

Whistleblowing Procedure and Policy

Policy Title	Whistle Blowing Procedure and Policy
Owned by	HR
Updated on	18/01/2017
Contractual status	This policy does not form part of any employee's contract of employment and it may be amended at any time. We reserve the right to depart from this procedure at any time, if in our absolute discretion, we consider it appropriate.
Aim:	The aim of this policy is to: <ul style="list-style-type: none"> • Encourage staff to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected • Provide staff with guidance on how to raise concerns • Reassure staff that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken.
Scope:	<ul style="list-style-type: none"> • This procedure applies to all employees.
Exclusions	<ul style="list-style-type: none"> • The grievance procedure should be used for any matters that are not covered by this policy e.g. discrimination, harassment, bullying, complaints etc.
Further reading	<ul style="list-style-type: none"> • Grievance Procedure and Policy
Templates	<ul style="list-style-type: none"> • Whistleblowing report form

1. Statement

MSUK are committed to:

- Complying with all relevant laws and regulations that apply to the organisation and our employees.
- Operating in an ethical and just manner.
- The prevention, avoidance, detection and investigation of non-compliance, including fraud and corruption.
- Encouraging employees who have concerns about suspected serious misconduct to come forward and express these concerns without fear of retaliation or unfair treatment.

2. Process

The procedure set out in this policy should be used to report:

- A criminal offence, e.g. fraud/questionable accounting
- If 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 e.g. Doesn't have the right insurance
- Wrongdoing that is being covered up

Employees are encouraged to raise their concerns at the earliest possible stages so that timely action may be taken. Employees will not be expected to prove the truth of their allegation, but they should be able to demonstrate that there are sufficient grounds to have a reasonable belief that something is wrong.

2.1 Informal process

It should be possible to address the majority concerns outside of a formal process unless its nature makes this approach unsuitable. In the first instance, employees wishing to raise a concern are encouraged to discuss this with their line managers, as this is often the fastest way to resolve any issues and the best way to ensure a good and open work environment.

If this option is not suitable or fails to address the concern, then a formal process can be followed.

2.2 Formal process

A formal process will commence if an informal approach has been taken in the first instance, or where the nature of the concern made this approach unsuitable. To make a formal report the employee should use the provided 'Whistleblowing report form' and submit this in the following ways:

Submission Route	Details
Line Manager and/or HR	In most cases, it will appropriate to submit the report to the line manager or HR team who will escalate this to the appropriate level.
Executive Director	If the report is regarding the HR team or it is not appropriate to submit it to them for some other reason the report can be sent directly to the Executive Director.
Board of Trustees	If the report is regarding the Executive Director the report can be sent directly to the Chairman of the Board of Trustees.

- The employee can request to meet with/speak to the relevant individual to discuss their concern before submitting the form if desired, but this must be submitted following this.
- Employee are not able to influence how MSUK choose to deal with the report.
- Employees should avoid any form of external communications regarding any reports unless internal investigations have been completed and all internal alternatives have been exhausted.
- Employees are encouraged not to make anonymous reports as it can hinder or complicate investigations and possibly prevent appropriate action from being taken. However, if the employee feels there is no other option this can be done.
- Unless the report was made anonymously, and unless otherwise inappropriate, the employee making the report will be informed of the status of the report. However, the level of detail provided will be at the discretion of MSUK as to what is deemed appropriate.
- If unsatisfied with how the report was handled, or if the issue remains unresolved, the employee can resubmit their report at a more senior level or, where no higher level is available, externally to a relevant body.

2.3 Employer Action

In response management at all levels will:

- Handle all reports seriously, confidentially and promptly.
- Investigate thoroughly and make an objective assessment of the concern.
- Keep the employee advised of progress as appropriate.

- Ensure action is taken to resolve a concern.
- Evidence and documentation will be kept accurately and securely.

3. Safeguards

- Employees that report concerns or participate in any investigations under this procedure in good faith are protected from any victimisation as a result of doing so under the Public Interest Disclosure Act (1998).
- Retaliation against an employee in these circumstances will be dealt with under the 'Conduct procedure and policy' and action taken could include dismissal.
- If an employee feels they are being treated unfairly as a result of making a report or participating in any related investigation the 'Grievance policy and procedure' should be used.
- Employees will lose protection rights under this policy if they approach the media.
- If after investigation, the reported concerns cannot be confirmed or do not have substance, no action will be taken against the employee if the concern was raised in good faith.
- If an employee raises a concern that is determined to have been made maliciously or without any reasonable basis this will be dealt with under the 'Conduct procedure and policy' and action taken could include dismissal.
- Where possible reports made under this policy will be kept confidential. However, in some circumstances it may be obvious who has raised the concern or filed a report, or the investigation itself may lead to a point where a statement is required or the individual is called upon to provide evidence. In these circumstances MSUK cannot guarantee the confidentiality.

Should you have any queries or concerns about this policy please contact the HR department.