MINUTES OF THE PROCEEDINGS

at the
Sixth Meeting of the
COUNCIL

of the

IMPERIAL COLLEGE OF SCIENCE, TECHNOLOGY AND MEDICINE

The Sixth Meeting of the Council was held in the Boardroom, The Commonwealth Building, Hammersmith Hospital Campus, at 9:30 a.m. on Friday, 19th September 2008, when there were present:

The Lord Kerr of Kinlochard (Chairman), Professor D.K.H. Begg, Mrs. P. Couttie, Professor M.J. Dallman, Mr. B. Gidoomal, Sir Peter Gershon, Dr. G.G. Gray, Ms. C. Griffiths, Dr. M.P. Knight, Professor Sir Peter Knight, Mr. J. Newsum, Ms. K. Owen, Professor S.M. Richardson, Professor S.K. Smith, the Baroness Wilcox, the Rector and the President of the Imperial College Union together with the Clerk to the Court and Council.

Apologies: Professor C.J. Isham and Mr. S. Newton

In attendance: The Lord Tugendhat (Chairman of the Board of Trustees, Imperial College Healthcare NHS Trust) and the Assistant Clerk to the Court and Council.

WELCOME

1. On behalf of the Council, The Chairman welcomed Professor Maggie Dallman, the new Principal of the Faculty of Natural Sciences, Professor Stephen Richardson, the new Principal of the Faculty of Engineering, and Ms. Jenny Morgan, the new President of the Imperial College Union, to their first Meeting of the Council. The Chairman also welcomed the Lord Tugendhat, the Chairman of the Board of Trustees of the Imperial College Healthcare NHS Trust, to his first Meeting of the Council.

MINUTES

Council – 14th March 2008

2. The Minutes of the Fifth Meeting of the Council, held on Friday, 11th July 2008, were taken as read, confirmed and signed.

PROPOSED REVISIONS TO ORDINANCE A3, NOMINATION ELECTION AND CO-OPTION OF MEMBERS OF THE COUNCIL (Paper A)

3. The Clerk presented Paper A and reminded members that they had previously agreed to amend Ordinance A3 to allow one of the Pro-Rectors to be appointed to the place on the Council normally occupied by the Deputy Rector when there was no
Deputy Rector in post. However, the Rector had recently appointed Professor Sir Peter Knight as Senior Principal with a particular remit to lead the overall research strategy of the College, determining research priorities and providing high level coordination of initiatives requiring interdisciplinary working and cross faculty engagement. As Senior Principal, Sir Peter Knight would also be expected to deputise for the Rector when required to do so. In view of this new appointment, the Rector had proposed that Professor Sir Peter Knight should replace Professor Julia Buckingham as the member of the senior staff appointed to the vacancy for a Deputy Rector. However, this required a small amendment to Ordinance A3 to allow the Deputy Rector’s position on the Council to be filled by a member of the senior staff, rather than just a Pro-Rector, as at present. The Clerk suggested that this rewording would also provide sufficient flexibility to cope with any future changes to the titles of the College’s senior staff.

Resolved:  
(i) That the amendments to Ordinance A3, as set in Annex A to Paper A, be approved.  
(ii) That the Senior Principal, Professor Sir Peter Knight, be appointed to the vacancy on the Council for a Deputy Rector until such time as a Deputy Rector is appointed.

RECTOR’S BUSINESS

Staff Matters (Paper B)

4. Paper B was received for information.

Oral Report by the Rector

5. The Rector opened his Report by saying that his programme of visits to all of the College’s departments and divisions was well under way. He expected that he would have visited all areas of the College by the time of the next Council meeting. The intention of these visits was to gain a better understanding of the diverse views and expectations across the College, which would then feed into shaping the College’s future strategy.

6. Turning to recent strategic developments the Rector reminded members that Sir Keith O’Nions had recently been appointed to set up and develop the new Institute for Security Science and Technology. The Institute would involve researchers from across the College, who would assist in developing new technologies to address the security challenges faced by society. Work in the Institute was expected to encompass the physical, engineering and biomedical sciences as well as computer science and IT.

7. The Rector then reported that, between July and September, over 3,500 young people aged between 11 and 18 had taken part in a range of summer schools and events at Imperial. Thirty different courses had been offered with the aim of raising the aspirations of the participating school pupils and furthering their interest in the world of science. The programme had been organised by the College’s Outreach Office led by Melanie Thody and had been particularly successful. In addition to introducing these young people to the world of science, the programme had also given them a taste of university life and provided them with a chance to meet academics and current students to encourage them to consider higher education.
The Rector congratulated all who had been involved with the summer schools programme.

8. Continuing on the same theme, the Rector said that he had recently met with Government ministers who were keen to involve Imperial in boosting science teaching in schools. Imperial had also been asked to review the new Diploma scheme in relation to science and engineering. He reminded members that diplomas were a new qualification for 14 – 19 year olds which were to be introduced from September 2009. They were intended to complement GCSEs and A Levels, providing a more vocationally oriented qualification for students. The Advanced Diploma was intended to be equivalent to 4.5 A Levels. Imperial staff had reviewed the proposed Engineering Diploma, but had concluded that it currently fell some way short of the requirements for entry to an Imperial engineering degree, particularly in its mathematics component.

9. Moving on, the Rector said that National Student Survey 2008 results had just been released. These revealed that Imperial students had an overall satisfaction rate of 85 per cent, some 3 per cent higher than the national average. The response rate by Imperial student had also increased from 53 per cent last year to 56 per cent. Imperial had scored particularly highly in the questions about organisation and management, and the quality of its learning and resources. The lowest levels of satisfaction were recorded for assessment and feedback. The desire for more feedback on the part of students was a trend that was evident across the sector, although Imperial had scored below the national average in this field. The Rector said that the College was well aware of its students’ concerns about the feedback received from academics and was taking a variety of measures to address them; this topic would be covered in more detail in the presentation on education that Professor Julia Buckingham was due to give later on during the Away Day.

