

RADA

Royal Academy of Dramatic Art

Whistleblowing Policy

General Information

1. RADA commits to the highest standards of openness, probity and accountability. It also seeks to conduct all and any affairs in a responsible manner, taking into account the requirements of the Office for Students (OfS) and the standards expected of institutions in public life, as set out in the Nolan Principles (See Appendix 1).
2. Members of staff and students may be the first to realise that there is a serious issue within the Academy. If you are in this situation, you may feel unable to express your concerns because you think that speaking up might be in some way disloyal to colleagues, or that there might be some reprisal. In these circumstances it may feel easier to try to ignore the concern rather than report what could just be a suspicion of wrongdoing. **All members of the RADA community are encouraged to raise genuine concerns about wrongdoing at the earliest opportunity and without fear of reprisal regardless of the outcomes.** This policy aims to provide the means of doing this.
3. RADA staff and students have legal protection against being dismissed, penalised or their studies terminated as a result of disclosing serious concerns to the Academy. Where a staff member or student discovers information which they believe raises serious concerns as outlined in paragraph 7 below, then this information should be disclosed without fear of repercussions and may be made independently of line management/ course team structure.
4. The Public Interest Disclosure Act 1998 (see also 9 below) only covers 'workers' (ie. staff and those who have personal contracts to provide services to RADA). The Academy extends this policy to cover all persons officially connected with RADA, including students, Council members and individuals or organisations engaged in the regulation of RADA. Where used henceforth in this policy the term 'worker' is taken to mean any of the above parties.

Policy Scope

5. The aim of this policy is to ensure that RADA has fit and proper procedures for reporting and dealing with information that would be covered under the policy. Additionally, this policy serves to safeguard the interests of both the individual making the disclosure and RADA. Its aims are to:
 - encourage staff and students to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate
 - provide guidance on how to raise those concerns

- reassure staff and students that they can raise genuine concerns without fear of reprisal even if they turn out to be mistaken.
6. Note that the term “whistleblowing” has no legal definition. However, it is a widely used term with which you may be familiar. It is used in this policy to describe the process of an individual disclosing an alleged wrongdoing (as defined below) within the Academy, the handling of which would be subject to this policy. A *whistleblower* is a person who raises such a concern.
7. The policy covers genuine serious concerns relating to an actual or potential danger such as fraud or illegal/unethical conduct which may (at least in the first instance) be investigated under this policy. However, should the investigator deem it appropriate, then the matter may be passed to other procedures (e.g disciplinary procedure). Matters which can be raised under this policy that would be considered as a protected disclosure are:
- a criminal offence
 - breach of a statutory, legal or regulatory obligation
 - a miscarriage of justice
 - failure to disclose a serious conflict of interest
 - danger to the health and safety of one or more individuals, including anyone external to RADA (eg members of the public attending productions etc)
 - damage to the environment
 - breach of fire safety practices, eg compromising accessibility to a building or evacuation procedures
 - any matter that would require RADA to contact the police
 - deliberate concealment of information, including in relation to any of the above.

Note that personal grievances (for example bullying, harassment or discrimination) are *not* covered by whistleblowing law. They are legitimate grievances, but unless a case of these behaviours is in the public interest they should be pursued according to the Staff Grievance Procedure or the [Student Non-Academic Misconduct Procedure](#). Concerns about the handling of your own personal data by RADA would be unlikely to form a whistleblowing disclosure, unless it presented wider issues in the public interest. These matters should be pursued according to the Staff Grievance Procedure or the Student Complaints Procedure.

8. A qualifying disclosure will be protected provided the worker:
- makes the disclosure in good faith
 - reasonably believes that the information disclosed, and allegation contained within, are substantially true.
9. The Public Interest Disclosure Act provides legal protection to prevent individuals being penalised as a result of making a qualifying disclosure (‘whistleblowing’). For any disclosed issues that are part of RADA activity, the Act, and this policy, apply regardless of where the alleged matters have taken place (on or off site, or outside the UK) or when they occurred. However, in the case of the latter, it is imperative that genuine concerns are disclosed as soon as possible to aid investigation although we accept that at the time the matter comes to your attention it may have occurred some time ago – this should still not inhibit you from raising your concerns.

