

Meeting of the Group Audit and Risk Committee

4.00 pm on Thursday, 13 February 2020
in Technopark, SE1 6LN

Agenda

<i>No.</i>	<i>Item</i>	<i>Pages</i>	<i>Presenter</i>
9.	TRAC (T) update	196 - 197	RF
10.	Group Speak Up Policy and report	198 - 207	JS

Date of next meeting
4.00 pm on Thursday, 18 June 2020

Members: Duncan Brown (Chair), John Cole, Mark Lemmon and Rob Orr

Apologies:

In attendance: David Phoenix, Natalie Ferer, Richard Flatman, Nicole Louis, James Stevenson, Ruth Ireland, Gemma Wright and Kerry Johnson

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Agenda Item 9

	CONFIDENTIAL
Paper title:	TRAC (T) update
Board/Committee:	Group Audit and Risk Committee
Date of meeting:	13 February 2020
Author(s):	David Kotula, Reporting Analyst, Financial Planning and Reporting
Sponsor(s):	Richard Flatman, Chief Financial Officer
Purpose:	For Information
Recommendation:	The Committee is requested to note the timeline for submission of the TRAC (T) Return to OfS.

2018/19 TRAC(T) Return

- The 2018/19 TRAC(T) return is to be signed-off by the head of institution and submitted to the OfS by 28th February 2020.
- Prior to this the return needs to be approved by a committee of the Governing body of LSBU. To facilitate this process David Kotula will review the return with Duncan Brown on 18th February, following which the return will be presented to the Group Audit and Risk Committee for email sign-off prior to the submission deadline.
- The TRAC(T) return is used to calculate the subject-related average annual cost of teaching a full time equivalent (FTE) OfS/Funding Council-fundable student in a HESA academic cost centre. This is referred to as 'Subject-related full annual cost of teaching a student (SubjectFACTS)'.
- The financial information used is a sub-set of the TRAC return. All costs that do not relate to publicly funded teaching are excluded. This information includes costs down to individual staff level for teaching staff and to cost centre level for school support staff.
- All figures are reconcilable back to the published accounts and the 2018/19 TRAC return. The TRAC adjustment for MSI is not included in TRAC(T).

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Agenda Item 10

	INTERNAL
Paper title:	Group speak up policy
Board/Committee:	Group Audit and Risk Committee
Date of meeting:	13 February 2020
Author(s):	Michael Broadway, Deputy University Secretary
Sponsor(s):	James Stevenson, Group Secretary
Purpose:	For Review
Recommendation:	The committee is requested to approve the draft group speak up policy

Speak Up Policy

Following issues with speak up arrangements elsewhere in the sector and learnings from some recent speak up cases at LSBU, the speak up policy has been significantly revised and updated.

The aim has been to make the policy more user friendly and clearer on:

- What is and what is not covered by the policy;
- What complainants can expect of the LSBU Group, during and following investigations;
- What the LSBU Groups expects of complainants during investigations; and
- Any review requested following the initial investigation.

It also includes procedures for speaking up against governors, including the Chair (which has been an issue elsewhere in the sector).

The committee is requested to approve the draft group speak up policy.

Speak Up report

No new speak up matters have been raised since the previous audit committee meeting.

The matter that was reported to the previous meeting alleging bullying and academic misconduct has been the subject of an appeal against the findings that there was no evidence of bullying or academic misconduct. The appeal raised issues not included

in the original speak up. The new issues were thoroughly reviewed by the Dean of the School. The new matters raised are issues of quality and best practice rather than malpractice and will be passed to the relevant Deans (where relevant to the Schools) and managers to consider.

LSBU Group Speak up policy

1. Introduction from senior leadership

The LSBU Group¹ is committed to conducting its business on a daily basis with fairness, integrity and respect for the law and our values of Excellence, Professionalism, Integrity, Inclusivity and Creativity. In spite of this commitment, you may one day observe conduct that seems to violate the law, our Values and/or our policies. If you observe or suspect such misconduct, you are encouraged to Speak Up. By doing so, you give the LSBU Group the opportunity to deal with the issue. Remaining silent about possible misconduct may worsen a situation and decrease trust.

The LSBU Group truly values the help of employees or students who identify and Speak Up about potential concerns that need to be addressed. Speaking Up is encouraged and employees and students who Speak Up are protected. You will not suffer for raising concerns in good faith about suspected misconduct, and we do not tolerate any form of retaliation against you for Speaking Up. After all, Speaking Up is essential for us to sustain our reputation, success and ability to operate – both now and in the future.

What is the purpose of this Speak Up Policy?

The purpose of this policy is to explain how you can raise concerns about suspected misconduct in confidence and without fear of retaliation. It also describes what you can expect from the LSBU Group if you Speak Up.

Who can speak up?

This Speak Up policy is available to everyone working for or studying with the LSBU Group (or parents of younger learners). It is also open to any party with whom the LSBU Group has or has had some type of business relationship (such as business partners, suppliers and agents) who wish to raise a concern about possible misconduct within the LSBU Group.