10. Students were also interested in the College’s environmental performance, so the College’s poor performance in national league tables was concerning, even though the reasons for this were understandable. Science, engineering and medicine were all heavy energy users and it was inevitable that a university that taught these subjects exclusively would have a much higher carbon footprint than a university with a large arts faculty. The Rector noted that the league table did not take account of the different needs of different subjects; nevertheless, the College could improve its performance in this area. The Rector then said that a Environmental Task Group had been established before these results had been published; it was due to present the final version of its report shortly and he suggested that this could feed into a discussion of this important issue at a future Council meeting. More pleasingly, a survey of graduate employment rates had just been published. Imperial had topped all of the Russell Group universities in the survey with 92% of its graduates entering employment on leaving the College.

11. The Rector then reminded members that it had been decided in March to change the name of the College’s business school from the Tanaka Business School to the Imperial College Business School. The change was being made to emphasise that the School is an integral part of the College by incorporating the Imperial College name directly into its title and was being done with the support of Dr. Tanaka. The change had come into effect on 20th August with changes to signage and to the website to be complete by 1st October.

12. Turning to developments at the Wye Campus about which the Council had asked to be kept informed, the Rector said the College, through its professional advisers Savills, had started to market the main campus at Wye for a leasehold tenancy. The
marketing campaign included advertising in higher education and property publications in the UK and overseas, together with two visiting days at the campus. The College had also enquired of government departments whether they would have a use for the Campus. Early indications suggested that the government’s answer was negative and that no compliant bids had been received by Savills. The College’s advisors would now consider if any of the bids that had been received would have the potential to become compliant.

13. The Rector then noted that the ‘switch-on’ of the Large Hadron Collider (LHC) particle accelerator at CERN on 10 September had attracted a great amount of interest across the world, even if most press reports had concentrated on the wholly erroneous charge that the LHC would produce a black hole that could end the world. The Rector advised members that a large cohort of Imperial physicists were involved in the Project with Professor Teijinder Virdee being the lead scientist on the Compact Muon Solenoid (CMS) experiment, one of the main experiments being conducted with the LHC at CERN. Another Imperial academic, Professor Andrei Golutvin, was the spokesperson for the LHCb (‘Large Hadron Collider beauty’) experiment, a smaller more specialised detector than the CMS.

14. Although no Finance Management Report was being presented at this Meeting, the Rector gave members the headline figures from the last academic year, which were currently being finalised with the College’s external auditors. Turnover would exceed £600M for the first time, with Research Income topping £250M. This represented an increase of over 11% on the previous year, which was a considerable achievement. The operating surplus would be over £10M, with the overall surplus expected to be about £28M. The College also had a powerful balance sheet, with £665M of fixed assets and only £9M of net debt. Although the College’s finances were healthy, the recent turmoil in the financial markets was likely to squeeze government funding for the next few years and this could have a knock-on effect on funding for science, engineering and medicine in particular. In addition, it was likely that the extent of philanthropic giving by individuals would also be affected by the credit crunch. The Rector then invited the Chief Operating Officer, Dr. Knight, to comment further.

15. Dr. Knight agreed with the Rector’s contention that government finances would be squeezed by the present credit crunch and its consequences in the real economy. The College was, though, better insulated than many other institutions. Imperial had, he said, arranged £175M of borrowing in better times and all of these funds had now been drawn down; if Imperial had wanted to borrow the same funds now, it was likely that it would not have been able to do so and would not have been able to obtain the advantageous rates it had obtained. Some £150M of this borrowing was currently held in cash on deposit. Similarly, Imperial Innovations had gone to the market at the right time and now held £40M in cash. As for the College Fund, it had taken a defensive position a few months ago, transferring many of its holdings into cash (34% of the liquid portfolio was now held in cash). This had cushioned it from the worst effects of the fall in the markets.

16. Turning to the financial situation in general, Dr. Knight observed that each of the separate components of the current crisis had been experienced before. There had been major bank failures in both the 1980s and the 1990s, while the housing finance market had also suffered a more severe collapse in the USA following the failures of several savings and loans companies. However, what was different this time was that these different crises were all being experienced at the same time, which was unprecedented. While Dr. Knight was confident that the markets would recover and normal service would be resumed eventually (indeed, the FTSE 100 that morning was at the same position it had been two months ago), it was not clear how long this
would take. Dr. Knight then cautioned that, despite the recent action taken by the central banks, it was clear that there were still severe structural problems in the financial markets and these would take some time to resolve. Dr. Knight went on to highlight three particular issues that would continue to affect the markets: The first was that the injection of liquidity into the markets from the central banks and the pressure on governments to get involved in finding solutions could lead to additional inflationary pressures with the prospect of increased wage rises. This would be bad for the College as salaries represented such a large portion of its expenditure. The second was that the recent mergers and acquisitions of banks in the USA was bringing the retail and investment banking sectors closer together. These sectors had previously been quite distinct and it was not necessarily good for the long term health of the markets that they should now be much more closely aligned. The third point that Dr. Knight made was that the Sovereign Wealth Funds had yet to become meaningfully involved. Given the very large sums available, the investment choices made by these funds in the future could have a substantial impact on the structure and workings of the financial markets. Before moving on, the Rector thanked Dr. Knight for his analysis and said that, although government funding was likely to be constrained in the next few years, it had to be recognised that the Rt. Hon. Gordon Brown had done a lot to boost science funding in the UK, both as Chancellor and as Prime Minister.

17. Turning to the College’s capital programme the Rector said that the recently refurbished ground floor of the Central Library would be officially opened on 2 October – the culmination of two years of renovation work and £11M of College investment. The new facilities provided by the Library were excellent and he encouraged members of the Council to visit the Library to see for themselves. The Library would also be working in partnership with the British Library to manage the new UK Research Reserve, which had been established with £9.84M of funding from HEFCE. The new collaboration would see the British Library store low-use journals for the higher education community and make them accessible to researchers and others using state-of-the-art ordering and delivery systems.

