

## Whistleblowing Policy

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## **1. Introduction**

- 1.1. The Royal Central School of Speech and Drama ('Central' or the 'School') is committed to high standards of openness, probity, and accountability. It seeks to conduct its affairs in a responsible manner taking into account the requirements of higher education governance and the standards in public life set out in the reports of the Nolan Committee. Normally any concern about a workplace situation should be raised with the worker's immediate manager. However, it is recognised that because of the seriousness and sensitivity of some issues, together with the knowledge of who the worker thinks may be involved in wrongdoing, this may be difficult or even impossible.
- 1.2. The Public Interest Disclosure Act (PIDA) 1998 gives legal protection to workers against being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns provided that they are disclosed under procedures identified in the Act. It is a fundamental term of every contract of employment that an employee (or worker) will faithfully serve their employer and not disclose confidential information about the employer's affairs. However, where an individual discovers information which they believe shows malpractice or wrongdoing within the organisation, then there should be identified procedures to enable the individual to disclose the information without fear or reprisal. It may be necessary for the disclosures to be made independently of line management.
- 1.3. This Policy therefore aims to encourage workers to report suspected wrongdoing, in the knowledge that concerns raised will be taken seriously and investigated if appropriate.
- 1.4. Central has adopted the Whistleblowing: Guidance for Employers and Code of Practice definition for whistleblowing produced by the Department for Business Innovation and Skills. Details of this definition and guidance [can be found on the Gov.uk website](#).

## **2. Who can raise a concern?**

- 2.1. This policy sets out arrangements for individuals to raise serious concerns about malpractice or serious wrongdoing in ways which will protect them from reprisal. This policy is intended to meet the requirements of the Act.
- 2.2. This policy is designed for staff directly employed by Central, including hourly paid workers, and for students and visiting professionals.
- 2.3. This policy is not designed to question financial, or business decisions taken by the School nor may it be used to reconsider any matters which have already been addressed under grievance, complaint, disciplinary procedures or academic appeal. It is not intended to provide an alternative mechanism for students to raise matters relating to their own learning experience or that of their colleagues; channels for raising such matters are already adequately provided via student representation at various levels of Central's committee structure. Individuals who make disclosures outside the arrangements set out here will not be protected under this policy and may not be protected under the Act.

## **3. Scope of the policy**

- 3.1. Within Central, a number of policies and procedures are already in place including grievance, disciplinary and academic appeal. This policy is intended to cover concerns which are in the public interest and may (at least initially) be investigated separately but might then lead to the using of such procedures. These might include:
  - i) Financial malpractice or impropriety or fraud;

- ii) Failure to comply with any statutory instrument or legal obligation;
- iii) Dangers to health and safety of the environment;
- iv) Criminal activity;
- v) Civil offences;
- vi) Negligence;
- vii) Breach of Contract
- viii) Miscarriage of justice;
- ix) Academic malpractice;
- x) Improper conduct or unethical behaviour;
- xi) Attempts to conceal any of the above.

This is not intended to be a comprehensive list and any matters raised under this policy will be considered.

## **4. Safeguards**

### **4.1. Protection**

Under this policy, protection will be given to workers provided that the disclosure is made:

- i) in accordance with the procedures laid down;
- ii) in good faith;
- iii) in the reasonable belief of the individual making the disclosure that it tends to show malpractice.

This means that those raising a concern under this policy shall not suffer any detriment or adverse treatment as a result of making a good faith disclosure. Central will take all reasonable steps to protect whistleblowers from bullying, harassment or reprisals.

### **4.2. Confidentiality**

Central will treat all disclosures in a confidential and sensitive manner. The identity of the individual making the allegation may be kept confidential so long as it does not hinder or frustrate any investigation. Central will normally consult with individuals before disclosing their identity during a whistleblowing procedure. If the investigation process reveals the source of the information, the individual making the disclosure may need to provide a statement as part of the evidence required.

### **4.3. Anonymous Allegations**

This policy encourages individuals to put their name to any disclosures they make. Concerns expressed anonymously are harder to investigate but they will be considered at the discretion of the School, taking account of the following points:

- i) the seriousness of the issues raised;
- ii) the credibility of the concern; and
- iii) the likelihood of confirming the allegation from alternative credible sources.

#### **4.4. Untrue allegations**

If an individual makes an allegation in good faith, which is not confirmed by subsequent investigation, no action will be taken against that individual. If, however, the investigation shows that an individual has made malicious or vexatious allegations, and particularly if they persist in making them, disciplinary action may be taken against the individual concerned.

### **5. Process for disclosure**

- 5.1.** **Appendix 1** provides a flowchart for whistleblowing disclosure, investigation, and decision-making procedures. Disclosures should be made [using this electronic form](#). (unless the individual making the disclosure requires any reasonable adjustments in the disclosure process). Alternatively, an application can be sent via email to the Director of Governance ([kayley.darby-philpotts@cssd.ac.uk](mailto:kayley.darby-philpotts@cssd.ac.uk))
- 5.2.** When a disclosure is made, a report will be sent to the Director of Governance for review. If a disclosure is related to the Director of Governance, the form provides the option to request an alternative reviewer, doing so will refer a disclosure to the Director of Operations.

