

Whistleblowing Policy & Procedure

November 2014

(Minor Revisions: April 2017)

Policy control

Reference	Whistleblowing Policy & Procedure
Date approved	TBC
Approving Bodies	HR Committee, Board Governors
Implementation Date	TBC
Supersedes	Whistleblowing Policy & Procedure
Supporting policy	Disciplinary and Performance Management P&P, Grievance P&P
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1. PURPOSE & SCOPE

The Glasgow School of Art seeks to conduct its business honestly and with integrity at all times. However, it is acknowledged that all organisations face the risk of their activities being handled inappropriately from time to time, or of unknowingly harbouring malpractice. The School has a duty to take appropriate measures to identify such situations and attempt to remedy them. By encouraging a culture of openness and accountability the School can help prevent such situations occurring. All staff are expected to maintain high standards and to report any wrongdoing that falls short of these fundamental principles. It is the responsibility of all staff to raise any concerns that they might have about malpractice within the workplace. The aim of this policy is to ensure that staff are confident that they can raise any matters of genuine concern without fear of reprisals, in the knowledge that they will be taken seriously and that the matters will be investigated appropriately and regarded as confidential.

It should be emphasised that this policy is intended to assist individuals who believe they have discovered malpractice or impropriety. It is not designed to question financial or business decisions taken by the institution; nor may it be used to reconsider any matters which have already been addressed under grievance or disciplinary procedures. Members of the School are expected to use this policy rather than make a disclosure outside the institution.

This document sets out the procedure by which staff can report concerns about workplace practices.

1.1 Whistleblowing is the disclosure of information by an employee or worker which relates to some danger, fraud or other illegal or unethical conduct in the workplace. The Employment Rights Act 1996 as amended by the Public Interest Disclosure Act 1998 governs the making of disclosures concerning workplace activities and is intended to protect employees who make a disclosure regarding bad practice from being subjected to any detriment or unfairly dismissed as a result.

This policy should be invoked if a member of staff has a genuine concern that there are reasonable grounds for believing that:

- a criminal offence has been committed, is being committed, or is likely to be committed; or
- a person has failed, is failing, or is likely to fail to comply with their legal obligations; or
- a miscarriage of justice has occurred, is occurring, or is likely to occur; or
- the health and safety of any individual has been, is being, or is likely to be endangered; or
- the environment has been, is being or is likely to be damaged; or
- any of the above are being, or are likely to be, deliberately concealed.

The list above has been extracted directly from the legislation.

This policy is designed to allow employees, agency workers and other contractors or other members of the School, including students and Governors, to raise concerns at a high level and to disclose information which the individual believes shows malpractice.

A number of policies and procedures are already in place covering grievance, complaints and discipline. This policy is intended to cover concerns which are in the public interest and may (at least initially) be investigated separately but might then lead to the invocation of established procedures. Examples of how the legislation could apply within a GSA context include:

- financial malpractice, impropriety or fraud
- failure to comply with a legal obligation or with the Statutes, Ordinances and Regulations of the Institution
- dangers to health and safety or the environment
- criminal activity
- academic or professional malpractice
- improper conduct or unethical behaviour
- attempts to conceal any of the above

2. SAFEGUARDS

2.1 Protection

This policy is designed to offer protection to those *employees or other members of the School who disclose such concerns provided the disclosure is made:*

- i) in good faith, and
- ii) in the reasonable belief of the individual making the disclosure that it tends to show malpractice.

The individual will be protected if they make the disclosure to an appropriate person/body (see section 3.1 below), following the procedures outlined herein

2.2 Confidentiality

The School will treat all such disclosures in a confidential and sensitive manner. If the individual making the allegation wishes their identity to be kept confidential, this will be accepted so long as it does not hinder or frustrate any investigation. Also, the investigation process may reveal the source of the information and the individual making the disclosure may need to provide a statement as part of the evidence required.

2.3 Anonymous Allegations

This policy encourages individuals to put their name to any disclosures they make. Concerns expressed anonymously are much less powerful, but they will be considered at the discretion of the School.

