



WHISTLEBLOWING POLICY

MIDLANDS ACADEMY OF DANCE AND DRAMA

VERSION 1.0



Whistleblowing Policy

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Whistleblowing Policy

Version Control

VERSION	REVIEWER NAME	DATE	NEXT REVIEW	COMMENTS
1.0		Nov 2022	Nov 2023	First Policy



Whistleblowing Policy

Introduction

Midlands Academy of Dance & Drama (MADD) was founded in 1967 by the principal, Frances Clayton and is based in Nottingham. MADD offers diplomas in Professional Dance, Musical Theatre, classes to 3-18-year-olds, and qualifications in Teacher Training in Dance with the International Dance Teachers Association (IDTA).

MADD is committed to the highest standards of openness, integrity, and accountability to ensure that our staff and learner's health, safety, and well-being is maintained and that our service is free from illegal and unethical practices.

An important aspect of accountability and transparency is a mechanism to enable staff members and learners to voice concerns responsibly and effectively.

Where an individual discovers information that they believe shows serious malpractice or wrongdoing within the organisation, this information should be disclosed internally without fear of reprisal.

'Whistleblowing' is the term given to action taken under the Public Interest Disclosure Act 1988 (PIDA) and Employment Rights Act 1996.

This Act provides legal protection to workers when raising serious concerns under certain circumstances.

This policy outlines whistleblowing, explains a worker's legal protections under the Act and documents the procedure for raising such concerns.

Scope

This policy applies to the employees (full-time, part-time or casual), agency workers, contactors, subcontractors, apprentices, and volunteers of MADD.

This policy is not designed to question legitimate business decisions, nor should it be used to raise a grievance or reconsider any matters already addressed under another policy.

This policy is available on request to any staff member, learner or another stakeholder.



Whistleblowing Policy

Definitions

Whistleblowing is reporting certain types of wrongdoing - usually something at work, though not always.

A **whistleblower** is an individual who informs on a person or organisation engaged in unlawful or immoral activity.

The wrongdoing you disclose must be in the public interest. This means it must affect others, for example, the general public.

Concerns may relate to historical, current, or possible future wrongdoing.

Examples of whistleblowing concerns covered under the Act **Qualifying Disclosures** are:

- A criminal offence, for example, fraud.
- The health and safety of an individual or group are compromised.
- The risk of, or actual damage to the environment.
- A miscarriage of justice.
- The company is breaking the law; for example, it does not have the relevant insurance.
- You believe someone is covering up wrongdoing.

Complaints that do not count as whistleblowing:

- Personal grievances.
- Disagreeing with organisational rules or processes.
- Bullying and harassment (unless the case is in the public interest).

PIDA - Public Interest Disclosure Act 1988. This Act protects workers from detrimental treatment or victimisation from their employer if, in the public interest, they blow the whistle on wrongdoing.

Investigators – The MADD Senior Management Team, along with the MADD HR function, are tasked with investigating the whistleblowing report.



Whistleblowing Policy

Roles and Responsibilities

The MADD Senior Management Team is responsible for responding to, investigating, and managing whistleblowing concerns brought to their attention.

In addition, the MADD Senior Management Team is responsible for ensuring that this policy and procedure is reviewed regularly, updated as required and disseminated to staff members and third parties.

Staff members are responsible for reading and understanding this document and raising genuine whistleblowing concerns in line with our policy and procedure.

Legal Protection for Whistleblowers

Whistleblowers are protected by law and should not be mistreated or lose their job, nor suffer any form of retribution, victimisation, or detriment due to their actions when making a qualifying disclosure.

It is important to note that as long as staff have raised a concern in good faith, they will not be subject to disciplinary action even if the investigation finds the allegations unproven.

Whistleblowers not acting in good faith will retain protection under the law where a whistleblowing concern qualifies, however, where allegations are made that are knowingly untrue and/or made for personal gain, we may seek to take disciplinary action.

Further information about PIDA can be found in the resources section of this policy.

Confidentiality

Whilst we accept anonymous whistleblowing concerns, staff should be aware that it is not always possible for us to fully investigate a concern without a detailed account and/or the option to seek further information. It is, therefore, advisable for whistleblowers to reveal their identities.

Where a whistleblower wishes to make a claim confidentially, we will do our utmost to respect their request. However, we are unable to guarantee confidentiality.

If we are in a position where we cannot maintain confidentiality and so have to make disclosures, we will discuss the matter with the whistleblower first.

In any investigation the whistleblower will be expected to keep the fact that they have raised a concern, the nature of the concern, and the identity of those involved confidential.



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Limits to Protection Under PIDA

It is important to note that disclosure will not be protected under PIDA where you are committing an offence by making that disclosure, for example, by breaching the Official Secrets Act or Section 59 of the Data Protection Act.

Individuals reporting concerns to the media will, in most cases, lose their whistleblowing law rights.

Right to be Accompanied

Employees and workers are entitled to be accompanied by a workplace colleague or union representative at any formal meeting held under this procedure.