### **6. Procedure**

- 6.1.** The person to whom the disclosure is made will normally consider the information and decide whether there is a prima facie case to answer. They will decide whether an investigation should be conducted and what form it should take. This will depend on the nature of the matter raised and may be:
- i) investigated internally;
  - ii) referred to the Internal or External Auditors; or
  - iii) the subject of independent enquiry.
- 6.2.** Some matters following investigation, will need to be referred or reported to the relevant outside body, for example the police or the Office for Students (OfS). If the person to whom the disclosure is made decides not to proceed with an investigation, the decision will be explained as fully as possible to the individual who raised the concern. The individual will then have the right to request a review of the decision by contacting the Chair of Governors (and they will be provided with appropriate contact details to enable them to do so at the conclusion of the initial disclosure investigation).

### **7. Investigation**

- 7.1.** Any investigation will be conducted as sensitively and quickly as possible. The disclosing person will be notified of the intended timetable for the investigation. The person to whom the disclosure is made may authorise an initial investigation to establish the relevant facts. The investigation may be conducted by the internal auditor or by another appropriate person as approved by the Chair of Audit Committee. The investigator will report their findings to the person to whom the disclosure was made, who will then decide if there is a case to answer and what procedure to follow. This may include setting up a special internal independent investigation or reference to some external authority, such as the police, for further investigation. The decision may be that the matter would be more appropriately handled under existing procedures for complaints, grievance or disciplinary.

- 7.2. Where disclosure is made the person or persons against whom it is made will be told at an early stage of it and of the evidence supporting it, and they will be allowed to respond.
- 7.3. The individual making the disclosure will be informed of what action is to be taken.
- 7.4. The Head of Governance will ordinarily be made aware of any disclosures made for the purposes of record keeping and reporting to the Audit Committee. Otherwise, knowledge of the disclosure will be treated on a strictly “needs to know” basis for the purposes of investigation in line with the statement on safeguards and confidentiality within this policy.
- 7.5. Should an investigation or referral lead the appropriate Central authority to conclude that there has been a breach of the School’s rules and regulations or Code of Conduct, the member or members of staff or students responsible may be subject to disciplinary action in accordance with the appropriate Disciplinary Procedures. The member or members of staff or students’ responsible may in addition be subject to civil or criminal proceedings.
- 7.6. Additional guidance for those undertaking investigations on the basis of a disclosure, ensuring consistency of approach, will be provided by the Director of Governance in the event of any such disclosure.
- 7.7. On the advice of the Director of Governance and for the purposes of fairness and diligence, determinations made as a result of an investigation will ordinarily be subject to a second review by the Director of Operations (where they are not compromised or this does not present a conflict of interest with the case in question).

## **8. Recording and reporting the outcomes**

- 8.1. An official, written record will be kept at each stage of the process.
- 8.2. The record of all disclosures and subsequent actions taken will be kept by the Director of Governance. Such records will be kept in accordance with Centrals retention policies and procedures.
- 8.3. In all cases, a report of the outcome will be made to Central’s Audit Committee which will refer the report on to the Chair and/or the Board of Governors as appropriate.
- 8.4. An annual report on whistleblowing disclosures in year is presented to the Audit Committee.

## **9. Advice for staff or students raising a concern**

- 9.1. Central recognises that the decision to make a disclosure under its Whistleblowing Policy is not an easy one. Those raising concerns under this policy may find the [Protect website](#) helpful (Protect is a charity that supports individuals with whistleblowing concerns and disclosures).
- 9.2. Individuals considering a disclosure should take note of the following guidance:
  - i) make any objections to illegal, unsafe or unethical practices promptly so as to avoid any misinterpretation of the motives for doing so;
  - ii) focus on the issues and proceed in a tactful manner to avoid unnecessary personal antagonism which might distract attention from solving the problem;
  - iii) be accurate in any observations and claims and keep formal records documenting relevant events;

- iv) members of staff may also wish to seek confidential legal advice and students may wish to seek advice from an advisor.

## **10. Complaints of retaliation as a result of disclosure**

- 10.1.** Central accepts that it has an obligation to ensure that staff and students who make a disclosure without malice and in good faith are protected, regardless of whether or not the concern raised is upheld. A member of staff or a student who has made a disclosure and who feels that, as a result, they have suffered adverse treatment should submit a formal complaint under the grievance or complaint procedure detailing what has been done to them. If it appears that there are reasonable grounds for making the complaint, the onus will be on the person against whom the complaint of adverse treatment has been made to show that the actions complained of were not taken in retaliation for the disclosure.
- 10.2.** If it is determined that there is a prima facie case that a member of staff has suffered adverse treatment as a result of their disclosure, a further disclosure may take place and disciplinary action may be taken against the perpetrator in accordance with the School's disciplinary and grievance procedures.

## **11. Summary of the process**

- 11.1.** A summary of the process is shown below. There may be other steps in the process and reporting to the Audit Committee or elsewhere may happen earlier:
  - i) The recipient of a disclosure makes initial assessment and considers whether to commission an investigation.
  - ii) An investigation is conducted and a record of investigation is kept;
  - iii) Action will be taken and reported upon;
  - iv) The individual making the original disclosure will usually be informed of the actions taken;
  - v) A full report is submitted to the Audit Committee.

## 12. Appendix 1 – Flowchart of Process

