

Culture&

Whistleblowing Policy

Purpose

This policy aims to help Culture&'s staff to raise any serious concerns they may have about colleagues or their employer with confidence and without having to worry about being victimised, discriminated against or disadvantaged in any way as a result. It is written in the context of the Public Interest Disclosure Act 1998 which protects employees who 'blow the whistle' on malpractices within their organisation.

Scope

This policy applies to Culture&'s workers.

This policy is intended to cover concerns which are in the public interest. It does not deal with any complaints staff may have about their employment. This should be dealt with through Culture&'s Grievance Procedure.

Principles

The Public Interest Disclosure Act 1998 amended the Employment Rights Act 1996 and it provides protection for individuals who raise legitimate concerns about specified matters, outlined below.

These are called qualifying disclosures. A qualifying disclosure is one made in good faith by an individual who has a reasonable belief that:

- a criminal offence (including fraudulent and corrupt behaviour, e.g. theft, fraud, or malpractice)
- a miscarriage of justice
- someone's health and safety is in danger
- risk or actual damage to the environment
- the company is breaking the law, for example does not have the right insurance
- the individual believes someone is covering up wrongdoing.

It is not necessary for people to have proof that such an act is being, has been, or is likely to be, committed – a reasonable belief is sufficient. People have no responsibility for investigating the matter – it is Culture&'s responsibility to ensure that an investigation takes place.

If people make a protected disclosure, they have the right not to be dismissed, subjected to any other detriment, or victimised, because they have made a disclosure.

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Procedure

This procedure is for disclosures about matters other than a breach of your own contract of employment, which should be raised via the Grievance Procedure.

The whistleblower may make an allegation direct to the Chief Executive, Wellbeing Officer and/ or Board.

Where the whistleblower does not wish to raise the issue internally she/he may report the matter to an appropriate “prescribed body”, these include but are not limited to:

- The Charity Commission
- HM Revenue & Customs
- The Health and Safety Executive
- The Financial Services Authority
- The Office of Fair Trading
- The Environment Agency
- Fundraising regulator
- The police
- The local authority

You can find the full list in The Public Interest Disclosure (Prescribed Persons) Order 2016:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/496899/BIS-16-79-blowing-the-whistle-to-a-prescribed-person.pdf

What information to provide?

Whether a written or oral report is made, it is important that relevant information is provided:

- The name of the person making the allegation and a contact point
- The context and background of the allegation, including relevant dates, venues, names etc.
- The specific reasons for the allegation, that is to say why the situation causes a serious concern.

What will happen next?

After receipt of the allegation, the Chief Executive and or Board will ask the whistleblower for his/her preferred means of communication and contact details and use these for all communications with the whistleblower in order to preserve confidentiality.

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An acknowledgement of the allegation in writing will be given within 10 working days with:

- An indication on how Culture& propose to deal with the matter
- An estimate of how long it will take to provide a final response
- An indication of whether any initial enquiries have been made
- Information on whistleblower support mechanism
- Indication whether further investigations will take place and if not, why not.

After the decision : Where, having made a disclosure, the whistleblower is unhappy with the outcome, she/he has a legal right to report the matter to the appropriate prescribed body, as noted above.

Confidentiality

Culture& will treat all such disclosures in a confidential and sensitive manner. The identity of the whistleblower making the allegation may be kept confidential so long as it does not hinder or frustrate any investigation. However, the investigation process may reveal the source of the information and the whistleblower making the disclosure may need to provide a statement as part of the evidence required.

Culture& will not, without the whistleblower's consent, disclose the identity of a whistleblower to anyone other than a person involved in the investigation/allegation.

Anonymous Allegations

This policy encourages individuals to put their name to any disclosures they make. Concerns expressed anonymously are much less credible, but they may be considered at the discretion of the Chief Executive and or Chair of the Board. In exercising this discretion, the factors to be taken into account will include:

- The seriousness of the issues raised
- The credibility of the concern
- Whether the allegation can realistically be investigated from factors or sources other than the complainant.

Untrue Allegations

If an individual makes an allegation in good faith, which is not confirmed by subsequent investigation, no action will be taken against that individual. In making a disclosure the individual should exercise due care to ensure the accuracy of the information.

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If, however, an individual makes malicious or vexatious allegations, and particularly if he or she persists with making them, disciplinary action may be taken against that individual.

Data Protection

When an individual makes an allegation, we will process any personal data collected in accordance with the Data Protection Policy. Data collected from the point at which the individual makes the report is held securely and accessed by, and disclosed to, individuals only for the purposes of dealing with the allegation.

Updated: August 2023