

Conservatoire for Dance and Drama

Whistleblowing Policy

Introduction

CDD is committed to the highest standards of openness, probity and accountability. It seeks to conduct its affairs in a responsible manner taking into account the requirements of the funding bodies and the standards in public life set out in the reports of the Nolan Committee.

Normally any concern about a workplace situation should be raised with the employee's immediate manager. In the case of students, concerns would normally be raised through the complaints procedures. However, it is recognised that because of the seriousness and sensitivity of some issues, together with the knowledge of who the employee (or student) thinks may be involved in wrongdoing, this may be difficult or even impossible.

The Public Interest Disclosure Act 1998 gives legal protection to employees against being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns provided that they are disclosed under procedures identified in the Act. It is a fundamental term of every contract of employment that an employee will faithfully serve his or her employer and not disclose confidential information about the employer's affairs. However, where an individual discovers information which they believe shows malpractice/wrongdoing within the organisation then there should be identified procedures to enable the individual to disclose the information without fear or reprisal, and it may be necessary for the disclosures to be made independently of line management.

This policy sets out arrangements for individuals to raise serious concerns about malpractice or serious wrongdoing in ways which will protect them from reprisal. This policy is intended to meet the requirements of the Act but it goes further in two aspects. First, it extends the list of concerns where a protected disclosure may be made beyond those identified in the Act. Second, it extends protection for disclosure beyond employees to students and to other members of the Conservatoire.

It should be emphasised that this policy is intended to assist individuals who believe they have discovered malpractice or serious wrongdoing provided that they make the disclosure in accordance with the policy. It is not designed to question financial or business decisions taken by the Conservatoire nor may it be used to reconsider any matters which have already been addressed under harassment, complaint or disciplinary procedures. Individuals who make disclosures outside the arrangements set out here will not be protected under this policy and may not be protected under the Act.

Scope of Policy

This policy is designed to enable employees or other members of CDD to raise concerns or disclose information which the individual believes shows malpractice.

A number of policies and procedures are already in place including grievance, discipline, complaints and guidelines for dealing with harassment. This policy is intended to cover concerns which are in the public interest and may (at least initially) be investigated separately but might then lead to the using of such procedures. These might include:

- financial malpractice or impropriety or fraud
- failure to comply with a legal obligation
- dangers to health and safety of the environment
- criminal activity
- miscarriage of justice
- academic malpractice
- improper conduct or unethical behaviour
- attempts to conceal any of the above.

This is not intended to be a comprehensive list and any matters raised under this policy will be considered seriously.

Safeguards

Protection

This policy is designed to offer protection to those employees or other members of CDD who disclose such concerns provided the disclosure is made:

- i. in accordance with the procedures laid down
- ii. in good faith, and
- iii. in the reasonable belief of the individual making the disclosure that it tends to show malpractice.

Confidentiality

CDD will treat all such disclosures in a confidential and sensitive manner. The identity of the individual making the allegation may be kept confidential so long as it does not hinder or frustrate any investigation. However, the investigation process may reveal the source of the information and the individual making the disclosure may need to provide a statement as part of the evidence required.

Anonymous Allegations

This policy encourages individuals to put their name to any disclosures they make. Concerns expressed anonymously are much less powerful, but they will be considered at the discretion of CDD.

In exercising this discretion, the factors to be taken into account will include:

- the seriousness of the issues raised;
- the credibility of the concern; and
- the likelihood of confirming the allegation from alternative credible sources.

Untrue allegations

If an individual makes an allegation in good faith, which is not confirmed by subsequent investigation, no action will be taken against that individual. If, however, the investigation shows that an individual has made malicious or vexatious allegations, and particularly if he or she persists with making them, disciplinary action may be taken against the individual concerned.

Procedures for Making a Disclosure

Initial Step

The individual should make the disclosure to the Clerk to the Governors (the designated person). If, however, the disclosure is about the Clerk to the Governors then the disclosure may be made either of the Joint Principals or the Chair of Board.

If the individual does not wish to raise the matter with any of the above then they may raise it with the Chair of the Audit Committee. The names of the Chair of Board and the Chair of the Audit will be found on the Conservatoire website or in statutory accounts Correspondence should be sent to the Conservatoire office but marked 'Personal and Confidential' to ensure that it is not opened by staff.

Actions to be taken

The person to whom an allegation is made must make a record of its receipt and of what action is taken. Allegations should normally be the subject of a preliminary investigation, either by the person to whom the allegation was made or, more usually, by a person or persons appointed by him/her. The investigation should not be carried out by the person who may ultimately have to reach a decision on the matter.

Where no investigation is carried out and the allegation is effectively dismissed, the person making the allegation should be informed and given the opportunity to repeat the allegation to some other person in the institution. This need not be done where the allegation is dismissed after investigation.

The person(s) against whom the allegation is made must also be told of it and told of the evidence supporting it. They will be allowed to comment before the investigation is concluded and a report made. The results of the investigation must be reported to the audit committee.

Any person making an allegation will be guaranteed confidentiality until a formal investigation is launched. Thereafter the identity of the person making the allegation may be kept confidential, if requested, unless this is incompatible with a fair investigation, or if there is an over-riding reason for disclosure (eg if there is police involvement).

Provided the allegation has been made lawfully, without malice and in the public interest, the employment position of the person will not be disadvantaged through making an allegation.