

## Policies and Procedures

<b>Policy Title:</b>	<b>Whistleblowing Policy</b>
<b>Associated Policies:</b>	<ul style="list-style-type: none"><li>• Grievance Policy</li><li>• Data Protection Policy</li></ul>
<b>Date Reviewed:</b>	January 2024
<b>Next Review Due:</b>	January 2027

**1. Policy Scope**

- 1.1 The National Portrait Gallery is committed to conducting its business at all times with the highest standards of integrity and honesty. We expect all employees and workers to maintain the same standards in everything they do.
- 1.2 The purpose of this policy is to assist us in the early identification of any inappropriate behaviour or practices within the Gallery and to provide a clear procedure for individuals to report to us any wrongdoing at work which they believe has occurred, or is likely to occur.
- 1.3 The policy aims to ensure everyone feels confident and able to raise any reasonable concern in the knowledge that it will be taken seriously, through offering protection to those who make a protected disclosure either during their employment (or duration of the contract/agreement) and also after this has ended, and enable them to take action in respect of any victimisation.
- 1.4 This policy is in line with the Public Interest Disclosure Act 1998 which protects workers from detrimental treatment or victimisation from their employer if, in the public interest, they 'blow the whistle' on wrongdoing.
- 1.5 This policy also provides support to individuals who have reasonable grounds to believe that actual or suspected theft of objects from the Collection, as well as objects on loan to or on deposit at the Gallery, has taken place.

**2. Responsibilities**

- 2.1 The Board of Trustees hold ultimate responsibility for implementing and for monitoring the effectiveness of this policy.
- 2.2 The Director's Group are responsible for the day-to-day operation and implementation of this policy.
- 2.3 Heads of Department and line managers are responsible for implementing and ensuring employees are aware of this policy and in encouraging individuals under their supervision to report any concerns they may have.
- 2.4 Any individual who has knowledge of, or reasonably suspects, any fraud, theft or other suspicious or unlawful act taking place within the Gallery is required to report this using the procedure set out below.
- 2.5 Everyone, irrespective of their job or seniority, is required not to subject any other employee or worker to any detrimental treatment, nor harass or bully such an individual on the basis that they have raised a concern under this policy. They are also required not to encourage others to do so nor to tolerate such behaviour. Disciplinary action, including dismissal, may be taken against any employee found guilty of such behaviour. In addition, any individual who has victimised a colleague may be personally liable for any such victimisation.

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### 3. Introduction

- 3.1 Whistleblowing is when an individual knows, or suspects, that there is some wrongdoing occurring within an organisation and alerts the employer or the relevant authority accordingly.
- 3.2 Everyone who works for us is encouraged to report any perceived wrongdoing by the organisation or its employees, workers, contractors or agents that falls short of these principles.
- 3.3 The Public Interest Disclosures Act 1998 protects employees and workers who report serious wrongdoings within the workplace. For a disclosure to be protected it must reasonably appear to the individual that it is in the "public interest". This policy should not be used to question financial or business decisions taken by us, nor as a means of reconsidering any matters that have already been addressed under our grievance, disciplinary or other procedures.
- 3.4 This policy is not contractual but sets out the way in which we plan to manage such issues. We reserve the right to vary, amend or withdraw it at any time.
- 3.5 Any individual who has knowledge of, or reasonably suspects, any fraud, theft or other suspicious or unlawful act taking place within the Gallery is required to report this using the procedure set out below.

### 4. Reporting concerns

- 4.1 Individuals are encouraged to use the procedure set out below if they have a concern about any of the following:

- (a) wrongdoing at work, including any criminal activity
- (b) a failure to comply with legal obligations or breach of any statutory Code of Practice or with the Gallery's Code of Conduct (however, note that any complaint relating to an alleged breach of an employee's individual contract or otherwise relating to your personal circumstances, should be raised under our Grievance Procedure)
- (c) acting in a way that is improper, unethical or raises a fundamental issue or conscience for him/her
- (d) a miscarriage of justice
- (e) danger to health and safety
- (f) Misuse of public funds
- (g) damage to the environment, or
- (h) deliberate concealment of any of these.

Or if evidence comes into his/her hands that others within the Gallery are being required to engage in, conceal, or are actually engaging in action which falls within the paragraph 4.1 (a-h).

