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ROYAL VETERINARY COLLEGE

CODE OF PRACTICE ON PUBLIC INTEREST DISCLOSURE (COMMONLY KNOWN AS 'WHISTLEBLOWING')

Introduction

The College is committed to conduct its affairs in accordance with high standards of openness, probity and accountability. Like other public bodies, the College has a duty to conduct its affairs in a responsible manner, taking into account the requirements of funding bodies, the standards in public life set out in the reports of the Nolan Committee, and the College's values of academic freedom embodied in the Charter and Statutes.

The Public Interest Disclosure Act 1998 ("the Act") gives legal protection to employees against being dismissed or penalised by their employers when they make a protected disclosure. It is a fundamental term of every contract of employment that an employee will faithfully serve his or her employer and not disclose confidential information about the employer's business affairs. However, where an individual discovers, by whatever means, information which they believe shows malpractice/impropriety within the College, then this information should be disclosed without fear of reprisal. Individuals who have made such a disclosure will be protected against victimisation including misapplication of the College's disciplinary procedures.

The scope of this procedure covers the disclosure of information which, in the reasonable belief of the employee making the disclosure, covers the following employer activities:

- financial malpractice or impropriety or fraud
- a criminal offence has been, is being, or is likely to be committed
- a person has failed, is failing, or is likely to have failed to comply with any legal obligation to which they are subject
- a miscarriage of justice has occurred, is occurring or is likely to occur
- the health and safety of an individual has been, is being, or is likely to be endangered
- the environment has been, is being, or is likely to be damaged
- failure to properly safeguard assets
- academic or professional malpractice
- improper conduct or unethical behaviour
- research misconduct, including:
 - i) piracy, being defined as the deliberate exploitation of ideas from others without acknowledgement
 - ii) plagiarism, being defined as the copying of ideas, data or text, without permission of acknowledgement
 - iii) deliberate deception, including the invention of data and the omission of inconvenient data from analysis and publication
 - iv) breaches of the Research Good Practice (RGP) guide
- information relating to the above is being deliberately concealed.

The College has in place a policy and procedure for dealing with allegations of research misconduct which aims to ensure that such allegations are investigated and resolved appropriately, whilst protecting the legitimate interests both of those complaining of and those accused of such misconduct.

In the event of financial malpractice, impropriety or fraud, the Fraud Response Plan provides guidance to all College staff should they suspect fraud or irregular activity to be taking place within the College and additionally to ensure that all assets are safeguarded. The Fraud Response Plan is produced in response to the requirements of this Code of Practice on Public Interest Disclosure.

Scope of Policy

This policy is designed to:

- support the College values
- ensure that staff can raise concerns without fear of suffering retribution
- provide a transparent and confidential process for dealing with professional standards and concerns.

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Those entitled to disclose information under this Code are:

- employees of the College / students of the College
- Fellows of the College
- Members of the Council of the College and its sub-committees
- employees of companies and organisations having a contractual relationship with the College, either direct or indirect
- any person having dealings with the College who might suffer a detriment as a result of making a disclosure.

The College has in place other policies dealing with grievances, dignity at work, discipline and general complaints: this Code is intended to supplement them and not replace them, nor may it be used to reconsider matters which have already been dealt with under these policies.

Those so entitled should use this Code to raise the matters described above and not to make disclosures or raise complaints or grievances outside the College.

Principles

- All concerns raised will be treated fairly and properly.
- The College will not tolerate the harassment or victimisation of anyone raising a genuine concern.
- Any individual making a disclosure will retain their anonymity unless they agree otherwise.
- The College will ensure that any individual raising a concern is aware of who is handling the matter.
- The College will ensure that no one will be at risk of suffering some form of retribution as a result of raising a concern, even if they are mistaken.
- The College does not, however, extend this assurance to someone who maliciously raises a matter they know to be untrue, and may consider taking appropriate disciplinary action against employees who knowingly malicious or vexatious allegations against other members of staff (see (d) below).
- The right to natural justice of those accused of malpractice will also be recognised and observed in the application of this policy.

Safeguards

a) *Protection*

This Code offers protection to those employees and others listed above who disclose appropriate concerns provided the disclosure is made:

- i) in good faith,
- ii) in the reasonable belief of the individual making the disclosure that it tends to show malpractice, and
- iii) in accordance with the provisions of the Code.

