

Royal Northern College of Music
Public Interest Disclosure (Whistleblowing)
Policy & Procedure
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RNCM
ROYAL NORTHERN
COLLEGE of MUSIC

PUBLIC INTEREST DISCLOSURE PROCEDURE

(WHISTLEBLOWING)

1. INTRODUCTION

- i) The Royal Northern College of Music (RNCM) is committed to the highest standards of openness, integrity and accountability. RNCM seeks to conduct its affairs in a responsible manner taking into account the requirements of its funding bodies, regulators and stakeholders for the proper use of public funds and the standards in public life set out in the reports of the Government's Committee on Standards in Public Life (the Nolan Committee).
- ii) It is a fundamental term of employment at the RNCM that an employee will display loyalty to the College, and will not disclose confidential information about that employer's operations which is calculated or likely to damage the mutual trust and confidence on which the employment relationship is based. However, where an individual discovers information which they believe shows malpractice, impropriety or wrongdoing within the College, then disclosure of this information should not be jeopardised by any fear of reprisals, provided it is made lawfully, without malice and in the public interest. Indeed, it is hoped that malpractice itself will be discouraged by the protection given to those who disclose information that is genuinely in the public interest.

The purpose of this Policy is to offer advice about how such public disclosure should be made for protection under the Public Interest Disclosure Act (1998) and how each case will then be handled. Employees of RNCM are required to use the processes set out in this Procedure. Any employee who makes a disclosure outside of RNCM (including e.g. to the press or on social media) without using this procedure may not be protected under the Act and may be subject to internal disciplinary procedures as detailed in the Staff Disciplinary Policy.

- iii) It is not intended that this Procedure be used by individuals to question operational decisions taken by RNCM, and it offers no protection to such individuals. In addition, the Procedure should not be used to reconsider any matters which have already been addressed under other institutional procedures such as grievance, disciplinary and capability procedures.

2. PUBLIC INTEREST DISCLOSURE ACT (1998)

- i) The Public Interest Disclosure Act (1998) has been amended by the Enterprise and Regulatory Reform Act (2013) to provide further protection to employees. This legislation gives legal protection to employees against being dismissed or penalised by their employers for publicly disclosing serious concerns falling in certain specified categories. It also gives protection to employees against suffering a detriment, bullying or harassment from another employee for publicly disclosing serious concerns falling within certain specified categories.
- ii) The Act is not designed to support a claim from an employee about a breach of their own contract of employment. In this circumstance the individual is

encouraged to raise any concerns with their line manager or a member of the Human Resources Department in the first instance, and can make use of the RNCM Grievance Policy.

3. SCOPE OF THE PROCEDURE

i) Purpose

The Public Interest Disclosure Procedure is intended to cover concerns regarding organisational malpractice which are in the public interest. A number of policies and procedures are already in place at the College including complaints, disciplinary and grievance for matters that fall outside of this Procedure. This Procedure is designed to offer protection to those employees and other members of the College community who disclose concerns, provided such disclosure is made:

- i) in the reasonable belief of the individual making the disclosure that the issue they are raising shows malpractice,
- ii) is made in the public interest; and,
- iii) to a designated person (see Section 6 below).

ii) Who the procedure applies to

The College believes that every member of the College should have access to a procedure to raise concerns about possible malpractice within the College. Whilst the Public Interest Disclosure Act 1998 only applies to employees, the College's Procedure applies to employees, students and College Governors who will be collectively referred to as members of the College.

iii) What disclosures are covered by the Procedure

Concerns which could prompt disclosure might include, but are not limited to, the following:

- Financial malpractice, impropriety or fraud¹.
- Academic or professional malpractice.
- Failure to comply with a legal obligation
- Serious failure to comply with the Rules and Regulations of the College.
- Dangers to health and safety.
- Criminal activity.
- Miscarriages of justice.
- Improper conduct or unethical behaviors.
- Attempts to conceal any of the above.

4. SAFEGUARDS

i) Protection is provided under this Policy provided that;

- the disclosure is being made in the public interest by a person who falls within the scope of 3.ii); and,

¹ Instances of Financial malpractice, impropriety or fraud should follow the procedures set out in the Colleges Anti-Bribery and Anti-Fraud Policy. For the avoidance of doubt, such notifications will be treated with the same safeguards and confidentiality as set out in this Policy.

- the person making the disclosure is doing so in the reasonable belief that the information made available tends to show malpractice.
- ii) No action will be taken against any individual who makes a disclosure in accordance with 4.i), which is, after investigation, not subsequently substantiated. If, however, it is considered that an individual has made a malicious or vexatious allegation, then disciplinary action may be considered against that person, particularly if he or she persists in making them when, after due process, it has been concluded to be without foundation.

