



Public Interest Disclosure/Whistleblowing Policy

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1. SCOPE

- 1.1 London School of Hygiene & Tropical Medicine (LSHTM) is committed to promoting an environment where the highest standards of accountability, honesty, integrity and openness exist. LSHTM will conduct its business in an ethical and transparent manner, taking into account the requirements of the funding bodies for the proper use of public funds and adopting the standards in public life set up in the Report of the Government's Committee on Standards in Public life ([The Nolan Committee](#)).
- 1.2 The integrity of an employee to their employer is an implied condition of service, and employees cannot disclose confidential information about the employer's affairs. However, where an individual discovers apparent evidence and information that he/she/they believe reveals malpractice, impropriety or wrongdoing within the organisation, then this information should be disclosed without fear of reprisal and the disclosure made independently of line management.
- 1.3 The Public Interest Disclosure Act 1998 gives legal protection to employees against being dismissed or penalised by their employers as a result of publicly disclosing serious concerns and information which is considered to be in the public interest. LSHTM has introduced this procedure to enable you to raise your concerns about such malpractice at an early stage and in an appropriate manner.

2. POLICY



- 2.1 Although the Public Interest Disclosure Act limits protection to employees, agency workers and self-employed workers, LSHTM's procedure extends protection to students and other members of the LSHTM community, such as members of Council.
- 2.2 This code of practice seeks to:
- Encourage and enable members of LSHTM to raise genuine and legitimate concerns internally without fear of reprisal and for their concerns to be taken seriously
 - Provide individuals with guidance as to how to raise these concerns
 - Provide a transparent and confidential process for dealing with concerns
 - Provide an opportunity for those concerns to be investigated and for appropriate action to be taken to ensure that the matter is resolved quickly and effectively within LSHTM wherever possible
 - Support a zero-tolerance approach to dishonest behaviour, malpractice and misconduct including fraud, bribery, and corruption as set out in LSHTM's Anti Bribery and Corruption Code of Conduct
 - Promote openness and accountability throughout LSHTM
- 2.3 This code of practice is not intended to cover complaints for which LSHTM has existing procedures, such as the Anti-Bullying and Harassment Policy, Grievance Policy, Disciplinary Policy or student complaints procedure, and cannot be used to reconsider any matters which have already been the subject of any of the aforementioned procedures. It is designed to assist individuals who believe they have discovered malpractice or impropriety. In addition, the procedure is not intended to query strategic, academic or financial decisions taken by LSHTM; nor may it be used to reconsider any matters that have already been the subject of a formal harassment/bullying at work, grievance or disciplinary procedure.
- 2.4 The identity of a person who is the subject of a public interest/whistleblowing disclosure under this policy will be protected as far as possible. If the case against him/her/them is heard under this procedure, his/her/their rights to respond to the accusation or to remain silent and to have representation will be the same as under the relevant disciplinary procedure. If a person chooses to remain silent, LSHTM reserves the right to investigate the disclosure by any means at its disposal.
- 2.5 Public interest/whistleblowing disclosure for the purpose of this code of practice is defined as the disclosure of information to the effect LSHTM business has been, is being, or is likely to be the subject of malpractice. The legislation relates to "any disclosure of information which, in the reasonable belief of the worker making the disclosure, tends to show one or more of the following:
- that a criminal offence has been committed, is being committed or is likely to be committed;
 - that a person has failed, is failing or is likely to fail to comply with any legal obligation to which he/she/they is subject to;
 - that a miscarriage of justice has occurred, is occurring or is likely to occur
 - that the health or safety of any individual has been, is being or is likely to be endangered;
 - that the environment has been, is being or is likely to be damaged; or
 - that information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed.

Malpractice indicates wrongdoing including illegality; however, this procedure goes beyond the Public Interest Disclosure Act in also extending to conduct, which could be considered



unethical. Concerns within LSHTM that might prompt disclosure could include the following:

- Failure to comply with a legal obligation
- Serious failure to comply with the LSHTM's Charter and Statutes
- Endangering of health and safety or damage to the environment
- Criminal activity
- Academic or professional malpractice
- Improper conduct or unethical behaviour
- Abuse of authority for illegal or unethical purposes
- Serious conflict of interest without disclosure
- Concerns regarding fundraising practice
- Attempts to conceal any of the above.

2.6 Accountability and Responsibilities

The Audit and Risk Committee (ARC)

LSHTM's ARC, as commissioned by the Governing Body (Council), has overall accountability for ensuring the effective implementation of this code of practice, including providing a framework for individuals to make protected disclosures confidentially in order to resolve concerns.

Secretary & Registrar (Secretary to Council)

The Secretary to Council is designated by ARC as the accountable officer for considering disclosures and allegations in the case of staff or departments. The Secretary to Council is responsible for reporting the results of all investigations to the ARC and is also responsible for providing an annual monitoring report to ARC and Council.

In the absence of the Secretary, their role will be taken by the Chief Operating Officer.

2.7 Safeguarding and Protection

Protection is provided under the code of practice provided that:

- The disclosure is made in good faith and in the reasonable belief of the person making the disclosure that the information made available tends to show malpractice; and,
- The disclosure is made to an appropriate person or body as defined in 3.1 below.

