

# THE GLASGOW SCHOOL OF ART

## Public Interest Disclosure (Whistleblowing) Policy

### POLICY DETAILS:

Date approved	15 June 2023
Approving Bodies	Board of Governors
Implementation Date	15 June 2023
Supersedes	Public Interest Disclosure (Whistleblowing) Policy 2020
Date of Impact Assessment	Previous EIA will be updated
Review Date	June 2026
Author	Corporate Governance Office
Supporting Policy	N/A
Benchmarking	University of Stirling Glasgow Caledonian University University of Aberdeen University of Dundee University of Glasgow

## THE GLASGOW SCHOOL OF ART

### PUBLIC INTEREST DISCLOSURE (WHISTLEBLOWING) POLICY

#### 1. PURPOSE AND SCOPE

Public Interest Disclosure (or whistleblowing) is the disclosure of information which relates to some danger, fraud or other illegal or unethical conduct in the workplace. [The Employment Rights Act 1996](http://www.legislation.gov.uk/ukpga/1996/18/contents)<sup>1</sup>, as amended by the [Public Interest Disclosure Act 1998](http://www.legislation.gov.uk/ukpga/1998/23/contents)<sup>2</sup>, governs the making of disclosures concerning workplace activities. The Act is intended to protect employees (defined in a broad sense, in the spirit of the legislation) who make a disclosure regarding bad practice from being subjected to any detriment or unfairly dismissed as a result.

The Glasgow School of Art (GSA) seeks to conduct its business honestly and with integrity at all times. It is committed to tackling any malpractice or wrongdoing, to promoting a culture of openness and accountability to prevent such situations occurring, and to addressing them when they do occur. This policy outlines how individuals in the GSA community (e.g. staff, students, members of the Board of Governors) may raise concerns about such matters.

Staff are also directed to HR policies (available on the staff intranet) and students are directed to the [Complaints Handling Procedure](#)<sup>3</sup> to determine whether those routes may be more suitable than that outlined in this policy.

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 GSA or to reconsider any matters which have already been addressed under grievance or disciplinary procedures.

This policy should be invoked if a member of the GSA community has a genuine concern that there are reasonable grounds for believing that it is in the public interest to report 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.

As noted, GSA has in place policies and procedures 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 use of established procedures. Examples of how the legislation could

---

<sup>1</sup> <http://www.legislation.gov.uk/ukpga/1996/18/contents>

<sup>2</sup> <http://www.legislation.gov.uk/ukpga/1998/23/contents>

<sup>3</sup> <https://www.gsa.ac.uk/about-gsa/key-information/our-structure/academic-services/complaints/>

apply within a GSA context include:

- financial malpractice, impropriety or fraud;
- failure to comply with a legal obligation or with the regulations of GSA;
- 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.

It is understandable that people speaking up may be concerned about possible repercussions. GSA aims to encourage openness and will support staff or other members of the institution who raise genuine concerns under this policy, even if they turn out to be mistaken.

Individuals who raise concerns under this policy and its terms will not be subjected to detriment of any kind as a result of such action. Detriment includes, for example, unwarranted disciplinary action, harassment and victimisation. If an individual believes that they are being subjected to detriment as a result of raising concerns under this policy, the matter should be raised immediately with the Designated Officer. Any staff member or student who victimises or retaliates against someone who has raised a concern under this policy may be subject to disciplinary action.

The independent whistleblowing charity, [Protect](#)<sup>4</sup>, provides expert advice and operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern.

If an individual has concerns about the way in which their disclosure has been handled, these concerns can be raised with the Designated Officer (see section 3.1).

## **2. SAFEGUARDS**

### **2.1 Protection**

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

- i) in the public interest, and
- ii) in the reasonable belief of the individual making the disclosure that it tends to show malpractice has been, is being or is likely to be committed.

The individual will be protected if they make the disclosure to an appropriate person/body, following the procedures outlined in this policy.

---

<sup>4</sup> <https://protect-advice.org.uk/>

## **2.2 Confidentiality**

GSA will treat all such disclosures in a confidential and sensitive manner. If an individual wishes to raise a concern confidentially, GSA will make every effort to enable the individual to do so. If it is necessary for anyone investigating the concern to know the identity of the person making the disclosure, or there is good cause for the identity to be known as part of the investigation process, this will be discussed with the individual beforehand.

## **2.3 Anonymous Allegations**

All GSA students and staff have access to Report + Support, an online reporting platform which allows users to disclose inappropriate behaviour they may have experienced on campus, either anonymously or by including their contacts details.

The School only uses anonymised Report + Support data in order to monitor trends and identify patterns of behaviour that may need to be addressed.

## **2.4 Untrue Allegations**

If an individual makes an allegation under this policy in the reasonable belief that it is in the public interest and that allegation is not confirmed by subsequent investigation, no action will be taken against that individual by GSA.

If, however, an individual makes malicious or vexatious allegations (and particularly if they persist in making them) disciplinary action may be taken against them.

## **2.5 External Disclosures**

The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any danger, fraud or other illegal or unethical conduct in GSA. Having an effective policy in place should make it rare for an individual to conclude that they must raise a matter out with GSA. Other than in exceptional circumstances, all concerns should be raised internally in the first instance.