Safeguards:

Protection

10. This policy is designed to offer protection to those workers (and other officially contracted individuals/organisations) who disclose such concerns provided that, within reasonable belief, the disclosure:
 - is made in the public interest
 - appears to relate to conduct as defined by or similar to that listed in paragraph 7
 - is made to the Designated Officer as defined by this policy (see 18 and after).
11. Anyone making a disclosure in line with the procedure described below will be afforded protection by RADA from disciplinary (or any other) action providing the disclosure is made to a Designated Officer (see paragraph 18 below and after). RADA cannot legally penalise or dismiss a worker for making such a disclosure; workers are also protected against victimisation and harassment by colleagues for making a qualifying disclosure. If this occurs, the provisions of the Respect at RADA policy framework apply.
12. Action of any kind deemed to be inappropriate towards a student or member of RADA staff making a disclosure will result in disciplinary action, including but not limited to final written warning and dismissal without notice.
13. Whilst there is no official government guidance about what is meant by 'disclosures made in the public interest', staff and students should be aware that a disclosure will not necessarily be categorised as made in the public interest purely because it conveys information that *may* be of interest. The procedure below must establish that, beyond reasonable doubt, the disclosure is made for the good of the RADA community, the public or in the interests of society.

Confidentiality

14. RADA will treat any protected disclosure in a confidential manner. If you make a disclosure, by request your identity will be kept confidential so long as it does not hinder investigations. If it is deemed necessary, and in the interests of fairness, we may disclose your identity to any persons against whom the allegations are made. RADA will not normally consider anonymous disclosures; however, if an anonymous disclosure is deemed serious enough to pursue, it will likely be very difficult to progress it sufficiently without knowledge of the discloser's identity.

Unsubstantiated or Vexatious Allegations

15. If you make a disclosure with the reasonable belief you are doing so in the best interests of the RADA community and the public, you must bear in mind it may be either dismissed by a Designated Officer (ie not taken forward), or not confirmed by subsequent investigations. Even if this is the case, there will be no disciplinary or any other punitive action taken against you. This situation is distinct from making allegations deemed to be defamatory, vexatious or malicious. A person making such allegations is unlikely to warrant legal protection from third parties. If the allegations are deemed vexatious or malicious, or are being made for personal gain, disciplinary action may be taken against the discloser, particularly if the vexatious allegations are made persistently.

External Disclosure

16. The law recognises that in some circumstances it may be appropriate for an individual to report their concerns to an external body such as a regulator. RADA also accepts that in certain circumstances you may feel inhibited or unable to report your concerns internally, and that you prefer to pursue the matter outside the Academy and its processes. If you are considering reporting a concern externally RADA strongly urges you to seek advice first – see 35-36 below for guidance on external organisations who may be able to help. (They can also be contacted for general guidance, even when you already intend to report internally). Note that it will rarely, if ever, be appropriate to disclose your concerns to the media – the Information Commissioner’s Office advises that disclosures to the media will likely compromise protection afforded by the Public Interest Disclosure Act.

Responsibility

17. RADA Council has overall responsibility for this policy and periodic review of its effectiveness. The Designated Officers (see below) have ‘day-to-day’ operational responsibility for the policy and will make a joint annual report to Council on that year’s operation of the policy, including a summary of any disclosures and their outcomes subject to the obligations of confidentiality set out above.

Disclosure Procedure

18. This procedure does not supersede any existing procedures relating to complaints or bullying and harassment, nor may it be used to reconsider matters which have already been addressed under another RADA policy and/or procedure. If the Designated Officer believes that the information you provide would be more appropriately addressed under another procedure then you will be directed to the correct policy/procedure. In this instance, such matters will not be considered under this policy; nor if the matter involves the right to appeal or complain to the Office of the Independent Adjudicator for Higher Education (OIA).
19. The Director of RADA delegates the authority to pursue the investigative procedure set out below to other members of the Senior Leadership Team (see 21 below), provided that the allegations are not relating to that party.

Stage One: Making a Disclosure

20. A worker (as defined in paragraph 4) may make a disclosure to the Designated Officer. If you are making a disclosure please ensure you provide as much written detail and any supporting evidence you have.
21. The Designated Officer shall be the Registrar for student cases and the Director of Finance and Operations for staff cases.
22. Where the disclosure pertains to the Designated Officer or a matter in which they are involved in then the disclosure may be made to the Director of RADA, who shall assume the authority of the Designated Officer until the conclusion of the matter. Should the disclosure involve the Director of RADA, then the Chair of Council shall become the Designated Officer for the duration of the matter.

Stage Two: Consideration

23. The Designated Officer shall consider the information presented to them and may:

- decide not to proceed with the matter;
- authorise an initial investigation under this policy;
- refer the matter to another policy within RADA; or
- refer the matter to the relevant authorities.

