



## WHISTLEBLOWING POLICY

### 1. INTRODUCTION

The aim of this Policy is to guide staff (employees, workers, contractors and volunteers) throughout the institution (HE, DSSF, ArtsEd Extra and all those in wider support functions) in disclosing any concern about possible serious malpractice at ArtsEd, and to provide a transparent and confidential process (set out under section 4 below) for dealing with those concerns. It does not apply to students, or the parents of students in the Day School and Sixth Form – there are separate policies and procedures for handling such concerns.

The Public Interest Disclosure Act 1998 provides employees with legal protection against being dismissed or penalised by their employers having disclosed certain serious concerns. It also requires employees who wish to disclose such concerns and who wish to retain the protection offered by the Act to follow the relevant internal procedure provided by ArtsEd, or their employer (if they are a contractor), in all but the most exceptional circumstances. The following procedure and associated guidance has been designed to assist employees who wish to make such disclosures, and to secure their proper investigation. Although the terms of the Act offer protection specifically to employees, this procedure and associated protection is available to student members who are employed by ArtsEd, and other members of staff of ArtsEd including volunteers and contractors.

ArtsEd encourages staff to raise genuine concerns about malpractice or impropriety at the earliest possible stage. All new staff will be informed of this policy by the HR Department as part of their induction: they will be advised of its existence, how to access it, and who to contact with concerns. All employees will be reminded of this annually by HR, and also advised of any policy changes.

This policy is intended to assist individuals who believe that they have discovered malpractice or impropriety. It is not designed to:

- question financial or business decisions taken by ArtsEd;
- reconsider any matters which have already been addressed under grievance or disciplinary procedures;
- investigate an individual or collective personnel dispute for which there are established routes of complaint and remedies;
- investigate an academic dispute between a student and ArtsEd.

For the purposes of this policy and its implementation, a whistleblower is a person who raises a genuine concern relating to malpractice or impropriety. If staff have any genuine concerns related to suspected wrongdoing or danger affecting ArtsEd's activities, they should report it under this policy. For clarification about whether something is within the scope of this policy, please seek advice, in confidence, from the Human Resources Team.

Once a disclosure is being dealt with under this Whistleblowing policy, it is reasonable to expect individuals to await the conclusion of any investigation or review instigated under its terms before seeking external review outside ArtsEd.

Whistleblowers, and those making such allegations, are encouraged to report such concerns and will be supported throughout this process. 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. If, however, an individual makes malicious or intentionally false allegations, particularly if they persist with making them, disciplinary action may be taken against that individual.

As this policy assures protection for those declaring a genuine concern, anonymous disclosures are discouraged as this makes it harder to fully investigate and follow up on the issues raised.

Nevertheless, where serious issues are raised, and where possible, anonymous disclosures may still be dealt with under this policy.

ArtsEd will always strive to uphold the principles of, and its obligations under, the Equality Act 2010. In doing so, it will make provision for employees with disabilities and those possessing protected characteristics to ensure fairness and equal treatment. If a member of staff has any concerns in this regard, then they must discuss this with the HR Director, who will seek to mitigate and/or remove the concerns that have been raised so that the processes and procedures outlined in this policy can be implemented with fairness and equal treatment.

Members of staff should under no circumstances approach a commercial body or the media with details of suspected wrongdoing. If a member of staff approaches any such body and/or where their concern is disclosed in a malicious manner or for personal gain, the protection given to the member of staff by this procedure may be lost. Additionally, ArtsEd may consider this to be gross misconduct, and disciplinary action may be taken against them.

## **2. REMIT**

This guidance is directed specifically at the disclosure of information which is in the public interest and which in the reasonable belief of the person making the disclosure tends to show malpractice involving one or more of the following:

- Criminal activity or a criminal offence: including, for example, fraud or financial irregularity, corruption, bribery, and blackmail;
- The breach of a legal obligation by ArtsEd, or a related organisation;
- A miscarriage of justice;
- Sexual impropriety;
- Someone's health and safety being in danger;
- Damage to the environment;
- Academic or professional malpractice;
- A failure to comply with statutes and regulations;
- The deliberate concealment of information about any of the above.

If your disclosure does not fit into one of the categories above, then it cannot be dealt with through the Whistleblowing policy. Other procedures exist to deal with issues such as:

- grievances by staff connected with their employment (Grievance Policy);
- complaints and concerns raised by any students (HE, DSSF and ArtsEd Extra have their own policies and procedures which depend upon the nature of the concern);
- complaints and concerns raised by parents of students in the Day School and Sixth Form (DSSF Complaints Policy);
- appeals against assessment decisions (HE and DSSF have their own policies that address this);
- appeals from disciplinary procedures for staff (Disciplinary Policy);
- harassment and bullying (Grievance Policy).

For procedures relating to safeguarding please see the Safeguarding Policy. The NSPCC whistleblowing advice line is available for those who do not feel able to raise concerns regarding child protection failures internally. Staff can call 0808 800 5000 (10.00am-4.00pm Monday-Friday) or email [help@nspcc.org.uk](mailto:help@nspcc.org.uk).