18. The Rector then said that when the Council had last met the College had recently received the shocking news of the murders of two of Imperial’s UROP (Undergraduate Research Opportunities Programme) students, Laurent Bonomo and Gabriel Ferez from France. Since then, the parents of both students and the French consulate had visited the College. The Rector praised the Departmental staff who had met with the families and who had offered them support and comfort at a very difficult time. To ensure that these talented young students were not forgotten, the Department of Life Sciences was planning to introduce an academic prize in their memories. A team from the Department would also be running the inaugural London half marathon in October, raising funds for the charity Victim Support.

19. Closing his report on a happier note, the Rector said that Imperial had been ranked as the third best university in The Sunday Times Good University Guide, which was due to be published on Sunday. The College would also be named Runner-up ‘University of the Year’.

20. Professor Begg said he agreed with Dr. Knight’s assessment of the economic situation. His view was that the market was half way through the current crisis and that there would be further falls to come. As Dr. Knight had said, one of the particular features of this crisis was that so many things were happening at once. A previous strategy for dealing with problems in the past had been to diversify into different areas of the market. However, this was not an option this time, as so many parts of the market were directly affected. He also agreed with the view that this was the
most serious event since the stock market collapse in 1929. Having said that, he
believed that recent decisions by the College and the College Fund meant that
Imperial’s position was very well defended at present.

21. The Chairman said that he thought that any inflation would be short-lived as there
were several other disinflationary pressures in the market as well. Dr. Knight
acknowledged this, but said that there would be a temptation for some in government
to use inflation as a means of dealing with the UK’s debt exposure. Professor Begg
said that, while inflation could affect the College, particularly through increased salary
costs, deflation would be much more damaging in the longer term.

22. Mr. Newsum said that, in his experience, even when they recognised the difficult
situation ahead, very few organisations reflected that pessimism in their future plans.
He suggested that the College should consider amending its financial forecasts in the
light of the expected squeeze on public funding.

23. Bringing this item to an end, the Chairman endorsed the Rector’s statements on the
excellence of the refurbished Central Library, but said that it was a shame that the
Science Museum section within the Library was not better used. He reminded
members that, as part of the agreement that had been reached with the Science
Museum, this section was open to all Imperial library users, and not just those who
needed to access the Science Museum collections. He hoped that, as the students
returned, they would make as much use of this section as they did of the rest of the
Library.

CLERK’S BUSINESS

Proposed Amendments to College Ordinances (Paper C)

24. The Clerk presented Paper C and reminded members that consideration of the
proposed amendments to the Ordinance on Public Interest Disclosure had been
deferred at the last Meeting to allow for consultation with the trades’ unions. This
had been conducted over the summer with most of the unions’ proposals being
accepted. As a result some further changes to the Ordinance were now proposed.
The most significant of these changes was that allegations would no longer referred
to as 'complaints' but as 'disclosures', while the member of staff making a disclosure
would in future be referred to as the 'whistleblower' rather than the 'complainant'.
The clarification that this was not a complaints procedure had also resulted in the
removal of the appeal stage. The Chairman said that he was pleased that the
consultation with the trades union had been handled so amicably and successfully.

25. Mr. Gidoomal noted that Step 2 of the procedure required the College Secretary to
decide whether a disclosure should be investigated further, after appropriate
consultation. He suggested that a risk assessment should also be conducted as part
of this decision making process. The procedure also required the College Secretary
to maintain a register of all disclosures, which would include a note of the 'potential
cost' to the University of the matter being disclosed. Mr. Gidoomal suggested that it
would be preferable to record the potential risks to the University as this would cover
a wider range of issues than just the potential cost. The Council agreed that
paragraphs 22 and 33 of the Ordinance should be amended in line with Mr.
Gidoomal’s proposals.
Resolved: That, subject to the incorporation of the additional amendments to paragraphs 22 and 33 set out above, the amendments to Ordinance D18, Investigation of Public Interest Disclosures, as set out in Paper C, be approved

ANY OTHER BUSINESS

26. There was none.

CORPORATE MANSLAUGHTER

27. Following the formal business of the Meeting, the Council received a presentation on the Corporate Manslaughter and Corporate Homicide Act 2007 given by Mr. Shaun O’Malley, Senior Solicitor from Mills & Reeve LLP.

NEXT MEETING

28. The Clerk reminded members that the Council’s next Meeting would be held on Friday, 21st November 2008.

AWAY DAY PRESENTATIONS

29. At the conclusion of the Meeting, the Council held its annual Away Day at the Hammersmith Hospital Conference Centre. For this, the Council members were joined by the Pro-Rectors for Education, Professor Julia Buckingham, and International Affairs, Professor Mary Ritter, as well as by the College Deans, Professor Alan Atkinson, Professor Jackie de Bellerocche, Professor John Gibbon and Professor Jeff Kramer. The Programme for the Away Day included presentations and discussion on the following strategic issues:

a. Introduction by the Rector.

b. Developments with the Academic Health Sciences Centre by the Principal of the Faculty of Medicine and CEO of Imperial College Healthcare NHS Trust, Professor Stephen Smith.

c. International Strategy by the Pro-Rector (International Affairs), Professor Mary Ritter.

d. Educational Issues by the Pro-Rector (Education), Professor Julia Buckingham.
INTRODUCTION

1. The Membership of the Council is set down in the College’s Statutes and includes the Chairman, 9 external members, 5 senior staff members, one elected staff member and three ex officio positions for the Rector, Deputy Rector and the President of the Imperial College Union. The appointment procedures for the senior staff and elected staff members are currently prescribed under Ordinance A3, Nomination Election and Co-Option of Members of the Council. As members are aware, the Statutes can only be changed with the approval of the Privy Council while the Ordinances are approved by the Council.

