



Royal Conservatoire  
*of* Scotland

# **Whistle-blowing Policy and Procedure**

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# 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); and
- 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.

## **9. Document Control Information**

Author of Policy: Deputy Director of HR

Accountability: Director of HR

Department: Human Resources

Review requirements: Annually or as required

Committee Requirements: Major changes to be approved by Consultative Forum, operational changes to be approved by Director of HR and noted by Consultative Forum.

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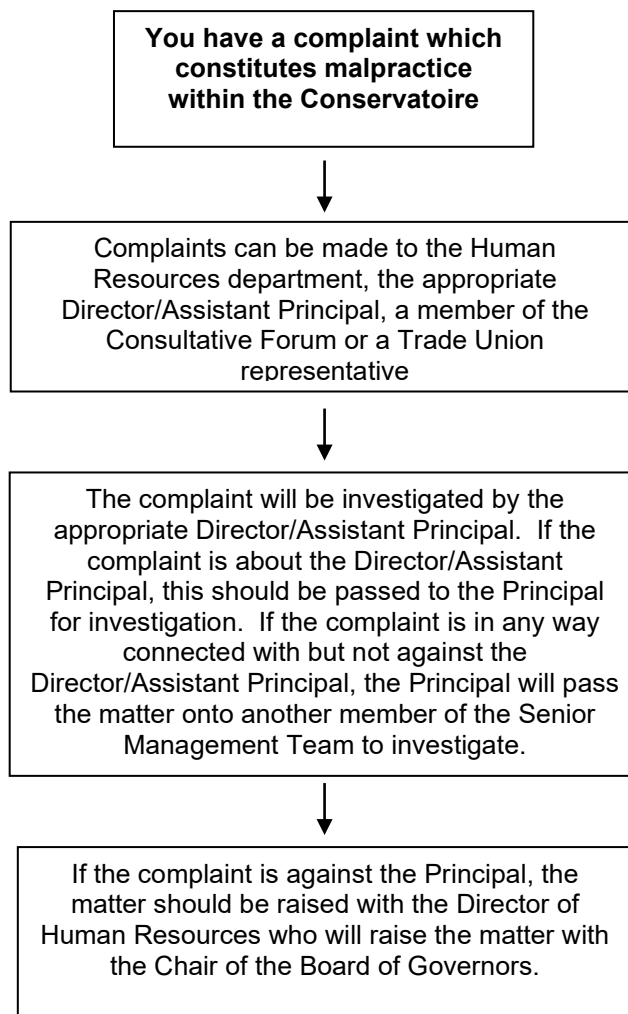
## **Document Revision History**

Version No.	Version Date	Prepared By	Approved By	Summary
1	01/06/2013	Jackie Russell	Consultative Forum	Operational change- update for legislation
2	19/09/2018	Jackie Russell	Jackie Russell	Operational change – link to RCS website added <a href="https://www.rcs.ac.uk/policy/dignity-and-equality/">https://www.rcs.ac.uk/policy/dignity-and-equality/</a>
3	26/02/2021	Jackie Russell	Jackie Russell	Operational Change- update of link to Audit Convenor and Senior Independent Governor

## **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 or the Senior Independent Member (email: [SIG@rcs.ac.uk](mailto:SIG@rcs.ac.uk)).

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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