This policy does not replace other ArtsEd policies or procedures. For example, if an individual has a grievance about their working conditions, they should use the Grievance Policy. Additionally, this policy does not form part of employees' contractual terms and conditions.

### **3. DISCLOSER PROTECTION**

- i. ArtsEd aims to encourage openness and will support those covered by the policy who raise genuine concerns in good faith under this policy, even if they turn out to be mistaken.
- ii. Those persons covered under the policy will not suffer any detrimental treatment as a result of raising a concern without malice, in good faith, reasonably believing it to be true (even if it is not confirmed by the investigation). Detrimental treatment includes suspension, removal from studies, dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If the Discloser (the person raising a concern), believes that they have suffered any such treatment, they should inform HR, the Executive Leadership Team, Headteacher or Principal as soon as possible; should the treatment relate to any of these people, they should contact HR. If the matter is not remedied the Discloser should raise it formally using the relevant Grievance Procedure.
- iii. Members of staff must not threaten or retaliate against Disclosers in any way. Anyone involved in such conduct will be subject to disciplinary action.
- iv. If an individual makes malicious or intentionally false allegations, particularly if they persist with making them, disciplinary action may be taken against that individual.

### **4. CONFIDENTIALITY**

- i. ArtsEd will treat all disclosures under this policy in a confidential and sensitive manner. The identity of the Discloser, will be kept confidential insofar as this is compatible with an effective investigation into the allegations which are the subject of the disclosure. The investigation process may however at some stage have to reveal the source of the information, and the individual making the disclosure may need to make a statement as part of the evidence required.
- ii. With openness, transparency and all the necessary support that will be afforded, it is believed that all staff will feel able to voice whistleblowing concerns under this procedure. If you wish to raise a concern confidentially, every effort will be made not to disclose your identity, however the investigation may be more difficult or impossible if further information cannot be obtained from you, and it can make it more difficult to establish whether any allegations are credible. Disclosers who are concerned about possible reprisals if their identity is revealed should discuss this with either the HR Director and appropriate measures and advice can be given. If the HR Director, the Principal, Headteacher, or the Executive Leadership Team are named in the complaint, the matter should be referred to the Chair of Trustees.
- iii. If there is evidence of criminal activity, then the Police will in all cases be informed.

### **5. PROCEDURE**

- i. An individual who wishes to make a disclosure under this policy should do so by emailing [whistleblowing@artsed.co.uk](mailto:whistleblowing@artsed.co.uk). This is monitored confidentially by the HR Department.
- ii. Disclosures should, as far as possible, be in writing using the Whistleblowing form (Appendix A) and should provide as much supporting evidence as possible about the grounds upon

which the disclosure is being made, the reasons for believing that malpractice has occurred, any relevant dates.

- iii. Disclosures made to this address will be received by HR and these will be shared with a team of staff comprising the Principal, Headteacher, Executive Leadership Team, and the HR Director who will form a Panel to assess the disclosure and agree the next steps, which may conclude a formal investigation and if so, a suitable person will be instructed with terms of reference to carry out an investigation – the Investigator. If the disclosure involves one/or more of team of staff detailed above, then the disclosure will not be shared with them and those identified individuals will be excluded from the Panel.
- iv. The Panel will normally acknowledge receipt of the disclosure within 5 working term-time days, and will aim to keep the Discloser informed of the progress of the investigation, its likely timescale and, where possible, any final action taken, noting that sometimes the need for confidentiality may prevent the Discloser receiving specific details of the investigation or any disciplinary action taken as a result. The Discloser should treat any information about the investigation as confidential.
- v. Due to the varied nature of disclosures, which may involve asking staff or external agencies to investigate, it is not possible to lay down precise timescales for such investigations. The Investigator should ensure that these are undertaken as quickly as possible without affecting the quality and depth of those investigations. Disclosures will normally be investigated within 15 working term-time days; however, depending on the nature of the investigation, this may be extended to allow for a thorough and fair process.
- vi. If an investigation is undertaken, any person or persons identified as a subject of concern will be informed of each allegation against them and any evidence supporting it. Additionally, they will be allowed to comment before the investigation is concluded unless there is an overriding reason for non-disclosure, for example, where disclosure could be likely to compromise the outcome of a criminal or regulatory investigation.
- vii. Upon the conclusion of an investigation, the Investigator will report to the Panel who will make a decision as to whether any further action is required, and the results of the investigation and any action taken will be reported to the next meeting of the Board of Trustees. The Chair of the Board will be notified and regularly apprised of matters being investigated under the Whistleblowing Policy.
- viii. In all cases where a concern is raised it will be acknowledged and a record of action taken will be stored confidentially in line with GDPR requirements.
- ix. If, on preliminary examination, the concern is judged by the Panel to be wholly without substance or merit or not of a public interest nature, no further action may be taken. In this case, the Panel will register the concern raised and their decision to take no further action.
- x. The Discloser will be informed of a final decision to take no further action.
- xi. Depending on the nature of the allegation, should further information be required, a meeting may be arranged with the Discloser to discuss their concern, and they may be required to attend further meetings to provide additional information, as the concerns raised are investigated.
- xii. Following the initial investigation, the Panel may decide that the concern is such that it should be addressed under other existing procedures. There are a number of policies and procedures which cover a wide range of issues including:
  - safeguarding concerns;
  - staff grievances;
  - staff disciplinary;
  - dignity at work;

