

Music & Arts for the Shepway Community (MASC)



Whistleblowing Policy

2022

MASC Whistleblowing Policy & Procedure

The aims of this policy are to

- Provide an effective way to raise concerns
- Ensure feedback is provided on any action taken by MASC as a result of serious concerns raised.
- Ensure protection from reprisals or victimisation for having raised serious concerns in good faith.
- Give further options if there is dissatisfaction with MASC's response or if internal investigation is not appropriate.
- Allow MASC to take action against any individual who makes allegations in bad faith &/or publicly discloses information when it is unreasonable for them to do so.

This policy applies to anyone who works for or volunteers for MASC, employees, practitioners & volunteers including Trustees.

Whistleblowing is the term used to refer to the internal or external disclosure of malpractice as well as illegal acts, or omissions whilst working. It covers how funds are raised, working practices & making payments as well as how MASC is run.

Individuals using this policy are protected by the Public Interest Disclosure Act 1998 which provides protection for individuals who raise legitimate concerns about the specific matters known as **qualifying disclosures**

These are

- A criminal offense
- A miscarriage of justice
- An act creating risk to health & safety
- An act causing damage to the environment
- A breach of any legal obligation
- Concealment of any of the above
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It is not necessary to have proof that such an act has been or is likely to be committed. There does, however, need to be reasonable belief that this is the case. If such a disclosure is made, there is a right not to be dismissed, subjected to any detriment or victimisation. This is the case, even if it is found to be genuinely mistaken.

MASC will not tolerate any individual being subjected to a detriment as a result of their making a disclosure in good faith. Under the law, volunteers & practitioners are not afforded the same legal protection as employees, however we wish to promote & encourage an honest environment where concerns can be freely raised & will therefore, as far as possible, treat anyone making a disclosure according to the Act.

If it is found that an individual raises a malicious matter which they know to be untrue, or that they are anyway involved in the malpractice or wrongdoing, their behaviour may be addressed in accordance with MASC's Disciplinary Policy.

Non-whistleblowing concerns

Other than the specific disclosures listed above, any other concerns may be addressed using other relevant MASC policies. These would include safeguarding, disciplinary or grievance.

Procedure

Raising a concern

Whistleblowing concerns should be raised as soon as possible, making it easier to act & to enable problems to be resolved or reported quickly. Disclosures can be made orally but written is preferable as this makes the process more efficient & effective.

The disclosure should include

- Any relevant context & background, including relevant dates, venues, names etc
- State clearly the reason why the situation causes concern
- It must state that concern is being raised using the whistleblowing policy & whether the whistleblower's name is to be kept confidential.

Anonymous disclosures will be considered but are not encouraged as anonymity makes it difficult to properly investigate concerns, protect individuals & give feedback on outcomes.

The disclosure should be made, in the first instance to an appropriate representative of MASC who is not involved in the alleged malpractice, wrongdoing or illegal acts in any way.

Where the concern is about a Trustee the disclosure should be made to the Chair.

Action by MASC

The disclosure should be acknowledged in writing within 3 days of receipt. It will be investigated by MASC & the individual will be invited to a meeting to explain the concern & the reason for the disclosure. At the meeting or as soon as possible after, MASC will say what action is to be taken to address the concerns. Where action is not taken, an explanation of the reasons will be given.

Typically, the matters raised may result in one of the following

- No action taken
- Action being taken under another MASC policy or procedure
- An internal investigation under this policy
- A referral to the police or relevant statutory body
- A referral to MASC's external auditors
- A referral to the Charities Commission
- An independent enquiry

Raising a concern externally

MASC strongly encourages the use of the internal processes in the first instance, however in exceptional or extremely urgent circumstances, or if the outcome of the internal process is unsatisfactory, there is a legal right to make a disclosure to prescribed bodies.

These include, but are not limited to

- The Charities Commission
- HM Revenue & Customs
- The Health & Safety Executive
- The Financial Services Authority
- The Environment Agency

MASC reserves the right to make a referral to any of the above without the consent of the individual. Disclosures to the press will not be considered reasonable & may constitute misconduct & might be treated as a disciplinary matter & dealt with under the disciplinary poli