

## Imperial College London Council

### Summary of meetings and activity in February 2022 re. 2020 Independent Investigation Report

#### Background

- In 2020 a disclosure was made under Ordinance D18 of the College's Ordinances (public interest disclosure (whistleblowing) policy), alleging governance concerns and bullying behaviours by the President of the College (**AG**), the Chief Financial Officer (**MS**), and another individual working for AG.
- Jane McNeill QC was appointed by the Chair of Council to conduct an independent investigation into the allegations and Ms McNeill submitted a detailed report on 26 August 2020 (the **Report**).
- The Report upheld some, but not all, of the complaints about AG and MS but not the third person and gave 12 recommendations. It also addressed culture at the College, governance and decision-making.
- The College's disciplinary procedure was followed in relation to AG and MS and in October 2020 both were sanctioned by a disciplinary panel convened by Council and issued public apologies for their actions. Given the unusual governance position presented by the direct involvement of the most senior executive member of College, the disciplinary panel was comprised of Council members.
- The College published the Report's recommendations in full as well as its conclusions where allegations had been upheld. The Report itself was not published at that time as it contains sensitive and detailed information about a number of College staff, former staff and their families as well as their working relationships.
- The Daily Mail submitted a request under the Freedom of Information Act 2000 (**FOIA**) to obtain a copy of the Report and, based on legal advice and its own policies, the College took the position that the Report should not be disclosed because it contained extensive amounts of sensitive personal information, which the College had a legal duty to protect, and that disclosure would be detrimental to the ability of the College to conduct future investigations if staff were reluctant to be involved due to risk of public exposure.
- In September 2021 the Information Commissioner's Office (**ICO**) commenced a review, following a complaint from the Daily Mail about the response to its FOIA request.
- On 19 January 2022, the ICO issued a Decision Notice finding:
  - all of the parts of the Report which contained information about individuals other than AG and MS were properly exempt and did not need to be disclosed to the Daily Mail; but
  - the parts of the Report which, in the opinion of the ICO, did not contain any personal data and those parts which contained only the personal data of AG and MS should be disclosed.

The College had to either disclose the information by 23 February 2022, or appeal to the Information Tribunal.

#### Council deliberations

- The Council held a Special Meeting on 2 February 2022 to discuss the matter of disclosure, including consideration of the views of students and staff. The Council also discussed legal

advice as to the merits of appealing the decision and the risks of any related legal claims by individuals, implications for the reputation of the College, impact on individuals concerned, timing of any potential release and the broader issues of culture and respectful working relationships at the College.

- The Council decided that the College would comply with the ICO Decision Notice without pursuing further appeal of the decision to the Information Tribunal and noting in particular that:
  - the concerns of the College in preserving the rights of confidentiality for the majority of staff involved in internal investigations were allayed by the redactions to the Report allowed by the ICO. For this purpose further redactions would be preferable but unachievable without appeal;
  - the ICO had decided that in the case of AG and MS the public interest in disclosure outweighed their rights to protect their personal data;
  - the continuing focus both internally and externally on the Report was detrimental to the considerable ongoing work of the College to address the overarching aim of ensuring an inclusive and respectful environment;
  - the College would proactively publish the Report internally (also available on the website) rather than just responding to the FOIA request.
- The Council delegated the management of publication, compliance with the ICO Decision Notice as well as employment or HR matters relating to individuals affected by the disclosure of the Report and internal and external communications in relation to the Report to a sub-committee of Council consisting of John Allan (Chair), John Cullen (Deputy Chair), Mary Meaney and Professor J. Sanders (the “**Sub-Committee**”) to which Professor Ian Walmsley (Provost) was subsequently added and which met on various occasions in the month with members of the College executive to oversee the delegated matters.
- The Report (with redactions in accordance with the ICO Decision Notice) was published on 3 February 2022. The Council re-convened on 11 February and discussed feedback and concerns expressed by Heads of Department, staff and student representatives following publication of the Report and MS tendered his resignation on 22 February 2022.
- AG and MS did not participate in relevant meetings or considerations due to their conflict of interest in the matters being considered.