

ROYAL ACADEMY OF DANCE

Whistleblowing Policy and Procedures

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1. Introduction and Legal Context

- 1.1 The Royal Academy of Dance (RAD) is legally bound by the *Public Interest Disclosure Act 1998*, *Employment Rights Act 1996* and the *Enterprise and Regulatory Reform Act 2013* which specifically protect an employee and all other categories of freelance, contract, fixed term or temporary workers (referred to here as employee(s)) who raise legitimate concerns about specified matters with their employer. The issues raised are called “qualifying disclosures” and an employee making such a disclosure is protected from suffering any detriment (including victimisation, harassment and dismissal) by the employer.
- 1.2 A “qualifying disclosure” under the legislation is one made by an employee who has a reasonable belief (absolute proof or evidence is not necessary) that the disclosure is in the public interest and that one or more of the following is being, had been or is likely to be committed:
 - 1.2.1 a criminal offence.
 - 1.2.2 a miscarriage of justice.
 - 1.2.3 an act creating risk to health and safety.
 - 1.2.4 an act causing damage to the environment.
 - 1.2.5 a breach of any other legal obligation, or
 - 1.2.6 deliberate concealment of information about any of the above.
- 1.3 The RAD also expects members of its Board of trustees and members of the Board of trustee sub-committees to abide by the Seven Principles of Public Life (See Appendix 1) set out by the **Committee on Standards in Public Life**.
- 1.4 The RAD is also bound by the *Education Reform Act 1988* which protects employees who teach in higher education when exercising his / her academic freedom (within the law) by putting forward new ideas and controversial or unpopular opinions. Employees in these circumstances are protected from victimisation or dismissal.
- 1.5 Although not legally obliged to do so, it is also the RAD’s policy to apply the same principles of public interest disclosure in relation to the protection of RAD Faculty of Education students who raise concerns of a “qualifying disclosure” or “public interest” type.

2. Policy Statement

- 2.1 The RAD is committed to engaging in its business responsibly, legally, ethically, with accountability and in accordance with the principles embodied in its Charter and its published Values. The RAD is also committed to maintaining and furthering academic freedom within the learning and research environment of the Faculty of Education.

- 2.2 The RAD encourages its employees, students, trustees and sub-committee members to raise any concerns they may have about the conduct of others in the business, others within their student cohort or the way in which the business from an employee or student perspective is run.
- 2.3 “Whistle blowing” is a common term used for someone making a “qualified disclosure” (1.2.1 – 1.2.6) which is disclosure of information that in the reasonable belief of the employee is made in the public interest or raising a concern about malpractice. Cases of malpractice which could be relevant to the RAD include (but are not restricted to):
- 2.3.1 Incidents of fraud and/or deception as referred to in the RAD’s *Anti-Corruption policy*.
 - 2.3.2 Criminal activity including issues related to safeguarding of vulnerable groups as referred to in the RAD’s *Policy and procedures for safeguarding children and vulnerable adults*
 - 2.3.3 Significant health and safety issues causing danger that could threaten colleagues, customers, RAD members, the public or the RAD’s reputation.
 - 2.3.4 Serious risk that could threaten colleagues, customers, RAD members, the public or the RAD’s reputation, including in the case of covering up wrongdoing
 - 2.3.5 Frustration of the exercise of academic freedom.
 - 2.3.6 Academic malpractice.
 - 2.3.7 Professional malpractice
 - 2.3.8 Examinations malpractice, as defined by the examinations regulators and/or in the Examinations Board’s *Malpractice Policies and Procedures*.
- 2.4 This policy and accompanying procedures are designed to provide guidance to those who feel that they need to raise serious issues of malpractice with someone in confidence. The procedures are designed to ensure that matters are dealt with through an independent, orderly and systematic process so that they can be fully investigated.
- 2.5 The RAD takes malpractice seriously and any employee, student, trustee or sub-committee member who raises genuine concern(s) under this policy can be reassured that they will not be subjected to any form of detriment or disadvantage as a result of having raised such concerns. An employee, student, trustee or sub-committee member will also be protected from unfair treatment if they disclose wrongdoing if it occurs overseas, where a different country’s law has been or will be broken.
- 2.6 Employees must not mistreat, bully or harass a colleague because they have whistle blown or raised a malpractice concern. Any such behaviour may lead to disciplinary action leading to dismissal.

