

# Whistleblowing Policy

## STATEMENT

**Merton Music Foundation (MMF) is committed to the highest standards of transparency, probity, integrity and accountability.**

**'Whistleblowing' is when an employee makes serious allegations about wrongdoing in their organisation.**

**Merton Music Foundation recognises that whistle-blowers are protected by law.**

## Purpose

This procedure is intended to provide a means of making allegations about standards, conduct, financial irregularity or possible unlawful action in a way that will ensure confidentiality and protect those making such allegations in the reasonable belief that it is in the public interest to do so from being victimised, discriminated against or disadvantaged.

This procedure is intended to ensure that Merton Music Foundation complies with its duty under the Public Interest Disclosure Act 1998.

## Scope

This procedure applies to all MMF employees and self-employed staff, it does not replace other MMF policies or procedures.

This procedure applies to, but is not limited to, allegations about any of the following:

- Conduct which is an offence or breach of the law
- Alleged miscarriage of justice
- Serious Health and Safety risks
- The unauthorised use of public funds
- Possible fraud and corruption
- Sexual, physical or verbal abuse, or bullying or intimidation of employees, customers or service users
- Abuse of authority
- Other unethical conduct
- Racial, sexual, disability or other discrimination

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Merton Music Foundation is a Charitable Company Limited by Guarantee  
• Registered Charity Number 1004122 • Company Number 2590621 •

## Reporting / Making an Allegation

Contact Details for Reporting (in writing):

**David Rees**, CEO – [david.rees@mmf.org.uk](mailto:david.rees@mmf.org.uk)

*NB: If you wish to report wrongdoing by the CEO, notify the Chair of Trustees:*

**Sebastian Jones** – [chairoftrustees@mmf.org.uk](mailto:chairoftrustees@mmf.org.uk)

Merton Music Foundation recognises that the decision to make an allegation can be a difficult one to make. However, whistleblowers who make allegations in the reasonable belief that it is in the public interest to do so have nothing to fear because they are doing their duty either to MMF and/or to those for whom MMF or they are providing a service.

MMF will take appropriate action to protect a whistleblower who makes an allegation in the reasonable belief that it is in the public interest to do so from any reprisals, harassment or victimisation.

## Confidentiality

All allegations will be treated in confidence and every effort will be made not to reveal a whistleblower's identity unless the whistleblower requests otherwise. However, if the matter is subsequently dealt with through other MMF procedures, the processes of the relevant policy/procedure will apply.

Similarly, if the allegation results in court proceedings then the whistleblower may have to give evidence in open court if the case is to be successful.

MMF will not, without the whistleblower's consent, disclose the identity of a whistleblower to anyone other than a person involved in the investigation/allegation.

## Anonymous Allegations

This procedure encourages whistleblowers to put their name to an allegation wherever possible as anonymous allegations may often be difficult to substantiate/prove. Allegations made anonymously are much less powerful but anonymous allegations will be considered at the discretion of the CEO/Chair of Trustees.

In exercising discretion to accept an anonymous allegation the factors to be taken into account:

- The seriousness of the issue raised
- The credibility of the allegation; and
- Whether the allegation can realistically be investigated from factors or sources other than the complainant

## **Untrue Allegations**

No disciplinary or other action will be taken against a whistleblower who makes an allegation in the reasonable belief that it is in the public interest to do so even if the allegation is not substantiated by an investigation. However, disciplinary action may be taken against a whistleblower who makes an allegation without reasonable belief that it is in the public interest to do so (e.g. making an allegation frivolously, maliciously or for personal gain where there is no element of public interest).

## **What an Allegation/Report Should Include**

Whether a written or oral report/allegation is made it is important that relevant information is provided including:

- The name of the person making the report/allegation and a contact point.
- The background and history of the allegation (giving relevant dates and names and positions of those who may be in a position to have contributed to the allegation).
- The specific reason for the allegation. Although someone making an allegation will not be expected to prove the truth of any allegations, they will need to provide information to the person they have reported to, to establish that there are reasonable grounds for the allegation.

Someone making an allegation may be accompanied by another person of their choosing during any meetings or interviews in connection with the allegation. However, if the matter is subsequently dealt with through another procedure the right to be accompanied will at that stage be in accordance with the relevant procedure.

## **Action on Receipt of an Allegation**

The CEO or Chair of Trustees will record details of the allegation gathering as much information as possible, (within 5 working days of receipt of the allegation) including:

- The record of the allegation:
- The acknowledgement of the allegation;
- Any documents supplied by the whistleblower

An investigator will be appointed by the Chair of Trustees within 14 days.

The investigator will ask the whistleblower for his/her preferred means of communication and contact details and use these for all communications with the whistleblower in order to preserve confidentiality.

If the allegation discloses evidence of a criminal offence it will be investigated and reported to the Chair of Trustees along with the investigator's recommendation as to whether to inform the Police. If the allegation concerns suspected harm to children the appropriate authorities will be informed immediately.

If the issue is around suspected harm to children or vulnerable adults the Safeguarding Policy should be referred to.

## **Timetable**

An acknowledgement of the allegation in writing within 10 working days with

- An indication of how the MMF propose to deal with the matter
- An estimate of how long it will take to provide a final response
- An indication of whether any initial enquiries have been made
- Information on whistleblower support mechanisms
- Indication whether further investigations will take place and if not, why not

Where the allegation has been made internally and anonymously, obviously MMF will be unable to communicate what action has been taken.

## **Support**

MMF will take steps to minimise any difficulties which may be experienced as a result of making an allegation. For instance, if a whistleblower is required to give evidence in criminal or disciplinary proceedings MMF will arrange for them to receive advice about the procedure and advise on the support mechanisms that are available.

MMF accepts that whistleblowers need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform those making allegations of the outcome of any investigation.

## **Responsibility for the Procedure**

The CEO and Chair of Trustees have overall responsibility for the operation of this Procedure and for determining the administrative processes to be followed and the format of the records to be kept.

## **Monitoring**

A Register will record the following details:

- The name and status (e.g. employee) of the whistleblower
- The date on which the allegation was received
- The nature of the allegation
- Details of the person who received the allegation
- Whether the allegation is to be investigated and, if yes, by whom
- The outcome of the investigation
- Any other relevant details

The Register will be confidential and only available for inspection by the Board of Trustees.

The CEO will report annually to the Board of Trustees on the operation of the Procedure and on the whistleblowing allegations made during the period covered by the report. The report will be in a form which does not identify whistleblowers.