



Whistleblowing Policy

1. Introduction

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

The Public Interest Disclosure Act 1998 provides legal protection to staff from being dismissed or penalised due to publicly disclosing certain concerns. These concerns must be made in the 'public interest' as per the Enterprise and Regulatory Act 2013. If a disclosure is not made in 'good faith' this will still be considered by an employment tribunal with compensation reduced by up to 25%.

Organisations can be held vicariously liable if anyone victimises another staff member for disclosing concerns.

This policy supports and protects all "staff" which for the purposes of this policy includes all employees, sessional staff, Trustees, volunteers, interns, trainees and consultants acting on behalf of the organisation.

Where it is not possible to hold a face-to-face meeting under this procedure, the process will be conducted remotely. The organisation will ensure staff and their representatives have access to the necessary technology for participating. Staff rights will not be affected, and the organisation will ensure the procedure remains fair and reasonable.

This document does not form part of a contract of employment and may be changed from time to time in line with current best practice and statutory requirements and to ensure business needs are met. Staff will be advised of any changes made to this policy.

2. Policy Aims

- To ensure all staff and volunteers are aware of the protection offered to them by law if and when disclosing public interest concerns.
- To enable and encourage staff 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.
- To confirm the process to be followed when a disclosure is made including the investigation process and what to do if not satisfied with the outcome.

Whistleblowing may include concerns regarding one or more of the following (this list is not exhaustive):

- Abuse of power or status
- Criminal activity of the organisation, staff or volunteers
- Dangers to health and safety or the environment
- Deliberate attempts to conceal any of the above
- Failure to meet legal obligations
- Failure to comply with a legal obligation or Statutes



- Improper conduct or unethical behaviour
- Financial malpractice, impropriety or fraud
- Professional malpractice
- Behaviour that risks children or vulnerable adults

3. Legal Protection

The law protects any employee, from unfair dismissal or detriment, who discloses concerns which are:

- In the public interest
- To an appropriate person/ body
- Reasonably believed by the person of the validity of the concerns raised

4. Anonymous Allegations

Concerns expressed anonymously will still be considered and potentially investigated by the organisation however, disclosure of the person(s) raising the concern will aid any investigation to be more thorough.

5. Malicious or Vexatious Allegations

If an allegation is made and through investigation, is unfounded and there is no evidence to support it, no action will be taken against the person making the allegation.

If an allegation is made and through investigation, is found to be malicious or vexatious in nature or for the purpose of personal gain, disciplinary action may be taken up to and including dismissal.

6. How to Raise a Concern

In most cases, a member of staff 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, the staff member should discuss their concerns with their line manager. The details of the concern, the outcome and action taken will be recorded on a Whistleblowing form.

If the staff member 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 a more senior manager or member of the Leadership Team. All such approaches will be treated in the strictest confidence.

If the staff member 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 a member of the Leadership Team who has not previously been involved in the case.

If a staff member has a concern relating to a member of the Leadership team or CEO they should contact a different member of the Leadership Team who will notify the CEO or Chair of the Board as appropriate.



If anyone has a concern relating to the Impact Arts Board, they should in the first instance raise this with the CEO.

The staff member must not approach individuals involved in their disclosure directly (whether to “tip them off” or otherwise) or attempt to investigate the matter personally.

Details of concerns will be passed to the Chief Executive Officer (CEO) who will report to the Board as part of their Governance paper on a quarterly basis.

Impact Arts would urge staff 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
- Police Scotland
- Social Services Child Protection Agency
- Disclosure Scotland
- Or other appropriate prescribed body

Disclosures to the press or made on social media 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, staff members are unsure about what to do and would like independent advice, they might like to discuss their concerns with someone at Protect. 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. Protect may be contacted at: <https://protect-advice.org.uk/> or by phone on 020 3117 2520.

7. Dealing with disclosures

If a staff member 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 staff should feel able to put their name to the allegations which they raise, as concerns expressed anonymously are more difficult to investigate. If staff 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 member of staff 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 identified that further action is required, they will refer it to the appropriate person and write to the staff member 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 staff should contact if they have any further questions.

Where further action is required under this policy in relation to the staff'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 CEO 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.

During the investigation, the staff member 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 staff member 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.

In the instance of certain cases e.g. child protection disclosures, the staff member may be suspended from work with pay while Impact Arts conduct an investigation and follow the advice of the relevant authorities. If these allegations are proven against the staff member their contract will be terminated immediately for gross misconduct and a referral will be made to Disclosure Scotland and any other relevant regulatory body in line with the [Referrals to Disclosure Scotland Policy](#) and the [Protecting Vulnerable Groups Scheme & Disclosure Scotland Policy](#).

In such instance of an allegation, Impact Arts' CEO will notify Impact Arts' Trustees and make a decision as to appropriateness of notifying OSCR of any notifiable events relating to incidents of abuse or mistreatment of vulnerable beneficiaries:

https://www.oscr.org.uk/media/2155/2016-03-15_guidance-for-notifiable-events_web-version.pdf.

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/ or OSCR. Where this is necessary, Impact Arts reserves the right to make such a referral without the reporting staff member's consent.



Impact Arts will not tolerate any staff member being subjected to detriment as a result of their making a disclosure in good faith. In the event that any staff member believes that they have been subject to a detriment by anyone within Impact Arts for this reason, they must inform the CEO immediately, (unless their concern relates to the CEO in which case 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 the member of staff 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 a member of staff 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 staff), this will constitute misconduct and it will be treated as a disciplinary matter in accordance with Impact Arts' Disciplinary Procedure.

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

8. Support During Investigation

Disclosures and allegations made through the Whistleblowing process can be extremely distressing for staff and processes will be put in place to ensure that staff are supported throughout the process. In the event of an allegation being unproven, Impact Arts will offer counselling support to staff involved via our Employee Assistance Programme.

9. Outcome of Investigation

Once the investigation has been completed and the report is received by the Chairperson, a decision on what action to take will be considered. If there are reasonable grounds to substantiate the complaint, an appropriate procedure will be initiated. This may also include referral to an external body or regulator.

If the person who raised the concern believes the concern has not been dealt with appropriately, they can appeal the decision internally to the Vice Chair. If, after any internal appeal they are still not satisfied, they can choose to raise the issue with the appropriate external regulatory body.

10. Data Protection Act 2018

The organisation will treat all personal data in line with obligations under the current data protection regulations.

Version Control			
Version	Author(s)	Date	Changes Undertaken
1	Fiona Doring	1.6.24	Full Policy Review



2	Fiona Doring	27/01/2025	Addition of specific reference to Child Protection and support when allegations made.
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