



Public Interest Disclosure Policy & Procedure (Whistleblowing Policy)

Introduction

Impact Arts conducts its business at all times with the highest standards of integrity and honesty. It expects all its employees to maintain the same standards in everything they do. It is important that any fraud, misconduct or wrongdoing by employees of the organisation is reported and properly dealt with.

Impact Arts therefore encourages all individuals to raise any concerns that they may have about the conduct of others in the business or the way in which the business is run. This policy sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.

Aim

The aim of this policy is to:

- enable and encourage employees to raise genuine concerns about possible wrongdoing at work without fear of reprisal, and to reassure workers that such matters will be dealt with seriously and effectively by Impact Arts internally;
- allow Impact Arts to take action against any employee who makes allegations in bad faith and/or publicly discloses information when it is unreasonable for them to do so in line with the Impact Arts Disciplinary Procedure.

It is particularly important to state that this policy is separate from Impact Arts' Grievance Procedure, which relates to general concerns which an employee may have about their own personal circumstances.

This Whistleblowing Policy is designed to ensure that concerns about possible illegal or dangerous activities or forms of malpractice are brought swiftly to the attention of the Leadership Team. These may not necessarily be related to the whistleblower's area of work.

Application

This policy applies to all employees, volunteers, interns, trainees, consultants or contractors carrying out work on behalf of Impact Arts.

The Public Interest Disclosure Act 1998

The Public Interest Disclosure Act 1998 provides protection for employees who raise legitimate concerns about specified matters. These are called "qualifying disclosures". A qualifying disclosure is one made in good faith by an employee who has a reasonable belief that:

- a criminal offence (including fraudulent and corrupt behaviour, e.g. theft, fraud or malpractice);
- a miscarriage of justice;
- an act creating risk to health and safety;
- an act causing damage to the environment;
- a breach of any other legal obligation; or
- concealment of any of the above;

is being, has been, or is likely to be, committed.

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It is not necessary for the employee to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient. The employee has no responsibility for investigating the matter - it is the organisation's responsibility to ensure that an investigation takes place. An employee who makes such a protected disclosure has the right not to be dismissed, subjected to any other detriment, or victimised, because they have made a disclosure.

Impact Arts encourages employees to raise their concerns under this procedure in the first instance. If an employee is not sure whether or not to raise a concern, they should discuss the issue with their line manager or a member of the Leadership Team.

Procedure

Who to disclose to

In most cases, an employee should raise any concerns they may have internally within Impact Arts. Any matters not covered by the Act or, therefore, this policy, will be dealt with by using Impact Arts' Grievance Procedure.

If appropriate, an employee should discuss their concerns with a member of the Leadership team. The details



**Whistleblowing Form
Template.doc**

of the concern, the outcome and action taken will be recorded on a Whistleblowing form.

Details of the concern will be reported to the Board by the Director as part of their Governance paper on a quarterly basis.

If an employee feels it is inappropriate to raise their concerns with their line manager in the first instance (for example, if their concerns are about their line manager's actions or if they are so serious that they should be escalated to someone at a more senior level within Impact Arts), then they should speak to the Director. All such approaches will be treated in the strictest confidence.

If the employee remains unhappy about the speed or conduct of any further action taken or the way in which their concerns have been resolved, they should refer the matter to the Vice Chair of the Board of Trustees of Impact Arts.

If an employee feels it is inappropriate to raise their concerns directly with anyone who is part of the day-to-day management of Impact Arts, then they are quite at liberty to contact the Chairperson of the Board of Trustees of Impact Arts.

An employee must not approach individuals involved in their disclosure directly (whether to "tip them off" or otherwise) or attempt to investigate the matter personally.

Impact Arts would urge employees to exhaust the internal processes set out above but, in exceptional or urgent circumstances, it might be appropriate for them to contact an external person or body. Legislation sets out a number of bodies to which qualifying disclosures may be made.

