
Public Interest Disclosure (Whistleblowing) Policy

Responsible Person	Jonny Persey, Director
Approving Body	Board
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Date of Effect	11 th September 2019
Updated	n/a
Next Review Date	Every 4 Years
Queries	complaints@metfilmschool.ac.uk

Introduction

- The School is committed to the highest standards of openness, probity and accountability and encourages a free and open culture in dealings between its officers, employees and all people with whom it engages in business and legal relations. In particular, the School recognises that effective and honest communication is essential if concerns about breaches or failures are to be effectively dealt with and the organisation's success ensured. It seeks to conduct its affairs in a responsible manner taking into account the requirements of the funding bodies and the standards set out in our governance framework.
- The Public Interest Disclosure Act 1998 (the Act) gives legal protection to employees and former employees against being dismissed or penalised as a result of publicly disclosing certain serious concerns. It aims to promote greater openness in the workplace. Where an employee discovers information which they believe shows malpractice/wrongdoing within the School then they should be free to disclose this information without fear of reprisal, and – if they choose - independently of line management.
- It is expected that an employee, student or other person associated with the School will be loyal to it and not disclose confidential information about its affairs; where an individual discovers evidence of wrongdoing, the School will ensure that they may speak freely to a designated officer to report the matter and will treat all concerns raised fairly and properly. This procedure enables individuals to bring such issues to the attention of a senior member of the School and it is reasonable to expect the procedure to be followed rather than for concerns to be raised outside the School. However, employees who raise genuine concerns under this policy will not under any circumstances be subjected to any form of detriment or disadvantage as a result of having raised their concerns.

Scope of Policy

- This policy is designed to allow employees or other members of the School to raise concerns and/or disclose information which he/she believes shows malpractice or wrongdoing and to provide guidance to all those who work with or within the organisation who may from time to time feel that they need to raise certain issues relating to the organisation with someone in confidence.
- This policy is intended to cover concerns which are in the public interest which might include:
 - financial malpractice or impropriety or fraud
 - failure or likely failure to comply with a legal obligation or with the Instrument and Articles of Association of the School
 - dangers or likely dangers to health and safety or the environment
 - criminal activity or likely criminal activity
 - modern slavery allegations
 - academic or professional malpractice
 - improper conduct or unethical behaviour
 - attempts or likely attempts to conceal any of the above.If in the course of the investigation a concern raised appears to relate more appropriately to other procedures, these will be invoked. Where it is unclear which Procedure applies, the decision of the designated person will be final.
- The policy is not designed to question financial or business decisions taken by the School, nor may it be used to reconsider any matters which have already been addressed under harassment, complaint, grievance or disciplinary procedures.
- It is also not applicable to the concerns of an employee about their personal relationship with the School, where there is no additional public interest dimension. Such concerns should be raised through the Grievance Procedure.
- Where the concern is related to child protection issues the matter should be reported to a designated safeguarding officer and dealt with under the School's Safeguarding Policy.

Safeguards

- The Public Interest Disclosure Act gives legal protection to employees against dismissal or other detriment by their employer or fellow worker as a result of disclosing certain concerns. This Policy provides protection to employees who disclose such concerns provided the disclosure is made in the reasonable belief of the employee making the disclosure that it tends to show malpractice and is in the public interest.
- If an employee makes a disclosure which he or she reasonably believes is in the public interest and tends to show malpractice and is in the public interest, which is not confirmed by subsequent investigation, no action will be taken against that employee. If, however, an employee makes a disclosure which does not satisfy those criteria, and particularly if he or she persists with making them, disciplinary action may be taken against the employee concerned.
- Employees may be personally liable if they subject a worker to any kind of detriment on the grounds that s/he has made a protected disclosure and the School will take all reasonable steps to protect employees from any form of harassment for making a disclosure.

Anonymous Allegations

- This policy encourages employees to put their name to any disclosures they make. However, the School will consider anonymous allegations in line with the procedures set out below, provided that there is sufficient information to enable an investigation. An anonymous allegation cannot be explored in more detail and therefore consideration of the matters raised may be limited.

Confidentiality

- The School will treat all such disclosures, insofar as is possible, confidentially. The identity of the employee making the allegation may be kept confidential as long as it does not hinder or frustrate any investigation. It is likely that an investigation will be necessary and the employee who has made the disclosure may be required to attend an investigatory hearing and/or a disciplinary hearing (as a witness) and/or provide a statement as part of the evidence that may be necessary. Appropriate steps will be taken to ensure that the employee's working relationships are not prejudiced by the fact of the disclosure.

External disclosures

- The aim of the Policy is to provide an internal mechanism for reporting, investigating and remedying any malpractice. In most cases employees should not find it necessary to report their concerns outside the School. The law recognises that in some circumstances it may be appropriate to report concerns to an external body such as a funding body, the Health and Safety Executive or a regulatory body. It will very rarely, if ever, be appropriate to alert the media.

