

# Whistleblowing and Disclosures Policy

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*Agreed by SLT: October 2021*

*Agreed by Prayer & People Sub Committee: October 2021*

*Agreed by MAF UK Board of Trustees: December 2021*

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*This procedure is non-contractual and can be changed at any time as required by regulations or best practice.*

## **1. Scope:**

This policy applies to MAF UK staff, trustees, consultants, contractors and volunteers collectively referred to as 'staff' in this document.

The Board and Senior Leadership Team of Mission Aviation Fellowship UK are committed to ensuring that the organisation operates to the highest standards of openness, honesty and accountability and that staff can report legitimate concerns in confidence. They also commit to protecting those who report serious malpractice or wrongdoing from reprisal.

As such, this policy seeks to provide a mechanism to enable staff to voice serious concerns about standards, conduct, financial irregularity or possible unlawful action in a responsible and effective manner which ensures confidentiality and protects those making allegations in the public interest from retribution.

Staff members may also raise concerns about MAF international operations and partners through this mechanism, but these may be referred to the appropriate body (MAFI, resourcing groups or partner organisation senior leadership) for investigation

This procedure does not replace other MAF UK policies or procedures. For example, if a member of staff felt that their manager or a colleague was treating them unfavourably, they should refer to the Bullying and Harassment policy and raise a grievance.

## **2. Why the Policy is needed:**

The UK Public Interest Disclosure Act, which came into effect in 1998 (and reviewed in line with the Enterprise and Regulatory Reform Act - 2013), gives legal protection to employees against being dismissed or penalised by their employers because of publicly disclosing certain serious concerns. MAF UK has developed this policy, and the associated procedure, to ensure that no staff feel at a disadvantage in raising legitimate concerns.

## **3. Confidentiality and Anonymity**

MAF UK confirms that the identity of those reporting concerns will be kept as confidential as is possible. This means that the circle of those knowing the identity of the Whistle-Blower will be as tight as possible. This is likely to include the CEO, the Head of HR and the Head of the appropriate Department, unless they are in some way implicated. (*The Board of Trustees also have access to a Register recording whistleblowing events*)

There will, however, be situations where it is not possible to retain complete confidentiality

(e.g. where the police are involved, where the person needs to make a statement or attend an investigative hearing as a witness etc.).

Where it is not possible to investigate the concern without identifying the person, MAF UK will discuss with the Whistle-blower how best to proceed with the investigation.

Staff can report concerns anonymously but MAF UK may not be able to take the claim further if supporting documentation is insufficient. When considering anonymous allegations MAF UK will look at the seriousness and credibility of concerns raised and the likelihood of confirming the allegation from attributable sources before deciding whether to proceed.

#### 4. Protection for 'Whistle-Blowers'

MAF UK confirms that those who report concerns of malpractice or wrongdoing will be treated fairly. It commits to ensure that there will be no punishment or unfair treatment from either fellow staff members or MAF UK.

Whistle-Blowers must act in 'good faith', making sure that information provided is substantially true and is an honest explanation of concerns. Staff making an allegation in good faith, not confirmed by subsequent investigation, will not be detrimentally affected.

If, however, a staff member makes an allegation without reasonable belief that it is in the public interest (e.g. making an allegation frivolously, maliciously or for personal gain), or persists in making them, disciplinary action may be taken.

#### 5. What types of malpractice or wrongdoing are covered by this policy?

The concern raised relates to specific malpractice or wrongdoing by a MAF UK staff member, trustee, consultant, contractor, volunteer or someone else acting on MAF UK's behalf.

The concern raised will be 'in the public interest'. Issues which may be considered as 'Personal Grievances' (e.g., bullying, harassment, discrimination) aren't covered by this policy. (See the **Bullying and Harassment Policy**)

The list below shows the types of malpractice or wrongdoing that should be reported and relates to events which have, will, or are likely to take place including; *(this is not an exhaustive list)*

- **fraud/theft or bribery**
- **miscarriage of justice**
- **abuse or exploitation** of another person e.g., sexual, physical, verbal, or economic
- **human trafficking** of another person.
- **criminal or illegal activity**
- **endangering the health and safety** of another person or the environment.
- **corrupt/abuse of an organisational practice or procedure**
- **behaviour blatantly inconsistent** with MAF UK's values, ethos or Conduct Policy

- **victimisation of another person** e.g., the misuse of a person's position or authority within MAF UK to abuse/victimise another person.
- Deliberate **attempt to conceal** any of the above.