No protection from, e.g., disciplinary proceedings, can be offered to persons who fail to act in accordance with the provisions of the Code. Individuals intending to make a disclosure should do so as soon as reasonably possible, and ordinarily within one month of the matters to be disclosed coming to their notice.

b) *Confidentiality*

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

c) *Anonymous Allegations*

Individuals are encouraged to take advantage of the safeguards offered by the Code to put their name to any disclosure they make. However, anonymous allegations may be considered, having regard to the following factors:

- the seriousness of the issues raised
- the credibility of the concerns, and
- the likelihood of confirming the allegation from alternative credible sources

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d) *Untrue allegations*

If an individual makes a disclosure in good faith, but the circumstances are not confirmed by subsequent investigation, no management action will be taken against the complainant, and any reprisals against, or victimisation of, him or her, will be considered to be a serious disciplinary offence. If, however, a person makes a disclosure for frivolous, vexatious or malicious reasons, as revealed by the subsequent investigation, disciplinary action may be taken against the individual. Disciplinary action will be more likely if the individual persists in making allegations shown by investigation to be untrue.

Procedures for Making Disclosure

If any employee believes reasonably and in good faith that malpractice exists in the workplace, then they should report this immediately to their Head of Department. Concerns of a nature described in the introduction above, or situations either where a complainant may fear that his or her position in the College may be jeopardised, or where the usual channels may be inappropriate, should be disclosed to in writing to the:

- Assistant Principal and Secretary to the Council who will be responsible for keeping the Principal and Chairman of the Council informed as appropriate, or
- Director of Human Resources.

(Contact details are given in the attached appendix)

The Assistant Principal and Secretary to the Council will establish whether or not there are *prima facie* grounds for the concern or complaint and if so, the appropriate means for dealing with it.

Although an employee making a disclosure will not be expected to prove the truth of any allegation, sufficient information should be contained in the disclosure to demonstrate that reasonable grounds for the allegation exist.

In all cases involving financial malpractice or impropriety, the Assistant Principal and Secretary to the Council shall act in close consultation with the Principal, as the 'designated accounting officer' for the College's public funding, and the Director of Finance.

Disclosures concerning the Director of Finance should be made in writing to the Assistant Principal and Secretary to the Council, who shall act in close consultation with the Chairman of the Audit Committee in this matter.

Disclosures concerning the Assistant Principal and Secretary to the Council should be made in writing to the Principal, who shall act in close consultation with the Chairman of the Audit Committee in this matter.

In any case in which the Principal is the subject of a disclosure, the disclosure should be made in writing to the Assistant Principal and Secretary to the Council, who shall act in close consultation with the Chairman of the Audit Committee. He will make the Chairman of the Council aware of the disclosure and keep him / her informed of developments.

If these channels have been followed and employees still have concerns, or feel that the matter is so serious that it cannot be discussed with any of the above, they should contact the Chairman of the Audit Committee.

Individuals who raise concerns will be informed of who is handling the matter, how they can make contact with them, and if any further assistance is required. The investigator will give as much feedback as the College can without any infringement of a duty of confidence owed by the College to someone else.

The complainant's identity will not be disclosed without prior consent. Where concerns are unable to be resolved without revealing the identity of the person raising the concern (e.g. if that person's evidence is required in court), the investigator will enter into a dialogue with the individual concerned as to whether and how the College can proceed.

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Process

The person(s) receiving the disclosure shall consider the information available and decide what action is to be taken. Depending on the nature of the disclosure, this will normally be:

- to investigate the matter internally
- to refer the matter to the police
- to refer the matter to an appropriate regulatory body
- to institute an enquiry involving persons external to the College

Action may be taken under more than one of these heads.

The person(s) receiving the disclosure shall decide what action is to be taken and inform the discloser of their decision as soon as reasonably practicable and ordinarily within one month of the disclosure having been made.

To ensure independence investigations will not be carried out by the persons who will have to reach a final decision on the matter. All investigations will be conducted as sensitively and speedily as possible. Where it is decided that the matter should be the subject of an internal enquiry, the persons receiving the disclosure will determine how to take consideration of the disclosure further. All investigations will be conducted in accordance, where appropriate, with Appendix E of the Fraud Response Plan.

This process will include determining:

- who should undertake the investigation
- the terms of reference of the investigation
- the procedure to be followed
- the scope of the concluding report

Any investigation into a disclosure relating to scientific misconduct should have regard to the terms of the College's policy document 'Good Practice in Scientific Research', and the Policy and Procedure for Dealing with Allegations of Research Misconduct.

Internal Investigation

The Assistant Principal & Secretary to Council has discretion to delegate the responsibility for investigating disclosures to some other appropriate officer of the College. In the case of a disclosure of financial malpractice, any internal investigation required will normally be carried out by the Internal Auditor. The investigator will report his/her findings to the persons receiving the disclosure.

