The College is committed to the highest standards of openness, probity and accountability. It seeks to conduct its affairs in a responsible manner, taking into account the requirements of the funding bodies and guidance and legislation on standards in public life.

1. Introduction

1.1 All staff employed by the College are under an obligation implied in their contract of employment to give honest and faithful service to their employer. This includes an obligation not to disclose to external sources any trade secrets or confidential information acquired during the course of employment or act in a manner that will undermine the mutual trust and confidence on which the employment relationship is based. The Public Interest Disclosure Act 1998 complements those obligations by providing protection to employees for disclosure made without malice and in good faith of certain specific confidential information to a third party in defined circumstances.

1.3 The purpose of this policy is to provide a means for staff to raise concerns with the appropriate College authorities if they have reasonable grounds for believing there is serious malpractice, illegal or dishonest behaviour within the College. The College encourages staff to raise matters of concern responsibly through the procedures laid down in this policy statement.

1.4 The policy is intended to assist individuals who believe they have discovered serious malpractice or impropriety. It is not intended for issues where appropriate procedures already exist. These include the Dignity at Work and Study policy and procedures, the staff grievance procedures, the Code of Student Discipline, the policy for appealing against decisions of Boards of Examiners and the Student Dispute Resolution policy and procedures.

http://www.bbk.ac.uk/hr/policies_services/Dignity_at_work_and_study

http://www.bbk.ac.uk/hr/policies_services/Grievance

http://www.bbk.ac.uk/mybirkbeck/services/rules/discipline.pdf

http://www.bbk.ac.uk/mybirkbeck/services/rules/AppealsAgainstExamBoardDecisions.pdf

http://www.bbk.ac.uk/mybirkbeck/services/rules/Student%20Dispute%20Resolution%20Policy%20%20Procedure.pdf

1.5 This policy may not be used to question strategic, academic or financial decisions taken by the College; nor may it be used to reconsider any matters which have already been the subject of a formal harassment, grievance or disciplinary procedure. This will not, however, preclude the admission of evidence which has previously been submitted under that procedure. While it is reasonable to expect that College members will use these procedures, nothing in the Policy shall limit the statutory or
legal rights of a member of the College under the current legislation or to seek advice from a trade union.

2. **Application of the Policy**

2.1 The Policy applies to disclosures made by all members of the College or persons with a contractual connection with the College. Examples of situations in which disclosures may be made include:
- serious financial malpractice, maladministration, impropriety or fraud;
- failure to comply with a legal obligation or the College's Charter and statutes;
- criminal activity;
- academic or professional malpractice;
- a serious risk to the health and safety of any individual;
- environmental damage;
- a miscarriage of justice;
- attempts to conceal any of the above.

3. **Confidentiality and Good Faith**

3.1 The College will treat all such disclosures in a confidential and sensitive manner, as far as practicable. The identity of the individual making the disclosure will be kept confidential by the College except where it is no longer possible to do so because of procedural or legal reasons. Where it is no longer possible to maintain confidentiality, the designated person (see paragraph below for the definition of a designated person) will notify the person making the disclosure in writing. The individual making the disclosure may be required to provide a statement or act as a witness in any investigation.

3.2 If an individual makes an allegation in good faith, which is not confirmed by subsequent investigation, no action will be taken against that individual. If, however, in the opinion of the designated person an individual makes malicious or vexatious allegations, and particularly if they persist in making them, disciplinary action or other sanctions may be taken against the individual concerned.

3.3 This Policy encourages individuals to put their name to any allegations they make. Anonymous allegations are much less powerful and more difficult to investigate, but they will be considered at the discretion of the designated person. In exercising this discretion, the factors that will be taken into account include:
- the seriousness of the issue(s) raised;
- the nature of the allegation;
- the likelihood of confirming the allegation from alternative credible sources or the nature of the supporting evidence.

4. **External Disclosure**

4.1 The aim of this policy is to provide an internal mechanism for reporting, investigating andremedying any malpractice. In most cases employees should not find it necessary to report their concerns outside of the College. The law recognises that in some circumstances it may be appropriate to report concerns to an external body, e.g. a Research Council, the Health and Safety Executive or a regulatory body. It will very rarely, if ever, be appropriate to alert the media.
5. **Procedural Guidance**

5.1 **Investigation**

5.1.1 If someone believes that there is evidence of serious malpractice, dishonesty or illegal behaviour, they should disclose the matter to the College Secretary as soon as possible. The person making the disclosure may be accompanied by a work colleague or trade union representative. If the allegation concerns the College Secretary, the matter should instead be raised with the Master. If the allegation concerns the College Secretary and the Master, the individual should raise it with the Deputy Chair of Governors or, in the case of possible financial malpractice, with the Chair of the Audit Committee.

5.1.2 Having received the disclosure, the College Secretary, Master, Deputy Chair of Governors or the Chair of the Audit Committee (henceforth termed the designated person) will consider the information made available to them and decide if there is a case to answer. In doing so they will decide whether an investigation should take and if so what form it should take. Depending on the nature of the matter raised it may be:

- investigated internally in the College;
- referred to the Police;
- form the subject of an independent investigation by external expert/body; and
- referred to the relevant external body (Funding Council or Research Council).

5.1.3 If the designated person decides that an independent internal investigation needs to be conducted to establish all the relevant facts, they will:

- ask a senior officer of the College (or if necessary two senior officers) to conduct the investigation. (This should not be any person who will have to reach a decision on the matter either under this procedure or any subsequent procedure invoked.)
- Determine the terms of reference for the investigation;
- Determine any other parameters or procedures which may be necessary to the investigation, including timescale and the format of the report to be made to the designated person.

5.1.4 Having considered any reports based on the investigation and having taken the advice of the investigating officer(s) into account, the designated person will decide if there is a case to answer and what procedures to follow. The internal procedures which may be followed include disciplinary action or other appropriate action.

5.2 **Outcomes**

5.2.1 The designated person will inform the individual making the disclosure what action, if any, is to be taken, in writing and giving reasons. If the individual believes the action taken is inadequate they will be allowed the opportunity to request a further review:

- If the initial disclosure was made to the College Secretary, the matter will be referred to the Master;
- the initial disclosure was made to the Master, the matter will be referred to the Deputy Chair of Governors or the Chair of the Audit Committee;
- the initial disclosure was made to the Chair of the Audit Committee, the matter will be referred to the Deputy Chair of Governors and vice versa;
5.2.2 In all these circumstances, the latter person will decide on an appropriate course of action based on the information available to them.

5.2.3 Where an allegation is made against an individual or group, the individual or group will be told of it, the evidence supporting it and will be allowed to respond before any investigation, or further action, is concluded.

5.2.4 The designated person(s) will keep records of all disclosures, investigation reports and subsequent actions taken and will retain such records (subject to data protection standards) for a period of three years, as a formal record and for reference purposes.

5.3 Reporting of Outcomes

5.3.1 The designated person(s) will make a report of all disclosures made and the outcomes of any investigations to the Audit Committee, as a means of allowing the Committee to monitor the effectiveness of the procedure.