

9 April 2018

(review March 2021 or at a change of legislation)

Anna Du Boisson

Designated Safeguarding Lead



Purpose

This policy is written for people working at the Foundation and sets out how we respond to whistleblowing allegations.

Whistleblowing

If an employee or agency member of staff has a serious concern about the Foundation we want to know and will take action.

Where a concern is in the public interest your rights are protected by law.

This policy sets out the steps you **must** follow to raise a concern about something that has happened, is happening now, or may happen in the future.

If you are a volunteer, which includes charity trustees, or a self employed professional you are not covered by the Public Interest Disclosure Act, however the Foundation encourages everyone to raise their concerns if they have them in order that they can be investigated to ensure that the Foundation and its staff are acting appropriately.

If you are a trustee and have concerns, then this should be reported via the [Charity Commission's serious incident reporting process](#).

What is covered

You're protected by this policy and by law if you report any of the following:

- a criminal offence, e.g. fraud
- a breach of legal obligation, e.g. misuse of funds
- someone's health and safety is in danger

- risk or actual damage to the environment
- a miscarriage of justice
- you believe someone is covering up wrongdoing

Personal grievances (e.g. bullying, harassment, discrimination) are still important, but do not come under whistleblowing legislation – these should be reported through the grievance procedure.

Children first

Where there is reason to suspect a child may be at risk of significant harm everyone is under a duty to take action to keep the child safe. Your duties are set out in the safeguarding children policy. We will prioritise following the Foundation's safeguarding children policy and where appropriate contact the Local Authority Designated Officer.

Our principles

We see it as your professional duty to raise concern if you strongly suspect wrongdoing.

Anyone considering making a whistleblowing disclosure may seek advice and support from their trade union. The safety of everyone here comes above our loyalty to the organisation.

Any concern raised will be taken seriously by the Foundation and a proper response given. Concerns must be treated confidentially by both the person raising the concern and the Foundation while they are being investigated. Everyone's right to privacy will be respected during and after the investigation.

There will be no repercussions for matters raised under the whistleblowing policy, whether upheld or not. Where necessary, other staff will be instructed not to treat

whistleblowers differently – any differential treatment, victimisation or intimidation of a whistleblower may be considered gross misconduct.

The Foundation will still consider concerns raised anonymously, but will decide whether to investigate based on the seriousness of the allegation, the sufficiency of detail provided, the credibility of the concern and the likelihood of being able to gather sufficient evidence to make a finding. We'd prefer you raise the concern with your name, but ask this is treated confidentially.

What you must do

Most issues should be resolved internally and you should report any whistleblowing concern directly to the Artistic Director, or in their absence the deputy Artistic Director. If you are unable for any reason to raise your concern in this way you may approach the nominated trustee for whistleblowing concerns.

If you are unable to speak to anyone in the Foundation because you are concerned the issue won't be dealt with properly or covered up, you've already raised the issue with the Artistic Director or nominated trustee and we haven't dealt with it, or you're worried about being treated unfairly, you can contact Charities Commission on 0300 066 9197. They are the [prescribed organisation](#) for charities. If you believe a crime has been committed you should contact the police.

You may not take concerns to any person other than those set out above. In particular, any concern raised through social networking or approach to the media may be considered as gross misconduct and in most cases you will lose your whistleblowing law rights. You do not need to prove that something has

happened, although if you have any evidence of the wrongdoing you should provide this. Instead, we need you to explain clearly why you think there may be wrongdoing. We will then consider how to go forward.

It is helpful to put your concern in writing, being clear about what you are concerned about, together with any evidence you may have to support your view.

Concerns can be anonymous, but this inhibits investigation. Concerns are taken seriously, confidentially, without repercussions.

Steps for responding to a concern

1. We will reassure any whistleblower that we have heard the concern, will investigate and that this will not affect their position at work (whether or not the concern later proves unjustified). We recognise that taking such action can be stressful, so will consider with the whistleblower the support they might need, including access to a counselling service.
2. The whistleblower will be provided with a copy of this policy and reminded of their right to contact their trade union or professional association for advice or support if they so wish.
3. We will consider whether the information reaches the criteria for a referral to Children's Services or the Local Authority Safeguarding Officer under the safeguarding children policy and act accordingly.
4. If at this stage or any point during an investigation there are grounds to suspect a criminal offence has occurred the police

- must be contacted and no steps taken to investigate further until the police have advised this can occur.
5. A plan for investigating the concern will be set out. This should take into account the seriousness and urgency of the allegation. We will consider whether we believe this is a whistleblowing allegation (i.e. in the public interest) or a personal grievance. The plan will set out on how to gather evidence about the concern.
 6. An investigating officer will be identified by the Artistic Director (or for cases compromising the Artistic Director by the nominated trustee). They will contact you within two working days to let you know what is happening. Usually, they will set up a meeting with you to better understand your concern. You are entitled to support from a trade union or professional association at this meeting. A copy of the minutes of this meeting will be provided and this will include a timescale for the investigation.
 7. The investigation can have four possible outcomes:
 - a. Action required – wrongdoing has been established and the Foundation will rectify this, potentially including application of disciplinary or capability procedures (see those policies);
 - b. Legitimate misunderstanding – work is required to ensure both parties understand why there has been a misperception;
 - c. Personal grievance – advice to be given to follow this procedure rather than whistleblowing; or
 - d. Potentially malicious disclosure – if there is evidence a whistleblowing allegation is malicious and false this may be considered a disciplinary matter.
 8. When we have completed our enquiries, or if we require further time, we will tell you. We are limited in what we can share by our duty of confidence to other people, but we will aim to share sufficient information so that you are not worried anymore.
 9. The outcome of any whistleblowing investigation, taking due account of individuals' right of confidentiality, will be shared with the trustees.
- ### What if I'm still concerned?
- Tell us. We will try to understand why you are worried, and consider whether there is anything else we should do.
- You can ask to speak to a more senior member of staff, ultimately to the Artistic Director or nominated trustee. We will listen carefully and where necessary trigger a further investigation.
- If you believe we have not taken your concern seriously, or the wrongdoing is still going on, you should take your concern to the [Charities Commission](#). You can contact them on 0300 066 9197.

Creating a safe culture

- Every member of staff receives a copy of this policy at induction and when the policy is reviewed.
- Any student teacher, contractor or temporary member of staff also receives a copy of this policy when they start work with us.
- We will agenda whistleblowing on team meeting agenda at least annually, talk through the importance of raising a concern at the earliest opportunity, the process to follow and where you can access this policy. Senior leaders will also refresh themselves on the process for investigating a whistleblowing concern set out above.
- We seek to create a learning culture where anyone can speak out about something we can improve. We will provide opportunities to talk about concerns or improvements in team meetings and supervision. We will also be open to individual conversations.
- While we will not always agree, we will work to ensure everyone feels listened to and action is always taken to correct wrongdoing.

Unfair treatment

We will take all reasonable steps to ensure anyone raising a concern is treated fairly by the Foundation and everyone working here. If you believe you have been untreated fairly because of whistleblowing you should seek advice from your trade union, [citizens' advice](#), or the whistleblowing charity [public concern at work](#).

Who is responsible

The trustees are responsible for the whistleblowing policy and will review this document every three years, or when there is a change in legislation.

The Artistic Director (or in their absence the deputy Artistic Director) is responsible for responding to whistleblowing concerns. A senior manager who is independent of the concerns may be identified to coordinate and if necessary investigate any whistleblowing concern.

Henry Korda is the named trustee responsible for the whistleblowing policy and can also be approached to report concerns.