



Royal Conservatoire  
*of* Scotland

**Whistle-blowing  
Policy and Procedure**

# **Whistle-blowing Policy and Procedure**

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## 9. Document Control Information overview

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1	1/6/2013	Jackie Russell	Consultative Forum	Operational change- update for legislation
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### **Brief overview of Whistle-blowing Policy and Procedure**

First of all, what do we mean by 'Whistle-blowing'?

Whistle-blowing is a process whereby individuals within an organisation are able to report possible wrongdoing or danger of wrongdoing without personal risks to themselves.

Whistle-blowing is relevant to all organisations and all people. Every business and every public body faces the risk of wrongdoing and usually the first people to realise or suspect the wrongdoing will be those who work in or with the organisation.

Within the Royal Conservatoire of Scotland we make a positive commitment and foster an open approach to whistle-blowing. Our policy and procedures are in line with the Public Interest Disclosure Act 1998 (“PIDA”). PIDA provides guidance on how you can raise issues in a safe and constructive manner. It also encourages you to raise concerns internally in the first instance.

Everyone at some point in their career may be concerned about issues they see or hear during the course of their work. Usually these concerns are easily resolved and there are procedures in place to deal with them, for instance, our Disciplinary, Grievance or Dignity at Work and Study policies.

However, where there is no other relevant procedure, or you have genuine concerns about using a particular procedure at either the outset or the end of the process, or your concern is about conduct likely to harm our reputation it can be difficult to know what to do.

You may be worried about raising such issues or may want to keep the concerns to yourself, perhaps feeling that it’s none of your business or that it’s only a suspicion. You may also feel that raising the matter would be disloyal to your colleagues or to the Conservatoire community.

Please feel confident that you can use this policy.

This policy is intended to enable you to raise genuine concerns about possible malpractice at an early stage and in the right way. We would rather that you raised the issue when it is a concern, rather than wait for proof. If you feel that you wish to raise a concern, then this policy can and should be used.

It is important that you are aware that:

- This policy has been devised to protect staff against being penalised as a result of publicly disclosing certain serious concerns they have regarding malpractice or wrongdoing. The policy is guided by legislation in relation to the Public Interest Disclosure Act (PIDA) 1998.

In addition you should be aware that:

Main points of policy and process:

- The purpose of the policy is to ensure that no current or former staff member feels disadvantaged in raising a legitimate concern which they believe shows serious malpractice or wrongdoing within the Conservatoire.
- This policy exists to protect all people working at the Conservatoire, including agency workers and the self-employed. Former employees are also protected.
- This policy contains guidelines for making a disclosure (appendix A)

Further communications:

- Policy circulated to Conservatoire Senior Management Team (CSMT)
- Policy approved by Consultative Forum
- Policy to be circulated to all staff to raise awareness via email at least once per annum
- Policy to be posted in the staff room
- Updated Policy made available on the extranet
- Policy to be added to Induction document

## **Whistle-blowing Policy and Procedure**

### **1. Introduction**

The Royal Conservatoire of Scotland is fully committed to an ethos of openness, accountability and transparency where staff are enabled to voice any concerns they have in a responsible and effective manner.

The policy aims to protect current and former staff against being penalised as a result of publicly disclosing certain serious concerns they have regarding

malpractice or wrongdoing. This could be in relation to such matters as child protection, inappropriate behaviour, suspected wrongdoing, fraud etc.

The policy is intended to cover concerns which are in the public interest. The legislation guiding this policy is the Public Interest Disclosure Act (PIDA) 1998. All disclosures must be in the public interest as well as falling into one of the categories listed in the Act.

With the implementation of this policy, it is deemed reasonable to expect staff to raise concerns using the procedures set out in the policy rather than out with the Conservatoire.

The Conservatoire has various other policies under which individuals may be able to raise issues such as complaints or grievance procedures but staff should not hesitate to raise any issue of concern under this policy.

## **2. Purpose**

The policy is intended to ensure that no current or former staff member suffers a detriment in raising a legitimate concern which they believe shows serious malpractice or wrongdoing within the Conservatoire.

## **3. Scope**

The Whistle-blowing policy applies to all current and former staff of the Conservatoire, including agency workers and self employed.

## **4. Principles**

The policy is designed to ensure protection of those current and former staff or other members of the Conservatoire who disclose concerns providing that;

- The disclosure must be in the public interest
- The person making the disclosure has a reasonable belief that what they are disclosing shows malpractice (see section 5 on Malpractice)
- The person makes the disclosure using the appropriate procedures as set out in this policy

The Conservatoire will treat disclosures in a confidential and sensitive manner. Staff are encouraged to put their names to any disclosures that they make, however the individual may keep their identity confidential as long as it doesn't hinder or frustrate any investigation.

If an individual makes an allegation in good faith but the allegation is not subsequently confirmed by an investigation, the individual will not face any action against them. However, if an individual makes malicious allegations and is persistent in making these allegations, disciplinary action may be taken against the individual making the allegation.

