

## Whistleblowing Policy and Procedure

### Introduction

The School has a responsibility to manage itself legally, efficiently and fairly in the wider public interest and for the benefit of its staff, students, visiting faculty and partners. This requires a free flow of information about any serious shortcomings in any of its activities, so that appropriate action may be taken. This Policy and Procedure describes the School's policy on Whistleblowing and its procedures for reporting and investigating such disclosures. It makes provision for staff or students, or any individual contractually connected with the School to raise concerns about serious malpractice within the School, and to do so in the knowledge that their action will be viewed positively, and that they will be protected from victimisation.

### Scope

The Whistleblowing Procedure covers concerns relating to: actual or suspected criminal offences; failure to comply with legal obligations; serious health and safety risks; damage to the environment; academic malpractice; financial and procedural irregularity; and/or deliberate suppression or concealment of any of the above.

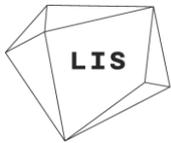
Concerns that should not be reported under the Whistleblowing Procedure are issues for which appropriate procedures exist. This includes student discipline, academic complaints and appeals, applicant complaints and appeals, student complaints and appeals, harassment and bullying, and staff grievances.

Any staff member, student or director of the School, or any person contractually connected with the School may raise relevant concerns via the Whistleblowing Procedure.

### Policies

Where requested, the identity of the whistle-blower will be protected. There may be circumstances, however, where it will not be possible to proceed without revealing the whistle-blower's identity, for example if the whistle-blower's evidence is needed at a disciplinary or court hearing. Should this be the case, the matter will be discussed with the whistle-blower at the earliest opportunity.

The [Public Disclosure Act 1988](#) provides protection for the whistle-blower against subsequent victimisation by their employer. A disclosure made within the School will be protected under the Act if the whistleblower has an honest and reasonable suspicion that malpractice has or is likely to occur. A disclosure made externally (for example to the Police, the media, or a Member of Parliament) will be protected if the following additional tests are met:



- That the whistleblower honestly and reasonably believes that the information and any allegation contained in it are substantially true;
- That the disclosure has not been made for personal gain;
- That the concern has first been raised with the employer, unless the whistleblower reasonably believes that the matter is exceptionally serious, or that they will be victimised, or that there will be a cover-up.

Protection under the Act does not extend to students and other non-employees. The School, however, is wholly committed to the protection of all bona fide whistleblowers whatever their status and will regard any subsequent victimisation as a disciplinary offence.

False and malicious allegations may be treated as a disciplinary offence.

Independent and confidential advice may be obtained by those thinking of whistleblowing from the charity, Public Concern at Work.

## **Procedure**

### Reporting and initial investigation

A serious concern should be reported, either orally or in writing, to the Registrar (registrar@lis.ac.uk).

Where this is inappropriate, a report may be made to the Chief Executive or Chair of the Board of Directors.

The recipient of the disclosure in conjunction with one other senior colleague (who is not the subject of the disclosure) will undertake or commission whatever preliminary investigations and consultations are necessary to establish whether or not a further and formal enquiry should be instigated.

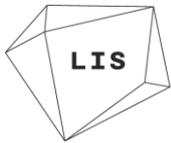
If it is decided not to establish a formal enquiry, the whistleblower shall be informed in writing with reasons within 20 working days of receipt of the disclosure.

### Formal enquiry

If further investigation is deemed necessary by the recipient of the initial report and senior colleague, it shall be organised by the recipient of the initial report.

Where the disclosure relates to actual or suspected criminal offences, significant legal breaches, serious health and safety risks, or damage to the environment, the investigation will be conducted by an external firm of solicitors.

Where the disclosure relates to financial irregularity, the investigation will be conducted by an external firm of accountants.



Where the disclosure relates to procedural irregularity or academic malpractice, it will be investigated by a group of external academics, convened by the Registrar or Chief Executive or Chair of the Board of Directors, as appropriate.