## 6. Reporting concerns

Any malpractice or wrongdoing concern/s should be marked 'Confidential' and reported directly, in writing to the Head of Human Resources at the earliest opportunity as follows:

1. Subject heading - 'Whistleblowing'
2. In the message - Clearly state the facts and details of the concern including the background and history of the allegation and the specific reason for making the allegation.
3. State whether the report is anonymous or not. Noting that the Head of HR will seek to clarify this by return email and will not forward personal data without further consent.

Concerns received by the Head of HR will be reported to the CEO and they will decide together how the concern will be investigated. If the concern is about a member of the Senior Leadership Team, then the report should be directed to the CEO. If the report concerns the CEO, it should be directed to the Chair of the Board [matthew.burton@saffery.com](mailto:matthew.burton@saffery.com)

All reports will be treated seriously. The disclosure will be promptly investigated. This may include an interview and a witness statement.

The Head of Department will be informed unless they are implicated in the report. This will ensure that the Department Head is kept updated and able to appropriately support and protect junior staff.

If the allegation relates to fraud, potential fraud or other financial irregularity the Head of Finance will be informed of the allegation. The Head of Finance will decide with the CEO and Head of HR whether the allegation should be investigated and the method of investigation.

If the allegation discloses evidence of a criminal offence it will immediately be reported by the CEO to the Board of Trustees and a decision will be made as to whether to inform the Police. If the allegation concerns suspected harm to children, the appropriate authorities will be informed immediately.

If staff feel unable to use MAF UK's procedure the disclosure can be made to a legal adviser, the local MP or to a prescribed person for the area of concern. A list of prescribed people and bodies can be found on Gov.UK website

## 7. Action

Following an investigation, where the report is deemed as credible, it will be dealt with using the MAF UK **Misconduct Policy and Procedure**.

A staff member who is the subject of a Whistleblowing report will be given opportunity to state their side of the case at the earliest opportunity, unless doing so would detrimentally affect any required investigation.

## **8. Feedback**

Wherever possible, feedback on the results of any investigation will be given to the person who initially reported the concern.

However, if the malpractice or wrongdoing concern is of a confidential/private nature or the evidence uncovered is sensitive, then it may not be possible to provide feedback detailing the specific actions that were taken to resolve the concern.

Feedback will be given through the Head of HR via email.

If, on conclusion of the above stages, the Whistle-Blower reasonably believes that appropriate action has not taken place, they may report the matter to the proper authority in good faith. The *Public Interest Disclosure Act* sets out several prescribed bodies or persons to which qualifying disclosures may be made.

However, MAF UK, always encourages staff to raise their concerns directly in the first instance, rather than externally. This enables issues to be dealt with promptly.

## **9. Pastoral Support**

A staff member who experiences feelings of anxiety, stress or fear because of either 'Whistle-Blowing' or being a recipient of an allegation can ask for pastoral support by contacting the Head of HR. *(This would not apply to consultants and contractors)*

## **10. General principles**

- Victimisation of an employee for raising a concern under this procedure will be a disciplinary offence and will be dealt with under MAF UK's disciplinary procedure
- Covering up someone else's wrongdoing is also a disciplinary offence. Staff should never agree to remain silent about a wrongdoing, even if told to do so by a person in authority
- Maliciously making a false allegation is a disciplinary offence.

## **11. Monitoring**

A Register will record the following details:

- The name and status (e.g., employee) of the whistle-blower
- 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 Chair of the Board's Prayer and People Sub-Committee, the CEO and the Head of HR.

A confidential and anonymised report, summarizing the allegation and any action taken, will be provided to the Board of Trustees any time a Whistleblowing report is received.