- academic appeals;
  - student discipline;
  - sexual misconduct;
  - student complaints;
  - and complaints by parents of Day School and Sixth Form students.
- xiii. If no suitable procedure is available, alternative/best practice processes may be adopted or used. In some instances, it might be necessary for the matter to be referred to an external authority/agency for further investigation.
- xiv. As appropriate, the matter and outcome may be reported to the Board and any disciplinary action that might arise from it. The Board of Trustees may recommend an external investigation to be undertaken at any point.
- xv. The Panel shall convene to assess 'lessons learnt' following the end of all investigations and to put action plans in place in all circumstances.

## **6. FEEDBACK**

The action taken, including, in broad outline, the outcome of any investigation, shall be reported to the person making the disclosure. If no action is taken that person shall be given an explanation.

## **7. EXTERNAL PROCEDURES**

- i. Where all internal procedures have been exhausted, a member of staff shall have a right of access to an external person/body. This may include (depending on the subject matter of the disclosure) HMRC, the Audit Commission, the Health and Safety Executive, the Local Authority Designated Officer, the Charity Commission, the Office for Students, the Independent Schools Inspectorate, or the Office of the Independent Adjudicator.
- ii. It should be noted that under the Public Interest Disclosure Act 1998, there are circumstances where a person may be entitled to raise a concern directly with an external body, this includes:
  - Where the individual believes that exceptionally serious circumstances justify it;
  - Where the individual believes that ArtsEd would conceal or destroy the relevant evidence;
  - Where the individual believes they would be victimised by ArtsEd; or,
  - Where the Secretary of State has ordered it.
- iii. If a staff member feels unable to raise an issue with ArtsEd or feels that their genuine concerns are not being addressed, they may report their concerns to other whistleblowing channels, such as:
  - Protect, an independent whistleblowing charity, helpline: 020 3117 2502, email: [whistle@protect-advice.org.uk](mailto:whistle@protect-advice.org.uk), website: [Protect - Speak up stop harm \(protect-advice.org.uk\)](https://www.protect-advice.org.uk)
  - The NSPCC Whistleblowing Helpline (Tel: 0800 028 0285 or email: [help@nspcc.org.uk](mailto:help@nspcc.org.uk)).

## **8. TRAINING IN THE USE OF THE WHISTLEBLOWING POLICY**

- i. All staff will receive training in relation to Whistleblowing and the existence and use of this policy upon joining ArtsEd.
- ii. This policy is published at [Policies - ArtsEd](#) and is also available as a hard copy from [hr@artsed.co.uk](mailto:hr@artsed.co.uk)

**Strictly Confidential**

**Appendix A: Notification of Whistleblowing Form**

Please submit the form to ArtsEd's HR Department at [whistleblowing@artsed.co.uk](mailto:whistleblowing@artsed.co.uk). Once received, the disclosure will be addressed and dealt with under ArtsEd's whistleblowing policy and procedure.

<b>Section 1 – Details of the Discloser (employee / contractor / volunteer)</b>	
Name of employee / contractor / volunteer:	
Job title / role:	

<b>Section 2 - Is this disclosure being made by you as an individual or collective (<i>please select one</i>)</b>		
<b>Individual</b>	Yes / No	
<b>Collective</b>	Yes / No	<b>If as a collective, please give further details if possible:</b>

<b>Section 3 - Has the disclosure previously been raised</b>	Yes / No
If yes, please specify to whom, the date and their response:	

<b>Section 4 - Employment Status</b>	
Are you employed by ArtsEd?	Yes/No
Are you a contractor/self-employed?	Yes/No
Are you a volunteer?	Yes/No

<b>Section 5 - Type of disclosure (please use all relevant boxes)</b>			
Criminal activity or a criminal offence: including, for example, fraud or financial irregularity, corruption, bribery, and blackmail;	Yes/No	Someone's health and safety being in danger;	Yes/No
The breach of a legal obligation by ArtsEd, or a related organisation.	Yes/No	Damage to the environment;	Yes/No
A miscarriage of justice;	Yes/No	Academic or professional malpractice	Yes/No
Sexual impropriety;	Yes/No	A failure to comply with statutes and regulations	Yes/No
The deliberate concealment of information about any of the above			Yes/No

## Appendix A: Notification of Whistleblowing Form

*Please note that if your disclosure does not fit into one of the categories above, then it cannot be dealt with through the Whistleblowing policy; in these circumstances, please seek advice from your line manager or HR.*

### Section 6 - Details of disclosure

Please explain the nature of your disclosure below, including as much detail as possible regarding background, reason for concern, dates, times, people involved etc

Employee Name:	
Employee signature:	
Date:	

### Section 7 – please sign and date this form

Employee Name:	
Employee signature:	
Date:	

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