

## WHISTLEBLOWERS POLICY AND PROCEDURES

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# WHISTLEBLOWERS POLICY AND PROCEDURES

## 1. Purpose and scope

The Public Interest Disclosure Act 1998 protects workers from being dismissed or otherwise penalised by their employer for reporting malpractices or wrongdoing within the workplace where disclosing this is in the public interest. ABRSM intends to promote an open and accountable work culture.

ABRSM recognises the negative effect which malpractice can have on the organisation, and therefore encourages you to raise genuine concerns, or any suspicions you may have concerning misconduct where this is in the public interest. We call this whistleblowing.

This policy covers concerns that are made in the public interest. If the matter is of an individual or personal nature it should be pursued through ABRSM's applicable procedure e.g. the grievance procedure or dignity at work procedure (which addresses bullying and harassment). We will decide which policy is most appropriate to deal with the concern raised.

A large proportion of ABRSM's workforce are not employees but work for the organisation in a freelance capacity or as commission-based agents or as volunteers. This policy applies to employees and workers in all of these categories (as that expression is defined in s.43K and s.230(3) of the Employment Rights Act 1996).

## 2. Disclosures under the policy

You can make a disclosure under this Policy if you have genuine concerns relating to any of the following areas of malpractice, or suspected malpractice, by ABRSM and you reasonably believe that making the disclosure is in the public interest:

- That a criminal offence has been committed; is being committed or is likely to be committed;
- That a person has failed, is failing or is likely to fail to comply with any legal obligation to which that person is subject;
- That a miscarriage of justice has occurred, is occurring or is likely to occur;
- That the health and safety of any individual has been, is being or is likely to be endangered;
- That the environment has been, is being or is likely to be damaged; or
- That information tending to show any of the above has been or is likely to be deliberately concealed.

The malpractice can be past, present or prospective. It may have occurred inside or outside the United Kingdom.

You are encouraged to report suspected wrongdoing as soon as possible. No action will be taken against you if you raise genuine concerns in the public interest even if the concern you raised is not confirmed by any subsequent investigation.

### 3. Protection for the worker making the disclosure

#### Confidentiality

Any disclosure you make under this Policy will be treated as far as reasonably practicable in a confidential and sensitive manner. Inevitably however disclosures are likely to require investigation and this may be incompatible with complete confidentiality. If confidentiality is not reasonably practicable, for instance, because of the nature of the information, this will be explained to you.

#### Anonymity

You may make a disclosure anonymously. However, as part of ABRSM's policy to promote openness and discourage fear of reprisal, you are encouraged to put your name to any disclosure you make. Concerns expressed anonymously cannot be dealt with as effectively as open disclosures. Anonymous disclosures, however, will be considered and an investigation made at ABRSM's discretion.

#### Victimisation

ABRSM will not tolerate victimisation, harassment, bullying or any other detrimental treatment of any worker who has made a disclosure under this Policy. Complaints about such behaviour will be dealt with under the Disciplinary Procedure.

Where an issue is made in good faith it will not be subject to disciplinary action even if the disclosure is not upheld following investigation.

#### Deliberately making an untrue disclosure

No one will be disciplined or suffer reprisals if they make a whistleblowing disclosure which turns out to be wrong providing that they reasonably believe that disclosure is in the public interest and is accurate. Obviously, however, if someone makes a whistleblowing disclosure which they know is not true and is made maliciously or in bad faith or they have deliberately misled ABRSM or are otherwise behaving improperly then they may be subject to disciplinary action (just as would any other worker making an unfounded complaint which they know is not true).

### 4. How to make a disclosure

In the first instance you should bring the matter to the attention of one of: the HR Director, the Executive Director of Finance & Corporate Services, or the Chief Executive on the emails below:

- HR Director: Claire Hawk - [chawk@abrs.ac.uk](mailto:chawk@abrs.ac.uk)
- Executive Director Finance & Corporate Services: Sue Cambridge - [scambridge@abrs.ac.uk](mailto:scambridge@abrs.ac.uk)
- Chief Executive: Mick Elliott - [melliott@abrs.ac.uk](mailto:melliott@abrs.ac.uk)

Alternatively disclosures can be made directly to the Chairman of the Audit and Risk Committee who is a member of the Governing Body or escalated to the Chairman of the Governing Body on the emails below:

- Chairman of the Audit and Risk Committee: David Roper - davidroper001@gmail.com
- Chairman of the Governing Body: Tony Hales - thales\_uk@yahoo.com

It will assist us considerably if you can make clear when raising your concern that you regard this as a whistleblowing issue.

## 5. Procedure following a disclosure

### Investigation

A Senior Manager will be appointed to investigate the allegations made. The investigation will be completed within a reasonable period, bearing in mind the circumstances and frequency of the alleged malpractice. The Senior Manager will report to ABRSM with his/her findings.

### Taking action

If either of the Governing Body or the Audit and Risk Committee of ABRSM considers that further investigation is required, ABRSM may:

- order a further investigation;
- invoke the Disciplinary Procedure against the person(s) suspected of wrongdoing; or in sufficiently serious cases, report the matter to an independent body.

### Feedback

You will be provided with a response relating to the findings of the investigation and the action taken, if any. You will not be given details of any disciplinary action taken unless considered appropriate by ABRSM.

## 6. Dissatisfaction with the outcome of the process

If you are dissatisfied with the outcome of the investigation, you may appeal to the Board, giving the reasons for your dissatisfaction. The Board will then appoint a person to hear the appeal. The outcome of that appeal will be final.

## 7. Disclosure to Persons Other Than Your Employer

Workers are always encouraged in the first instance to report any suspected malpractice to ABRSM. If a worker instead chooses to report the matter to a person unrelated to ABRSM, they will still be protected under the policy provided that they have complied with the requirements of ss. 43F or 43G of the Employment Rights Act 1996. These requirements are more stringent and so referral of a matter outside ABRSM should always be a last, not first resort.

If you feel strongly that this matter should be dealt with outside of ABRSM please refer to the UK government website for advice on which body would be the most appropriate to report your

concerns to: <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies>.

For general information and advice about whistleblowing please refer to the government website [www.gov.uk/whistleblowing](http://www.gov.uk/whistleblowing)

## **8. Other Sources of Support**

Anyone who is concerned about making a whistleblowing disclosure can seek independent and confidential support in the first instance from:

Our Employee Assistance Programme – which can be contacted on 0800 389 0285  
The charity Public Concern at Work who offer a whistleblowing advice line on 0207404 6609. For further information about them, see [www.pcaw.org.uk](http://www.pcaw.org.uk);

If you are a member of a professional regulatory body (such as a qualified accountant, solicitor etc,) that professional body will normally offer a whistleblowing support line to its members.

## **9. Records**

All records relating to disclosures made under this Policy will be kept in accordance with the provisions of the Data Protection Act 1998.

## **10. Breach of policy**

If you feel that you have suffered a detriment or been dismissed as a result of making a disclosure under this policy, you should in the first instance raise the matter in accordance with ABRSM's formal procedures.