

Music24's Whistleblowing Policy



1. Introduction

The staff of Music24 aim to run the organisation to the highest standards of integrity and honesty. It expects all its employees (paid or unpaid) to maintain the same standards in everything they do. It is important to Music24 that any fraud, misconduct or wrongdoing by employees of the Organisation is reported and properly dealt with. Music24 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.

2. 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 Music24 internally;
- allow Music24 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 Music24 Disciplinary & Grievance Policy and Procedure.

It is particularly important to state that this policy is separate from Music24's Disciplinary & Grievance Policy and 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 management's attention. These may not necessarily be related to the whistleblower's area of work.

3. Application

This policy applies to all employees, including volunteers, trustees and senior management; both permanent or temporary, at Music24.

4. The Public Interest Disclosure Act 1998

The Public Interest Disclosure Act 1998 amended the Employment Rights Act 1996 is to provide 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. 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 he/she has made a disclosure.

Music24 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, he/she should discuss the issue with a senior member of staff.

5. Procedure

5.1 Who to disclose to

5.1.1 In most cases, an employee should raise any concerns they may have internally within Music24. Any matters not covered by the Act or, therefore, this policy, will be dealt with by using Music24's Disciplinary & Grievance Policy and Procedure or Bullying and Harassment Policy (as appropriate).

5.1.2 If appropriate, an employee should discuss his/her concerns with a senior member of staff. An informal approach to the line manager will be treated in the strictest confidence. It will not result in a report to anyone within Music24 without the employee's agreement, except where the senior member of staff believes that the issues raised are so serious that further action may be required.

Where this is the case, the senior member of staff will refer it to the Board of Trustees.

5.1.3 If an employee feels it is inappropriate to raise his/her concerns with a senior member of staff in the first instance (for example, if their concerns are about a senior member of staff's actions or if they are so serious that they should be escalated to someone at a more senior level within Music24), then he/she should speak to a Board of Trustees member in the first instance instead. All such approaches will be treated in the strictest confidence. They will not result in a report to anyone within Music24 without the employee's agreement except where the Board of Trustees member (as applicable)

believe that the issues raised are so serious that further action may be required. Where this is the case, they will refer it to the Chairman of Music24.

5.1.4 An employee must not approach individuals involved in his/her disclosure directly (whether to “tip them off” or otherwise) or attempt to investigate the matter personally.

5.1.5 Music24 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:

- HM Revenue & Customs;
- the Financial Services Authority;
- the Office of Fair Trading;
- the Charity Commission;
- the Health and Safety Executive; and
- the Environment Agency.

5.1.6 Disclosures to the press will not be considered reasonable. They will constitute misconduct and will be treated as a disciplinary matter in accordance with Music24’s Disciplinary & Grievance Policy and Procedure.

5.1.7 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.pcaw.co.uk or by phone on 020 7404 6609.

5.2 Dealing with disclosures

5.2.1 If an employee reports a disclosure to Music24, the need for confidentiality will be respected wherever possible, although any concern raised under this procedure will need to be properly documented.

5.2.2 Music24 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

5.2.3 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 Music24 policies and/or procedures.
- An internal investigation under this policy.
- A referral to the police.
- A referral to Music24's external auditors.
- A referral to the Charity Commission.
- An independent enquiry.

5.2.4 The responsible person to whom the 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.

6.1 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 trustee of Music24 (as appropriate on a case by case basis). However, Music24 may instead decide to arrange for a suitably qualified independent professional to undertake the investigation.

6.2 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.

6.3 Once the investigation is complete:

- The employee will be given a prompt and thorough explanation about the result of the investigation and any action Music24 is likely to take as a result of it.

- As any allegation under this policy should be reviewed by the senior management team. Where the allegation is deemed to be of a serious nature, an appropriate report will be submitted to the Board of Trustees.
- Any action which the investigator decides is required will be taken.

6.4 Music24 recognises that there may be matters which cannot be dealt with internally and external authorities may need to become involved, including the police and the Charity Commission. Where this is necessary, Music24 reserves the right to make such a referral without the reporting employee's consent.

6.5 Any employee who has a genuine reason for their disclosure should feel confident in bringing forward their concerns.

6.6 Music24 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 Music24 for this reason, they must inform the Chairman of the Board of Trustees immediately and appropriate action will be taken to protect them from any reprisals.

6.7 If anyone should try to discourage an employee from coming forward to express a genuine concern, Music24 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.

6.8 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 Music24's Disciplinary & Grievance Policy and Procedure.

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