3. Principles

- 3.1 Everyone should be aware of the importance of preventing and eliminating malpractice, remain watchful of illegal or unethical conduct and report anything that is of concern.
- 3.2 Matters raised under these procedures will be investigated thoroughly, promptly and confidentially and the outcome of the investigation will be reported back to the person who has raised the issue.
- 3.3 An employee, student, trustee or sub-committee member will be protected if they raise a concern or make a disclosure via a prescribed route as detailed in legislation. The relevant prescribed routes are to:

- 3.3.1 The employer or organisation directly (see procedures below).
 - 3.3.2 A legal adviser, if made in the course of obtaining legal advice.
 - 3.3.3 A “prescribed person” (see Disclosure to External Bodies (Prescribed Persons) below)
 - 3.3.4 Elsewhere in defined circumstances (see Disclosures to Elsewhere below)
 - 3.3.5 Elsewhere in exceptionally serious cases (see Disclosures in Exceptionally Serious cases below)
- 3.4 No one will be victimised by RAD management for raising a matter under this procedure. An individual’s continued employment, continued studies, opportunities for promotion, opportunities for employee learning and development, and/or student assessment will not be prejudiced because they have raised a concern.
- 3.5 The following disciplinary offences will be dealt with by the relevant Disciplinary Procedure for either employees or students:
- 3.5.1 Victimisation or harassment of a colleague or fellow student for making a disclosure.
 - 3.5.2 Maliciously making false allegations to cause disruption in the organisation or for personal gain.
- 3.6 This policy encourages employees, students, trustees and sub-committee members to put their name to any disclosures, concerns or allegations; however, the RAD will consider anonymous disclosures, concerns or allegations and will investigate them insofar as it is possible to do so.
- 3.7 An employee, student, trustee or sub-committee member who raises a concern which is not confirmed by the subsequent investigation, will not be subject to any action.

4. Procedures for employees, students, trustees & sub-committee members

- 4.1 These three separate procedures will apply in cases where employees, students, trustees and sub-committee members genuinely believe that they have a concern which relates to a qualifying disclosure (1.2.1 to 1.2.6 above) or other similar matters as described in 2.3 above.
- 4.2 Employees should note that any matters related to their employment which are covered by their employment contract should be raised by using the *Employee Grievance Procedure* as outlined in the *Handbook for Employees in the United Kingdom*.
- 4.3. Students should note that any matters related to their specific studies should be raised by using the *Student Grievance Procedure* or *Procedure for Academic Appeals*.

4.4 Employee Procedure

In the first instance, and unless the employee believes that their line manager is involved in the malpractice, an employee wishing to raise or discuss a malpractice issue is encouraged to speak openly to their line manager or director to deal with the matter informally. Employees are encouraged to raise concerns at an early stage and as soon as there is reasonable suspicion.

- 4.4.1 The line manager / director will either investigate the matter themselves, or will immediately pass the matter to someone in a more senior position for investigation.
- 4.4.2 The investigation may require the employee (and any other people involved) to give a written statement. The employee raising the concern may be asked to comment upon the statements (verbal or written) of others involved in the investigation.
- 4.4.3 A line manager and / or director undertaking an investigation will report their findings to the director or the Chief Executive who will be responsible for dealing with the concern, or where appropriate relaying it to the Board of Trustees and/or relevant committee for consideration. The Chair of the Board of Trustees will be responsible for ensuring that any relevant matters are reported by the Chief Executive to the appropriate external regulatory authorities (eg statutory body, funding or accreditation body, the Health & Safety Executive etc.)
- 4.4.4 Where the investigation indicates that a disciplinary offence may have occurred, the RAD will take disciplinary action according to the *Employee Disciplinary Procedure*. The HR Department should be informed as soon as possible, so that arrangements for the use of the *Employee Disciplinary Procedure* can be made. If this occurs, the employee who has raised the concern may be required to attend a disciplinary or investigative hearing as a witness. Appropriate steps will be taken to ensure that the working environment of both employees and / or their working relationship(s) is not prejudiced by the fact of the disclosure.
- 4.4.5 On the conclusion of the investigation, the employee will be told the outcome of the investigation, and the action the RAD has taken or proposes to take. Where no action has been taken, the reason(s) for the decision will be given.
- 4.4.6 Where the line manager or director is absent and/or is part of the suspected malpractice, and/or if the matter remains unresolved following an investigation, the employee may raise the concern directly with the Chief Executive. The Chief Executive may ask the employee to provide a written statement.
- 4.4.7 The Chief Executive will discuss the matter with the employee and arrange for the matter to be investigated. If it is a matter which has already been the subject of an investigation, the Chief Executive will arrange where possible for another manager and / or director to undertake the second investigation. On the conclusion of the Chief Executive's investigation, the employee will be informed of the outcome, and the action the RAD has taken or proposes to take. Where no action has been taken, the reason(s) for the decision will be given.
- 4.4.8 Employees should refer to the Head of HR if they have doubts over whom to approach with their concern. The Head of HR will be able to offer advice on the most appropriate point of contact within the RAD. There may be instances where a matter is directly referred to the Chair of the Board of Trustees who would refer to appropriate Executive Board and / or Committee Chairs.