These include:

- OSCR
- Environmental Health Department of local authority
- Health and Safety Executive

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- Or other appropriate prescribed body

Disclosures to the press will not be considered reasonable. They will constitute misconduct and will be treated as a disciplinary matter in accordance with Impact Arts' Disciplinary Procedure.

If, at any stage in the procedures, employees are unsure about what to do and would like independent advice, they might like to discuss their concerns with someone at Public Concern at Work. This body is an independent charity staffed by lawyers, which offers confidential free legal and practical advice on how people can raise concerns about malpractice at work. They can also give advice on who else the worker may contact about what legal protection may be available. Public Concern at Work may be contacted at: www.pcaaw.co.uk or by phone on 020 7404 6609.

Dealing with disclosures

If an employee reports a disclosure to Impact Arts, the need for confidentiality will be respected wherever possible, although any concern raised under this procedure will need to be properly documented

Impact Arts believes that all employees should feel able to put their name to the allegations which they raise, as concerns expressed anonymously are more difficult to investigate. If employees raise a concern anonymously, depending upon the exact circumstances, it may nonetheless be possible for their identity to be deduced. If, contrary to this policy, they then suffer reprisals, it may be difficult to show that this was as a result of them raising a concern, i.e. it may not be possible to protect unidentified people

The action taken in response to a disclosure will depend on the nature of the concern. By way of example, the matters raised may result in one or more of the following:

- No action required.
- Action being taken under other Impact Arts policies and/or procedures.
- An internal investigation under this policy.
- A referral to the police.
- A referral to Impact Arts' external auditors.
- A referral to OSCR
- An independent enquiry.

The responsible person to whom the formal disclosure is made will:

- Make a detailed record of the disclosure.
- Ask the employee to provide a written statement describing the precise nature of the allegations.
- Upon receipt of the written statement, decide whether any further action may be required. Where it is, they will refer it to the appropriate person and write to the employee within five working days of making that decision. In their letter, they will acknowledge receipt of the complaint; provide information on who it has been referred to and details of who the employee should contact if they have any further questions.

Where further action is required under this policy in relation to an employee's complaint, this will typically, in the first instance, take the form of an internal investigation. The internal investigator will be a member of the Leadership Team, the Director or a trustee of Impact Arts (as appropriate on a case by case basis). However, Impact Arts may instead decide to arrange for a suitably qualified independent professional to undertake the investigation.

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During the investigation, the employee who reported the disclosure may need to be called upon for interview. They will also be given appropriate updates of progress made during the investigation, whilst bearing in mind the need to respect the confidentiality of other workers as well.

Once the investigation is complete:

- The employee will be given a prompt and thorough explanation about the result of the investigation and any action Impact Arts is likely to take as a result of it.
- Any allegation under this policy will be reviewed by the Leadership Team. All allegations under this policy will be reported to the Board of Trustees at the next scheduled Board meeting.
- Any action which the investigator decides is required will be taken.

Impact Arts recognises that there may be matters which cannot be dealt with internally and external authorities may need to become involved, including the police and OSCR. Where this is necessary, Impact Arts reserves the right to make such a referral without the reporting employee's consent.

Impact Arts will not tolerate any employee being subjected to a detriment as a result of their making a disclosure in good faith. In the event that any employee believes that they have been subject to a detriment by anyone within Impact Arts for this reason, they must inform the Chairperson of the Board of Trustees immediately and appropriate action will be taken to protect them from any reprisals.

If anyone should try to discourage an employee from coming forward to express a genuine concern, Impact Arts will treat this as a disciplinary matter. In the same way, the charity will deal severely with anyone who criticises or victimises an employee or otherwise subjects them to a detriment for raising a concern.

However, if it should become clear that the procedure under this policy has not been invoked in good faith (for example, falsely or for malicious reasons or to pursue a personal grudge against another employee), this will constitute misconduct and it will be treated as a disciplinary matter in accordance with Impact Arts' Disciplinary Procedure.

Any employee who, in good faith, makes allegations that turn out to be unfounded will not be penalised for being genuinely mistaken.

Review period

This policy will be reviewed and circulated to staff on an annual basis.

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