The individual making the disclosure will:

- Be protected from reprisal or unfair treatment attributable to the making of the disclosure
- Be kept informed at all stages of the procedure
- Be assured that any malpractice will be thoroughly but quickly investigated

Named Individuals

Wherever an allegation is made as part of this procedure against a named individual, that person will be informed of the allegation and of the evidence supporting it and will be allowed to respond before any investigation or further action is concluded. The point at which the individual is informed will depend on the nature of the case.

Anonymous allegations

Individuals are encouraged to put their name to any disclosures they make, on the understanding that great care will be taken to protect their identity and in the interest of promoting an open and

safe environment. Concerns expressed anonymously are much less powerful and far more difficult to address, however they will be considered with discretion taking into account:

- The seriousness of the issues raised
- The credibility of the concern
- The likelihood of confirming the allegations from alternative credible sources

Malicious/vexatious allegations

If an individual makes an allegation in good faith, which is not confirmed by subsequent investigation, no action will be taken against that individual. An individual making malicious or vexatious allegations may however face disciplinary action; particularly if he/she/they persists in making them when they have been declared after due process to be without foundation. A disclosure may be declared malicious or vexatious at any stage of the procedure.

2.8 Confidentiality

As far as practicable, LSHTM will treat all disclosures in a confidential and sensitive manner. The identity of the individual making the allegation will be kept confidential by LSHTM except where it is no longer possible to do so because of procedural or legal reasons (for example, during the course of an investigation where the source of information may need to be revealed).

If an individual chooses to disclose to an external body, this procedure will afford protection if he/she/they:

- Reasonably believes that the information tends to show malpractice
- Is acting in good faith
- Is not making the disclosure for personal gain or with malicious intent
- Reasonably believes that the information is substantially true.

The discloser should not reveal any part of his/her/their disclosure outside LSHTM until all steps in this procedure have been exhausted; except to an appropriate external body (as defined in section 3.2) or to a professionally qualified lawyer for the purpose of taking legal advice.

2.9 Monitoring

LSHTM is committed to ensuring the effectiveness of this policy through efficient monitoring in accordance, where appropriate, with statutory requirements.

The results of monitoring will be reviewed by ARC to determine the effectiveness of the code of practice. ARC, in conjunction with the Secretary to Council will address any perceived areas of concern.

2.10 Training

LSHTM will ensure that all relevant employees receive appropriate training to increase their awareness of this policy, and in particular, will seek to ensure that those with managerial responsibilities fully understand what is expected of them in terms of appropriate action.

LSHTM will also ensure that those with designate responsibilities for operating procedures within this policy receive specialist skills training as necessary.

3. PROCEDURE

3.1 How to make a Disclosure

Step 1 – Making a disclosure

Any disclosure should initially be made to the Secretary to Council who will immediately inform the Director and, if the matter is judged sufficiently serious, the Chair of Council. If the disclosure implicates the Secretary then the disclosure should be made to the Director. If the disclosure implicates the Director then the disclosure should be made to the Chair of Council.

The discloser may make the disclosure either in writing to, or by an informal meeting with the appropriate person (as listed above). The disclosure will be recorded and notes of all meeting will be taken.

3.2 Step 2 – Investigation

The person to whom the disclosure has been made will commission an internal investigation. The nature of the disclosure will determine whether the initial investigation is most appropriately conducted by the Secretary to Council, the Director Human Resources, the Director, Auditors and/or Independent Member of ARC.

The purpose of the investigation will be to establish all of the facts surrounding the disclosure and to decide what appropriate action is required. The depth and scope of the investigation will depend on the nature of the allegation.

All investigations will be independent and objective, respecting the rights of all concerned to be appropriately heard and represented. In this light, the discloser and the person against whom the disclosure has been made will be entitled to be accompanied by his/her/their representative of his/her/their choice.

The internal investigation will be conducted as sensitively and speedily as possible, concluding with a report outlining findings to the Secretary.

In some circumstances, an allegation may need to be referred to an external body for advice and/or action. The Secretary will consult the discloser as part of the process of identifying an external body appropriate in the circumstances of the particular case.

Possible external bodies may include:

- The Police
- The Office for Students (OFS)
- The Department for Education (DfE)
- The Pensions Regulator

3.3 Step 3 – Outcome and Action

Having considered the investigation report, the Secretary will decide if there is a case to answer, and inform the discloser in writing of what action, if any, is to be taken. If no action is to be taken the discloser will be informed of the reasons for this and allowed a final opportunity to remake the disclosure to the Chair of ARC if he/she/they wish. The Chair of ARC will have discretion to decide on an appropriate form of action based on the circumstances of the case so far.

The Secretary will maintain a record of all disclosure and of any subsequent action for a period of six years. A report on the outcome of any investigation will be provided to ARC as a

means of allowing the ARC to monitor the effectiveness of the procedure.

4. APPENDICES

4.1 Contacts

LSHTM Public Interest Disclosure/Whistleblowing Officer	Jenny Jenkin Secretary and Registrar 020 7927 2014 jenny.jenkin@lshtm.ac.uk
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