2. Members will recall that, at the Council Meeting in March, it was decided to amend Ordinance A3 to allow one of the Pro-Rectors to be appointed to the place on the Council normally occupied by the Deputy Rector when there was no Deputy Rector in post. At the time the then Rector proposed that the Pro-Rector (Education), Professor Julia Buckingham, should be appointed to this vacancy.

3. However, on 1 September 2008 Professor Sir Peter Knight, formerly the Faculty Principal for Natural Sciences, was appointed to the new position of Senior Principal of Imperial. As Senior Principal, Professor Sir Peter Knight will be responsible for the overall research strategy of the College, determining research priorities and providing high level coordination of initiatives requiring interdisciplinary working and cross faculty engagement and will deputise for the Rector when required to do so.

4. In view of this new appointment, the Rector has proposed that Professor Sir Peter Knight should replace Professor Julia Buckingham as the member of the senior staff appointed to the vacancy for a Deputy Rector.

5. In March, the Council amended Ordinance A3 to provide for the appointment of one of the Pro-Rectors to this position in the event that a Deputy Rector has not been appointed. As Professor Sir Peter Knight is the Senior Principal rather than a Pro-Rector, his appointment will necessitate one further small amendment to Ordinance A3; that is that the Deputy Rector’s position on the Council by a member of the senior staff, rather than just a Pro-Rector, as at present. It is therefore proposed that Paragraph 1 of Ordinance A3 should be amended as follows:

“The ex-officio position of Deputy Rector on the Council shall be taken by the person appointed by the Council as Deputy Rector under Statute 8(2). In the event that the Council has, on the recommendation of the Rector, decided not to appoint a Deputy Rector, the position on the Council may be filled by a member of the Senior Staff of the College one of the Pro-Rectors appointed under Statute 8(3) until such time as a Deputy Rector is appointed. The Senior Staff member to serve in this capacity will be appointed by the Council, on the recommendation of the Rector.

6. If this proposal is accepted, the Rector recommends that the Senior Principal, Professor Sir Peter Knight, should be appointed to this position on the Council.
DECISIONS

7. The Council is asked to consider, and if it sees fit, approve the amendment to Ordinance A3, as set out above, and to approve the appointment of the Senior Principal to the vacancy on the Council until such time as a Deputy Rector is appointed.

R.F.E.
PAPER B

STAFF MATTERS FOR THE PERIOD 1 JUNE 2008 – 31 AUGUST 2008

A Note by the Rector

SENIOR PRINCIPAL OF IMPERIAL COLLEGE

Professor Sir Peter KNIGHT FRS, previously Principal of the Faculty of Natural Sciences, has been appointed Senior Principal of Imperial College, with effect from 1 September 2008.

PRINCIPAL OF THE FACULTY OF NATURAL SCIENCES

Professor Maggie DALLMAN, previously Professor of Immunology and Deputy Principal of the Faculty of Natural Sciences, has been appointed Principal of the Faculty of Natural Sciences with effect from 1 September 2008.

DIRECTOR OF IMPERIAL COLLEGE INSTITUTE OF SECURITY SCIENCE AND TECHNOLOGY

Professor Sir Keith O’NIONS, FRS, previously Director General of Science and Innovation in the Department for Innovation, Universities and Skills, has been appointed Director of the Institute of Security Science and Technology, in the Faculty of Natural Sciences with effect from 1 June 2008.

PROFESSORS

Professor John HASKEL, currently Professor of Economics at Queen Mary, University of London, has been appointed to the post of Chair in Economics at Imperial College Business School, with effect from 1 October 2008.

Professor Deborah ASHBY, currently Professor in Medical Statistics, Wolfson Institute of Preventative Medicine, Barts and the London School of Medicine and Dentistry, Queen Mary, University of London, has been appointed to the post of Chair in Medical Statistics and Clinical Trials in the Division of Epidemiology, Public Health and Primary Care, in the Faculty of Medicine, with effect from 1 October 2008.

READERS

Dr Matthew David PIGGOTT, previously Research Fellow at the Applied Modelling and Computation Group in the Department of Earth Science and Engineering, has been appointed Grantham Reader in Ocean Modelling, Department of Earth Science and Engineering, in the Faculty of Engineering, with effect from 16 June 2008.

Dr Pavel S BERLOFF, currently Associate Scientist in the Department of Physical Oceanography, at the Woods Hole Oceanographic Institution, USA, and also Research Scientist in the Department of Applied Mathematics and Theoretical Physics at the University of Cambridge, has been appointed Reader in Applied Mathematics, Department of Mathematics, in the Faculty of Natural Sciences with effect from 1 October 2008.
VISITING PROFESSORS

Professor Luis MANZANO, previously employed as Professor of Medicine and Director of Heart Failure and Vascular Risk Unit, Ramony Cajal University Hospital, University of Alcala, Madrid, Spain, has accepted an association with the College as a Visiting Professor in the National Heart and Lung Institute, Faculty of Medicine, with effect from 1 August 2008 until 31 December 2008.

Professor Peter WELLS, previously a Visiting Professor in the Division of Clinical Sciences, Imperial College, has accepted an association with the College as a Visiting Professor in the Institute of Bioengineering, Faculty of Engineering, with effect from 1 July 2008 until 30 June 2011.

RESIGNATIONS

Professor Laurent CALVET, Chair in Finance, Imperial College Business School, has resigned with effect from 31 August 2008.

Professor Jaideep Charles PRABHU, Chair in Marketing, Imperial College Business School, has resigned with effect from 31 August 2008 to take up an appointment as the Nehru Chair in Indian Business, Judge Business School, University of Cambridge.

Dr Richard John DASHWOOD, Reader in Materials Processing, Department of Materials, in the Faculty of Engineering, has resigned with effect from 4 July 2008.

Dr Susana Maria de Freitas Barbosa MOURATO, Reader in Environmental Economics, Centre for Environmental Policy, in the Faculty of Natural Sciences has resigned with effect from 31 August 2008. Dr Mourato has also accepted an association with the College as a Visiting Reader.

