).
 - That the issue should be the subject of an internal investigation, to be conducted by a senior manager or Governor nominated by the designated person.
 - That the matter should be referred to the Police, or other appropriate external agency or statutory body.
-

9. Any investigation will need to be conducted sensitively and speedily to establish all the relevant facts. The person nominated to conduct the investigation will report their findings to the Response Group. Where allegations are made against members of staff, matters will be followed up in accordance with relevant HR procedures. This will include a member of the staff having the right to be represented by a colleague or trade union representative during any interview undertaken as part of the investigation. In cases where the person making the disclosure (the whistle-blower) agrees to be interviewed, she or he will also have the right to be accompanied by a trade union representative or colleague.
 10. If the matter to be investigated is thought potentially to involve gross misconduct, the member of staff who is the subject of the allegation may be immediately suspended, under the terms of the Staff Disciplinary Code, while the investigation proceeds. Similarly, if during the investigation the investigating officer believes that a serious breach of discipline may have occurred, they should refer the matter to the Response Group who may seek the approval, under the terms of the Staff Disciplinary Code, to suspend the member of staff.
 11. A written report of the investigation will be made in a timely manner. Having considered the report, the Response Group will decide if there is a case to answer and where action is justified, what action to take. This may include one or more of the following: action under the Staff Disciplinary Code; a report to the Police or some other external agency or statutory body (e.g. the OfS, the National Audit Office); a referral of the matter for further investigation (e.g. by the Governors' Audit Committee, or by the Auditors) if the particular case raises more fundamental issues.
 12. Provided it does not compromise progression of the case (e.g., where the matter has been referred to the police), the Response Group will inform the individual making the disclosure of the outcome and what action, if any, is to be taken. If no action is to be taken, the individual concerned will be informed of the reasons for that decision. These may include: that malpractice within the meaning of this procedure has not occurred; that the person making the disclosure is not acting in the public interest; or that the matter concerned is already the subject of legal proceedings or action under one of the other procedures relating to members of staff or students. The decision of the Response Group is final in respect of the University's internal procedures.
 13. A record of any subsequent actions taken will be made, retained with the report and other documentation, and lodged with the University Secretary and Registrar, as a formal confidential record. This will be stored in accordance with UAL's procedures and legal requirements in relation to confidential information. The Audit Committee receives an annual (anonymised) summary of any
-

whistle-blowing disclosures made in line with this policy, in order to monitor internal control systems.

Confidentiality

14. The University and the individual making the disclosure will treat the disclosure in a confidential and sensitive manner, as far as is reasonable and practicable. The identity of the individual making the disclosure will be kept confidential by the University, unless the individual consents in writing to be identified; or there is a legal obligation to identify the individual; or the information is already in the public domain.
15. This procedure encourages individuals to put their names to any disclosures they make. Anonymous disclosures (either in writing or verbally) are more difficult to investigate, but they will be considered by the Response Group, who has the discretion to decide whether to proceed with further investigation. In exercising this discretion, the factors that will be taken into account include the seriousness of the issue raised; the nature of the disclosure; the nature of the evidence supplied and the likelihood of confirming the disclosure from alternative sources. Great care will be taken by the Response Group in making a decision not to investigate an anonymous disclosure. Workers making an anonymous disclosure should be aware that, as there would be no documentary evidence linking the worker to the disclosure, it would be more difficult for the worker to qualify for protections as a whistle-blower.
16. Where there is a decision not to carry out an investigation, a record of the disclosure will be retained by the University Secretary and Registrar and the disclosure will be included in the annual report to the Audit Committee.

External reference of the disclosure

17. If the person making the disclosure remains dissatisfied with the outcome of the internal procedure, the issue may be raised with an appropriate external agency or statutory body (this should be a 'prescribed person' as defined by legislation). Before taking such action, the individual should inform the Response Group.
 18. The individual may also raise the matter directly with an appropriate external agency or statutory body but only after full and informed consideration that the alleged breach of conduct is so serious as to justify by-passing internal procedures, or that there is reasonable belief that the relevant evidence would be concealed or destroyed by the University, or that the individual would be subjected to a significant detriment as a result of making the disclosure. In most cases, if a worker reports their concerns directly to the media, they will not qualify for legal protections as a whistle-blower.
-

Protection against disciplinary action

19. No disciplinary action, or other form of sanction, will be taken against an individual making a disclosure, if such action is taken in accordance with this policy. The University reserves the right to proceed with disciplinary action where any allegation is made externally, frivolously or recklessly in breach of this policy, and without reasonable grounds, or otherwise than to a prescribed external body.

20. The University will treat all disclosures consistently and fairly. This policy allows individuals to raise concerns without fear of victimisation by management or by colleagues. Such victimisation would be addressed via appropriate disciplinary procedures.

Enquiries to: Governance Office – governance@arts.ac.uk

Last reviewed and approved: November 2016 – Audit Committee

Minor Updates: January 2019