In exercising this discretion, the factors to be taken into account will include:

- the seriousness of the issues raised;
- the credibility of the concern; and
- the likelihood of being able to confirm the allegation from attributable sources.

Anonymous allegations which merely hint at a problem, but fail to give full details concerning it, often provide insufficient basis for action.

2.4 Untrue 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. If, however, an individual makes malicious or vexatious allegations, and particularly if he or she persists with making them, disciplinary action may be taken against the individual concerned.

3. Procedure for making a Disclosure

3.1. Disclosure

The individual should make the disclosure to the Registrar and Secretary (who acts as Secretary to the Board of Governors) who should immediately inform the Director and Chair of the Board of Governors unless:

- i) requested not to do so by the discloser; or
- ii) if the Chair of the Board of Governors is likely to be involved at any subsequent appeal.

In cases involving financial malpractice, the Registrar and Secretary should act throughout in close consultation with the Director as the Designated Officer for the institution's public funding.

If the disclosure is about the Registrar and Secretary, then the disclosure should be made to the Director.

If the individual does not wish to raise the matter with either the Registrar and Secretary or the Director, then he or she may raise it with the Chair of the Audit Committee if the issue falls within the purview of that Committee, or with the Chair of the Board of Governors.

It should be noted that employees who make disclosures to the Prescribed Regulatory Body are protected under the law. For Scottish Higher Education, this is the Scottish Funding Council. Also the terms of its Financial Memorandum require the School to notify the Funding Council of any financial malpractice or fraud as soon as it is discovered.

3.2. Process

The Registrar and Secretary will consider the information made available to him/her and decide on the form of investigation to be undertaken. This may be:

- to investigate the matter internally
- to refer the matter to the police

- to call for an independent inquiry

If the decision is that investigations should be conducted by more than one of these means, the Registrar and Secretary should satisfy him/herself that such a course of action is warranted.

Where the matter is to be the subject of an internal inquiry, the Registrar and Secretary will then consider how to conclude whether there is a prima facie case to answer. This consideration will include determining:

- who should undertake the investigation
- the procedure to be followed
- the scope of the concluding report

3.3. Investigation

Normally the Internal Auditor or other independent officer of the School will undertake this investigation and will report his/her findings to the Registrar and Secretary. Investigations will not be carried out by the person who will have to reach a decision on the matter. Any investigation will be conducted as sensitively and speedily as possible.

As a result of this investigation, other internal procedures may be invoked, such as

- Disciplinary and Performance Management
- Grievance or Complaints (including those related to Dignity at Work)

In some instances it might be necessary to refer the matter to an external authority for further investigation. For example, in cases alleging misuse of public funds, the Funding Council (and the National Audit Office) may wish to undertake their own investigation.

Where a disclosure is made against persons working at the School, it may be appropriate to suspend individuals from work. This will be considered and applied under the terms outlined in section 2.3.7 of the School's Disciplinary and Performance Management Policy and Procedure.

3.4 Feedback

The Registrar and Secretary will inform the individual making the disclosure of what action, if any, is to be taken. If no action is to be taken then the individual concerned will be informed of the reason for this and allowed the opportunity to resubmit the disclosure to another appropriate person. For example, if the initial disclosure was made to the Registrar and Secretary, then the subsequent disclosure might be made to the Chair of the Audit Committee or Chair of the Board of Governors. This other person will consider all the information presented, the procedures that were followed and the reason for not taking any further action. The outcome of this will be either to confirm that no further action is required or that further investigation is required and will follow the procedures referred to in 3.2 above.

Where a disclosure is made any person or persons against whom the disclosure is made will be told of it, and the evidence supporting it, and will be allowed to respond before any investigation, or further action, is concluded.

3.5. Reporting of Outcomes

A report of all disclosures and any subsequent actions taken will be made by the Registrar and Secretary who will retain such reports for a period of three years. In all cases a report of the outcomes of any investigations will be made to the Audit Committee in detail where the issue falls within its purview, and in summary in other cases as a means of allowing the Committee to monitor the effectiveness of the procedure.

The outcome of all cases which involve misuse of public funds will be reported to the Scottish Funding Council.