- 4.2 This list is not exhaustive but indicates the types of concerns that should be raised:

- (i) misuse of assets (including stock, equipment, buildings, computer hardware and software)
- (j) failure to comply with appropriate professional standards
- (k) bribery, corruption or fraud including the receiving or giving of gifts or hospitality in breach of our procedures
- (l) falsifying records
- (m) failure to take reasonable steps to report and rectify any situation which is likely to give rise to a significant avoidable cost, or loss of income to the organisation or would otherwise seriously prejudice the organisation
- (n) abuse of authority
- (o) using the power and authority of the Gallery for any unauthorised or ulterior purpose
- (p) causing damage to the environment.

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If you have any genuine concerns related to suspected wrongdoing or danger affecting any of our activities you should report it under this policy.

- 4.3 The individual does not have to be able to prove the allegations, but should have a reasonable and genuine belief that the information being disclosed is true: some allegations may prove to be unfounded, but we would prefer the issue or concern to be raised, rather than run the risk of not detecting a problem early on. A whistle-blower is a person who raises a genuine concern relating to any of the above.
- 4.4 The individual should discuss the matter with their manager in the first instance. The individual may tell them in person or put the matter in writing if they prefer. They may be able to agree a way of resolving their concern quickly and effectively. In some cases they may refer the matter to a member of the Director's Group. However, should they prefer (perhaps because the manager is unavailable, or indeed might be the cause of the concern), then the individual can contact a member of the Director's Group.

### Reporting Thefts

- 4.5 Where an actual or suspected theft of an object from the collection (including those on loan to or deposit at the Gallery) has been reported to the Gallery ("Reported Theft"), and regardless of whether the report is from an internal or external source, it will be dealt with by the relevant employees in accordance with this Policy.

## **5 Meeting**

- 5.1 We will arrange a meeting with the individual as soon as possible to discuss their concern. The individual may bring a colleague or union representative to any meetings under this policy. Their companion must respect the confidentiality of their disclosure and any subsequent investigation.
- 5.2 Where requested, we will also respect (so far as we can legally) the confidentiality of any whistleblowing complaint received, but cannot guarantee that the investigation process will not result in colleagues speculating on the identity of the whistle blower.
- 5.3 We will take down a written summary of the individual's concern and provide them with a copy after the meeting. We will also aim to give them an indication of how we propose to deal with the matter.
- 5.4 It must be appreciated that it will be easier to follow up and verify complaints if the individual is prepared to give their name; unsupported anonymous complaints and allegations are much less powerful and therefore will be treated with caution.
- 5.5 We recognise there may be matters that cannot be dealt with internally and external authorities (such as the Police, the Health and Safety Executive or external auditors) will need to become involved. Where this is necessary we reserve the right to make such a referral without the individual's consent.
- 5.6 Where the concern relates to an actual or suspected theft of an object from the Collection the Director will be informed on an urgent basis. From that point the Director will have oversight and responsibility for its management. Following any new notification to the Director of a Reported Theft, the Director will inform the Chair of Trustees. The Chair will inform the full Board.

## **6 Investigation and outcome**

- 6.1 If the matter requires further investigation, this will be carried out and the individual raising the concern will be informed of the outcome of the investigation and what action, if any, has been taken. Where such investigation involves outside agencies (e.g. the Police) this may cause some delay in the investigation.
- 6.2 Once the individual has raised a concern, we will carry out an initial assessment to determine the scope of

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any investigation. We will inform the individual of the outcome of our assessment. They may be required to attend additional meetings in order to provide further information.

- 6.3 In some cases we may appoint an investigator or team of investigators including employees with relevant experience of investigations or specialist knowledge of the subject matter. The investigator (or investigators) may make recommendations for change to enable us to minimise the risk of future wrongdoing.
- 6.4 In the case of an investigation regarding a reported theft, the investigation will always include an independent representative from outside the relevant department. Any appointment of such independent representative will be made on the recommendation of the Director and subject to the Chair's prior written approval.
- 6.5 We will aim to keep the individual raising the concern informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent us giving them specific details of the investigation, an outcome or any disciplinary action taken as a result. The individual should treat any information about the investigation as confidential.

## 7 Escalation Routes

- 7.1 While we cannot always guarantee the outcome the individual raising the concern is seeking, we will try to deal with their concern fairly and in an appropriate way. By using this policy, individuals can help us to achieve this.
- 7.2 If the individual raising the concern remains unhappy about the speed or conduct of the investigation, or the way in which the matter has been resolved, or if they feel that their concern is not appropriate to raise with the Director's Group or if it concerns individuals from that Group, they should refer the matter to the Director, the Chair of the Audit and Risk Committee or the Chair of the Trustee Board if the matter relates to the Director.