The investigating body will report its findings to the recipient of the initial report. Within five working days, the recipient shall either:

- Take no further action, save to inform the whistleblower of the decision and reasons for it; or
- Refer the matter to the police in the case of alleged criminal activities; or
- Refer the matter for appropriate action within existing School procedures; or
- Refer the matter to the Board of Directors, which will convene a special meeting within 20 working days to determine any resultant action on behalf of the School.

### Independent Review

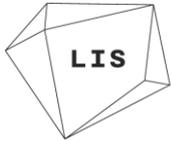
When all internal procedures have been exhausted the whistleblower, if dissatisfied with the outcome, may ask for the matter to be referred for Independent Review.

The whistleblower must make this request within 10 working days of the investigating body's report on its findings. This Independent Review shall be conducted by an external, independent person or persons appointed by the Board. It will submit a report to the Registrar and to the Board of Directors.

The purpose of the Independent Review will be to rule on whether the School's internal investigation was properly handled; and, where it is judged that it was properly handled, to rule on whether the response to the disclosure was reasonable in the circumstances. The person(s) conducting the Independent Review may make binding recommendations ordering a further internal investigation, or ordering the School to reconsider the findings of the investigation. Additionally, they shall have power:

- to make non-binding observations relating to the disclosure for the School to consider;
- to rule, where appropriate, that the whistleblower is actuated by malice, or some other personal or improper motive, and whether the whistleblower should be required to make a contribution to the costs incurred in external review;
- to rule, where appropriate, that the disclosure was without substance or merit, and whether the whistleblower should be required to make a contribution to the costs incurred in external review.

The Independent Review will not entail oral hearings, but the reviewer will have the power to interview the whistleblower or any other persons, including those who had been involved in the handling of the disclosure. New evidence or relevant material will be considered at the discretion of the reviewer(s), but will normally be admitted only if it had not been reasonably available at the earlier stages of the internal investigation.

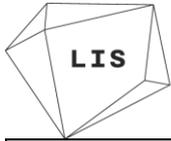


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Oversight of these procedures shall be the responsibility of the Registrar, who shall receive details of all cases brought under this policy and shall make an annual report to the Board.

### **Monitoring and Review**

External auditors and the Audit and Compliance Committee will review this Policy and its effectiveness on an annual basis, making reports to the Board of Directors. The Board of Directors may authorise changes to this Policy as it sees fit.



<b>Name of policy/procedure:</b>	<b>Whistleblowing Policy and Procedure</b>
<b>Document owner:</b>	Hannah Kohler, Director of Admissions and Student Support
<b>Date Originally Created:</b>	01/2019
<b>Last reviewed:</b>	03/2020
<b>Reviewed by:</b>	Prof. Chris Maguire (Registrar)
<b>Audited by:</b>	Board of Directors
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<b>Date of next review:</b> (annually unless otherwise agreed)	11/2020
<b>Related documents:</b> (eg associated forms, underpinning processes, related policies or overarching policies)	Code of Ethical Conduct Anti-Bribery and Corruption Policy Audit and Compliance Committee: Membership and Terms of Reference

<b>Version Control</b>			
<b>Version</b>	<b>Author</b>	<b>Date</b>	<b>Brief summary of changes</b>
1	Hannah Kohler (Director of Admissions and Student Support)	13/01/2019	Original draft
2	Prof. Chris Maguire (Registrar)	05/03/2019	Minor wording changes
3	Hannah Kohler (Director of Admissions and Student Support)	17/07/2019	Included reference to Public Interest and Principles and Standards (PIPS) Panel in Policy
4	Executive Committee	08/08/2019	Approved
5	Board of Directors	18/11/2019	Approved
6	Hannah Kohler (Director of Admissions and Student Support)	03/03/2020	Updated name of PIPS Panel to Audit and Compliance Committee
7	Academic Council	16/03/2020	Approved