

27. WHISTLEBLOWING POLICY

- 27.1 MtS promotes accountability and good practice in the workplace and wishes to ensure that concerns about suspected serious malpractice, illegal or dangerous practices can be properly raised by workers and addressed before the public interest is affected. It is everyone's responsibility, especially witnesses, to report incidences.
- 27.2 MtS will make every effort to deal seriously with such concerns raised in good faith through the following procedure in a fair, objective, discreet and timely manner.
- 27.3 Additionally, the Public Interest Disclosure Act 1998 protects workers from being subject to detriment or victimisation by their employer for making external disclosures of certain information to certain individuals in certain circumstances, providing the individual can show that they held the belief that disclosure to their employer would subject them to detriment or would result in concealment or destruction of evidence relating to the matter, and that it was a reasonable belief in the circumstances at the time of the disclosure.
- 27.4 This policy specifically relates to a major concern that an individual may have, of the order of magnitude described below in 27.10 "Qualifying Disclosures" and sets out the procedure by which all workers can report their concerns to MtS.
- 27.5 This policy does not cover routine management issues or problems, such as concerns about terms and conditions of employment or differences of opinion about day-to-day working issues, which should be raised with the Line Manager as part of the usual supervision process or, if appropriate, through the Grievance Procedure.
- 27.6 All workers, including employees, casual staff and contractors, are encouraged to raise serious concerns (as defined in "Qualifying Disclosures" below) in a responsible way using this internal procedure. Employees should remember that the Grievance Procedure is also available for different concerns (i.e. those related to individual working conditions).
- 27.7 It should be noted that MtS does not normally investigate anonymous disclosures. Confidentiality regarding disclosures is covered in clauses 27.15 – 27.17.
- 27.8 It is a contractual term that employees shall not use or disclose to any third person either during or at any time after the period of employment or engagement with MtS, any documents, confidential facts or information or trade secrets relating to the business or affairs of MtS which come into their knowledge during such period, nor shall they make or keep any copies of documents or extracts therefrom.
- 27.9 However, in certain circumstances (see "Qualifying Disclosures") public interest may override this duty of confidentiality. It is important that any concerns are normally raised using the procedure in the first instance.

27.10 Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers in relation to MtS's activities. Only information which the worker reasonably believes indicates that one or more of the following matters is either happening now, took place in the past or is likely to happen in the future may constitute a **Qualifying Disclosure**:-

- A criminal offence (such as fraud, theft or corruption);
- Sexual harassment, abuse or exploitation;
- The breach of a legal obligation;
- A miscarriage of justice;
- A danger to the health and safety of any individual;
- Damage to the environment; or
- Deliberate covering up of information tending to show any of the above.

27.11 Information must not be disclosed if it is an offence to disclose it (e.g. breach of the Official Secrets Act) or if it is a disclosure of information obtained by legal professional privilege.

27.12 The method of disclosure must be reasonable.

27.13 It will not always be clear that a particular situation falls within one of these Qualifying Disclosure categories and you will need to use your own judgment to decide whether an issue of concern amounts to a suspected offence.

Confidentiality

27.14 All disclosures raised will be handled sensitively and confidentially.

27.15 MtS will investigate all serious concerns that are raised and encourages you to declare your identity in order for us to progress investigations.

27.16 If you wish to make a disclosure and remain anonymous, MtS will take reasonable steps to keep your identity confidential. However, MtS does not guarantee your anonymity as to do so limits our ability to fully investigate the disclosure. There may also be circumstances where we may be required by law to break that confidentiality. Should this be the case, MtS will discuss the matter with you at the earliest opportunity.

Raising an Issue

27.17 Workers who become aware of any criminal wrongdoing on the part of colleagues, senior officers or others, or who have serious concerns about malpractice, theft, fraud or corruption which might adversely affect MtS's business or reputation or might otherwise put at risk the health or safety of anyone, should write in confidence to the Chief Operating Officer or Secretary General. If the concern is about the Secretary General, your concern should be raised with the Chairman of the Board of Trustees (the "Designated Trustee").

- 27.18 The person who has been contacted will make every effort to deal with such disclosures in a fair, objective and discreet manner and will either investigate the matter as quickly as possible or will nominate an appropriate person to do so. Wherever possible the communication regarding the disclosure will be acknowledged within 5 (five) working days.
- 27.19 Any worker who raises concerns under this procedure will not be punished or victimised for his or her disclosure of information made in good faith.
- 27.20 Any attempt to victimise an employee for having raised a concern about fraud, abuse or other serious malpractice, or to deter anyone from raising such a concern, is a serious disciplinary offence and may constitute gross misconduct.
- 27.21 Making unfounded disclosures maliciously is a serious disciplinary offence. If you raise a concern maliciously or for personal gain or it is later found that you knew it to be false and raised the concern in malice, then disciplinary action will be taken.

Investigation

- 27.22 The Chief Operating Officer, Secretary General or Designated Trustee may first conduct preliminary enquiries to decide whether a full investigation is necessary. If necessary, the Chief Operating Officer, Secretary General or Designated Trustee will appoint an investigating manager who will be a senior manager in the organisation.
- 27.23 The investigating manager will:-
- ensure that all concerns raised by workers are taken seriously;
 - inform the Line Manager(s) if appropriate;
 - ensure that concerns are investigated properly, objectively and in a timely manner;
 - report to the Chief Operating Officer, Secretary General or Designated Trustee on the findings of the investigation and any actions proposed.
- 27.24 The Chief Operating Officer will report to the Board of Trustees.
- 27.25 Results of investigations will be communicated, in confidence, to the Senior Management Team by the investigating manager.
- 27.26 Wherever possible, the outcome of the investigation will be reported back to the individual who raised the concern.
- 27.27 There is no right of appeal against the outcome of any investigation conducted under this procedure. However, if you are unhappy with the outcome of the investigation, or with the way the investigation is handled, you may submit another report explaining why this is the case. Your concerns will be investigated again if there is good reason to do so or you may wish to raise your concerns with an external organisation instead, such as a regulator. Details of further sources of external advice are provided in the Appendix to this policy.