

PUBLIC INTEREST DISCLOSURE

(Commonly referred to as Whistleblowing Policy)

POLICY and PROCEDURES

Responsibility of	Secretary to the Council
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ROYAL VETERINARY COLLEGE
POLICY and PROCEDURES ON PUBLIC INTEREST DISCLOSURE

(Commonly referred to as Whistleblowing Policy)

1. INTRODUCTION

The College is committed to conduct its affairs in accordance with the highest standards of openness, probity and accountability. It takes matters of malpractice seriously and like other Public Bodies, the College has a duty to conduct its affairs in a responsible transparent manner, taking into account the requirements of the Committee for Standards in Public Life, of laws, of funding bodies and, with due regard to the College's values of academic freedom, of its Charter and Statutes.

The College believes that if, by whatever means, information which is believed to show malpractice / impropriety within the College is discovered, then this information should be disclosed without the person making the disclosure fearing reprisal or victimisation for their action.

Should employees / workers at RVC make such disclosures, they are protected against being dismissed or penalised under the *Public Interest Disclosure Act 1998* (hereafter "the Act") as amended by §17 - §20 of the Enterprise & Regulatory Reform Act 2013 [ERRA 2013]. As a Higher Education Institution (HEI), the College believes that in order to support its values, equal protection should be afforded to other stakeholders in the College, who become aware of malpractice and need to disclose it without fear of victimisation (as defined by the Equality Act 2010) or retribution, including misapplication of the College's disciplinary procedures. Such stakeholders would include:

- Students currently enrolled on RVC courses or studying for RVC awards at partner institutions;
- Members of the RVC Council or co-opted members of its Committees;
- People working for companies / organisations that have a contractual relationship with the College;

Although not a requirement of the Act, organizations are strongly recommended to have a published policy on 'Whistleblowing' by employees and this College Policy and Procedural document (**hereinafter referred to as the Policy**) is produced as a response to this recommendation and is extended to include protection for the other stakeholders mentioned above who would not otherwise be covered by the Act.

2. AIM OF THE POLICY

Primarily, the Policy defines the circumstances under which disclosures of malpractice / impropriety can be made and provides a transparent and confidential process to address and resolve allegations. The College has existing HR policies (dealing with matters of grievance, dignity at work, discipline etc.) and Academic policies that deal with misconduct in Research, student appeals / complaints etc.) and the procedures hereunder are intended to *supplement* such other policies and neither to replace / provide an alternative to them nor to be used to reconsider matters already dealt with under these policies. However, it should be understood that investigations under this Policy may lead to procedures under other policies being invoked if appropriate.

This Policy is not designed as a means of publically questioning financial or business decisions taken by the College.

3. SCOPE OF THE POLICY

Other than in exceptional circumstances, all disclosures should be raised internally in the first instance. This Policy covers disclosures of information which, in the reasonable belief of the person making the disclosure, concern malpractice / impropriety that has been, is being or is likely to be committed within RVC educational and business activities.

Information that qualifies as a disclosure under this Policy would cover one or more of the following:

- Financial or non-financial malpractice or impropriety or fraud; *
- Failure to comply with a legal obligation or with Statutes and Regulations of the College;
- Miscarriage of Justice;
- Threat to an individual's health & safety;
- Damage to the environment;
- Failure to safeguard RVC assets properly;
- Academic or professional malpractice; †
- Attempts to suppress or conceal information relating to any of the above.

* In the event of disclosure of financial irregularities, the College has a Fraud Response Plan, which determines how investigations into such allegations should be conducted. It provides information regarding the reporting lines, authority levels and responsibilities for action in the case of a suspected fraud. Fraud Response Plan [Internal Document Only] Link: <https://www.rvc.ac.uk/Media/Default/About/Governance,%20Policy%20and%20Legal/Policy%20and%20Legal/Publication%20Scheme/fpn02-fraud-response-plan.pdf>

† Not covered elsewhere e.g. under RVC Professional Requirements or Professional Standards procedures or by RCVS codes of practice. The College has separate Policies and procedures for dealing with allegations of Research Misconduct (including piracy, plagiarism, deliberate deception and breaches of the Good Research Practice Guide) and with Academic Misconduct by students.

4. GENERAL PRINCIPLES OF THE POLICY

- All qualifying disclosures will be investigated in a fair and proper manner and as sensitively and speedily as possible;
- The College will not tolerate the victimisation of or retribution against anyone making a genuine disclosure even if they are ultimately shown to be mistaken; **
- A person making a disclosure will be made aware of who is handling the matter and will be advised of progress at appropriate stages;
- The right to natural justice (including the right of response to allegations) of those accused of malpractice / impropriety will also be recognised and observed in the application of this Policy;
- No protection (e.g. from disciplinary action) can be offered to anyone who fails to act in accordance with the provisions of this Policy

** The Employment Rights Act 1996 as amended by ERA 2013, makes the College vicariously liable if a worker is subjected to detriment by a co-worker for making a protected disclosure

5. SAFEGUARDS

a) *Protection*

This Policy provides protection to those entitled to make a qualifying disclosure, providing that:

- i. the disclosure is made without malice;
- ii. the person making the disclosure reasonably believes that it is made in the public interest;
- iii. the disclosure is lawful i.e. it is made in accordance with the provisions of this Policy.

b) Confidentiality

During initial consideration of a disclosure, all reasonable steps will be taken neither to breach confidentiality nor to reveal the identity of the Discloser until a formal investigation is begun. Thereafter, reasonable steps will be taken to maintain confidentiality in so far as so doing does not hinder or frustrate a fair investigation and is consistent with the rights of the person(s) being investigated to be aware of the nature of the allegations against them. Where the investigation process may reveal the source of the information, prior to this occurring the investigator will discuss the issue with the Discloser and the latter, if still concerned about potential repercussions if their identity is revealed, should contact the Secretary to the Council (or the Principal if the Secretary is the subject of the disclosure) so that appropriate measures to maintain confidentiality can be considered.

c) Anonymous Allegations

Despite the protection offered under this Policy, if a person decides to make an anonymous disclosure, such anonymous allegations may be considered only after due regard to:

- i. the seriousness of the issue(s) disclosed;
- ii. the credibility of the concern of the anonymous Discloser;
- iii. the likelihood of confirming the allegation from other credible sources;
- iv. the practicality of conducting a proper investigation.

d) Unfounded or False Allegations

If a person makes a disclosure but after investigation the allegation proves to be unfounded, no action will be taken against them and any subsequent victimisation of the person will be considered to be a serious disciplinary offence.

Disciplinary action is likely to be taken against a person if, as revealed by investigation, they have made a disclosure for frivolous, vexatious or malicious reasons, particularly if they persist in making them. This would include disclosure for personal gain or where internal processes have been unreasonably bypassed.

e) External Disclosures

If an individual makes an external disclosure / complaint to any prescribed body or person (see Page 7 hereunder) after having exhausted the College's procedures under this Policy, the person will be protected against victimisation or retribution as a result of the disclosure. However if disclosure is made externally without first being raised internally, the Discloser may be liable to disciplinary action whether or not the disclosure is the subject of further investigation.

6. PROCEDURES FOR MAKING A DISCLOSURE

If an individual (the Discloser) believes reasonably that malpractice / impropriety exists, then s/he should make the disclosure as soon as possible, usually within one month of the matter(s) to be disclosed coming to their notice. Although the Discloser may 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. Disclosure should be made in writing to the appropriate person as shown in the following table:

Allegation relates to:	Disclosure to be made to:	Disclosure to be advised to	Decision on action to be made in consultation with / by:
Fellow Student	Senior Tutor	Academic Registrar	Principal / Sec. to the Council
President / Officer of the SUS	Academic Registrar	Principal	Secretary to the Council
Lecturer / Colleague	Head of Department	Principal	Secretary to the Council
Head of Department	Principal	Secretary to the Council	Chair of Audit Committee
Director of Finance	Secretary to the Council	Principal	Chair of Audit Committee
Secretary to the Council Deputy or Vice Principal	Principal	Chairman of Council	Chair of Audit Committee
Principal	Secretary to the Council	Chairman of Council	Chair of Audit Committee
Council Member	Secretary to the Council	Chairman of Council	Chair of Audit Committee
Chairman of Council	Secretary to the Council	Vice Chair of Council	Chair of Audit Committee
Chair of Audit Committee	Secretary to the Council	Principal	Chairman of Council

Table 1

In the event that an individual fears that their position may be jeopardised or when the disclosure channels shown above are inappropriate, the matter should be disclosed in writing to the Director of Human Resources, who will consult an appropriate senior person based on the facts of the disclosure. If the matter is so serious that it cannot be discussed with any of the people identified above to whom disclosure should be made, the Discloser should contact the Chair of the Audit Committee.

In all cases involving financial malpractice, the Secretary to the Council shall act in close consultation with the Principal as the designated 'accounting officer' for the College's public funding and with the Director of Finance. In the event that the Secretary to the Council is the subject of the allegation, then action shall be taken by the Principal.

The Secretary to the Council will be responsible for keeping the Principal / Chair of Council / Chair of Audit Committee informed as appropriate.

7. PROCESS AFTER DISCLOSURE MADE

The person to whom the disclosure is made will consult as appropriate (see Table 1 above) and it will be determined (i) whether there is a *prima facie* case to answer and (ii) whether an investigation should be conducted and if so, by whom (a Designated Person) and in what form.

Depending on the nature of the disclosure, action will normally be one or more of the following:

- Not to proceed further with the matter;
- To use another more appropriate or required internal College Policy procedure;
- To investigate the matter internally;
- To institute an enquiry involving external third parties;
- To refer the matter to a regulatory body (e.g. FSA; H&S Executive)
- To refer the matter to the Police.

Ultimately it is the Secretary to the Council, who is accountable for the effective management of disclosures that are made under this Policy * and will provide initial guidance and assistance on

- managing the process and deciding the appropriate action to take;
- identifying a Designated Person to investigate the disclosure;
- setting the terms of reference for the investigation and the scope of the final report.

