

# Policy on information disclosure (whistleblowing)

<b>Policy Category:</b>	Governance
<b>Subject:</b>	Accountability and transparency
<b>Approving Authority:</b>	SMT
<b>Responsible Officer:</b>	President & Principal
<b>Responsible Office:</b>	Business Assurance
<b>Related Procedures:</b>	<a href="#">Procedure for information disclosure (whistleblowing)</a> <a href="#">Procedures relating to the control and investigation of fraud, theft, bribery and corruption</a>
<b>Related College Policies:</b>	<a href="#">Policy on fraud, theft, bribery and corruption</a>
<b>Effective Date:</b>	July 2021
<b>Supersedes:</b>	December 2018
<b>Next Review:</b>	2024

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## 1. Purpose & Scope

- 1.1. King's College London is committed to high 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 the standards in public life set out in the reports of the Nolan Committee.
- 1.2. This policy is in compliance with the *Public Interest Disclosure Act 1998*, which introduced legal protection to 'workers' against being dismissed or penalised as a result of disclosing certain serious concerns to their employers.
- 1.3. Matters which may be raised under this policy which could potentially be considered as a protected disclosure are:
  - a) Financial malpractice;
  - b) Failure to comply with a legal obligation;
  - c) Health and safety;
  - d) Damage to the environment;
  - e) Criminal activity or
  - f) Deliberate concealment of any of the above.
- 1.4. The university will also consider matters relating to a failure to meet ethical or professional obligations in research under this policy.
- 1.5. The purpose of this policy is to ensure that individuals can raise any reasonably held concern relating to any of the above independently of line management without fear of reprisal or suffering any detriment as a result. The related procedure sets out the mechanism for a preliminary investigation to establish whether there is a basis for the disclosure being investigated under a full procedure of the university or referred to the law enforcement authorities. The whistleblowing policy and procedure do not in themselves provide an outcome for, or resolution of, the matter raised.
- 1.6. This policy does not provide for absolute anonymity to the person making the disclosure. Whilst the university will make every effort to keep the identity of a person making the disclosure confidential, it cannot be guaranteed, especially where doing so might hinder any

investigation. This policy and procedure cannot be used in place of a more suitable university policy simply to facilitate the anonymity of the individual raising the concern.

- 1.7. The objective of the policy is to ensure that where a member of the university community becomes aware of information covered by the policy and wishes to voice their concern about it, King's has a proper internal mechanism for reporting and dealing with the matter, safeguarding the interests of both the individual making the disclosure and the university.
- 1.8. Although the Act applies only to 'workers' (staff and those who contract personally to provide services to King's) the university believes that it is important that the policy and its procedures should apply to all persons officially connected with King's who could suffer detriment by the university from raising a concern in good faith held from a reasonable belief.

## **2. Definitions**

- 2.1. "Members of the university" means all persons officially connected with the King's, including staff, students, contractors, volunteers and independent members of the Council and its committees.

## **3. Policy**

- 3.1. Members of the university who disclose serious concerns will be protected under this policy from dismissal or other penalty as a consequence of the disclosure provided that, in the reasonable belief of the person making the disclosure:
  - a) it is made in the public interest and not for personal gain and
  - b) it demonstrates unacceptable conduct in relation to the activities set out in paragraph 1.3.
- 3.2. For a disclosure to be protected, there must be a reasonable belief by the person making it that it is made for the public good or in the interests of society. A disclosure will not necessarily be considered as "in the public interest" merely because it conveys information which is or may be of interest to the public. The disclosure must be made in good faith,
- 3.3. The individual making the disclosure will be protected from disciplinary or other action for making the disclosure if they make the disclosure to a designated person, as set out in the [Procedure for information disclosure](#). Members of the university are also protected against victimisation and harassment by their colleagues for making a protected disclosure.
- 3.4. Any detrimental action of any kind by any member of the university against a person for making a protected disclosure may result in disciplinary action up to and including dismissal without notice (in the case of staff) and equivalent action in the case of other members.
- 3.5. Allegations which are proven to be untrue and malicious or vexatious by any member of the university may result in disciplinary action up to and including dismissal without notice (in the case of workers) and equivalent action in the case of other members. Disclosure under this policy will not provide protection from third parties for allegations which are later proven to be defamatory.
- 3.6. An individual who makes a disclosure with the requisite reasonable belief that it is made in the public interest, which is either dismissed by the designated person or not confirmed by subsequent investigation shall not have disciplinary or any other action taken against them for reason of making a disclosure.
- 3.7. The university shall treat all such protected disclosures in a sensitive manner. The identity of the individual making the protected disclosure shall, if requested by that individual, be kept

confidential so long as it does not hinder or frustrate any investigation. The identity of the person making the protected disclosure will be revealed to any persons in respect of whom a disclosure is made at an appropriate point, if the university considers it necessary to do so in the interests of fairness. The university will not consider anonymous disclosures.

**4. Reporting and review**

- 4.1. Reporting on use of this policy will be in accordance with the [Procedure for information disclosure \(whistleblowing\)](#).
- 4.2. This policy and its associated procedure will be reviewed at least every three years and in conjunction with the policies and procedures on fraud, theft, bribery and corruption and the fraud response plan.