

Whistleblowing Policy

1. Policy

It is important that any fraud, misconduct or wrongdoing by freelancers or others working on behalf of Kinetika is reported and properly dealt with. We therefore require all individuals to raise any concerns that they may have about the conduct of others in Kinetika or the way in which the organisation 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. Background

A qualifying disclosure is one made by an employee who has a reasonable belief that any of the following is being, has been or is likely to be, committed:

- A criminal offence, for example fraud
- someone's health and safety is in danger
- risk or actual damage to the environment
- a miscarriage of justice
- the company is breaking the law, for example does not have the right insurance
- you believe someone is covering up wrongdoing

It is not necessary for you to have proof that such an act is being, has been, or is likely to be, committed – a reasonable belief is sufficient. You have no responsibility for investigating the matter – it is Kinetika's responsibility to ensure that an investigation takes place.

3. Principles

- Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Freelancers and others working on behalf of Kinetika should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of.
- Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the person who raised the issue. All reasonable steps will be taken to protect the identity of the whistleblower, where possible and appropriate.
- No freelancer or other person working on behalf of Kinetika will be victimised for raising a matter under this procedure. This means that the continued contract will not be prejudiced because they have raised a legitimate concern.
- Victimisation of an individual for raising a qualified disclosure will be dealt with as a conduct issue under Section 3 of freelancer engagement contracts.

- If an instruction to cover up wrongdoing is misconduct. If told not to raise or pursue any concern, even by a person in authority such as a manager, you should not agree to remain silent. You should report the matter to the Artistic Director or the chair of the board of trustees.

4. Procedure

This procedure is for disclosures about matters in the public interest. Personal grievances (for example bullying, harassment, discrimination) are not covered by whistleblowing law, unless your particular case is in the public interest.

Stage 1

In the first instance, any concerns should be raised with the Artistic Director or Chair of the Board of Trustees, who will arrange an investigation. The investigation may involve you and other individuals involved giving a written statement. Any investigation will be carried out in accordance with the principles set out above. Your statement will be taken into account and you will be asked to comment on any additional evidence obtained. The Artistic Director will take any necessary action, including reporting the matter to the Chair of the Board of Trustees and any appropriate government department or regulatory agency. The Artistic Director will also invoke any action required. On conclusion of any investigation, you will be told the outcome and what Kinetika has done, or proposes to do, about it. If no action is to be taken, the reason for this will be explained.

Stage 2

If you are concerned that the Artistic Director is involved in the wrongdoing, has failed to make a proper investigation, or has failed to report the outcome of the investigations to the relevant person, you should escalate the matter to the Chair of the Board of Trustees. The chair will arrange for a review of the investigation to be carried out, make any necessary enquiries, and make their own report to the board.

Stage 3

If on conclusion of stages 1 and 2 you reasonably believe that the appropriate action has not been taken, you should report the matter to the relevant body. This includes:

- HM Revenue & Customs
- The Health and Safety Executive
- The Environment Agency
- The Serious Fraud Office
- The Charity Commission
- The Pensions Regulator
- The Information Commissioner
- The Financial Conduct Authority

You can find the full list in [The Public Interest Disclosure \(Prescribed Persons\) Order 2014](#).