R.A.
PAPER C

PROPOSED REVISIONS TO COLLEGE ORDINANCES

A Paper from the Clerk to the Council

WHISTLEBLOWING

1. Ordinance D18, Investigation of Public Interest Disclosures, has recently been reviewed in the light of experience in operating the procedures and the latest guidance produced by, amongst others, the charity, Public Concern at Work. The Ordinance has also now been discussed with the College’s trades’ unions and their comments and suggestions incorporated where possible.

2. As a result of this review and the subsequent discussions, a number of amendments are now proposed to the Ordinance. The main amendments, which have also been checked with the College’s legal advisors, are as follows:

   a. The preamble has been expanded to give more information about the type of disclosures which are protected by legislation and to distinguish between the levels of legislative protection offered to ‘workers’ and ‘employees’.

   b. The disclosure definitions have been amended to bring them in line with those disclosures that are specifically protected by legislation.

   c. Allegations are no longer referred to as ‘complaints’ but as ‘disclosures’. Similarly, the member of staff who makes a disclosure is now referred to as the ‘whistleblower’ rather than the ‘complainant’.

   d. The clarification that this is not a complaints procedure has also resulted in the removal of the appeal stage. Where a staff member is seeking personal redress as a result of the disclosure, they are now directed to use the College’s grievance procedures instead.

   e. Staff intending to make a disclosure can now discuss their intentions with, and seek advice from, the College Secretary or the Head of HR Operations.

DECISIONS

12. The Council is now invited to consider, and if it sees fit approve the proposed amendments to Ordinance D18, Investigation of Public Interest Disclosures.

R.F.E.
PREAMBLE

1. The University is committed to the highest standards of openness, probity and accountability. It seeks to conduct its affairs in a responsible manner, taking into account the requirements of the funding bodies and the standards in public life set out in the reports of the Committee on Standards in Public Life. This Regulation Ordinance constitutes the University’s policy on, and procedures for, dealing with instances of Public Interest Disclosure and is intended to satisfy the recommendation made by the Nolan Committee that local public spending bodies, such as the University, should institute codes of practice on ‘whistle blowing’, that is, allegations made by individuals relating to the running of the institution or the activities of colleagues within the institution.

2. It is a fundamental term of every contract of employment that an employee will faithfully serve his or her employer and not disclose confidential information about the employer’s affairs. However, where an individual discovers information which he or she believes shows malpractice or wrongdoing within the institution, then that information should be disclosed without fear of reprisal, and may be made independently of line management. Under the Public Interest Disclosure Act 1998 an employee making a qualifying disclosure is protected against being dismissed or penalised by their employers as a result of disclosing such concerns publicly, while a worker is protected from suffering any detriment as a result of making a protected disclosure. This means that, where a disclosure is made in good faith to the University, the person making the disclosure (“the whistleblower”) will be protected if he or she has a reasonable belief that malpractice has occurred, is occurring or is likely to occur.

3. The Public Interest Disclosure Act also protects disclosures made in good faith (that is, honestly and without malice) to certain prescribed regulatory bodies such as the Health and Safety Executive, the Inland Revenue and the Financial Services Authority, where the whistleblower reasonably believes that the information and any allegations in it are substantially true. Wider disclosures (e.g. to the police, the media, MPs, and non-prescribed regulators) may be protected if, in addition, they are reasonable in all the circumstances and they are not made for personal gain, the whistleblower reasonably believed he or she would be victimised if the matter was raised internally or with a prescribed regulator, reasonably

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1. The Public Interest Disclosure Act 1998 provides protection for ‘workers’ rather than just ‘employees’. This means that, in addition to all University employees, the protections provided by the Act apply to any contractors, trainees or agency staff working at the University who make a qualifying disclosure. However, these protections do not include the genuinely self-employed or volunteers.
believed a cover-up was likely and there was no prescribed regulator; or had already raised the matter internally or with a prescribed regulator.

This Ordinance is intended to assist individuals who believe they have discovered malpractice or impropriety in Imperial College London. It is not designed to allow them to question financial, strategic or business decisions taken by the University; nor may it be used to enable them to require reconsideration of any matters which should have already been addressed under the University’s grievance or disciplinary procedures. Where an employee making a qualifying disclosure is seeking personal redress as a result of the disclosure, the complaint should be considered under the University’s grievance procedures. There is an expectation that its members will follow the provisions of this Ordinance rather than to air their complaints outside the University.

Although the protections provided by the Public Interest Disclosure Act only apply to workers, as defined in the Act, it is expected that other members of the College, such as Governors and students as well as volunteers and self-employed persons providing services for the College will use the procedures set out in this Ordinance to disclose to the University any information which they believe shows malpractice or impropriety in the University.

An employee who has discovered information which he or she believes shows malpractice or wrongdoing has a duty to bring this to the attention of the University. Normally this will be achieved by raising the matter with the appropriate College Officer, usually the employee’s Head of the Faculty/ Department/ Division, concerned in the matter. The University recognises that the majority of such cases will be dealt with by this means. There will, however, be instances when the nature of the alleged malpractice or wrongdoing is such that the employee considers it necessary to make use of these Procedures. The College Officer receiving a disclosure should consider whether it falls within the criteria set out in Paragraph 9 below. If so, the College Officer should inform the College Secretary about the disclosure and, in consultation with the College Secretary, consider whether it should be investigated in accordance with the procedures set out in Paragraphs 18 – 33 below.

If a worker believes that he or she has discovered information which may show evidence of malpractice or wrongdoing, he or she may discuss their concerns in confidence with the College Secretary or the Director of HR Operations before making a disclosure under this Ordinance. In certain circumstances, a worker may also wish to discuss his or her concerns with employees’ representatives in the University (i.e. UCU, UNISON or UNITE) or with the organisation Public Concern at Work, before making a disclosure. (2)

**SCOPE OF POLICY**

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2. Public Concern at Work (PCaW) is an independent authority on public interest whistleblowing, which was established as a charity in 1993. PCaW promotes compliance with the law and good practice in organisations across all sectors. PCaW offers free advice to people concerned about danger or malpractice in the workplace but who are unsure whether or how to raise the matter.
58. This Policy is designed to enable employees, Governors, students, or workers and other members of the University to raise, at a high level, concerns or to disclose information which the complainant—whistleblower in good faith believes shows malpractice or impropriety.