The law does recognise that in some circumstances it may be appropriate for concerns to be reported to an external body such as a regulator.

Individuals are advised to seek professional independent advice before reporting a concern to anyone external (see 2.1 above). It should be noted that in certain circumstances disclosures to external bodies may not be protected and accordingly it is important that appropriate advice is sought.

## **3. PROCEDURE FOR MAKING A DISCLOSURE**

### **3.1 Designated Officers and Disclosure**

Normally, disclosures should be made to the Registrar and Secretary, who acts as Secretary to the Board of Governors, and is the principal Designated Officer for handling disclosures.

The Director, Chair of the Board of Governors and Convenor of the Audit and Risk Committee also act as Designated Officers.

If the disclosure is about the Registrar and Secretary or there is good cause not to inform the Registrar and Secretary, the disclosure may be made to one of the other Designated Officers, who will comply with this policy.

In the interests of transparency, any disclosure made to the Designated Officer will immediately and confidentially be shared with one of the other Designated Officers as appropriate.

In cases involving financial malpractice, the Designated Officer should act throughout in close consultation with the Director (as the Designated Officer for the institution's public funding), unless the disclosure relates to the Director, in which case the Designated Officer shall liaise with the Convenor of the Audit and Risk Committee.

It should be noted that employees who make disclosures to a Prescribed Regulatory Body are protected under the law provided the specified legal requirements are met (see also 2.5 above re external disclosures). Regarding GSA, this is the Scottish Funding Council (SFC). Also, the terms of the SFC Financial Memorandum require GSA to notify the Funding Council of any financial malpractice or fraud as soon as it is discovered.

### **3.2 Process**

The Designated Officer will, in consultation with the Director or the Chair of the Board of Governors or the Convenor of the Audit and Risk Committee, consider the information made available and determine:

- i) whether there is a prima facie case to answer, and
- ii) whether an investigation should be conducted and, if so, what form it should take.

The form of the investigation to be undertaken will depend on the nature of the matter raised. This may be:

- to investigate the matter internally; or
- to invite an appropriate external party to investigate the matter on behalf of GSA; or
- to refer the matter to an external authority, e.g. Policy

If the decision is that investigations should be conducted by more than one of these means, the Designated Officer must be satisfied that such a course of action is warranted.

Where the matter is to be the subject of an internal investigation, the Designated Officer will then consider how to conduct that inquiry. This consideration will include determining:

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

### **3.3 Internal Investigation**

The Designated Officer will appoint an Investigating Officer, who will be an appropriately senior member of GSA staff.

The Investigating Officer will report the findings to the Designated Officer. 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, e.g. [Staff Grievance Policy](#)<sup>5</sup> may be invoked as appropriate.

In some instance 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 Scottish Funding Council may wish to undertake its own investigation.

Where a disclosure is made, any individual or individuals against whom the disclosure is made will be informed, and presented with the supporting evidence, and will be allowed to respond before any investigation, or further action, is concluded.

Where a disclosure is made against person(s) at GSA, it may be appropriate to suspend individuals from work, study or other activity. This will be considered and applied under the terms outlined in the relevant GSA policy.

### **3.4 Feedback to the Individual making the Disclosure**

The Designated Officer will inform the individual making the disclosure of what action, if any, is to be taken, subject to the requirements of confidentiality.

If no investigation is to be undertaken, such a decision may only be reached by the Designated Officer in consultation and agreement with the Director or the Chair of the Board of Governors or the Convenor of the Audit and Risk Committee. Thereafter the individual concerned will be informed of the reason for this and allowed the opportunity to resubmit the disclosure to another appropriate officer who has not been involved in the decision making process. For example, if the initial disclosure was made to the Registrar and Secretary, then the subsequent disclosure might be made to the Convenor of the Audit and Risk Committee or Chair of the Board of Governors. This other officer 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:

---

<sup>5</sup> <https://www.gsa.ac.uk/media/1943174/staff-grievance-policy-and-procedure.pdf>

- i) to confirm that no further action is required; or
- ii) that further investigation is required and will follow the policy's procedures.

If an allegation is dismissed after an internal investigation, there will be no further opportunity provided to revisit this outcome, unless significant additional evidence or information emerges which was not previously made available to the Investigating Officer.

## **1.2 Reporting of Outcomes**

A confidential report of all disclosures and any subsequent actions taken will be made by the Designated Officer, who will retain such reports for a period of three years. In all cases an anonymised report of the outcomes of any investigations will be made to the Audit and Risk Committee in detail where the issue falls within its remit, and in summary in other cases. This allows the Committee to monitor the effectiveness of the procedure.

Where an alternative Designated Officer (see section 3.1) has overseen the investigation, they will make an appropriate report, in line with above paragraph, to the Audit and Risk Committee regarding any disclosures related to the Registrar and Secretary.

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

## **1.3 Contact Details**

Registrar and Secretary  
Glasgow School of Art  
167 Renfrew Street  
G3 6RQ

Telephone: to be confirmed  
Email: to be confirmed