



Whistleblowing Policy and Procedure

Introduction

Rushmore Business School is committed to openness and accountability. In line with this commitment, we expect staff members, students, visitors or contractors who have serious concerns about any aspect of our work to come forward and voice those concerns with the knowledge that, if made in good faith, their action will be viewed positively.

What does the policy cover?

The Whistleblowing Policy and Procedure gives staff, students and third parties a clear procedure on how to raise any concerns which do not fall under the remit of the Student Complaints or Grievance policies and procedures. Whistleblowing is not the same as a complaint. It is about raising concerns regarding malpractice or wrongdoing within the Business School.

The Whistleblowing Policy and Procedure may not be used to re-open or review a matter already decided under other policies and procedures.

The concerns covered by the Whistleblowing Policy and Procedure are:

- actual or suspected criminal offences
- failure to comply with legal obligations
- serious health and safety risks
- damage to the environment
- financial malpractice, impropriety, or fraud
- academic or professional malpractice
- deliberate suppression or concealment of any of the above

How to raise a concern?

Staff

In the first instance, please contact your Head of Department, or another appropriate Management team (e.g., Director/Academic Director) to raise your concern. The Director would meet with you if matter has not been resolved with Head of Department.

Student

In the first instance, please contact your Lecturer, Course Coordinator/Programme Manager, Personal Tutor or the Academic Director.

The Director would meet with you if matter has not been resolved with the above team.

Third party/Contractors

In the first instance, please contact your key connection at the Rushmore Business School. If this is not possible, or matter has not been resolved, please contact the Director.

A person who receives such information should contact HR for staff matter and students should contact Student Support Services who will support and guide through the process, and which may flow through to an existing School's policy/procedure.

Whistleblowing Policy and Procedure

1. Policy Statement

This policy is the definitive policy on whistleblowing. References to whistleblowing in any other policies or documents are superseded by this policy.

1.1 The aims of this policy are:

1.1.1 To encourage individuals to bring concerns to the Management attention using informal routes as a starting point where relevant, for example a Head of Department, Academic Team, Personal Tutor, amongst others. They may be able to agree a way of resolving the concern quickly and effectively.

All Concerns should be made in writing to the designated person – Students to the Academic Director and for Staff to the Director.

Report to the Academic Director (students)

1.1.2 To establish a formal route where informal routes are not appropriate.

1.1.3 To enable individuals to report suspected malpractice, impropriety or wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate.

1.1.4 To reassure individuals that they should be able to raise genuine concerns in good faith without fear of reprisals.

1.1.5 To provide individuals with guidance as to how to raise those concerns.

A 'whistleblower' is a person who raises a genuine serious concern in good faith relating to any of the above. Whistleblowers will be protected from victimisation.

2. What will happen next?

2.1 If, on preliminary examination, the concern is judged to be wholly without substance or merit, no further action will be taken, and the whistleblower will be informed by the designated person.

2.2 If there is a prima facie indication of malpractice, the designated person will arrange for an investigation.

2.3 The designated person may appoint another person to undertake the investigation on his/her behalf.

2.4 In cases of a disclosure of a financial nature the designated person may refer the matter to the Head of Finance/Director.

2.5 The designated person will inform the whistleblower the name of the person chosen to conduct the investigation, and they have 2 working days to notify the designated person, in writing, if they have any reasonable objection (as determined by the designated person) to that person carrying out the investigation. The designated person has the final decision on the matter.

2.6 The person who carries out the investigation will report their findings to the designated person.

2.7 The designated person will then decide on the course of action to be taken.

This may be one or more of the following:

2.7.1 Take no further formal action, aside to inform the whistleblower of the decision and reasons for it (recommendations may include training, mediation etc.);

2.7.2 Refer the matter for appropriate action within existing Rushmore's procedures (e.g. Research Misconduct, Fraud and Corruption Policy, Health and Safety Procedure, Disciplinary Policy (staff/students),

Grievance Procedure, Student Complaints Procedure);

2.7.3 Refer the matter to the police in the case of alleged criminal activities.

2.8 Upon conclusion of an investigation the designated person will let the whistleblower know the outcome.

3. Notification to the subject(s) of the disclosure

3.1 Where there is an investigation, the person or persons identified as the subject of the concern will be informed of each allegation made against him/her and any evidence supporting it and will be allowed to respond before any investigation is concluded.

4. Suspension

4.1 Rushmore Business School reserves the right to enforce a suspension where deemed necessary in accordance with the section of the school's disciplinary procedures on suspension (staff) or Disciplinary Policy of Students (students).

5. Representation

5.1 All staff invited to co-operate with an investigation have the right to be accompanied by a work colleague or a representative.

5.2 All students invited to co-operate with an investigation have the right to be accompanied by a fellow student or Class representative.

5.3 The companion will be required to respect the confidentiality of the disclosure and subsequent investigation.

6. Timescales

6.1 The designated person will seek to keep the whistleblower informed of the progress of the investigation and its likely timescale.

6.2 Investigations will be conducted as speedily as possible having regard to the nature and complexity of the disclosure. A decision is desired *within 2 weeks* of formal written information of the concern received.

7. Confidentiality

7.1 The identity of the whistleblower will be protected. There may be circumstances, however, where it will not be possible to proceed without revealing the whistleblower's identity, for example if the whistleblower's evidence is needed in the investigatory process, at a disciplinary or court hearing. Should this be the case, the matter will be discussed with the whistleblower at the earliest opportunity.

7.2 Note that the need for confidentiality may prevent the designated person from providing the specific details of the investigation or actions taken, to the whistleblower.

7.3 The whistleblower should treat any information about the investigation as confidential.

8. Anonymous Complaints

8.1 Rushmore Business School cannot investigate anonymous complaints or whistleblowing reports. It would be difficult to establish whether any allegations are credible and have been made in good faith; equally it would be difficult to investigate properly.

9. Malicious Allegations

9.1 If an investigation under this procedure concludes that a disclosure has been made maliciously, in bad faith or with a view to personal gain, the University reserves the right to take appropriate action, which may include disciplinary action for staff and students.

10. Protection of whistleblowers

10.1 Individuals who raise genuinely held concerns in good faith under this procedure will not be dismissed or subjected to any detriment because of such action, even if they turn out to be mistaken. Detriment includes unwarranted disciplinary action or victimisation.

10.2 If a whistleblower believes that he/she has suffered any such treatment as a result of raising concerns under this policy, he/she should:

- Staff: raise the matter with HR in the first instance who will work with the interest of all parties to seek resolution, and this may include mediation and the informal grievance route.
- Students: raise the matter with the Academic Director in the first instance.

Alternatively, or if the resolution is not considered satisfactory, then the matter can be raised formally under the staff grievance or student complaints procedure as appropriate.

10.3 Any staff member or student who victimises or retaliates against those who have raised concerns under this policy will be subject to disciplinary action.

11. Support and Advice

11.1 If a member of staff needs independent advice about a whistleblowing issue, they can either contact the Ministry of Labour or the Regulatory Bodies for more information.

11.2 If a student whistleblower is not satisfied by the process or outcome of the internal procedures, he/she may be entitled to refer the matter to the Ministry of Education or the Regulatory Bodies for more information.

12. Records

11.1 All concerns raised, and action taken in response to disclosures will be recorded, and reports on all disclosures and investigations will be retained by the designated person for a period of *two* years.