Making a disclosure

- The employee should make the disclosure to the designated person.
- The designated person is the CEO. If the disclosure is about the CEO, then the disclosure should be made to the Director. If the disclosure is about the Director, then the disclosure should be made to the Chair of the School.
- Where there is a valid reason for not making the disclosure to the designated person, the employee may make the disclosure to the Chair of the Audit Committee.
- The Public Interest Disclosure Act provides that in certain circumstances a qualifying disclosure may be made to person or body prescribed by the Secretary of State, i.e., where the worker reasonably believes that the matter falls within the description of matters for which the person or body has been prescribed. For example, breaches of health and safety regulations can be brought to the attention of the Health and Safety Executive, or environmental dangers can be notified to the Environment Agency.
- Upon receipt of a disclosure under this Procedure, the designated person will immediately inform the CEO and Chair of the Audit Committee (unless it relates to them in which case the Chair of the Board will be informed).

Initial consideration of the disclosure

- The designated person to whom disclosure is made will consult as appropriate and will then determine (a) whether there is a prima facie case to answer under the terms of this

public interest disclosure procedure (meaning that, on initial consideration of the facts, there is sufficient basis to indicate that a case to answer exists); and (b) whether an investigation should be conducted and if so, what form it should take.

- The designated person may also instigate an initial investigation to establish the relevant facts.

Conduct of the investigation

- Where an investigation is deemed necessary, the designated person will consider the information made available to him/her and decide on the form of investigation to be undertaken. This may be:
 - to investigate the matter internally or arrange for the issues to be investigated independently of the School
 - to refer the matter to the police
 - to refer the matter to an interested external body (e.g., regulatory body).In appropriate circumstances, the designated person may decide that more than one of these actions is necessary.
- Where the matter is to be the subject of an internal investigation or where the matter is to be investigated independently of the School, the designated person will:
 - appoint a senior manager or an appropriate person independent of the School to undertake the investigation
 - determine the terms of reference of the investigation
 - determine any other parameters or procedures to be followed, including timescale, which may be necessary to the investigation.
- Investigations should not be carried out by the person who will have to reach a decision on the matter either under this Procedure or any subsequent procedures which may be invoked.
- Any investigation will be conducted as sensitively and speedily as possible. The intended timetable for the investigation will be notified to the individual making the disclosure. In order to seek to protect the identity of the parties concerned, those participating in the investigation will be reminded of the need to maintain strict confidentiality in appropriate cases at all stages of the process.
- The person or persons against whom the disclosure is made will normally be told of it and of the evidence supporting it and will be given the opportunity to respond before any investigation, or further action, is concluded. However, where such disclosure would jeopardise the ability of the School, the police or other independent investigator to conduct a proper investigation, the person or persons against whom the disclosure is made may not be told prior to an initial investigation.
- Where employees are interviewed as part of the investigation, they have the right to be accompanied by a colleague or trades union representative.
- The person(s) conducting the investigation will submit a written report of their findings and (where appropriate) recommendations to the designated person. Any person undertaking an internal investigation must keep a note of i) the dates, times and nature of any investigations undertaken; ii) details of and statements given by any witnesses; iii) details of any response by the person or persons against whom the disclosure is made;

and iv) the conclusion reached as to whether or not the disclosure is confirmed, or whether further enquiry, or other action is considered appropriate.

Outcomes of the investigation

- Following consideration of the report of the investigation, the designated person may:
 - invoke the appropriate disciplinary, grievance, complaints or harassment and bullying procedure as appropriate
 - ii) refer the matter to the police;
 - refer the matter to an interested external body (e.g., relevant regulatory body);
 - review and modify appropriate School procedures, taking account of any recommendations made in the report of the investigation;
 - make a recommendation or instruction to a manager;
 - take no action.

Reporting of outcomes

- The designated person may inform the employee making the disclosure of what action, if any, is to be taken. If no action is to be taken then the employee concerned should be informed of the reason for this. There may be certain situations where the discloser may not be informed of the outcome, for example where such information may prejudice personal privacy or other investigations or actions.
- The person or persons against whom the disclosure is made will normally be told of the outcome. However, where such disclosure would jeopardise the ability of the School, the police or other independent investigator to conduct a proper investigation, the person or persons against whom the disclosure is made may not be told.

Report to the Audit Committee

- A report of all disclosures and any subsequent actions taken will be made to the Audit Committee as a means of allowing the Committee to monitor the effectiveness of the procedure. Through this Committee, the report will also be made to the Board.

Review of the decision by the Chair of the Audit and Risk Committee

- If no action is taken, the employee may, within 14 days of receipt of the notification from the designated person, submit a written request to the Chair of the Audit Committee that the decision be reviewed. The employee's request should explain why they are dissatisfied with the outcome of the investigation of their concern.
- The Chair of the Audit Committee will review the information considered by the investigation, the procedures that were followed and the reasons for not taking any further action. The outcome of this will be either to confirm that no further action is required or to decide that further investigation is required in accordance with the procedures referred to under 'Investigation of Disclosures' above.