

# ROYAL COLLEGE OF ART

## Public Interest Disclosure (Whistleblowing) Policy

### 1. Introduction

- 1.1 The College 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 Committee on Standards in Public Life (the Nolan Committee).
- 1.2 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. 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 he or she believes shows malpractice or wrongdoing within the organisation, then this information should be disclosed without fear of reprisal. Such disclosure may be made independently of line management.
- 1.3 This policy is intended to assist individuals who believe they have discovered malpractice or impropriety. It is not designed to question financial or business decisions taken by the College, nor may it be used to reconsider any matters which have already been dealt with under any grievance or disciplinary procedure.
- 1.4 Although the Public Interest Disclosure Act applies only to 'workers', the College believes that it is important that the policy and its procedures should apply to all persons officially connected with the College, including students and independent members of Council as well as visiting lecturers and temporary staff.
- 1.5 Students and staff should report concerns relating to bullying and harassment, sexual misconduct, hate crime and discrimination using the College's [Report + Support](#) portal. Such disclosures will be investigated according to the procedures set out in the Report + Support portal, which also provides information on the support available to those making reports.

### 2. Scope of the Policy

- 2.1 The policy is designed to allow members of the College to raise concerns at a high level or to disclose information which the individual believes may show malpractice.
- 2.2 The policy is intended to cover concerns which are in the public interest and are not appropriately dealt with under existing disciplinary and grievance procedures. These might include:
  - financial or non-financial malpractice, impropriety or fraud;

- failure to comply with a legal obligation or with the Statutes, Ordinances and Regulations of the College;
- serious health and safety risks
- damage to the environment;
- criminal activity;
- academic or professional malpractice;
- miscarriage of justice;
- improper conduct or unethical behaviour;
- attempts to suppress or conceal information relating to any of the above.

### **3. Safeguards**

#### **3.1 Protection**

This policy is designed to offer protection to those members of the College who disclose concerns in the public interest provided that the disclosure is made in good faith and in the reasonable belief of the individual making the disclosure that it reveals prima facie evidence of malpractice. The disclosure must not be made for reasons of personal gain and in the circumstances it must be reasonable to make the disclosure. Such individuals will be protected if they make the disclosure to the appropriate person (see section 4 below).

#### **3.2 Confidentiality**

The College will treat all such disclosures in a confidential and sensitive manner. The identity of the individual making the disclosure will initially be kept confidential. However, any investigation process may reveal the source of the information, and the individual making the disclosure may need to provide a statement in order for the matter to be pursued effectively.

#### **3.3 Anonymous Allegations**

This policy encourages individuals to put their names to any disclosures they make. Concerns expressed anonymously are much less powerful, but they will be considered if they appear to be serious, credible and capable of being confirmed by other credible sources.

#### **3.4 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, an individual makes malicious or vexatious allegations, does not act in good faith, or makes the allegations for the purposes of personal gain, disciplinary action may be taken against the individual concerned.

### **4. Procedure for Making a Disclosure**

#### **4.1 Initial Steps**

If making the disclosure to the line manager is inappropriate or has proved ineffective the individual should make the disclosure to the College Secretary who has been designated by the Council as the person responsible for considering such allegations. All disclosures will be acknowledged within 3

working days. If, however, the disclosure is related to the College Secretary, then the disclosure may be made to the Chief Operations Officer. If the individual does not wish to make the disclosure to either of the above he or she may raise the matter with the Chair of the Audit & Risk Committee, who can be contacted through the College's internal auditors:

Ben Connor  
PwC | Director  
Mobile: +44 07889 644 879  
Email: benjamin.e.connor@pwc.com  
PricewaterhouseCoopers LLP  
One Chamberlain Square, Birmingham, B3 3AX

Alternatively, if the individual wishes to remain completely anonymous, they can make a disclosure using the Expolink **reporting system**. The Expolink web-based reporting system provides a safe and secure mechanism to report any concerns that you may have regarding issues arising within your workplace: <https://wrs.expolink.co.uk/rca>

#### 4.2 Process

A Response Group will consider the information available and decide if there is a prima facie case to answer. The Response Group will usually be made up of the Chief Operating Officer and the College Secretary. In the event of one of the officers of this Group being included within the disclosure, or not being available, the President and Vice Chancellor will appoint a replacement. Where the President & Vice-Chancellor is included within the disclosure, the Chair or Deputy Chair of the Council (or an appropriate member nominated by the Chair or Deputy-Chair of Council) would be included within the Response Group

Having received a disclosure, the Response Group will decide whether an investigation should be conducted and what form such an investigation should take. This will depend on the nature of the matter raised, and may include an internal investigation, an independent inquiry or referral to the Police.

#### 4.3 Investigation

An initial investigation to establish all the relevant facts may be conducted by an independent officer of the College, who will report their findings to the Response Group. Investigations should not be carried out by the person who will have to reach a decision on the matter. Any investigation will be carried out as sensitively and speedily as possible.

The person nominated to conduct the investigation will report their findings to the Response Group. Where allegations are made against members of staff, matters will be followed up in accordance with relevant HR procedures. This will include permitting the member of staff to be accompanied by an RCA colleague or TU Representative during any interview undertaken as part of the investigation. In cases where the person making the disclosure (the

whistle-blower) agrees to be interviewed, they also may be accompanied by a trade union representative or colleague.

- 4.4 The Response Group will consider the results of the investigation and may then invoke an internal procedure (e.g. disciplinary) or refer the matter to an external authority for further investigation

4.5 Decision

The College Secretary or designated person will inform the individual who made the disclosure what action is to be taken. If no action is taken then the individual concerned should be informed of the reason for this and allowed the opportunity to remake the disclosure to the Chair of the Council. The Chair of the Council will decide on an appropriate course of action based on the information available.

4.6 Reporting of Outcomes

A record of all disclosures, and subsequent actions taken, will be kept by the Director of People & Culture who will retain such records for not less than three years. In all cases a report of the outcomes of any investigations will be made to the Audit & Risk Committee.

4.7 Appeals

Either the whistleblower or those implicated in the report may appeal to **Chair of Audit & Risk Committee** in writing within 21 working days of receiving confirmation of the outcome of the investigation. Any appeal not lodged within this timeframe will not be considered. The person who appealed (“appellant”) will be invited to an appeal meeting, at which they can be accompanied by a work colleague or trade union representative.

The meeting will be chaired by an individual who has not been previously involved in the investigation. The person chairing the meeting will review the original findings, including the Investigating Officer’s report and all relevant evidence. The appellant will have the opportunity to raise and justify his or her concerns about the original findings and present any new evidence. A decision will be given either verbally at the meeting or as soon as practicable afterwards. The appeal decision will be final.

If the whistleblower considers that the reported concern has not been dealt with diligently, was not dealt with within the required timeframe or no appropriate action was taken despite the internal review confirming that there had been a breach, the whistleblower may wish to consider reporting the matter to the relevant Competent Authority in the applicable jurisdiction.

5. **Training**

Members of the College who have investigative responsibility for handling whistleblowing referrals should be subject to investigation training and additional guidance on how to conduct and record an investigation.

**Policy owner:** College Secretary

**Approval route:** Executive Board, Audit & Risk Committee

**Date of approval:** November 2024

**Date of next review:** November 2027

**Related guidelines and procedures:**

Financial Regulations

Anti-Bribery Policy

Counter-fraud Policy and Fraud Response Plan

Anti-Money Laundering Policy and Procedures.