24. Where a disclosure is made regarding an individual the Designated Officer shall, at their discretion, determine whether it is appropriate to inform the individual concerned, as this may be necessary in order to complete the decision-making process in 23 above. If so, the individual will be presented with all details of the disclosure including all supporting evidence. The response formally acknowledging the disclosure will be made to you within **five working days**.

25. A decision on how to proceed under 23 above shall be made within **20 working days** of the disclosure being made. Should a delay be likely in this process then the Designated Officer will inform both parties in writing, detailing the reasons for the delay.

Stage Three: Investigation

26. The Designated Officer should nominate a person or persons to carry out an initial investigation to assist in the decision on how to proceed. This may be another member of the Senior Leadership Team or other senior officer of RADA considered to be suitably qualified, however may not include anyone who may likely have to be interviewed to assist with decision-making on the matter at a later stage.

27. The findings of this initial investigation shall be reported to the Designated Officer as soon as is practical from the date of the disclosure. If this initial investigation will be delayed, then the Designated Officer will inform, in writing, the person making the disclosure and any person subject to the allegation of the reasons for the delay.

28. Note that during the investigation you may be required to give evidence, make representation or co-operate with the investigation eg via a meeting with an investigating officer. If so, you may be accompanied by a trade union official or a work colleague if you are a staff member, or a student representative or a member of Student and Academic Services if you are a student.

29. If the disclosure relates to one or more individuals, they shall be given the opportunity to make representation to the investigator and be represented by a trade union official or work colleague.

Stage Four: Decision by the Designated Officer

30. Having received the report from the initial investigation, the Designated Officer will decide on the best course of action. Depending on the content of the report, and considering other influential circumstances, the Designated Officer may:

- decide not to proceed with the matter;
- refer matters to another RADA policy/procedure; or
- refer the matter to the appropriate authorities.

31. The Designated Officer will, in writing, inform the person making the disclosure of the outcome within **ten working days**. Additionally, if the Designated Officer deems it appropriate, the persons to whom the disclosure relates will be informed, in writing, of the decision.
32. A decision by the Designated Officer concludes the process under this policy. Should any further evidence be presented to the Designated Officer then it will be at their discretion whether to reconsider the position or not.
33. A disclosure may require immediate referral to an external body for consideration and investigation (for example the police, Health & Safety Executive, National Audit Office, or relevant funding body), and in such cases the external body's processes shall be followed with precedence. Such referral may be necessary following the conclusion of the investigation. A decision to refer will be made by the Designated Officer, in consultation with the Director and the Chair of Council.

If a person making a disclosure is dissatisfied with the outcome

34. If you have disclosed a concern RADA will follow the above process in a fair and appropriate manner. However, it cannot be guaranteed that you will be satisfied with the outcome. There is no internal review or appeal process for any decision made by the Designated Officer but if you are concerned about the way in which your disclosure has been handled you may raise it with the Designated Officer or one of the external advisory bodies listed below.

External organisations

35. The independent charity **Protect** (formerly Public Concern at Work) are leading experts in whistleblowing and provide free confidential advice for individuals who witness serious wrongdoing in their workplace or place of study but are unsure how to raise their concerns. They also provide advice and information on whistleblowing law and help to individuals who face victimisation for whistleblowing. They can be contacted at protect-advice.org.uk / 020 3117 2520 (contact hours shown on the website) and have a list of case studies at protect-advice.org.uk/case-studies/.
36. Other external organisations who may be contacted are listed below. As mentioned above, these are examples of bodies to whom you can report any dissatisfaction with outcomes of the internal process, and they may even be contacted by RADA following the conclusion of the procedure if this is appropriate. If you feel inclined to approach these bodies *before* proceeding with the internal process, you are strongly advised to contact Protect (see 35 above) for advice on this before doing so.

- Office for Students (OfS)
- Quality Assurance Agency for Higher Education (QAA)
- Information Commissioner's Office
- HM Revenue & Customs
- Financial Conduct Authority
- Office of Fair Trading
- Health and Safety Executive
- Environment Agency
- Director of Public Prosecutions
- Serious Fraud Office

Appendix 1

In 1994, the UK government established a Committee on Standards in Public Life. The committee was chaired by Lord Nolan, and was tasked with making recommendations to improve standards of behaviour in public life. The first report of the committee established the seven principles of public life, also known as the “Nolan Principles”.

- Selflessness – Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other 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 seek to 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 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.

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