

# **The London Film School's Whistleblowing Policy**

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## **1. Purpose and Scope**

- 1.1 The London Film School (the School) is committed to the highest standards of quality, probity, openness and accountability. We wish to take active measures to deter fraud, corruption and malpractice within the organisation.
- 1.2 As part of that commitment, and in line with the provisions of the Public Interest Disclosure Act (1998), we actively encourage employees or others with serious concerns about any aspects of our work to come forward and express those concerns.
- 1.3 In most cases, we would hope that concerns and complaints will be dealt with through our normal processes and mechanisms for internal communication and for resolving grievance matters. However, in some cases we recognise that individuals may need to come forward on a confidential basis to disclose serious concerns and/or suspected malpractice. It is our policy to ensure that – provided these concerns are expressed in an appropriate way – appropriate action is taken and that the person voicing the concern does not suffer any detriment as a result.
- 1.4 This policy is designed to provide guidance to anybody who works within the School who may feel that they need to raise serious concerns in relation to matters listed below, and where the School's normal procedures through the line management structure have either failed or are inappropriate.
- 1.5 An instruction to cover up wrongdoing is itself a disciplinary matter. If told not to raise or pursue any concern, no employee should agree to remain silent. They should raise the matter within the terms of the procedures set out under Section 5 (Informal Procedure) and/or Section 6 (Formal Procedure) below.
- 1.6 This policy covers all employees, agency staff, volunteers, contractors and consultants, and Board members. Therefore, the policy refers to anybody raising a concern as the 'complainant' rather than the 'employee'.
- 1.7 This policy does not form part of any individual employee's contract of employment with the School.

## **2. What is Whistleblowing?**

- 2.1 Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. The complainant will make a "qualifying disclosure" where they have a reasonable belief that one of the following sets of circumstances is occurring, has occurred, or may occur within the School, and they reasonably believe that the disclosure is in the public interest:
  - That a criminal offence has been committed, is being committed or is likely to be committed in connection with the work of the School.
  - That in connection with their work at the School a person has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject.
  - That a miscarriage of justice has occurred, is occurring or is likely to occur, directly or indirectly, from the work of the School.
  - That the health and safety of any individual has been, is being, or is likely to be endangered and the matter has not been properly addressed through the School's normal health and safety management procedures.

- That the environment has been, is being or is likely to be damaged as a result of any aspect of the work of the School.
- That 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.

2.2 Irrespective of any statutory protection from unfair dismissal or from suffering any other detriment as a result of raising concerns above, the School undertakes not to subject any person to any detriment or victimisation as a result of raising these concerns or the additional concerns listed. Where it is alleged that a manager or another employee has subjected a complainant to detriment or victimisation, this will be investigated under the School's Disciplinary Policy and if substantiated will normally be treated as gross misconduct.

### **3. Exceptions**

3.1 This policy should not be used for complaints relating to your own personal circumstances, such as the way you have been treated at work. In these cases you should use the School's Grievance Policy.

3.2 The protection afforded to complainants will not exist, either as a statutory right or within the terms of this policy, if:

- The complaint is made maliciously.
- A complaint is pursued frivolously or for personal gain.
- The complaint concerns information which the complainant knows to be false.
- Disclosure is made to an outside body without first invoking the procedure set out below, unless there is a genuine concern that to pursue the procedure would be inappropriate, or previous attempts do so has failed (Disclosures made to the complainant's legal adviser in the course of obtaining legal advice will be protected).
- There is an inappropriate breach of confidentiality by the complainant or their representative.

3.3 In cases of the above, the School reserves the right to take disciplinary action against the complainant as may be appropriate.

### **4. Confidentiality**

4.1 Any person raising a concern under this procedure, and any representative of the School responding to it, is required to respect the confidentiality of the concern. In particular, this means:

- Whilst peers may be consulted for guidance on a confidential basis, the information will be formally shared only with the nominated representatives of the School, the complainant's trade union representative or legal adviser, who will be equally bound by this requirement of confidentiality.
- Any response to the concerns will be confined by the School to the complainant and representative or adviser, and to others to secure appropriate action on a strictly limited need-to-know basis.
- Only in extreme circumstances, where the complainant is of the view that there is an overriding public interest in relation to a concern that has not been, or will not be, properly addressed by the School, may information be shared with an outside agency, in accordance with the formal procedure below.

