

# WHISTLEBLOWING POLICY & PROCEDURE

## Policy Statement

1. The College is committed to the highest standards of transparency, accountability and integrity. We therefore expect Whistleblowers, students and others who work with the College who have concerns about any aspect of the College's work to voice these concerns.
2. The term "whistleblowing" is the disclosure of information by a worker, student or other person (the "whistleblower") which relates to some danger, fraud, illegal or other unethical behaviour or conduct in the workplace. Whistleblowers are protected by law, under the Employment Rights Act (1996) and the amendments made in the Public Interest Disclosure Act (1998) from being subjected to any detriment or unfairly dismissed as a result. To get that protection, the Whistleblower must reasonably believe that they're acting in the public interest (therefore personal grievances are rarely covered under whistleblowing law).
3. The Public Interest Disclosure Act 1998 governs the making of disclosures concerning workplace activity. This policy is designed to provide guidance to all those who work with or within the College who may from time to time feel that they need to raise certain issues relating to the organisation with someone in confidence.

## Scope of the policy

4. The College has a range of policies and procedures, which deals with standards of behaviour and conduct at work and study; they include (but are not limited to) Discipline, Grievance, Bullying & Harassment, Recruitment & Selection, Financial & Bribery and Corruption, as well as Student Complaints or Academic Appeals Procedures. Whistleblowers are encouraged to use the provisions of these procedures when appropriate, however there may be occasions when the matter needs to be handled in a different way. Details of these procedures can be found on the relevant MUSE and external RCM webpages.
5. This policy applies to all individuals working at all levels of the organisation including Council members, senior management, employees (whether part-time or fixed term), students, contractors, casual and agency staff-all collectively known as 'Whistleblowers' for the purpose of this policy. This policy does not form part of any Whistleblower's contract and may be amended at any time.
6. This policy will apply in cases where a Whistleblower genuinely believes that one of the following sets of circumstances is occurring, has occurred or may occur within the organisation and that it is in the public interest for the Whistleblower to disclose it. The matters that may be disclosed in this way are where:
  - a criminal offence has been committed, is being committed or is likely to be committed
  - a person has failed, is failing or is likely to fail to comply with any legal obligation to which he or she is subject
  - a miscarriage of justice has occurred, is occurring or is likely to occur
  - the health and safety of any individual has been, is being or is likely to be endangered
  - the environment has been, is being or is likely to be damaged
  - information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed

These examples are not intended to be exhaustive.

7. Generally, concerns are likely to involve something which may be unlawful, or which may be contrary to college policies, or which falls below, or breaches, established standards or practice; or which amounts to unethical or improper conduct and standards of behaviour.
8. It is not necessary for you to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient.

## Freedom of Speech and Academic Freedom

9. The Royal College of Music supports the principle of freedom of speech and expression within the law. It has regard to the need to ensure that students and staff have freedom to question, test and to put forward new ideas and controversial opinions without placing themselves at risk.
10. Free speech includes written materials, both physical and digital, and other forms of expression, including social media posts, images, symbols and works of art; it is not limited to the spoken word.
11. Unlawful speech is not protected, and speech is permitted unless restricted by law.
12. The College maintains a Code of Practice explaining how we protect and promote Freedom of Speech and Academic Freedom, which can be accessed on our website. It applies to:
  - all staff of the College, and individuals and companies undertaking duties on its behalf, including members of the Council;
  - all students of the College;
  - all live and recorded activities, including events, meetings and all education and research activities, that are held, endorsed, organised, funded or branded by the College, or by individuals, groups or societies using the name of the College, or that use College managed spaces or digital platforms, whether or not they involve an external speaker;
  - visitors speaking at, taking part in and attending events in College managed spaces or digital platforms.