Director	Dr Nicholas Cullinan	<a href="mailto:NCullinan@npg.org.uk">NCullinan@npg.org.uk</a>
Chair of Board of Trustees	Mr David Ross	<a href="mailto:dr@10sjp.co.uk">dr@10sjp.co.uk</a>
Chair of Audit and Risk Committee	Mr Roger Blundell	<a href="mailto:rfcblundell@gmail.com">rfcblundell@gmail.com</a>

- 7.3 The law recognises that in some circumstances it may be appropriate for an individual to report their concerns to an external body such as a regulator e.g. the Health and Safety Executive, Financial Services Authority, DCMS etc. We strongly encourage individuals to seek advice before reporting a concern to anyone external.
- 7.4 The independent whistleblowing charity, Protect, operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern. Their details are Tel: 020 3117 2520 | Email: [whistle@protect-advice.org.uk](mailto:whistle@protect-advice.org.uk) | Website: <https://protect-advice.org.uk/>
- 7.5 The media, including social media, is not a relevant external body, and individuals should not contact the media regarding concerns about the organisation.

## 8 Protection against detriment

- 8.1 We aim to ensure that no-one who makes a bona fide report under this policy will be subjected to any detriment as a result. If any individual feels that they are being subjected to detrimental treatment, bullying or harassment by any person within the organisation (including their colleagues and co-workers) as a result of the decision to invoke this policy, they must inform People and Culture immediately and appropriate action will be taken to protect them from any reprisals.
- 8.2 Employees must not threaten or retaliate against whistle-blowers in any way. If employees are involved in

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such conduct they may be subject to disciplinary action.

- 8.3 However, if it should become clear that the policy has been invoked for malicious reasons or to pursue a personal grudge, this will constitute misconduct and will be managed in accordance with our Disciplinary Procedure.
- 8.4 Furthermore, if the individual does not follow the procedure set out above, the protection against detriment will not apply. Disclosing information in an inappropriate way (e.g. by contacting the media) could result in disciplinary action being taken, which could include dismissal.

## 9 Ex-employees and workers

- 9.1 Any protected disclosures made by ex-employees or workers after the termination of their employment/contract will be dealt with under this policy. In such cases, we would normally ask that the individual sets out the details of their concern in writing and we will then respond in writing, having undertaken such investigation as we deem to be appropriate.

## 10 Data protection

- 10.1 When an individual makes a disclosure, the Gallery will process any personal data collected in accordance with our Data Protection Policy. Data collected from the point at which the individual makes the report is held securely and accessed by, and disclosed to, individuals only for the purposes of dealing with the disclosure.
- 10.2 Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with our Data Protection Policy immediately. It may also constitute a disciplinary offence, which will be dealt with under our Disciplinary Procedure.

## 11 Questions

- 11.1 Any queries or comments about this procedure should be addressed to People and Culture.

## 12 Policy Review

- 12.1 The nature of any whistle blowing allegation and the result of any investigation will be reported to the Audit and Risk Committee annually in order for the Committee to consider the impact on the Gallery.
- 12.2 The Whistleblowing Policy will be monitored as part of the Gallery's annual internal review and reviewed every three years or as required by legislative changes.

**Document Control**

<b>Date of last review:</b>	December 2023	<b>Author:</b>	People and Culture Team
<b>Date of next review:</b>	December 2026	<b>Version:</b>	2.0
<b>Approved by:</b>	Director's Group	<b>Status:</b>	APPROVED

**Summary of Main Changes:****V1**

Section number	Summary of change
1.4	Added reference to the Public Interest Disclosure Act 1998 and protection of employees from victimisation if they 'blow the whistle'
1.5	Specified that the policy also provides support to individuals who have grounds to believe that theft or objects from the Collection has taken place, in light of the recent experience at the British Museum.
4.1c	Added improper, unethical or fundamental issues may be a concern for individuals to escalate
4.1f	Added misuse of public funds as a concern for individuals to escalate
4.5	Specific section added on reporting thefts.
5.6	Added any concerns relating to theft of an object from the Collection will be reported to the Director.
6.4	Added if the concern relates to theft of an object from the Collection, an independent representative from outside the organisation will be commissioned to support with the investigation.
7.2	Clarification of escalation routes and contact details for relevant persons.
12	Added that whistleblowing concerns will be reviewed annually by the Audit and Risk Committee.