

ORDINANCE 23

PUBLIC INTEREST DISCLOSURE

SCOPE AND PURPOSE OF THIS ORDINANCE

1. The purpose of this Ordinance is:
 - 1.1 to enable individuals to raise concerns within the University¹ without fear of victimisation;
 - 1.2 to assist the University in acting upon and, if necessary, investigating a complaint in relation to any of the matters covered in paragraph 2 below;
 - 1.3 to give a clear message that allegations of malpractice and impropriety are taken seriously and so to act as a deterrent to such behaviour; and
 - 1.4 to demonstrate that the University maintains the highest standards of conduct.
2. This Ordinance is intended to be used to raise serious concerns which are in the public interest and which might include the following but are not limited to:
 - 2.1 commission of a criminal offence;
 - 2.2 breach of a legal obligation;
 - 2.3 miscarriage of justice;
 - 2.4 failure to comply with the Statutes, Ordinances or other regulations of the University;
 - 2.5 endangered health or safety;
 - 2.6 threat to the environment;
 - 2.7 financial or non-financial maladministration or malpractice;
 - 2.8 obstruction or frustration of the exercise of academic freedom;
 - 2.9 academic or professional malpractice;
 - 2.10 improper conduct or unethical behaviour; or
 - 2.11 suppression or concealment of any information relating to any of the above.
3. This Ordinance is not designed for complaints which fall under other appropriate procedures of the University such as disciplinary or grievance procedures or the reconsideration of matters already addressed under other internal procedures.
4. Allegations of harassment or discrimination against individuals should be raised under the appropriate (either staff or student) harassment, discrimination and bullying procedure.

¹ 'University' in this Ordinance means the University of London as defined in the Statutes of the University of London.

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PERSONS WHO MAY MAKE A COMPLAINT

5. The following people may make a complaint under this Ordinance:
 - 5.1 staff of the University;
 - 5.2 students registered with the University;
 - 5.3 members of the Board of Trustees or any University committee; and
 - 5.4 anyone contractually connected with the University.

PROTECTION FOR COMPLAINANTS AND ANONYMOUS COMPLAINTS

6. An individual complainant's identity will not be disclosed without prior consent. Where concerns are unable to be resolved without revealing the identity of the person raising the concern (e.g. if that person's evidence is required in court), the University will enter into a dialogue with the individual concerned as to whether and how an investigation can proceed.
7. No detrimental action of any kind will be taken against a person within the University making a complaint under this Ordinance, provided that the complaint is made without malice and in good faith, reasonably believing it to be true. A malicious or vexatious complaint may, however, result in disciplinary action.
8. Victimising employees or students or deterring them from raising complaints is a serious disciplinary offence which will be dealt with under the University's Disciplinary Procedure or the Code of Student Discipline.
9. Anonymous complaints will not normally be investigated under this Ordinance unless the Responsible Person set out in paragraph 11 decides that factors such as the seriousness of the issue raised, the credibility of the complaint, the prospects of being able to investigate properly the matter and fairness to any individual mentioned in the complaint dictate that an investigation under this Ordinance should be carried out.
10. All UK employees are protected under the Public Interest Disclosure Act 1998 when they make a disclosure of information which, in the reasonable belief of the employee making the disclosure, covers the following employer activities:
 - 10.1 a criminal offence has been, is being, or is likely to be committed;
 - 10.2 a person has failed, is failing, or is likely to have failed to comply with any legal obligation to which they are subject;
 - 10.3 a miscarriage of justice has occurred, is occurring or is likely to occur;
 - 10.4 the health and safety of an individual has been, is being, or is likely to be endangered;
 - 10.5 the environment has been, is being, or is likely to be damaged; and
 - 10.6 information relating to the above is being deliberately concealed.

MAKING A COMPLAINT

11. Complaints may be made through the channel of a Responsible Person, who for the purposes of this Ordinance is either:

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- 11.1 the University Secretary; or
- 11.2 the Vice-Chancellor.
- 12. If these channels have been followed and employees still have concerns, or feel that the matter is so serious that it cannot be discussed with any of the above, they should contact the Chair of the Audit and Risk Assurance Committee at the following address: University of London, Senate House, London WC1E 7HU, who would then act as the Responsible Person.
- 13. Complainants are encouraged to use this Ordinance. However, if a complainant feels that this Ordinance is not appropriate, for instance if the persons to whom he/she may make a complaint are themselves engaged in an improper course of action, then the complainant may at any time refer the matter to an external body².
- 14. Individuals who raise concerns internally will be informed of who is handling the matter, how they can make contact with them, and if any further assistance is required. The University will give as much feedback as possible without any infringement of a duty of confidence owed by the University to someone else.
- 15. The subject of the complaint shall be informed of the complaint and shall be invited to comment except when in the opinion of the Responsible Person it could prejudice any investigation into the complaint.

INVESTIGATION

- 16. The Responsible Person shall decide whether or not the matter is to be investigated.
- 17. If, in the opinion of the Responsible Person, the matter is one of a financial nature, the Responsible Person shall report the matter to the Chief Financial Officer, who shall then initiate investigating procedures as set out in the University's Fraud Response Plan (Ordinance 27).
- 18. If the Chief Financial Officer is concerned or implicated in the complaint, the Responsible Person shall refer the matter to the Chair of the Audit and Risk Assurance Committee for investigation under the University's Fraud Response Plan.
- 19. If the Responsible Person decides that the matter is not to be investigated, the Responsible Person shall report this decision, with the reasons for it, to the complainant, the subject of the complaint and the Board of Trustees.
- 20. If the Responsible Person decides that the matter is to be investigated, the Responsible Person shall appoint an Investigating Officer to conduct an investigation, under such terms and remit as shall be decided by the Responsible Person.
- 21. The Investigating Officer shall normally be a senior member of the University who is independent of the subject of the complaint. In exceptional cases, an independent person or persons from outside the University may be appointed to be the Investigating Officer.
- 22. The Investigating Officer shall investigate the matter within the terms set out by the Responsible Person. On completion of the investigation, the Investigating Officer shall report in writing to the Responsible Person.

² For example, the Police or the Health and Safety Executive.

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23. The conduct of an investigation shall not prevent other action being taken, such as suspension or exclusion under other established procedures of the University.

ACTION AFTER INVESTIGATION

24. On receipt of the report of an investigation, the Responsible Person shall take any action s/he considers appropriate, which may include referral to an outside body.
25. Within 7 days of the decision as to what action, if any, should be taken, the Responsible Person shall report the final outcome in writing to the complainant, the subject of the complaint and the Board of Trustees.
26. The decision of the Responsible Person shall be final.

27 January 2021