

# Whistle blowing policy and procedure

Last updated September 2019

Policy Holder: Director of HR

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'Whistle blowing' describes a situation where an individual raises concerns about corrupt or illegal practices, or those not compatible with the ethics or charitable objects of his/her organisation.

MSSC policy on whistle blowing is to operate within relevant legislation and regulations and, in turn, all MSSC employees are expected to co-operate with these laws and the policies and procedures of MSSC. MSSC is committed to maintaining an open culture with the highest standards of honesty and accountability, where employees, volunteers and other stakeholders can report any legitimate concerns in confidence. All malpractice is taken very seriously, and there is a procedure by which individuals may report concerns.

Assuming the requirements of this policy have been met, MSSC will endeavour to protect the individual from any personal claims and from any victimisation, harassment or bullying resulting from his/her disclosure. MSSC also undertakes not to initiate any disciplinary action, provided the reporting was conducted in good faith. Any reprisal taken against a discloser because he/she has made a disclosure under this policy may be regarded as gross misconduct and result in disciplinary action.

MSSC expects all employees to report any of the following in the course of their employment:

- a criminal offence
- a failure to comply with a legal obligation
- any significant breach of the MSSC Safeguarding Policy (which will then be dealt with according to the procedures outlined within that policy)
- the endangering of an individual's health and safety

- harm to the environment
- deliberate concealment of information relating to any of the above.

It should be emphasised that this policy is intended for use by employees who believe they have discovered malpractice or impropriety. It is not designed to question financial or business decisions taken by MSSC trustees/senior management nor should it be used to reconsider any matters which have already been addressed under disciplinary, grievance, complaints or other procedures. Once whistle blowing procedures are in place, employees are expected to use them rather than to air their complaints outside the organisation.

### **Procedure**

If an employee has reason to believe that underhand or illegal practices are taking place, he/she is encouraged to make a disclosure immediately to either his/her own manager, who should report it to an HQ Director. Alternatively, the employee can report it directly.

All reports will be dealt with in strict confidence. An individual may choose to be accompanied in the reporting process.

The HQ director to whom the report has been made will investigate the alleged offence in with one other member of the Senior Management Team and any other parties as appropriate.

The investigation will establish and record the basis of the concerns which have been raised and what further actions are required. The individual raising the concern will be advised of the outcome as soon as possible and usually within two weeks of the disclosure. Where a longer period is required for investigation the individual will be informed in writing. MSSC CEO will be informed of all reported disclosures and actions being and will report any disclosures on alleged fraud and corruption to the Chairman of the Finance, Investment & Audit Committee.

If the discloser is unhappy about the outcome of an investigation, he/she should make a further report to the Company Secretary and, if there is good reason to do so, the concern will be further investigated.

MSSC will keep the identity of the discloser confidential as far as possible. However, in certain circumstances, eg if a criminal investigation follows, the individual may be needed as a witness. If this happens, they will be notified at the earliest opportunity.

When disclosing any concerns, the individual will not be expected to have absolute proof of malpractice, but will need to be able to show the reasons for his/her

concern. It is particularly important in matters concerning the health, safety and welfare of those on MSSC premises (whether employees, volunteers contractors or visitors) that anyone who becomes aware of a hazard (actual or potential) or dangerous occurrence should immediately notify either the MSSC Safety and Environmental Protection Adviser or their line manager/head of department before making any other report (eg to an outside body) not least so that immediate action can be taken to deal with the hazard.

### **Principles of notification**

Failure to notify the organisation of a disclosure subject covered by this policy or failure to notify using the internal procedure before notifying any external body without good cause may also be regarded as misconduct. Any deliberate false or malicious allegations will be taken very seriously and appropriate disciplinary action will be taken. Where an individual acts in a malicious way (for example by leaking information to the press), the protection outlined above will not apply and the individual will be subject to disciplinary action which could result in summary dismissal for gross misconduct.

### **Anonymous allegations**

Because MSSC undertakes to protect employees who disclose (as outlined above), those wishing to make allegations are encouraged to identify themselves when doing so. Concerns raised anonymously tend to be far less effective and an investigation may not be possible if there is insufficient information upon which to base it.

If you feel that you cannot give your name, the Company Secretary with one other member of the Senior Management Team will decide whether to consider the matter. This will depend on:

- The seriousness of the allegation;
- Whether the concern is credible and
- Whether an investigation can be carried out on the information provided.

The Company Secretary will monitor the use and effectiveness of the whistle blowing policy.

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