



STRICTLY PRIVATE AND CONFIDENTIAL

# Enquiry - Policy amendments

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Imperial College London  
Internal Audit Investigation 2020-21

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**17 February 2021**

## Section one

# Executive summary

### Background

During the later part of 2020 a misconduct review was completed regarding specific members of the senior management of Imperial College (the “College”) in relation to allegations of bullying and harassment.

Key to the operation of processes and controls at the College is the existence and use of clear and robust policies that set out the approach and requirements of how the College conducts itself. An issue has been raised that after the misconduct review was completed, amendments were made to the policy on bullying and harassment. This change preceded the emails to staff and students on 4 December and 8 December. These updates which amended the stance of the College in relation to bullying and harassment have since been rescinded. The updates do not appear to have been completed by undertaking the expected consultations or due process.

It is important that there exists a robust framework for the development, review, approval and adoption of all College policies.

### Objectives

The objectives of this enquiry are:

Objective	Description of work undertaken
<b>Objective one</b> Breakdown in control relating to policy update	We confirmed the processes and controls that have been established to review, update and approve College policies, this included how: Amendments are proposed; Stakeholders are engaged; and Policies are scrutinised and ratified.  We compared the identified processes and controls against those followed for the update to the bullying and harassment policy.
<b>Objective two</b> Amendments to the HB&VP	We reviewed available information to understand whether there was evidence that the revision of the wording in the Harassment, Bullying and Victimation Policy (HB&VP) was directed or a result of inadvertent action without direction.  We reviewed how a statement issued by the Chair and Provost in relation to the HB&VP was made.

### Summary of findings

#### *Breakdown in control relating to policy update: College policies update process*

There is a clear separation between the governance arrangements for managing the College ordinances and College policy. The College Council makes ordinances which give details on how the College is governed within the framework of its Charter and Statutes, as such these are ultimately owned by Council and all reviews and approvals are signed off at Council. There is much less structured governance for policies. Due to the variation in the process of reviewing and updating policies we focused our understanding on how HR based policies are reviewed and updated. The majority of these are owned by the HR policy function and historically the College’s HB&VP has sat here. There are HR policies which are owned and managed within other areas because of the natural fit of the subject matter.

In general, policies are reviewed either every six months or as a result of a specific trigger, which may be a change in legislation or issue identified impacting it. Where a policy is subject to review there are stages of consultation with stakeholders, which might include trade unions, based on the nature of change, updating of the policy and publishing of the policy. There is however no specific framework setting out the principles or template College policy which captures who, what, where and when the review and update occurs. We are aware that there has been a recent change to the approval process for any updates to or new HR policies that have been updated in 2021 which requires all policies to be reviewed and approved by the Director of HR.

#### *Breakdown in control relating to policy update: Update to the HB&VP*

There has been a significantly extended review and update of the HB&VP. This was triggered by the development of a specific Sexual Harassment, Sexual Misconduct and Sexual Violence Policy (SHSM&SVP) which began in early 2018 by members of the Equality, Diversity and Inclusion (EDI) team. The EDI team examined this area amongst others related to sexual misconduct, including the development of a strategy, which was overseen by the EDI strategy group, as a result of recommendations on the topic received by the College. Part of the recommendations to look at this area stated the HB&VP should be refreshed. It was recognised at the end of 2018 that there was a clear link between what would be in the SHSM&SVP and the HB&VP and it was agreed between members of HR and EDI that that EDI would be responsible for the update of the HB&VP. Due to the focus on the SHSM&SVP there was limited development of the HB&VP.

## Section one

# Executive summary

It was not until early 2019 that meaningful work focused on the update of the HB&VP and at this stage it was decided that, given the similarities in subject matter, a mapping exercise between the two policies should be performed to ensure alignment. At the end of this process a final updated HB&VP was shared by the EDI team with the HR team for upload in December 2020. For the HB&VP we identified no formal sign off of the policy at the EDI Strategy Group.

**Conclusion: Updates to the HB&VP followed custom and practice at the time, with the exception of engagement of (Union) stakeholders before its publication. This custom and practice varied from policy to policy based on the nature and scale of changes being made. The process required improvements to standardise and strengthen it. These improvements were made from late December 2020 at the initiation of the Director of HR.**

### *Amendments to the HB&VP : Driver of policy update*

We identified four key drivers of both the timings and the content of the HB&VP being published prior to November 2020.

- **Mapping to the sexual harassment, sexual misconduct and sexual violence policy** - Given the similarity of subject matters and the same function overseeing the update of both policies, the process of mapping to ensure alignment commenced when the drafting of the SHSM&SVP concluded in early 2020. This was completed in and around October 2020 which is when the SHSM&SVP was published.
- **Launch of “Report + Support”** - The College launched a tool for reporting concerns in October 2020, this had originally been earmarked to happen at the start of 2019 with the intention that both of these policies would be published to coincide with the tool. The SHSM&SVP was published in October 2020 and the HB&VP was published on 1 December 2020.
- **Inclusion of wording on definitions of antisemitism** - During November 2020 the College received two separate requests about the inclusion of wording defining antisemitism. These came from the Secretary of State for Education and through contact with the House of Lords asking for the inclusion of specific wording on antisemitism. This was shared with President's Office and a request for this to be considered was made involving the Provost and HR team.
- **Response to the McNeill report** – On 29 October the HR team requested that the outsourced legal team at Farrer review the wording of the HB&VP relating to clarifying matters covered by the definition of bullying and to consider whether all acts of bullying should be considered gross misconduct (as was recommended by the McNeill report). The amended policy, which removed the reference to bullying as gross misconduct and expanded the identification of the different types of bullying, was published after review by Farrer on 1 December and appears to have generated the amendment to that section of the HB&VP.

We confirmed through review of emails and our interviews that the Chair of Council, President, Chief of Staff to the President, Chief Financial Officer and Provost had no involvement in amendments to the HB&VP. Except for the Provost who Chaired the EDI Strategy Group, which as a Group, approved the revised definition of antisemitism and one item of correspondence which was the forwarding of an email requesting consideration of the definition of antisemitism included in the HB&VP.

**Conclusion: The amendments to the wording in the HB&VP were accumulated over approximately a 10 month period and their publication was at the direction of staff from within the HR function acting in response to four drivers (mapping to other HR policies, the launch of “Report + Support”, including expanded definitions of bullying (for example relating to antisemitism) and response to the McNeill report recommendations). Until the 1 December the previous HB&VP was the only version of the policy published and available for use, the new HB&VP remained a working copy available to a limited number of staff within HR and EDI.**

### *Amendments to the HB&VP : Statement on policy amendment*

On 13 December 2020, a statement was made by the Provost and Chair of the College Council that was published on the College's website in relation to the inquiry undertaken into allegations of bullying and harassment by senior staff. This made reference to the updated policy and was later clarified on 18 December to state that changes to remove wording relating to a passage starting “Bullying, Harassment and Victimisation were viewed as gross misconduct” was a clerical error and that the previous policy continues to apply. We reviewed email correspondence and confirmed with multiple participants in those email chains to understand the process followed.

**Conclusion: The usual College process relating to content of public statements relating to College affairs has been followed with out any intervention in relation to the specific content of the HB&VP.**