



## **Proms at St Jude's**

### **Whistleblowing Policy**

This Policy is formed of two parts, namely Whistleblowing (part 1) and the obligation to report serious incidents to the Charity Commission (part 2).

#### **Part 1: Whistleblowing Policy**

Proms at St Jude's (Proms) is committed to being open, honest and accountable. It encourages a free and open culture in its dealings between the Trustees and those working with the charity, including artists, audiences, contractors and volunteers.

This policy aims to help the Trustees and volunteers to raise any serious concerns they may have about colleagues with confidence and without having to worry about being victimised, discriminated against or disadvantaged in any way as a result.

It is written in the context of the Public Interest Disclosure Act 1998 which protects colleagues who 'blow the whistle' on malpractices within their organisation.

#### **What types of concerns?**

The policy is intended to deal with serious or sensitive concerns about wrongdoings such as the following:

- a criminal offence;
- a failure to comply with any legal obligation;
- a failure in the protection of children or vulnerable adults;
- a miscarriage of justice;
- a health and safety risk to an individual;
- damage to the environment;

or concealment of the above.

It is not necessary for individuals who raise the concern to prove the wrongdoing that is alleged to have occurred or is likely to occur.

However, if an individual knowingly or maliciously makes an untrue allegation (e.g. in order to cause disruption with Proms), Proms may take appropriate action against such individual.

Individuals should note that they will not be protected from the consequences of making a disclosure if, by doing so, they commit a criminal offence.

#### **How to raise a concern**

The officer designated to handle whistleblowing concerns is the Chair of Proms for the time being and shall be known as the Whistleblowing Officer.

Individuals should report their concern to the Whistleblowing Officer. If the matter concerns the Whistleblowing Officer, it should be raised with the with the Chair of People Team.

Individuals are encouraged to raise their concerns in writing where possible, setting out the background and history of their concerns (giving names, dates and places where possible) and indicating the reasons for their concerns.

If any individual is unsure whether to use this procedure or they want independent advice at any stage, they should contact the independent charity, Protect's, helpline on **020 3117 2520**. Protect will be able to advise on how and with whom to raise a concern about malpractice.

Disclosures made to a legal advisor in the course of obtaining legal advice will be protected under the Public Interest Disclosure Act.

If the individual reasonably believes that the matter relates wholly or mainly to the conduct of a person or body other than the charity or any other matter for which a person or body other than Proms has legal responsibility, the disclosure should be made to that other person or body.

### **Protecting the individual raising the concern**

If an individual raises a concern which they believe to be true, Proms will take appropriate action to protect the individual from any harassment, victimisation or bullying. Colleagues who raise a genuine concern under this policy will not be at risk of losing their role in Proms.

The matter will be treated confidentially if the individual requests it and their name or position will not be revealed without their permission unless Proms has to do so by law.

If in other circumstances the concern cannot be resolved without revealing the individual's identity, the Whistleblowing Officer will discuss with the individual whether and how to proceed.

Concerns raised anonymously tend to be far less effective but the Whistleblowing Officer will decide whether or not to consider the matter taking into account:

- the seriousness of the matter;
- whether the concern is believable; and
- whether an investigation can be carried out based on the information provided.

### **How Proms will deal with the concern**

How the concern will be dealt with will depend on what it involves. It is likely that further enquiries and/or investigation will be necessary. The concern may be investigated by the charity's Whistleblowing Officer, the Trustees, or it may be referred to the police, other agencies such as Social Services, an external auditor or an independent investigator.

It may be necessary for the individual to give evidence in criminal or disciplinary proceedings.

Proms will give the individual feedback on the progress and outcome of any investigation wherever possible.

If the suspicions are not confirmed by an investigation, the matter will be closed. Colleagues will not be treated or regarded any differently for raising the concern, and their confidentiality will continue to be protected.

## **Part 2: Charity Commission - the responsibility to report**

The Charity Commission requires charities to report serious incidents. If a serious incident takes place within Proms, it is important that there is prompt, full and frank disclosure to the Commission. Proms needs to report what happened and, importantly, let the Commission know how it is being dealt with, even if Proms has also reported the serious incident to the police, donors or another regulator.

This guidance helps charity trustees identify serious incidents. It also explains how to report them and what to report.

### **What is a serious incident?**

A serious incident is an adverse event, whether actual or alleged, which results in or risks significant:

- harm to Proms' beneficiaries, staff, volunteers or others who come into contact with Proms through its work (who are collectively referred to throughout this guidance as people who come into contact with Proms through its work);
- loss of Proms' money or assets;
- damage to Proms' property; or
- harm to Proms' work or reputation.

For the purposes of this guidance, 'significant' means significant in the context of Proms, taking account of its staff, operations, finances and/or reputation.

### ***Who should report?***

The responsibility for reporting serious incidents rests with the Proms trustees. In practice, this may be delegated to someone else within Proms.

However, all trustees bear ultimate responsibility for ensuring Proms makes a report and does so in a timely manner.

If Proms decides not to make a report about something serious that has happened in Proms and the Commission later becomes involved, Proms will need to be able to explain why it decided not to report it at the time.

## **Why must Proms tell the Commission?**

### **In summary**

Given the challenging nature of the work undertaken and the difficult context faced by many charities, the Commission understands that serious incidents will happen. When something serious happens, it is the Commission's role to ensure that trustees comply with their legal duties and that the charity manages the incident responsibly. This means the Commission will be looking for assurance that the charity has taken steps to limit the immediate impact of the incident and, where possible, prevent it from happening again.

Most problems can be resolved by trustees themselves, in some cases with timely advice from professional advisers. Sometimes the Commission needs to use its powers to protect a charity. Taking action quickly will help protect Proms from further harm. Reporting also means the Commission can identify whether other charities might be affected, and can give better advice to all charities to help them protect themselves.

### **In more detail**

Reporting serious incidents to the Commission has three main purposes, which enable it to meet its statutory objectives and functions:

1. The Commission needs to ensure trustees comply with their duties: by reporting a serious incident, Proms shows that a risk to the charity has materialised and been identified, and that the trustees are taking appropriate action to deal with it. This is very important because protecting the charity's assets, reputation and people who come into contact with it through its work are essential trustee responsibilities. An incident is less likely to damage a charity's reputation if trustees can show that they handled it well. If the media contact the Commission about an incident and it has been properly reported, the Charities Commission will be able to say that the trustees handled the situation responsibly and this will help protect the charity's reputation.
2. The Commission may need to provide regulatory advice or guidance or use its statutory powers: timely reporting allows the Commission to identify problems in charities at an early stage and, where appropriate, to provide regulatory advice and guidance to trustees. Any regulatory advice and guidance provided will normally be limited to ensuring the trustees meet their legal duties. In the most serious cases the Commission may need to use its statutory powers in order to protect the charity and put it back on track.
3. The Commission can assess the risk to other charities: serious incident reporting helps the Commission to measure the volume and impact of incidents within charities, to identify trends and to understand the risks facing the sector as a whole. This insight helps the Commission to warn charities about risks and give trustees the information and tools they need to succeed.

**When to report**

Proms should report an actual or alleged incident promptly. This means as soon as is reasonably possible after it happens, or immediately after Proms becomes aware of it.

Approved by Board 10 November 2023