¹ The LSBU Group consists of London South Bank University, South Bank Academies, South Bank Colleges, South Bank University Enterprises Ltd and SW4 Catering Ltd

2. Scope of the speak up policy

What concerns are covered by this Speak Up policy?

This Speak Up policy can be used to raise concerns about suspected misconduct by any employees or governors or directors within the LSBU Group, that is: any violation of the law, our Values and/or our policies. Employees are expected to report any fraud or suspicion of fraud in good faith as explained in the Anti-Fraud Policy.

Examples of concerns that can be raised using this Speak Up policy are:

- financial malpractice, impropriety or fraud;
- breaches of financial controls, false accounting/reporting, financial and other reporting irregularities;
- academic malpractice;
- failure to comply with LSBU's legal or regulatory obligations – for example about the health and safety of students, employees or the public, anti-discrimination legislation, trading standards or environmental protection laws;
- unethical business conduct, for example where colleagues receive or solicit anything of value from a third party or promise, offer or give anything of value to influence the decision of a third party in procurement or contract execution for LSBU;
- any criminal activity;
- institutional bullying, harassment, discrimination or victimisation of others; (please refer first to relevant anti-bullying and harassment policy of each institution)
- colleagues who are involved in the taking, buying, selling of drugs or other forms of substance abuse;
- behaviour which might damage the reputation of any organisation in the LSBU Group;
- serious breach of the Values of any organisation in the LSBU Group
- actions intended to hide any of the above.

Speak Up is not about complaints relating to your personal circumstances and please note that this policy does not apply to the following:

- any grievances you may have in relation to your terms of employment;
- matters which should be raised under grievance, complaint, disciplinary or other HR procedures, or to reopen matters which have already been considered under them;

- challenges of financial or business decisions of the LSBU Group;
- settling personal disputes; or
- making accusations which you know are false. Doing so may lead to disciplinary measures.

If in doubt, please refer to other policies designed to address concerns of staff or students including but not restricted to:

- LSBU University Student Complaints Procedure
- Lambeth College Talk Back Policy
- South Bank Academies Complaints Policy
- LSBU Staff Grievance Procedure
- Lambeth College Staff Grievance Procedure
- South Bank Academies Staff Grievance Procedure

All staff policies are available on your local intranet.

3. Safeguarding your position: confidentiality and non-retaliation

3.1 Protection

Speaking Up is encouraged and this speak up policy is designed to offer protection to those identified in paragraph 2 who disclose such concerns, provided that the disclosure is made:

- (i) in good faith, and
- (ii) in the reasonable belief of the individual making the disclosure that it tends to show misconduct.

Please feel confident that you will not suffer for raising concerns in good faith about suspected misconduct. If you make an allegation in good faith, but it is not confirmed by subsequent investigation, no action will be taken against you. Any form of threat or retaliation will not be tolerated. Retaliation is treated as a disciplinary matter.

The LSBU Group takes the welfare of its staff seriously and is committed to supporting staff who Speak Up. [We provide a confidential and free of charge Employee Assistance Programme (EAP) to support you with a wide range of advice ranging from emotional support to work and personal life issues]

3.2 *Confidentiality*

Your identity when making the allegation will be kept confidential only to those dealing with the issues raised, so long as this does not hinder or frustrate any investigation or the LSBU Group's ability to meet its legal obligations. However, the investigation process may reveal the source of the information and the individual making the disclosure may be requested to provide a statement as part of the evidence required.

3.3 *Anonymous Allegations*

You are encouraged to put your name to any disclosures you make. Concerns expressed anonymously carry less weight, but may be considered at the LSBU Group's discretion. Factors to be taken into account in exercising this discretion include:

- the seriousness of the issues raised;
- the credibility of the concern;
- any supporting evidence received; and
- the likelihood of confirming the allegation from alternative credible sources.

4. **Procedures for speaking up**

Our Speak Up policy allows you to raise concerns about suspected misconduct through a variety of channels. Please feel free to raise questions and concerns through any of the following Speak Up channels:

Step 1

- *Staff*

As a general guideline, the first person to approach when raising a concern is your line manager. You may also choose to discuss your concern with a Group HR professional. If the matter remains unresolved, staff may request a meeting with the relevant manager authorised to hear a grievance in accordance with each institution's grievance policy.

- *Students*

Students are encouraged to raise any concerns about misconduct (as set out in section 2) through the relevant complaints procedure in place within each

institution. If you feel this is inappropriate, or you are dissatisfied with the outcome, you may raise your concern through the independent reporting line (see below).

If you are a student on placement and your concerns relate to the organisation in which you are placed you should, in the first instance, follow the speak up policy of that organisation. For student nurses and midwives your attention is drawn to the Nursing and Midwifery Council's guidance: *Raising concerns: Guidance for nurses, midwives and nursing associates*. Further information is available on the NMC's website:

<http://www.nmc-uk.org/Nurses-and-midwives/Raising-and-escalating-concerns/>

Step 2

- *Independent reporting line*

Where you suspect misconduct and genuinely believe that the matter cannot be dealt with through the available channels set out above, you can use the external Speak Up reporting line (<http://www.safecall.co.uk/report>). This gives you the opportunity to raise concerns confidentially. The Speak Up reporting line is run by Safecall, an independent third party, and is available 24/7, 365 days a year. There are three ways to submit a report through the Speak Up reporting line by:

- phoning (free of charge): 0800 915 1571
- emailing: lsbu@safecall.co.uk
- completing a web form available at www.safecall.co.uk/report

After you complete your report (online or by phone), you will receive a unique username and password. You can use this username to log in to check progress on your report. You can check whether the person dealing with your report has feedback for you or further questions. If you want, you can provide additional information. Your username is particularly important if you choose to remain anonymous, as we can only contact you through the website in that case. All reports received via the Speak Up service are forwarded to the LSBU Group for further handling.