## 5. Informal Procedure

5.1 If somebody has a concern within the terms of this policy, they may in the first instance wish to approach one of the following for confidential advice and support in taking the matter forward:

- Their line manager
- Trade Union representative
- Human Resources Department

5.2 The objective of anybody being asked for such support should be:

- To help the complainant to take the most appropriate steps within the terms of this policy and procedure.
- To handle the matter with sensitivity to the position of the complainant and any fears they might have in relation to their own safety or career.
- At the same time to be aware of the rights of others involved, including the right to confidentiality, and the right to have their side of the story heard if the matter is pursued under the formal procedure.

## 6. Formal Procedure

6.1 Immediately on becoming aware of concern sufficiently serious to be covered by this policy (after seeking initial informal advice as above if required), the complainant should write to one of the nominated persons listed below, or speak directly to them following this up with written confirmation if requested. The complainant may, if they wish, be accompanied by a colleague or Trade Union representative.

6.2 A nominated person receiving such a concern should accord the matter the highest priority and take appropriate action as soon as possible.

6.3 In circumstances where it is apparent to the nominated person that the concern raised is continuing and staff or students are at undue risk, the nominated person should take steps to ensure that any immediate risk is alleviated. These actions could be temporary whilst the concern is investigated.

6.3 **Nominated Persons:** The person to whom a concern should be addressed will normally be as set out below. In the absence of a specified person or if the nominated person fails to address the concern, the complainant should take the concern to another person on the list.

- In most instances, the concern should be addressed to the Director.
- If the concern is about the Director, the Management Team as a whole, and/or a member of the Board, the concern should be addressed to the Chair of the Board.
- If the concern relates to the Chair of the Board, the concern should be raised with the Chair of the Audit Committee.

6.4 It will be the responsibility of the nominated person to take such action as may be thought fit, which in the first instance is likely to be in the form of seeking advice on how to proceed from a relevant source, depending on the issue, and conducting some initial investigations. The complainant should be advised of the outcome. The School will aim to keep the complainant informed of the progress of the investigation and its likely timescale. It must be borne in mind that if someone is potentially being accused of misconduct then:

- It will take time to investigate their side of the story.
- In informing a complainant of outcomes or progress, the confidentiality of others has to be respected.

6.5 The nominated person must deal with the matter with full sensitivity to the position and rights of all involved. The support needs of both the complainant and the subjects of any complaint should be considered fully and appropriate measures taken to address these.

6.6 If the complainant is not satisfied that appropriate action has been taken, they may approach the Chair of the Board (or, if the Chair has already been involved, the Chair of the Audit Committee). The complainant should be advised of the outcome of that further referral.

## **7. External Disclosure**

7.1 The aim of this policy is to provide an internal process for reporting, investigating and addressing any wrongdoing in the workplace. In most cases, external disclosure should not be necessary. The School strongly encourages the complainant to seek advice before reporting a concern to anyone external.

7.2 If the complainant is still not satisfied, or if they have genuine grounds to believe that it would be inappropriate or pointless to pursue the stages above, a qualifying disclosure may be made to one of the prescribed regulators set out in Public Interest Disclosure (Prescribed Persons) Order 1999 SI 1999/1549, e.g.:

- The Charity Commissioners for England and Wales
- Companies House
- The Information Commissioner
- Health & Safety Executive
- Her Majesty's Revenue & Customs (HMRC)

7.3 For guidance on making disclosure outside the School through prescribed regulators, the complainant can contact Protect (formerly Public Concern at Work), CAN Mezzanine, 7-14 Great Dover Street, London SE1 4YR. Telephone: 0207 404 6609, Email: [whistle@protect-advice.org.uk](mailto:whistle@protect-advice.org.uk). This is an independent charity offering confidential advice to anyone concerned about possible malpractice in their organisation. The complainant may, alternatively, wish to seek advice from their Trade Union representative or independent legal advisor.

7.4 Information arising from a whistleblowing complaint that subsequently leads to a disciplinary, grievance or other investigation will be dealt with in accordance with the arrangements set out in the School's normal procedures for handling such matters (for example disciplinary or grievance policies). Certain complaints may be dealt with through the police and or the courts.