

Procedure on Information Disclosure (whistleblowing)

Procedure Category:	Governance
Subject:	Accountability and transparency
Approving Authority:	Senior Vice Principal (Operations)
Responsible Officer:	Deputy College Secretary
Responsible Office:	Business Assurance
Related College Policies:	Policy for information disclosure (whistleblowing) Fraud Response Plan Policy on Fraud, Theft and Corruption Disciplinary Policy (Professional Services) Disciplinary Policy (Academic)
Effective Date:	15 July 2021
Supersedes:	December 2018
Next Review:	July 2024

1. Purpose & Scope

- 1.1. These procedures set out how a disclosure under the [Policy on Information Disclosure \(whistleblowing\)](#) should be made, investigated and reported.
- 1.2. These procedures are not intended to supersede or take the place of any existing general or specific procedures for making 'complaints' such as those contained in the Student Complaints Procedure or the Grievance Procedure, nor may they be used to reconsider any matters which have already been addressed under any other King's procedure. Furthermore, matters which are currently or prospectively being considered under another King's procedure, or which would be more appropriately raised under another procedure, will not be considered under these procedures; nor shall these procedures be used for matters where there is a right to appeal or complain to an external agency, such as the Office of the Independent Adjudicator for Higher Education.
- 1.3. The Senior Vice-President (Operations), the Principal and the Chair of the Audit, Risk and Compliance Committee may delegate any function assigned to them under these procedures to another member of King's, provided that person is not the subject of the disclosure.

2. Procedures for making a disclosure

- 2.1. A member of the university (as defined in the [Policy on Information Disclosure](#)) may make a disclosure in writing to the designated person, normally the Senior Vice-President (Operations).
- 2.2. The university provides a channel through which a disclosure can be made easily and discretely. Disclosures can be made by emailing whistleblowing@kcl.ac.uk. The inbox for this email account is monitored by the College Secretary and the Deputy College Secretary, who will direct the disclosure to the appropriate senior officer for handling.
- 2.3. Where the disclosure is about the designated person or about a matter in which the designated person is personally involved then the disclosure may be made to the Principal, who shall be the designated person for the purposes of the following sections. Where the disclosure is about the Principal or about a matter in which the Principal is personally involved, the designated person shall be the Chair of the Audit and Compliance Committee.

3. Consideration by the designated person

- 3.1. The designated person shall consider the information made available to them. Depending on the nature and circumstances of the disclosure they may:
 - a) decide not to proceed with the matter;
 - b) authorise an internal investigation under this procedure;
 - c) refer the matter to be dealt with under a different King's procedure or
 - d) refer the matter to the police or other appropriate authority.
- 3.2. A decision on how to proceed shall normally be made within four weeks of receiving the disclosure. If the decision is likely to take longer, the designated person shall inform in writing both the person making the disclosure and, if appropriate, any person who may be the subject of the disclosure of the reasons for the delay.
- 3.3. The designated person shall determine whether it is necessary to inform the subject(s) of an information disclosure about the disclosure and whether to share any of the supporting evidence with them. It may be appropriate to withhold information from the subject(s) of the disclosure in order to preserve evidence or prevent the investigation from being compromised. This shall be done by the designated person as soon as is practicable after receiving the disclosure.
- 3.4. The designated person shall inform in writing both the person who made the disclosure and, as appropriate, any person who is the subject of the disclosure of the outcome of their consideration and the reasons for their decision.

4. Investigating a disclosure

- 4.1. An initial investigation to assist the designated person to decide how to proceed may be conducted by a person nominated by the designated person. This may be the Deputy College Secretary or another senior officer of the university considered suitably qualified by the designated person to conduct such an investigation. It may not include any person who may have a role in the decision-making process on the matter at a later stage.
- 4.2. The nominated investigator shall report their findings to the designated person as soon as is practical from the date of the disclosure. If the investigation is likely to be protracted, the designated person shall inform in writing the person making the disclosure and, if appropriate, any person who may be the subject of the disclosure of the reasons for the delay.
- 4.3. If during the investigation the person who made the disclosure is invited to give evidence, make representations or otherwise communicate with the investigator, they may be accompanied by their trade union official or a work colleague (in the case of a staff member) or a Students' Union representative or current fellow student at King's (in the case of a student).
- 4.4. Where the disclosure relates to the conduct of an individual, they shall normally be given an opportunity to make representations to the investigator and to be accompanied by their trade union official or work colleague.
- 4.5. Any investigation relating to research misconduct must be supported by an individual "being of appropriate knowledge, skill and experience" and with sufficient independence from the subject of the investigation. Therefore, any preliminary investigation which involves an allegation of research misconduct must be undertaken in collaboration with the Research Integrity Office.

5. Decision of the designated person

- 5.1. On receipt of the investigation report, the designated person shall decide what action should be taken. Depending on the nature and circumstances of the disclosure, and the substance of the investigation report, the designated person may:
 - a) decide not to proceed with the matter;
 - b) refer the matter to be dealt with under a different King's procedure; or
 - c) refer the matter to the police or other appropriate authority
- 5.2. The designated person shall inform in writing the person making the disclosure of the decision and the reasons for the decision as soon as possible after the decision has been made. The university will aim to complete the whistleblowing investigation within 15 working days of the receipt of the disclosure. Any delay will be communicated to the person making the disclosure. At the conclusion of the investigation, if the designated person considers it appropriate, they shall also inform in writing any persons to whom the disclosure relates of the decision and the reasons for the decision.
- 5.3. Determination by the designated person concludes the process under this procedure. If evidence not previously available comes to light after a decision, it will be at the discretion of the designated person as to whether the case should be reconsidered in light of any new evidence.

6. Exceptional Cases

- 6.1. The Public Interest Disclosure legislation enables workers to make a disclosure to their employer and to others in certain circumstances, including the case of a failure of 'an exceptionally serious nature'.
- 6.2. The Disclosure of Information (whistleblowing) Policy and Procedure are designed so that it should be unnecessary for any member of the university to contemplate the need to make a disclosure to someone other than the designated person, even in the case of an exceptionally serious failure. However, they do not remove any statutory rights to disclose information which might otherwise be available.