The companion will be asked to respect the confidentiality of the disclosure and any subsequent investigation.

Investigation Timeline

It is not normally appropriate to set a specific time frame for the completion of investigations in advance, as the diverse nature of disclosure contemplated makes this unworkable.

However, so far as the investigators consider it appropriate and practicable, the whistleblower will be kept informed of the progress of the investigation.

In most instances, the Senior Management Team and or HR function will carry out an initial assessment of the disclosure to determine whether there are grounds for a more detailed investigation to take place or whether the disclosure is, for example, based on erroneous information.

If the claim is deemed to be a genuine qualifying disclosure, a further and more thorough investigation will follow.

Where appropriate, the Senior Management Team and/or HR function will escalate the issue to the Principal and refer MADD to an external regulatory body, authority, or prescribed person or body who will take over any investigation.



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Procedure

Raising a Concern

If you are concerned about any form of malpractice or wrongdoing, you should, in the first instance, raise the matter with a member of the Senior Management Team.

Concerns should be presented as a letter of concern, which may be anonymous or include a name and request to remain anonymous.

The letter of concern should consist of the following:

- The background and history of any concerns; and
- Names, dates, and places (where possible); and
- The reasons why you are particularly concerned about the situation/occurrence.

Initial Assessment

After you have raised your concern, the Senior Management Team will decide how to respond responsibly and appropriately. This will involve making internal enquiries and making an initial assessment, as well as, in some situations, engaging the MADD HR function.

To clarify the information received, gather additional facts, ensure that there is a genuine concern, and determine whether sufficient grounds for the concern exist, the investigators will usually arrange a meeting with the whistleblower.

Where serious wrongdoing is suspected following an initial assessment, MADD will inform the Principal, who will in turn self-refer to the appropriate regulating body and may cease any formal investigation to avoid jeopardising the case.

In such circumstances, any evidence gathered so far must be retained and stored safely and securely.

Formal Investigation

Matters will be investigated formally where the investigators have cause for concern.

Any formal investigation will be conducted by the MADD HR function, which may appoint a suitable co-investigator to assist them. The co-investigator must act impartially, not be implicated in the wrongdoing, and should have a good understanding of the subject matter.



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Where no appropriate internal investigator is available, MADD will engage an independent external expert.

The purpose of the investigation will be to fact-find and obtain any evidence where wrongdoing has occurred.

Where interviews are required as part of the investigatory process, staff members are obliged to act with honesty and give their full cooperation.

Staff are not normally permitted to be accompanied to an interview unless it is likely that disciplinary action could be brought as part of their disclosures.

Conclusions

Following the informal assessment and/or investigation, the Senior Management Team and/or Principal will decide as to what, if any, action should be taken, i.e., if there are grounds for disciplinary action against an employee or if a service/supplier contract should be terminated or if the organisation or members of its staff should be referred to a prescribed person or body.

The action taken will be recorded in a central Whistleblowing Concerns File.

Where appropriate, the investigators will prepare a lessons learnt report.

Raising your concern Externally (exceptional cases)

In all but the most exceptional of circumstances, concerns about malpractice should be raised internally so that we can investigate the matter and, where necessary, self-refer to the appropriate authorities.

If you cannot raise your concern internally for any reason or if you are unsatisfied with how your concern was dealt with, there are other ways, some of which are set out in the law, where you may disclose without losing your rights under the Act by informing a 'Prescribed Person or Body.'

A complete list of prescribed persons and bodies can be found here:

<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>



Whistleblowing Policy

Staff Support

Any staff member or subcontractor who is subject to victimisation concerning their whistleblowing should speak in confidence to a member of the MADD Senior Management Team.

MADD will provide support to the whistleblower and any other worker(s) affected.

Non-Compliance

Employees and subcontractors must comply with the policies and procedures set out in this document and/or referred to in it.

All deliberate breaches of this policy, such as victimisation of a whistleblower, concealing evidence, or making malicious/vexatious claims for personal gain, will be investigated under the Disciplinary Policy.

Where appropriate, MADD will involve the police or other law enforcement agencies concerning breaches of this policy.

An employee or subcontractor found to have violated the terms of this policy may be subject to disciplinary action, up to and including termination of employment or contract.

Monitoring and Reviewing

This policy should be reviewed periodically to ensure that it remains compliant with current legislation, meets best practices, and is not discriminatory.

MADD will monitor the following:

- The amount and nature of any whistleblowing concerns raised.
- Disciplinary actions arising from this policy.
- Victimisation raised as a grievance following whistleblowing actions.
- Referrals to the authorities/governing bodies.

The version number on new policies is always 1.0 and should be increased by one whole number each time the policy is edited other than to make simple changes, where they may increase in increments of 0.1.



Whistleblowing Policy

Resources

For further advice on whistleblowing and reporting concerns staff may refer to the following website (Protect): <https://protect-advice.org.uk/>

For further information on PIDA staff may refer to the following legislation:
<https://www.legislation.gov.uk/ukpga/1998/23/contents>