If it is found that any current staff member subjects any person working or who has worked for the Conservatoire to a detriment on the grounds that he or she has made a protected disclosure, disciplinary action may be taken. Further to this, such individuals may be found to be personally liable for such actions at an employment tribunal.

## **5. Malpractice**

It is important that staff are aware what constitutes malpractice under the Public Interest Disclosure Act 1998.

The PIDA states that a qualifying protected disclosure means any disclosure of information which, in the reasonable belief of the staff member making the disclosure, shows one or more of the following;

- a. A criminal offence has been committed, is being committed or is likely to be committed
- b. A person has failed, is failing or is likely to fail to comply with any legal obligation to which he/she is subject
- c. A miscarriage of justice has occurred, is occurring or is likely to occur
- d. The health and safety of any individual has been, is being or is likely to be endangered
- e. The environment has been, is being or is likely to be damaged
- f. Financial or non-financial maladministration
- g. Obstruction or frustration of the exercise of academic freedom

If staff are aware that malpractice has taken place and fail to take any action, they should be aware that they may be regarded as condoning or complying with the malpractice.

## **6. Procedures**

If you believe that malpractice or wrongdoing is taking place within the Conservatoire, this policy sets out guidelines for you to follow.

The details of the procedure are outlined in Appendix A (Guidelines on Making a Disclosure).

## **7. Responsibility**

The implementation of the Conservatoire's Whistle-blowing Policy will be the responsibility of the Principal, the Assistant Principal, Directors, Head of Departments and Managers in conjunction with the Director of Human Resources.

All staff have an equal responsibility to contribute towards a working environment that is open and accountable.

It is the responsibility of any staff member who believes that this policy has been breached to bring the breach of confidence to the attention of the appropriate person set out in the guidelines. It is then the responsibility of that person to arrange for such allegations to be investigated.

## **8. Review**

This policy may be subject to change as necessary.

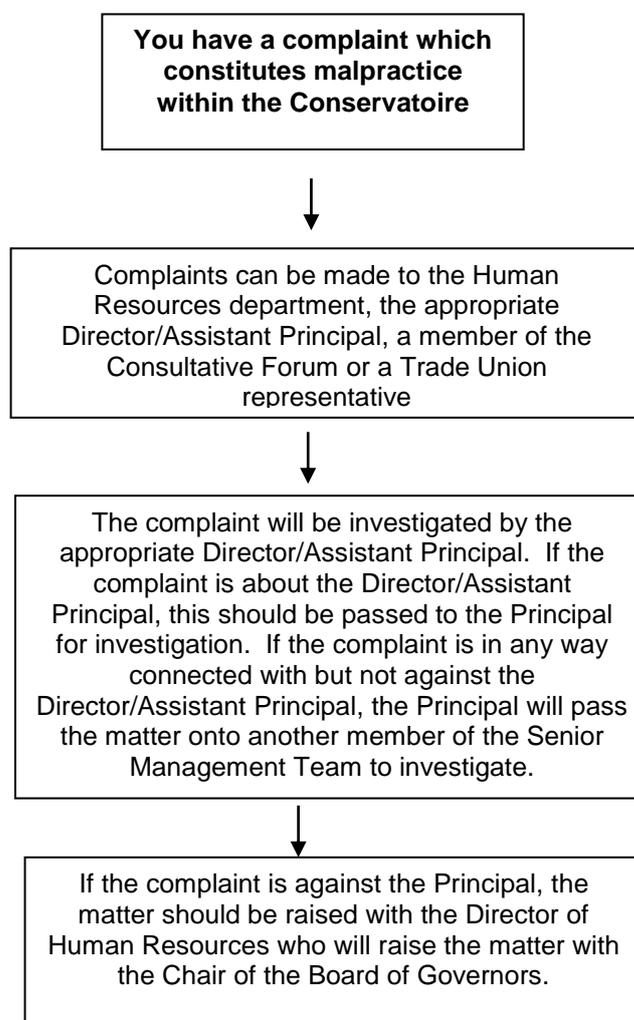
The HR Department will review the policy annually and in line with any changes to legislation and make recommendations on any future developments to this Policy.

# **Appendix A**

## **Guidelines on Making a Disclosure**

## **Procedures for Making a Disclosure**

On receipt of a complaint of malpractice, the member of staff identified below who receives the complaint, must pass this information as soon as is reasonably possible, to the appropriate designated investigating officer as follows:



Alternately, the complaint may be raised directly with the Convener of the audit committee of the Board of Governors.

In addition, the independent charity Public Concern at Work provides a free helpline for staff with serious concerns about malpractice. Their contact details, along with all other relevant contact details, are set out below.

### **Timescales**

Due to the varied nature of complaints, which may involve internal investigations and / or the involvement of the police, it is not possible to lay down precise timescales for such investigations. The investigating officer should ensure that the investigations are undertaken as quickly as practicable without affecting the quality and depth of those investigations.

## Contact Details

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