The disclosure may (at least initially) be investigated separately, but might lead to other established procedures being invoked; or other forms of appropriate action being taken. As a result of this investigation the persons to whom the disclosure was made may instruct that other internal procedures be invoked, such as those covering:

- discipline
- grievance or complaints
- harassment

Alternatively, they may require a further investigation, possibly involving external authorities.

The internal investigation will be carried out as rapidly as possible, consistently with the need for thoroughness and the complexity of the matters to be investigated. Ordinarily, internal investigations will be completed within three months of their commencement. Where investigations cannot be satisfactorily completed within three months, the persons receiving the disclosure shall report the fact to the Chairman of the Audit Committee.

Information to Discloser and Further Action

The persons who received the disclosure will inform the individual making the disclosure of what action, if any, is to be taken. If no action is to be taken then the individual concerned will be informed of the reason for this. If no action is to be taken, or the complaint is not resolved in a way that is satisfactory to the complainant, then the complainant should be allowed the opportunity to remake the complaint to the Principal (or Chairman of Council or Chairman of Audit Committee) as set out below:

If the matter has not been resolved by the above stages, the member of staff may refer the complaint to the Principal.

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If the complaint relates to the Principal or to a member of the Council, it should be referred directly to the Chairman of the Council. If the complaint involves the Chairman personally, it should be referred to the Chairman of the Audit Committee.

The Principal (or Chairman of the Council or Chairman of Audit Committee) will convene a hearing involving such staff or other individuals with no previous connection with the case as deemed necessary. The proceedings and outcome will be minuted by the Director of Human Resources or nominee.

The Principal (or Chairman of the Council or Chairman of Audit Committee) will inform the complainant what action, if any, is to be taken. If the matter has not been resolved in a way that is satisfactory to the complainant, it may, with the agreement of the Chairman of Council (or Chairman of Audit Committee), be referred to an independent External Reviewer appointed by the Council.

Where the complaint is referred to an independent External Reviewer appointed by the Council, full details of all the previous steps will be made available in writing. The External Reviewer will consider the written evidence only, with a view to making a report and recommendations to the Council. The External Reviewer may recommend that additional investigations be held, before he concludes his consideration of the matter.

The report and recommendations of the External Reviewer will be made to a Committee of the Council specifically constituted for the purpose, including no individual who has had any previous connection with the case. The Committee will consider the External Reviewer's recommendations and determine what action, if any, is to be taken on behalf of the Council.

The complainant will be informed of the External Reviewer's recommendations and the action, if any, to be taken.

External disclosure

Other than in exceptional circumstances, all disclosures should be raised internally in the first instance. If, having exhausted this procedure, a member of staff is not satisfied with the College's response and reasonably believes that the information disclosed, and any allegation contained in it, are substantially true, he or she is at liberty to take the matter further by raising it with certain bodies or persons such as:

- HEFCE
- a Member of Parliament
- a legal adviser
- other bodies or persons (if any) prescribed by the Secretary of State under Section 43F of the Employment Protection Act 1996, as amended by Section 1 of the Public Interest Disclosure Act 1998
- Professional bodies

It is likely that the initial response would be to ask whether the matter had been raised internally, and if not, why not. The discloser would need to be able to explain why internal routes had been exhausted or had not been pursued if a disclosure is made externally.

A member of staff who makes an external complaint in good faith to any prescribed body or person after exhausting the College's procedure, will be protected against victimisation or other adverse treatment.

This policy does not affect the right of employees to raise issues appropriately with the Visitor if they so wish.

Reporting of Outcomes

A record of all disclosures and any subsequent actions taken will be made by the persons who received the disclosure and such records will be retained for seven years. In all cases a copy of the record will be placed before the Audit Committee.

Review

The operation of these procedures shall be reviewed by the Audit Committee, at least, every three years or after each use in an investigation.

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Appendix A

Contact Numbers:

Professor Charles Milne - Chairman of Audit Committee (c/o Mrs Elaine Acaster)

Mrs Elaine Acaster - Assistant Principal and Secretary to the Council (Ext - Hawkshead 6322; Camden 5533)

Mr Andrew Dyer - Director of Finance (Ext - Camden 5132; Hawkshead 6842)

Mr Ian Darker - Director of Human Resources (Ext 6378)

Appendix B

Disclosures:

Complaint Relates to	Disclosure to
Colleague	Head of Department
Head of Department	Assistant Principal and Secretary to the Council
Director of Finance	Assistant Principal and Secretary to the Council and Chair of Audit Committee
Assistant Principal and Secretary to the Council / Deputy / Vice - Principal	Principal
Principal / Council Member	Assistant Principal and Secretary to the Council
Chairman of the Council	Chairman of the Audit Committee