4.5 Student Procedure

In the first instance, and unless the student believes that their tutor/ lecturer is involved in the malpractice, a student wishing to raise or discuss a malpractice issue is encouraged to speak openly to their tutor / lecturer to deal with the matter informally. Students are encouraged to raise concerns at an early stage and as soon as there is reasonable suspicion.

- 4.5.1 The tutor / lecturer will either investigate the matter themselves or will immediately pass the matter to the Dean or Director of Education for investigation.
- 4.5.2 The investigation may require the student (and any other people involved) to give a written statement. The student raising the concern may be asked to comment upon the statements (verbal or written) of others involved in the investigation.
- 4.5.3 A lecturer / tutor undertaking an investigation will report their findings to the Director of Education who will be responsible for dealing with the concern or where appropriate relaying it to the Board of Trustees and/or relevant Committee for consideration. The Chair of the Board of Trustees will be responsible for ensuring that any relevant matters are reported by the Chief Executive to the appropriate external regulatory authorities (eg statutory body, funding or accreditation body, the Health & Safety Executive etc.)
- 4.5.4 Where the investigation indicates that a disciplinary offence may have occurred, the RAD will take disciplinary action according to the relevant disciplinary procedure. The HR Department should be informed as soon as possible, so that arrangements for the use of the *Employee Disciplinary Procedure* can be made. The Dean should be informed if the *Student Disciplinary Procedure* is required. If this occurs, the Student who has raised the concern may be required to attend a disciplinary or investigative hearing as a witness. Appropriate steps will be taken to ensure that the working and learning environments and / or working relationships of all concerned are not prejudiced by the fact of the disclosure.
- 4.5.5 On the conclusion of the investigation, the student will be told the outcome of the investigation, and the action the RAD has taken or proposes to take. Where no action has been taken, the reason(s) for the decision will be given.
- 4.5.6 Where the tutor / lecturer is absent and/or is part of the suspected malpractice, and/or if the matter remains unresolved following an investigation, the student may raise the concern directly with the Director of Education or the Chief Executive who may ask the student to provide a written statement.
- 4.5.7 The Director of Education or the Chief Executive will discuss the matter with the student and arrange for the matter to be investigated. If it is a matter which has already been the subject of an investigation, another tutor / lecturer will undertake the second investigation. On the conclusion of the Chief Executive's investigation, the student will be informed of the outcome, and the action the RAD has taken or proposes to take. Where no action has been taken, the reason(s) for the decision will be given.
- 4.5.8 Students should refer to the Student Support Officer if they have doubts over whom to approach with their concern. The Student Support Officer will be able to offer advice on the most appropriate point of contact within the RAD. There may be instances where a matter is directly referred to the Chair of the Board of Trustees who would refer to appropriate Executive Board and / or committee chairs.

4.6 **Trustee and sub-committee member procedures**

In the first instance, and unless the trustee or sub-committee member believes that the Chair of the Board or chair of the relevant sub-committee (or a significant proportion of the Board or committee members) are involved in the malpractice, a trustee or officer wishing to raise or discuss a malpractice issue is encouraged to discuss openly such concerns at Board of

trustee or sub-committee meetings. If this is inappropriate or fails to deal with the concern, trustees or sub-committee members are encouraged to bring the matter formally to the Chair of the Board of Trustees.