What kind of information do you need to provide?

When you file a report please provide as much detailed information as you have to enable us to assess and investigate your concern, such as:

- the background, history and reason for the concern;

- names, dates, places and other relevant information;
- any documents that may support your report.

A report can only be followed up if it contains sufficient information and there is a reasonable possibility of obtaining further information.

What should you do if you do not have all the facts?

We encourage you to Speak Up as soon as possible, ideally before situations get out of hand or damage is done. It is always better to report early than to wait for all the facts. If you know about or suspect misconduct, Speak Up with the facts you have. We do not expect you to have all the answers. Let us look into the matter to determine if there is a reason for concern.

Never investigate the matter yourself and do not seek evidence to build a strong case. We guarantee that no disciplinary measures or other steps will be taken against you if your genuine concern later turns out to be mistaken.

What about 'external whistleblowing'?

We strongly encourage you to raise concerns internally through one of the available channels. By Speaking Up internally, you give us the chance to look into the matter and take action if needed. In this way we can truly improve the LSBU Group together.

5. Follow up – what happens after you Speak Up?

What can you expect if you Speak Up?

The LSBU Group takes every report of possible misconduct seriously. If you submit a report, you will receive a confirmation of receipt within 5 to 7 working days, with an estimate of how long it will take to handle and assess your concern. Your report will undergo an initial review, and if necessary, it will be appropriately investigated.

You will be informed of the overall findings, i.e. whether or not the LSBU Group has established that misconduct has taken place. Please note that we will not be able to give you full details of the outcome of a case (or related actions taken) for reasons of confidentiality, privacy and the legal rights of all concerned.

If your concern is well-founded (i.e. misconduct has indeed taken place), appropriate measures will be taken where necessary and in accordance with the law and our Disciplinary Policy.

Who will act on your concerns and how?

All concerns that are received are logged into a case management system. Members of the Group Executive or, if appropriate, the Chair of the relevant Audit Committee in the LSBU Group will consider the information made available and should determine next steps following a two-phased approach:

1. Initial review and inquiries – The purpose is to assess the concern and decide if, on the face of it, it requires further review and investigation (and, if so, by whom and in which form). You may be approached for additional information.
2. Further review and investigation - If the report requires further review and investigation, a Case Manager will be assigned. The investigation itself will focus on an objective, factual analysis of the case. If needed, outside experts (e.g. lawyers or accountants) will be engaged to assist in the investigation. They will work under strict confidentiality.

The review and investigation will be conducted in an independent, fair and unbiased manner with respect to all parties involved and in accordance with relevant laws and principles (including natural justice).

Investigations will be overseen by individuals more senior than the individual against whom the complaint is made. For members of the Group Executive this means members of the LSBU Board; for members of a Board in the LSBU Group this means the Chair of that Board, for the Chairs of subsidiary company Boards this means the Chair of the LSBU Board and for the Chair of the LSBU Board this means, the [senior independent governor].

Details of the case, your identity and the identity of anyone else mentioned in the report, are kept confidential throughout and after the investigation, and are only shared on a need-to-know basis.

If the matter would be more appropriately considered under another LSBU Group process, such as grievance or disciplinary you will be advised of this.

What is expected of you in connection with investigations?

If you become involved in an investigation, you need to co-operate and answer all questions completely and honestly. Lying to the people performing the investigation as well as delaying, interfering with or refusing to cooperate with an investigation may lead to disciplinary measures. All parties involved, including the accused, are entitled to confidentiality in order to avoid unnecessary damage to their reputation. Therefore, if you participate in or learn about an investigation, you must keep the matter confidential.

What to do if you have a concern about the follow-up on a report?

If you believe that your concern or a concern raised against you has not been handled appropriately or that an investigation has not been performed correctly, please write to the Chair of the relevant Board, c/o the Group Secretary at 103 Borough Road, SE1 0AA, marking the envelope "*Personal and Confidential: please forward*".

In your correspondence please state the grounds for dissatisfaction which may cover the following and, where relevant, provide supporting evidence:

- There is evidence of procedural irregularity, or
- There is evidence of prejudice or bias, and/or
- There is further evidence that was not available at the time the original disclosure was made.

5. Monitoring and Review

A brief anonymised report of all disclosures and any actions taken will be regularly reported to the Group Audit and Risk Committee.

The Group Secretary will report to the Group Audit and Risk Committee annually on the effectiveness of this policy and will ensure that periodic reviews are carried out.

Approved by the Group Audit and Risk Committee on [12 February 2020]