69. The University has a number of related policies and procedures already in place, including those for grievance and discipline, scientific misconduct and the treatment of fraud, corruption and irregularities. Allegations which fall within the scope of those procedures should normally be made and considered in accordance with them. This Ordinance is intended to cover concerns which are in the public interest and may (at least initially) be investigated separately, but might then revert to such other existing procedures. Examples of these types of concern include instances where the whistleblower has a reasonable belief that tends to show one or more of the following:

a. Commission of a criminal offence has been committed, is being committed, or is likely to be committed;

b. That a person has failed, is failing, or is likely to fail to comply with any legal obligation or with any obligation under the University’s Statutes, Ordinances and/or Regulations of the University to which he or she is subject;

c. That a miscarriage of justice has occurred or is likely to occur;

d. Danger to the health and safety of an individual or individuals has been or is likely to be endangered.

e. That the environment has been or is likely to be endangered;

f. That financial or non-financial maladministration and/or malpractice has been committed, is being committed or is likely to be committed;

f. Obstruction or frustration of the exercise of academic freedom;

g. Academic or professional malpractice;

h. Improper conduct or unethical behaviour;

i. Suppression or concealment of any information relating to any of the above tending to show any matter set out above has been, is being or is likely to be deliberately concealed.

PRINCIPLES

710. No detrimental action of any kind will be taken against a person making a complaint/disclosure of the nature described above, provided that the complaint/disclosure is:

a. Made in good faith and without malice;

b. Made in the reasonable belief of the complainant—whistleblower that it is
"substantially true" and tends to show malpractice;

c. Not made for personal gain; and,

d. Made to an appropriate person or body as defined in Paragraphs 18-17 - 24-20 of this Ordinance.

8. Where the complainant makes an allegation in good faith, which is not confirmed by subsequent investigation, no action will be taken against the complainant. The University will also take reasonable steps to protect the position of the complainant.

9. A complainant who persists in making allegations which, having previously been investigated under these procedures, were deemed to be without foundation may be subject to disciplinary action including, in extreme cases, summary dismissal for gross misconduct.

10. A complainant who makes malicious or vexatious allegations or who persists in making such allegations or who discloses concerns or allegations of malpractice or misconduct publicly without having first made use of these procedures may also be subject to disciplinary action including, in extreme cases, summary dismissal for gross misconduct.

11. Under the Public Interest Disclosure Act 1998, a worker who makes a qualifying disclosure under the Act has the right not to suffer any detriment (such as straightforward dismissal, dismissal under cover of redundancy, bullying, demotion or failure to receive promotion) as a result of that disclosure. If a worker does suffer such a detriment as a result of a disclosure he or she has the right to submit a complaint to an employment tribunal. It is for the Tribunal to determine the facts of the case including whether a ‘qualifying disclosure’ as defined under the Act, had been made, and any appropriate remedy for the worker.

12. The University will treat all complaint disclosures made in accordance with these procedures in a confidential and sensitive manner. The identity of the complainant whistleblower will be kept confidential, if so requested, for as long as possible provided that this does not hinder or frustrate a proper investigation. However, the investigation process may reveal the source of the information, and the complainant whistleblower may need to provide a statement as part of the evidence required. If further action is taken under the University’s disciplinary or other procedures as a result of the complaint disclosure, the complainant whistleblower may also be required to provide a statement or give evidence as part of that process.

13. The University expects the whistleblower and all others involved in the consideration of the disclosure to act sensibly and appropriately and to keep the nature of the disclosure and the identity of those involved confidential. A worker who makes a qualifying disclosure under the Act has the right not to suffer any detriment; victimisation of a genuine whistleblower will therefore be treated as a disciplinary offence. Similarly it will also be a disciplinary offence for someone to maliciously make false or vexatious allegations.

13. Where a complaint disclosure concerns another or other members of staff of the University, the person or persons identified in the complaint disclosure will be informed of the allegation and of the evidence supporting it and will be allowed to comment before any investigation, or further action, is concluded - except in cases of alleged fraud or where there
is a criminal investigation where this could provide the individual(s) concerned with an opportunity to destroy or conceal evidence.

14. Individuals are encouraged to put their name to any disclosure they make. Anonymous disclosures may be reported, investigated and acted upon or may be set aside at the discretion of the University, having regard to the seriousness of the issues raised, the credibility of the disclosure, the prospect of being able to conduct a proper investigation, and fairness to any individual mentioned in the disclosure.

15. Investigations should not be carried out by the person who will have to reach a decision on the matter. Any investigations are to be conducted as sensitively and as speedily as possible, having regard to the nature and complexity of the disclosure.

16. An official written record will be kept of each stage of the procedure.

17. The Designated Person, the College Secretary, may review this Ordinance annually, or following the conclusion of an investigation, if any procedural or other problems were experienced during the course of the investigation, or sooner if there is a change to best practice or national guidance in respect of public interest disclosures. The College’s trades’ unions will normally be consulted on any substantive changes proposed to this Ordinance.

THE PROCEDURE

STEP 1

18. A person who believes in good faith that they have discovered evidence of malpractice within the University should make a disclosure in writing to the College Secretary and Clerk to the Council (the ‘College Secretary’) as the Designated Person under this Ordinance. The College Secretary will, as soon as is practicable, inform the Rector and the Chairman of the Council of the disclosure except where:

   a. Specifically requested not to do so by the complainant;

   b. The allegation of misconduct concerns the Rector or the Chairman; or

   c. The Rector or the Chairman is likely to be involved at any subsequent hearing or appeal.