## Procedure

13. Any Whistleblower who believes reasonably and in good faith that "malpractice" exists in the workplace, should report this immediately to a Designated Officer, that being, the Clerk to the Council or, in their absence, the Head of HR. The Designated Officer will report to the most senior person in the organisation, who will commission any further investigation.
14. If these channels have been followed and Whistleblowers still have concerns, or feel that the matter is so serious that it cannot be discussed with either of the Designated Officers, they should contact the Chair of the Audit & Risk Assurance Committee, Professor Peter Holgate.
15. In exceptional circumstances, if a concern about a breach or failure cannot be dealt with internally, then a disclosure can be made to a "prescribed person" or "prescribed regulator" such as HMRC or the Pensions Ombudsman. Further details about "prescribed persons or bodies" can be found at <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies-2/whistleblowing-list-of-prescribed-people-and-bodies>
16. The Designated Officer will arrange a meeting with the Whistleblower as soon as possible to discuss the concern. A written summary of the concern will be taken and the Whistleblower will be provided with a copy after the meeting. Where possible, and without breaching any duty of confidence that the College may owe to third parties, the Whistleblower will be advised as to how the College proposes to deal with the matter, including whether the concern that has been raised is considered to be a 'protected disclosure'<sup>1</sup>, or should be dealt with under other relevant College Policies, such as the Grievance Policy

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<sup>1</sup> A protected disclosure, as defined by the Employment Rights Act 1996 is a disclosure of a certain kind of information (a "qualifying disclosure" which, in the reasonable belief of the worker making the disclosure, is made in the public interest) and which is disclosed by a worker in a certain way.

17. It is likely that an investigation will be necessary and the Whistleblower who has made the disclosure may be required to attend an investigatory hearing and/or a disciplinary hearing (as a witness). Appropriate steps will be taken to ensure that the Whistleblower's working (or other) relationships are not prejudiced by the fact of the disclosure. Under this procedure a Whistleblower is entitled to be accompanied to any meeting by a workplace colleague or union official (if a College employee or worker) or a fellow student or SU officer (if a student). The companion will be asked to respect the confidentiality of the disclosure and any subsequent investigation.
18. The College does not encourage disclosures to be made anonymously as this makes it more difficult to establish whether the allegations are credible and have been made in good faith. However, the College will keep the Whistleblower's identity confidential. The Whistleblower's identity will not be disclosed without prior consent. Where concerns are unable to be resolved without revealing the identity of the person raising the concern (e.g. if that person's evidence is required in court), the College will enter into a dialogue with the individual concerned as to how best to proceed in these circumstances.
19. Whistleblowers should be aware that the policy will apply where they reasonably believe that the information disclosed, and any allegation contained in it, are substantially true. If any disclosure concerns information which Whistleblowers do not substantially believe is true, or indeed if the disclosure is made for personal gain, then such a disclosure will constitute a disciplinary offence for the purposes of the College's disciplinary policy and procedures and will be dealt with under the appropriate and relevant College procedure.
20. It is understandable that Whistleblowers are sometimes worried about possible repercussions. The college aims to encourage openness and will support those covered by the policy who raise genuine concerns in good faith under this policy, even if they turn out to be mistaken.
21. Those Whistleblowers covered under this policy will not suffer any detrimental treatment as a result of raising a concern without malice, in good faith, reasonably believing it to be true (even if it is not confirmed by the investigation). Detrimental treatment includes suspension/removal from studies, dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If the whistle-blower believes that they have suffered any such treatment, they should inform the relevant contact (listed in paragraph 3.1) immediately. If the matter is not remedied the Whistleblower should raise it formally using the relevant Grievance or Complaints Procedure.
22. There should be no actual or threatened retaliation against whistleblowers, from anyone, in any way. Anyone involved in such conduct will be subject to the relevant disciplinary procedures.
23. Further to paragraph 3.3, at the end of the process, where concerns have been raised, the results of any investigation will be reported to the Finance & General Purposes Committee and the Audit Committee, as well as to the Whistleblower. Sometimes, however, it may not be possible to reveal the full extent of the investigation and its outcome.

A Whistleblower will be given an explanation where action is not taken.

24. If a Whistleblower is uncertain whether something is within the scope of this Policy, they should seek advice from the Designated Officers. Alternatively, if a Whistleblower wants independent advice at any stage they may contact the independent whistle blowing charity 'Protect' on 020 3117 2520 <https://protect-advice.org.uk> Their lawyers can give free, confidential advice at any stage about how to raise a concern about serious malpractice.

*Originally drafted May 2010*

*Reviewed May 2018*

*Reviewed May 2020*

*Revised following Audit Committee October 2020*

*Reviewed October 2021*

*Reviewed September 2023*

*Revised August 2024 reflecting the Higher Education (Freedom of Speech) Act 2023*