* Unless the Secretary is the subject of the disclosure, in which case the Principal assumes accountability for the particular disclosure.

To ensure independence, any investigations will not be performed by the person who will have to reach a final decision on the disclosure.

a) Internal Investigations

The Secretary to the Council (see * above) has discretion to take advice and to delegate the responsibility for investigating disclosures to another appropriate officer of the College. In the case of financial malpractice / impropriety, any internal investigation required will normally be undertaken by the Internal Auditor.

Internal Investigations will be undertaken as rapidly as possible and should be completed within three months. Should the process exceed this time frame, then the Designated Person must (a) inform the Chair of the Audit Committee and (b) advise the Discloser accordingly.

b) Progress Update for the Discloser

As soon as possible after disclosure, the Discloser will be informed about what action, if any, is to be taken and will be given the name and contact details of the Designated Person. Periodic updates will be provided by the Designated Person as appropriate.

c) Appeal Process

In the event that no action is to be taken or the allegation has not been resolved by the above process, the Discloser should be allowed to remake the allegation to a higher authority as per Table 2 below:

Original Allegation relates to:	Appeal to be made to:		Appeal Process
Fellow Student President /SUS Officer Lecturer / Teaching Colleague Head of Department Director of Finance	Chair of the Council	→	1) Appeal Group to be convened with individuals (including an external Member of Council), who have no previous connection to the Disclosure and a Hearing to be undertaken. 2) Action, if any, to be taken as agreed by the Appeal Group 3) Advise the Appellant (Discloser) of outcome of the Appeal process. Appeal Process to be Minuted by Director of Human Resources or nominee
Secretary to the Council Vice Principal	Chair of the Council	→	
Principal Council Member	Chair of the Council	→	
Chair of the Council	Chair of Audit Committee	→	
Chair of Audit Committee	Chair of the Council	→	

Table 2

d) External Reviewer

If after the Appeal Process the Discloser believes that there have been procedural irregularities in the investigation &/or that the final response has been unreasonable, then with the agreement of the Secretary to the RVC Council [or the Principal], the matter may be referred to an External Reviewer appointed by the Chair of the Audit Committee. This Reviewer will consider the written minuted report of the College's investigations and final response.

If the External Reviewer adjudicates that matters were handled satisfactorily and that the College's response was reasonable given the facts, then the College will not need to take any further action and the process is deemed to have ended. However, should irregularities in process or response be found by the Reviewer, then the matter will be referred back to the Chair of the Audit Committee who, in consultation with the Secretary to the RVC Council [or the Principal], will instigate a further hearing with a newly constituted panel to review the External Report and to consider what action to take, if any.

8. EXTERNAL DISCLOSURE

Disclosers should normally seek advice before reporting a concern to anyone external to the College. The independent whistleblowing charity *Public Concern at Work* operates a confidential helpline and has details of prescribed regulators for reporting certain types of concern. Their website is www.pcaw.org.uk.

Other than in exceptional circumstances, all disclosures should be raised internally in the first instance. If having exhausted the procedures under this Policy, the Discloser is still not satisfied with the College's response and reasonably believes that the Disclosure is substantially true, s/he is a liberty to take the matter further by raising it with certain independent external bodies / individuals:

- External Auditors
- OfS
- Legal Adviser
- Professional Bodies / Regulators
- Other bodies prescribed by the Secretary of State (under §43F of Employment Rights Act 1996 as amended by §1 of the Public Interest Disclosure Act 1998)

Petition to the Visitor

This Policy does not affect the rights of disclosers to raise issues with the Visitor.

The Visitor is the Sovereign acting through the President of the Privy Council. The Visitor can be petitioned to determine disputes arising between the College (as a constituent college of the University of London) and its members. The Visitor's jurisdiction is limited to adjudicating on the interpretation and application of the College's Charter and Statutes provided that the issue is neither a student complaint nor an employment dispute.

9. RECORD OF OUTCOMES ON DISCLOSURES UNDER THIS POLICY

A record of each disclosure made and action, if any, subsequently taken will be made by the Secretary of the Council [or the Principal] and this record will be retained for seven years. In all cases a copy of the disclosure record will be placed before the Audit Committee in the year that the disclosure took place.

10. REVIEW OF PUBLIC INTEREST DISCLOSURE POLICY

The content and operation of this Policy shall be reviewed after each disclosure event or in the event of no disclosures, every three years or sooner if required by legislative change.

11. CONTACT NUMBERS

Position	Name	Contact Extension
Secretary to the Council	Mr Ian Darker	6322 (Sec. to Council's Office)
Principal	Professor Stuart Reid	6960 (Principal's Office)
Chairman of Audit Committee	Mr John Grosvenor	Via 6673 (Sec. to Council's Office)
Chairman of Council	Lord Curry of Kirkharle	Via 6673 (Sec. to Council's Office)
Director of Human Resources	Mrs Cindy Pike	6378
Academic Registrar	Ms Emma Burchfield	5210