5. CONFIDENTIALITY

i) Discloser

Subject to the requirements of the Freedom of Information Act (2000) and Data Protection Act (2018), the College will seek to treat all such disclosures under this policy in a confidential and sensitive manner. The identity of the individual may be kept confidential so long as it does not hinder or frustrate any investigation. However, the investigation process may at some stage reveal the source of the information, and the individual making the disclosure may need to provide a statement as part of the evidence required.

ii) Named individual

Any individual(s) named as part of this Procedure will be told of the allegation and the evidence supporting it, and will be allowed to respond before any investigation or further action is concluded.

iii) Anonymous disclosures

Individuals are encouraged to put their name to any disclosure that they make since part of its purpose is to promote openness and discourage fear of reprisals. Disclosures made anonymously will still, at the discretion of the College, be investigated. However, in exercising this discretion the College will take into account:

- the gravity of the issues raised;
- the credibility of the concern; and,
- the likelihood of confirming the allegation from an alternative credible source.

6. PROCEDURE FOR MAKING A DISCLOSURE

Initially the disclosure should be made in writing to the Clerk to the Board of Governors. In cases where the disclosure directly concerns the post of Clerk to the Board, the disclosure should be made to the College Principal. If the subject of the disclosure concerns the Clerk to the Board and/or the Principal, then the disclosure should be made to the Chair of the Audit and Risk Committee. If the disclosure relates to all three of the foregoing posts then the disclosure should be made to the Chairman of the College's Board of Governors. For the purpose of this procedure these persons will be referred to as the "Designated Persons."

7. PROCESS ONCE A DISCLOSURE HAS BEEN MADE

- i) Following the initial disclosure the discloser will be asked to provide as much supporting evidence as possible and the grounds for the belief of malpractice. The Designated Person will consider the information made available by the discloser and will decide:
 - whether the matter that has been raised falls within the scope of the procedure;and, if so:
 - whether there appears to be any case to answer.
- ii) If the Designated Person considers there are grounds for proceeding further, they will decide whether a formal investigation should be conducted and, if so, who should undertake it and what form it should take. This will depend on the nature of the matter raised and may involve, but is not limited to:
 - an internal investigation conducted by a senior member(s) of the College staff;
 - instigation of the appropriate College disciplinary procedure;
 - referral to the Police; and/or,
 - referral to an independent external authority e.g. the Health and Safety Executive.
- iii) Should a formal investigation be invoked, the Designated Person will use the outcome of this investigation to decide whether or not the matter should be pursued further.
- iv) If a formal investigation is invoked, the Designated Person tasked to investigate the disclosure will carry out a full investigation with the support of expertise and specialist advice, as required. Any investigation will be conducted as sensitively and expeditiously as possible, having regard to the nature of the disclosure that has been made. The nature of investigation will depend on the matter raised and may be referred to an external body such as the Police. It may become clear during an investigation that the issues raised do not come within the remit of the Public Interest Disclosure Procedure and should be referred to another College procedure.

The College will not investigate the same disclosure through multiple routes. For example, if an issue has been raised and dealt with through the operation of this or another College procedure that will be deemed to be final. Continued making of allegations or disclosures once they have been properly dealt with within the College's procedures will be regarded as malicious and be subject to appropriate disciplinary action.

- v) If the disclosure has been made against or involves named individual(s), those individuals should, at a time deemed appropriate by the Designated Person, be informed of the allegation and the evidence that supports it, and be given an appropriate opportunity to respond.

- vi) The Designated Person will provide feedback to the individual who has made the disclosure the College's decision together with any action that has already been taken, or that it is intended to take.

8. REQUESTS FOR RECONSIDERATION

If the Designated Person has decided that the matter does not fall within the scope of the Procedure or that there is no case to answer, the individual who has made the disclosure will be informed at the earliest opportunity together with the reasons why. As a result, if the person who has made the disclosure does not feel satisfied with this outcome, or they are not satisfied with the action taken by the Designated Person, they can, if they wish, make the disclosure to another party in line with the details below:

<i>Original disclosure made to</i>	<i>Second disclosure should be made to</i>
Clerk to the Board	Principal
Principal	Chair of the Audit and Risk Committee
Chair of the Audit Committee	Chairman of the Board of Governors

In this instance whoever considers the second disclosure will have absolute discretion to decide on an appropriate form of action based on the circumstances of the case so far.

If the initial disclosure was made to the Chairman of the College's Board of Governors, then their decision on the matter will be final.

9. REPORTING

A written record of all disclosures and of any subsequent action will be maintained by the Clerk to the Board of Governors for a period of three years. A detailed report of the outcomes of any investigation will be submitted to the Audit and Risk Committee where the issue falls within its remit, and a summary report will be provided in other cases as a means of allowing the Committee to monitor the effectiveness of the Procedure.

ROYAL NORTHERN COLLEGE OF MUSIC

POLICY APPROVAL/REVIEW PROCESS

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Approvals

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