19. In cases where financial malpractice is alleged, the College Secretary shall act throughout in close consultation with the Rector, as the Accounting Officer for the University’s public funding, and with the University’s Internal Auditors as required by Financial Regulations.

20. If the allegation concerns the actions of the College Secretary, or the whistleblower otherwise considers it inappropriate to refer the matter to the College Secretary, the disclosure should be made directly to the Rector. The Rector will then act as the Designated Person and inform the Chairman of the Council of the disclosure, except where the provisions noted under Paragraph 18 above apply. The Rector will normally consult with the University’s Internal Auditors in the event of a matter arising under the
provisions of the University’s Financial Ordinance, Regulations and Procedures or the University’s Policy and Response Plan for the Treatment of Fraud, Corruption & Irregularities.

21. If the allegation concerns the actions of the Rector, or the complainant whistleblower has grounds to consider it inappropriate to refer the matter to the College Secretary or the Rector, the disclosure should be made to either the Chairman of the Audit Committee or the Rector, the disclosure should be made to either the Chairman of the Audit Committee, where the allegation falls within the terms of reference of that Committee, or directly to the Chairman of the Council. Whichever Chairman receives a disclosure will then become the Designated Person for the purpose of these procedures.

STEP 2

22. The Designated Person to whom the complaint disclosure has been addressed will decide, after appropriate consultation, whether the matter is to be investigated further and will determine the form such an investigation will take. This would normally be:

a. To investigate the matter internally; or;

b. To refer the matter directly to the police or other outside body; or;

e. To call for an independent inquiry.

23. Although a preliminary internal investigation will usually be necessary first, some complaint disclosures may require immediate referral to an outside body for consideration and investigation (for example, the Police, the General Medical Council, the Health and Safety Executive, the National Audit Office, or the Higher Education Funding Council for England (HEFCE)).

24. Where the matter is to be the subject of an internal investigation, the Designated Person will then consider how best to determine whether there is a prima facie case to answer. In doing so, the Designated Person should decide:

a. Who should be appointed as the ‘Investigating Officer’ to undertake the investigation; (3)

b. The procedure to be followed for the investigation; and,

c. The scope and nature of the concluding report.

25. Where the allegation concerns a breach of the University’s Financial Ordinance, Regulations and/ or Procedures, the University’s Internal Auditors will normally undertake this investigation as the Investigating Officer.

26. Where the allegation does not involve a breach of the University’s Financial Ordinances, Regulations and/ or Procedures, the investigation may be undertaken by another

3. Where the Designated Person is either the Chairman of the Council or the Chairman of the Audit Committee and the allegation concerns senior members of the College, the Investigating Officer may be an independent person.
member of staff of the University appointed as the Investigating Officer by the Designated Person for this purpose.

27. Where a decision is taken not to investigate or take any further action, the complainant and the Audit Committee should be so informed.

**STEP 3**

28. The Investigating Officer will report his or her findings *in writing* to the Designated Person who will, as a result of this report, determine whether there is a *prima facie* case to answer and, if so, what further action may be required. This may include:

a. Appropriate management action to correct the error;

b. Further action under the University’s Disciplinary Procedures;

c. Further action under the University’s Policy and Procedures for the Investigation of Allegations of Scientific Misconduct; or,

d. Referral to an outside body such as the police, the General Medical Council, the Health and Safety Executive, the National Audit Office, the HEFCE; or,

e. Referral to an independent inquiry.

29. The Designated Person will inform the complainant in writing of what action, if any, is to be taken. Where the Designated Person’s decision is that no action is to be taken the complainant shall be informed of the reasons for this. The complainant shall have the right of appeal against this decision. Such an appeal must be made within fourteen days and may be made to the Chairman of the Audit Committee or to the Chairman of the Council as appropriate.

30. The Chairman will consider all the information presented, the Investigating Officer’s report to the Designated Person, the procedures that were followed and the reasons given by the Designated Person for not taking any further action. The Chairman will then decide either:

a. To confirm the decision of the Designated Person that no further action is required; or,

b. That further action is required in accordance with Paragraph 28 above.

31. The complainant will be informed of the outcome of his or her appeal in writing. Where the decision is to confirm that no further action is to be taken the complainant shall be informed of the reasons for this.

**STEP 4**

32. If, having exhausted the University’s internal procedures, a complainant is dissatisfied
with the outcome of a complaint and there are no other opportunities for taking the matter further internally, the complainant may request that the Clerk to the Council refers the matter to the Visitor. Under Article 25 of the University’s Charter, the Visitor is Her Majesty the Queen acting through the President of the Privy Council.

3330. Where the decision is to confirm that no further action is to be taken the complainant whistleblower has the right to raise their concern in good faith with an external body, such as the HEFCE, or the University’s external auditors, provided they have sufficient evidence to support their concern.

3431. However, the University would strongly advise that, before reporting a concern externally, the complainant seeks advice from one of the following:

   a. Employees’ representatives in the University: *i.e.* UCU, UNISON, MSF and AEEU or UNITE.

   b. Public Concern at Work (see Annex B).

REPORTING OF OUTCOMES

3532. A report of all complaint disclosures and any subsequent action taken will be made by the Designated Person who will retain such reports for a period of 6 years. A report of all complaint disclosures and of the outcomes of any investigation will be made to the Audit Committee in confidence. Where the issue falls within its terms of reference or within the scope of the University Fraud Policy the Committee will receive a detailed report. In all other cases the Committee will receive a summary report so as to monitor the effectiveness of these procedures.

3633. The College Secretary will maintain a register of all confirmed Public Interest Disclosure cases which are investigated within the University. This Register will be available for external inspection and should include the following information:

   a. The date the complaint disclosure was made;

   b. The file reference number;

   c. The type of allegation made;

   d. The potential cost to the University;

   e. The status of the investigation.

