



Screen South Whistle Blowing Policy

1.0 Introduction

This policy applies to genuine concerns which are in the public interest, as defined below, and provides a mechanism for such concerns to be raised without fear of reprisal. The Act affords protection more widely than other employment legislation and includes not just 'employees' and 'workers' as defined by the Employment Rights Act 1996. The procedure set out in this document will apply to all Screen South employees, including casual and temporary staff and those associated with Screen South in other ways, such as self-employed workers, contractors and volunteers.

The purpose of this procedure is to assist individuals who believe that they have discovered serious wrongdoing as outlined below.

1.1 Protected Disclosure

Although the Act limits protection to “workers”, to avoid ambiguity, this policy is intended to cover all employees, agency workers, self-employed workers, volunteers and members of the Board.

Protected disclosure is a disclosure of information which in the reasonable belief of those associated with Screen South as above shows one of the following areas of malpractice and in respect of which certain requirements are satisfied.

The requirements to be satisfied depend on the identity of the person to whom disclosure is made and/or the circumstances in which it is made.

The six categories of malpractice covered by the Public Interest Disclosure Act 1998 are as follows:

- Criminal offences.
- Miscarriages of justice.
- Danger to the health and safety of any individual.
- Damage to the environment.
- Breach of any legal obligation.
- The deliberate concealing of information about any of the above.

The malpractices can be past, present or prospective or merely alleged (belief it is substantially true). They may be those of the employee or of some third party. They may also have occurred inside or outside of the UK, irrespective of the applicable law.

Disclosure of information relating to one of the above categories will not be protected where:

- the information is subject to legal professional privilege;
- a person making disclosure commits a crime in so doing (e.g. under the Official Secrets Act).

In addition to the disclosure relating to one of the permitted categories a disclosure must also be made in a “prescribed” way.

There are three main types of disclosure:

- Internal disclosure;
- Regulatory disclosure;
- Wider disclosure.

The hurdles which the 'Whistleblowers' must jump become higher as one moves through the three types.

The policy adopts a concept of protected disclosure and the right of a member of staff not to suffer detriment by any act or deliberate failure of Screen South as an employer on the grounds that they have made a protected disclosure. The employee has the right to claim automatic unfair dismissal if the reason or principal reason for dismissal is that the employee has made a protected disclosure.

1.2 Procedure

Screen South is committed to eliminating any malpractice officially and without detriment to the employee who raises cases of malpractice. Malicious allegations will be treated equally seriously.

- 1) An employee of Screen South who identifies and has supporting evidence of malpractice either within Screen South or within the organisations that it deals with should in the first instance raise it with the Managing Director. If the whistleblower believes that the Managing Director is involved in malpractice, he/she should in the first instance talk to the Head of Business Support. If the Head of Business Support feels that the claim of malpractice merits further investigation, he/she will contact the Chair of the Board.
- 2) The Managing Director will inform the Chair of the Board of the matter and will agree the course of action including an investigation and the proposed timetable.
- 3) The whistleblower will be informed of the action and timescale.
- 4) Once an investigation is complete the evidence will be placed before the Senior Management Team, comprising Heads of Department and the Managing Director (but not including any HoD directly involved in the complaint of malpractice). The Chair and other members of the Board will not be involved at this stage.
- 5) The Senior Management Team will decide upon a course of action.
- 6) The Chair and other Members of the Board will act as a committee of appeal should the claim of malpractice be against a member of staff.

Staff are reminded that Screen South requires all Members of the Board, staff and anyone undertaking work on behalf of Screen South to maintain the confidentiality of individuals and organisations dealt with by Screen South and that this rule applies even after they have left the organisation. It is a criminal offence to disclose any confidential information to a third party.

In the case of 'whistle blowing' this confidentiality may be breached and it is important that employees deal directly with Members of the Board of Screen South. If this feels inappropriate under certain circumstances Screen South's auditors should be contacted.

Contact Details

If you are concerned about wrongdoing at work but are not sure whether or how to raise the concern, Public Concern at Work (PCAW), which is an independent organisation with expertise in this area can provide free confidential advice, through their helpline (telephone 0207 404 6609 or email helpline@pcaw.co.uk).

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