

## **Raising a concern about an organisation or individual that has applied to, or is already receiving funding from us**

### **Introduction**

This guidance explains how to raise a concern and how we will deal with it. As a custodian of public money, we will always take concerns very seriously, and we have processes to ensure that we can take action within our powers.

If you have a concern about the integrity or actions of an organisation or individual that has applied to, or is receiving funding from, Arts Council England, or is an Accredited museum, we would advise that you raise concerns with them as a first step in line with their own policies. You may have worked with them, volunteered with them or been a participant in a project. If you feel you have experienced or observed behaviour or working practice that has made you uncomfortable or have caused distress to you or others, please do contact them so that they can take action and do something about it.

If you have not been listened to, if you feel that the organisation or individual has not followed its own policies in dealing with your concern, or if you are fearful of contacting them, we would like to hear from you.

You should be aware, however, that the Arts Council is not a regulatory body. We can only take action to investigate breaches of a funding agreement: we cannot interpret or enforce the law. If you think your concern involves a breach of the law<sup>1</sup>, you should also consider raising the matter with the relevant regulatory body such as the [Charity Commission](#), or in criminal matters, the police.

We recognise that these limitations can be frustrating, but please be assured that we will do what we can and that we will strive to ensure that all those receiving public money work to high standards in all their dealings with people.

We have compiled information on other organisations that may be also able to help you such as Trade Unions, the Equality and Human Rights Commission and ACAS – you can find this in our [Supporting Practitioners information sheet](#).

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<sup>1</sup> An example could be sexual assault

## What we can consider through this process

We can consider concerns about:

- a current application for funding, or
- an alleged breach of the terms and conditions of a current funding agreement (funding agreements are 'live' for 12 months after the final payment has been made)

Our funding agreements are based on terms and conditions that require grant holders to follow best practice in a range of legislative and governance issues including, but not limited to, inclusivity and relevance, employment practice, bullying and harassment. In addition, our National Portfolio Organisations are expected to work towards achieving the standards set within our [Investment Principles](#).

When you contact us, we will think about whether your concerns can be framed within this context. If you wanted to read them, the terms and conditions<sup>2</sup> are available on our website and include:

- [Standard terms and conditions of funding \(for National Lottery Project Grants and Development Funds\)](#)
- [National Portfolio terms and conditions of funding](#)
- [Music Education Hubs terms and conditions of funding](#)

Concerns you have may include:

- racism
- discrimination
- sexual misconduct
- bullying or harassment
- inappropriate behaviour or practice regarding children or vulnerable adults

Please note that we cannot enter into a discussion about any disagreement you have with a particular funding decision unless it involves a breach of the terms and conditions of funding nor can we become involved in any personal disagreement you may have with the grant holder. If your concern is a personal disagreement you should direct this to the organisation or individual concerned.

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<sup>2</sup> Please be aware that the terms and conditions are updated from time to time.

Fraud is a particular and separate issue. If you believe that fraud has been committed by a grant holder, please [contact us](#), providing as much information as you can. We will deal with allegations of fraud through our [Anti-Fraud Policy](#).

### **First steps**

All grant holders should have policies and procedures in place that they are obliged to follow. These could include:

- equality, diversity and inclusion
- disciplinary and grievance
- bullying and harassment
- safeguarding
- whistleblowing and complaints
- data protection
- fair pay

If you have experienced or observed behaviour or working practice that has made you uncomfortable or caused you distress and you have an existing connection with a grant holder, we would advise that you raise concerns with them as a first step in line with their own policies.

If you do not feel your concern has been addressed or are unable to raise it direct, then you can share it with us. If a grant holder does not follow its own policies and procedures this is a breach of our terms and conditions of funding and we will want to follow this up with them.

### **What happens when you raise a concern with us**

If you are raising concerns about a decision that we have taken to fund an individual or organisation, we will review the information that you provide and consider whether it could mean that our terms and conditions of funding have been breached.

We will respond to you within 10 working days to let you know if we think there is a potential breach of terms and conditions of funding or not. If we think it is a possibility we will follow this up with the grant holder and do what we can within our powers.

Actions we can take include:

- asking grant holders to provide copies of relevant policies and procedures such as those mentioned above
- recommending that grant holders engage consultants to work with them to improve their policies and procedures and their implementation
- engaging in direct dialogue with boards of organisations to ask them to account for how they have addressed a complaint or concern and how they will improve in future
- withholding payments
- in exceptional circumstances, suspending or withdrawing grants

There are actions we can't take, such as taking over the management of an organisation or getting involved in dismissals.

When you get in touch with us we will allocate your concern to a member of staff. While they may not be able to share the details of our communication with grant holders with you, they will contact you regularly, usually once a month, to let you know what is happening.

### **What to expect as an outcome**

We cannot make public any information about what we do in response to your concern, or what action we are taking. Doing so would allow individuals and organisations to circumvent our checks and jeopardise our ability to protect public funds.

We will, however, let you know when an investigation has been completed and give you some information about the outcome. Please be aware that investigations can take some time – we would not be able to give you a firm date for any conclusion.

### **Rights to confidentiality**

When you get in touch with us to share your concerns, we will listen to you. Based on the information you share, if we think there is a potential breach of our terms and conditions, we **will** act.

We will ask you if you are willing for us to use your name and specific concern when we contact the grant holder.

We will respect your anonymity and will honour any specific requests that you make regarding confidentiality, but we cannot guarantee that anonymity will be achieved. Grant holders may be able to work out who has made a complaint by its nature and/or timing.

If we receive information that suggests people may be at risk, for example if there is a risk of harm to a child or vulnerable adult, we may need to share this information with the police or other appropriate authorities. In these cases, we would still take steps to preserve your confidentiality.

### **How to raise a concern**

Find out how to contact us at [artscouncil.org.uk/contact](https://artscouncil.org.uk/contact)

If you have a contact within the Arts Council, for example a Relationship Manager, you may prefer to email or raise it with them directly. They would then pass your concern on to be dealt with by a central team – please be aware that they might not be involved in any subsequent action or discussion.

You should provide as much information about your concern as you feel able.

If you experience or anticipate any barriers to raising a concern, please [contact us](#) for information on the type of support we can provide.

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