- 4.6.1 The Chair of the Board of Trustees will either investigate the matter or will immediately pass it to an appropriate RAD director for investigation.
- 4.6.2 The investigation may require the trustee or sub-committee member (and any other people involved) to give a written statement. The person raising the concern may be asked to comment upon the statements (verbal or written) of others involved in the investigation.
- 4.6.3 A person undertaking the investigation will report their findings to the Chair of the Board of Trustees who will be responsible for dealing with the concern or where appropriate relaying it to the Board of Trustees and / or relevant sub-committee for consideration. The Chair of the Board of Trustees will be responsible for ensuring that any relevant matters are reported by the Chief Executive to the appropriate external regulatory authorities (eg statutory body, funding or accreditation body, the Health & Safety Executive etc.)
- 4.6.4 On the conclusion of the investigation, the trustee or sub-committee member will be informed of the outcome of the investigation, and the action the RAD has taken or proposes to take. Where no action has been taken, the reason(s) for the decision will be given.

5. External Disclosure

- 5.1 This policy is intended to encourage employees, students, trustees and sub-committee members to raise concerns internally; however, it is also recognised that employees may wish to raise their concern or seek advice from an external independent advice line or regulatory body.
- 5.2 An employee, student, trustee or sub-committee member may approach an **external regulatory body (defined in legislation as a “Prescribed Person”)** for advice or if they believe that disclosure within the RAD is inappropriate or has been unsuccessful.
- 5.3 If a disclosure is made to a prescribed person other than the employer, the disclosure must be made to the correct person or body for the specific issue. The Department for Business Innovation and Skills publication ‘Blowing the Whistle: List of prescribed people and bodies’ (June 2015) includes a brief description about the matters which can be reported to each prescribed person/body. The list is available at <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>
- 5.4 An employee, student, trustee or sub-committee member may also make other **external disclosure, described as ‘disclosures to elsewhere’** to, for example, an MP or a non-prescribed regulator. This type of disclosure would qualify as a protected disclosure if:
 - 5.4.1 the person concerned reasonably believed at the time that they would be subjected to a detriment by the employer if the disclosure was made direct to them;
 - 5.4.2 the person concerned had previously disclosed their concerns to the employer or a prescribed body and the matter had not been fully dealt with;

- 5.4.3 there is no prescribed body and the person concerned believes that if the matter was disclosed to the employer, it could take steps to conceal or destroy the evidence of malpractice.
- 5.5 In the circumstance of an **exceptionally serious case** (which is stated but not defined in legislation) an employee, student, trustee or sub-committee member may have justification for making a disclosure to the media.
- 5.5.1 Employees, students, trustees and sub-committee members are encouraged to restrict such disclosures to matters which serve the public interest and where neither the RAD nor the relevant regulatory body (Prescribed Person) would be appropriate or where the matter has not been dealt with sufficiently by them.
- 5.5.2 The person concerned must reasonably believe that the information being disclosed is substantially true, should not be disclosing the information for financial gain and should reasonably believe that the RAD will subject them to detriment or conceal or destroy evidence.
- 5.5.3 The person in this situation must consider very carefully the terms of his / her employment, place of study, position of office, as the disclosure is likely to have a direct significant impact on the reputation of the RAD.

6. Briefing

New employees, students, trustees and sub-committee members are fully briefed at induction on the contents of this policy including the implications of breaching the policy rules. They are also informed when there are any updates to the policy.

7. Policy Review

This policy will be reviewed by the Executive Board and the Head of HR on a regular basis to incorporate any new legislation and any changes made as a result of such review will be submitted for ratification by the Chair of the Board of Trustees and published as appropriate.

8. Signature



Chairman of the Board of Trustees
Royal Academy of Dance

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Appendix 1: Seven Principles of Public Life / Committee on Standards in Public Life (October 1996)

The Seven Principles of Public Life

- **Selflessness:** Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.
- **Integrity:** Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.
- **Objectivity:** In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.
- **Accountability:** Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
- **Openness:** Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.
- **Honesty:** Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
- **Leadership:** Holders of public office should promote and support these principles by leadership and example.