COMPLAINTS OF RETALIATION AS A RESULT OF A DISCLOSURE

34. Under the Public Interest Disclosure Act 1998, a worker who makes a qualifying disclosure under the Act has the right not to suffer any detriment as a result of that disclosure. In addition, an employee who makes a qualifying disclosure also has the right not to be dismissed as a result of that disclosure.
35. If a worker who has made a qualifying disclosure in good faith (that is honestly and without malice) feels that, as a result of that disclosure, he or she has suffered adverse treatment should submit a complaint under the University’s grievance procedure, which will then be investigated under that procedure. A worker who has suffered a detriment as a result of a disclosure also has the right to submit a complaint to an employment tribunal. It will be for the Tribunal to determine the facts of the case including whether a ‘qualifying disclosure’ as defined under the Act, had been made, and any appropriate remedy for the worker.

Approved by the Council 23 March 2007
Effective from 8 July 2007
### Annex A

**KEY UNIVERSITY CONTACTS UNDER THE POLICY**

*(in order of approach)*

<table>
<thead>
<tr>
<th>#</th>
<th>Designation</th>
<th>Contact details</th>
<th>Telephone No. &amp; e-mail</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>College Secretary and Clerk to the Council</td>
<td>Room 4.05, Faculty Building South Kensington Campus</td>
<td>020-7594 8801 <a href="mailto:a.mitcheson@imperial.ac.uk">a.mitcheson@imperial.ac.uk</a>, <a href="mailto:r.eastwood@imperial.ac.uk">r.eastwood@imperial.ac.uk</a></td>
</tr>
<tr>
<td>2</td>
<td>Rector</td>
<td>Room 4.17, Faculty Building South Kensington Campus</td>
<td>020-7594 5000 <a href="mailto:rector@imperial.ac.uk">rector@imperial.ac.uk</a></td>
</tr>
<tr>
<td>3</td>
<td>Chairman of the Audit Committee*</td>
<td>c/o The Central Secretariat Level 4, Faculty Building South Kensington Campus</td>
<td>020-7594 5535 <a href="mailto:jonathan.hancock@imperial.ac.uk">jonathan.hancock@imperial.ac.uk</a></td>
</tr>
<tr>
<td>4</td>
<td>Chairman of the Council*</td>
<td>Clerk to the Council The Central Secretariat Room 4.05, Level 4, Faculty Building South Kensington Campus</td>
<td>020-7594 8801</td>
</tr>
</tbody>
</table>

Contacts for concerns not necessarily arising under the Policy

<table>
<thead>
<tr>
<th>Type of Concern</th>
<th>Contact</th>
<th>Telephone No. &amp; e-mail</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fraud, or other financial irregularity, breaches of financial regulations, or conflicts of interest</td>
<td>Internal Auditors c/o The Chief Operating Officer Clerk to the Council Room 4.05, Faculty Building South Kensington Campus Level 5, Sherfield Building South Kensington Campus</td>
<td>020-7594 1403 m.knight,<a href="mailto:eastwood@imperial.ac.uk">eastwood@imperial.ac.uk</a></td>
</tr>
<tr>
<td>Misuse of IT equipment or systems</td>
<td>Director of Information and Communications Technologies</td>
<td>020-7594 6910 <a href="mailto:h.allan@imperial.ac.uk">h.allan@imperial.ac.uk</a></td>
</tr>
</tbody>
</table>

*Where a disclosure is being sent to the Chairman of the Audit Committee or the Chairman of the Council because the whistleblower considers it inappropriate to send it to the College Secretary or the Rector, it must be sent in hard copy only under confidential cover.*
<table>
<thead>
<tr>
<th>Type of Concern</th>
<th>Contact</th>
<th>Telephone No. &amp; e-mail</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unsafe working practices or environment</td>
<td>Safety Director Level 5, Sherfield Building South Kensington Campus</td>
<td>020-7594 9420 <a href="mailto:i.gillett@imperial.ac.uk">i.gillett@imperial.ac.uk</a></td>
</tr>
<tr>
<td>Health matters</td>
<td>Director of Occupational Health Services Level 4, Sherfield Building South Kensington Campus</td>
<td>(020) 7594 9385 <a href="mailto:a.swann@imperial.ac.uk">a.swann@imperial.ac.uk</a></td>
</tr>
<tr>
<td>Breaches of data protection standards, corporate governance or Council</td>
<td>Head of Central Secretariat Level 4, Faculty Building South Kensington Campus</td>
<td>(020) 7594 5535 <a href="mailto:jonathan.hancock@imperial.ac.uk">jonathan.hancock@imperial.ac.uk</a></td>
</tr>
<tr>
<td>Ordinances and Regulations</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Physical security issues</td>
<td>Director of Facilities Management Level 5, Sherfield Building South Kensington Campus</td>
<td>020-7594 9187 <a href="mailto:n.roalfe@imperial.ac.uk">n.roalfe@imperial.ac.uk</a></td>
</tr>
<tr>
<td>Grievance or disciplinary issues</td>
<td>Director of HR Operations Level 3, Faculty Building South Kensington Campus</td>
<td>(020) 7594 5540 <a href="mailto:l.lindsay@imperial.ac.uk">l.lindsay@imperial.ac.uk</a></td>
</tr>
</tbody>
</table>
**PUBLIC CONCERN AT WORK**

1. *Public Concern at Work* is an independent charity which promotes good practice, compliance with the law and accountability in the workplace.

2. *Public Concern at Work* is recognised as a leader in its field and its work has been endorsed by Government, the Committee on Standards in Public Life, the TUC, the CBI and the Institute of Directors. Among the services it provides to organisations in the public, private and voluntary sectors is a helpline staffed by qualified lawyers providing advice, free of charge, to employees.

3. *Public Concern at Work* can be contacted at:

   Suite 306  
   16 Baldwin’s Gardens  
   London EC1N 7RJ  

   Tel: 020 7404 6609  
   Fax: 020 7404 6576  

   e.mail: whistle@pcaw.demon.co.uk