

WHISTLEBLOWERS POLICY AND PROCEDURES

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WHISTLEBLOWERS POLICY AND PROCEDURES

1. Purpose and scope

The Public Interest Disclosure Act 1998, as amended by the Enterprise and Regulatory Reform Act 2013, protects workers from being dismissed or otherwise penalised by their employer for reporting malpractices or wrongdoing within the workplace where disclosing this is in the public interest. ABRSM intends to promote an open and accountable work culture.

ABRSM recognises the negative effect which malpractice can have on the organisation, and therefore encourages you to raise genuine concerns, or any suspicions you may have concerning misconduct.

This policy covers concerns that are made in the public interest. If the matter is of an individual or personal nature it should be pursued through ABRSM's applicable procedure e.g. the grievance procedure or anti-harassment procedure.

A large proportion of ABRSM's workforce are not employees but work for the organisation in a freelance capacity or as commission-based agents or as volunteers. This policy applies to employees and workers in all of these categories (as that expression is defined in s.43K and s.230(3) of the Employment Rights Act 1996).

This Policy does not form part of employees' terms and conditions of employment nor does it confer any contractual rights. ABRSM may cancel or change this policy in any way at any time and for any reason.

2. Disclosures under the policy

You can make a disclosure under this Policy if you have genuine concerns relating to any of the following areas of malpractice, or suspected malpractice, by ABRSM and you reasonably believe that making the disclosure is in the public interest:

- That a criminal offence has been committed; is being committed or is likely to be committed;
- That a person has failed, is failing or is likely to fail to comply with any legal obligation to which that person is subject;
- That a miscarriage of justice has occurred, is occurring or is likely to occur;
- That the health and safety of any individual has been, is being or is likely to be endangered;
- That the environment has been, is being or is likely to be damaged; or
- That information tending to show any of the above has been or is likely to be deliberately concealed.

The malpractice can be past, present or prospective. It may have occurred inside or outside the United Kingdom.

You are encouraged to report suspected wrongdoing as soon as possible. No action will be taken against you if you raise genuine concerns in the public interest even if the concern you raised is not confirmed by any subsequent investigation.

3. Protection for the worker making the disclosure

Confidentiality

Any disclosure you make under this Policy will be treated as far as reasonably practicable in a confidential and sensitive manner. Inevitably however disclosures are likely to require investigation and this may be incompatible with complete confidentiality. If confidentiality is not reasonably practicable, for instance, because of the nature of the information, this will be explained to you.

Anonymity

You may make a disclosure anonymously. However, as part of ABRSM's policy to promote openness and discourage fear of reprisal, you are encouraged to put your name to any disclosure you make. Concerns expressed anonymously cannot be dealt with as effectively as open disclosures. Anonymous disclosures will be considered and an investigation made at ABRSM's discretion.

Victimisation

ABRSM will not tolerate victimisation, harassment, bullying or any other detrimental treatment of any worker who has made a disclosure under this Policy. Complaints about such behaviour will be dealt with under the Disciplinary Procedure.

Any disclosures made which you reasonably believe to be true will not be subject to disciplinary action even if the disclosure is not upheld following investigation.

4. How to make a disclosure

In the first instance you should bring the matter to the attention of one of: the HR Director, the Executive Director of Finance & Corporate Services, or the Chief Executive on the emails below:

vfruish@abrsms.ac.uk Vicki Fruish : HR Director
scambridge@abrsms.ac.uk Sue Cambridge : Executive Director Finance & Corporate Services
melliott@abrsms.ac.uk Mick Elliott : Chief Executive

Alternatively disclosures can be made directly to the Chairman of the Audit and Risk Committee who is a member of the Governing Body or escalated to the Chairman of the Governing Body on the emails below:

- Chairman of the Audit and Risk Committee: David Roper
david.a.roper@uk.pwc.com
- Chairman of the Governing Body: Colette Bowe, colette@redrock23.com

5. Procedure following a disclosure

Investigation

A Senior Manager will be appointed to investigate the allegations made. The investigation will be completed within a reasonable period, bearing in mind the circumstances and frequency of the alleged malpractice. The Senior Manager will report to ABRSM with his/her findings.

Taking action

If either of the Governing Body or the Audit and Risk Committee of ABRSM considers that further investigation is required, ABRSM may:

- order a further investigation;
- invoke the Disciplinary Procedure against the person(s) suspected of wrongdoing; or in sufficiently serious cases, report the matter to an independent body.

Feedback

You will be provided with a response relating to the findings of the investigation and the action taken, if any. You will not be given details of any disciplinary action taken unless considered appropriate by ABRSM.

6. Dissatisfaction with the outcome of the process

If you are dissatisfied with the outcome of the investigation, you may appeal to the Board, giving the reasons for your dissatisfaction. The Board will then appoint a person to hear the appeal. The outcome of that appeal will be final.

7. Disclosure to Persons Other Than Your Employer

Workers are always encouraged in the first instance to report any suspected malpractice to ABRSM. If a worker instead chooses to report the matter to a person unrelated to ABRSM, they will still be protected under the policy provided that they have complied with the requirements of ss. 43F or 43G of the Employment Rights Act 1996. These requirements are more stringent and so referral of a matter outside ABRSM should always be a last, not first resort.

If you feel strongly that this matter should be dealt with outside of ABRSM please refer to the UK government website for advice on which body would be the most appropriate to report your concerns to: <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies>.

For general information and advice about whistleblowing please refer to the government website www.gov.uk/whistleblowing

8. Records

All records relating to disclosures made under this Policy will be kept in accordance with the provisions of the Data Protection Act 1998.

9. Breach of policy

If you feel that you have suffered a detriment or been dismissed as a result of making a disclosure under this policy, you should in the first instance raise the matter in accordance with ABRSM's formal procedures.

The Disciplinary Procedure may be invoked by ABRSM if you are found to have intentionally misled ABRSM in respect of any matter or to have breached this policy in any other way.