

# Midlands AIDS Caring Organisation



## Whistle Blowing Policy

**Purpose**

In this **policy 'Whistleblowing'** means the reporting by employees of suspected misconduct, illegal acts or failure to act within Midlands AIDS Caring Organisation's policies. The aim of this Policy is to encourage employees and others who have serious concerns about any aspect of MACO's work to come forward and voice those concerns.

The Whistleblowing Policy sets out the framework for dealing with allegations of illegal and improper conduct. MACO is committed to the highest standards of transparency, probity, integrity and accountability.

This procedure is intended to provide a means of making serious allegations about standards, conduct, financial irregularity or possible unlawful action in a way that will ensure confidentiality and protect those making such allegations in the reasonable belief that it is in the public interest to do so from being victimized, discriminated against or disadvantaged.

### **Scope**

This procedure applies to all MACO employees, including Associates and contractors.

This procedure does not replace other MACO policies or procedures. For example, if an employee has a grievance about their working conditions they should use the MACO HR Policy.

This procedure applies to, but is not limited to, allegations about any of the following:

- Conduct which is an offence or breach of the law
- Alleged miscarriage of justice
- Serious Health and Safety risks
- The unauthorized use of public funds
- Possible fraud and corruption • Sexual, physical or verbal abuse, or bullying or intimidation of employees, customers or service users
- Abuse of authority
- Other unethical conduct

### **Process for making a report**

MACO recognizes that the decision to make an allegation can be a difficult one to make. However, whistleblowers who make serious allegations in the reasonable belief that it is in the public interest to do so have nothing to fear because they are doing their duty either to the MACO and/or to those for whom the MACO or they are providing a service.

MACO will take appropriate action to protect a whistleblower who makes a serious allegation in the reasonable belief that it is in the public interest to do so from any reprisals, harassment or victimisation.

There shall be put in place modalities for anonymous tip offs as follows

- MACO reception will have a suggestion box that is placed discreetly as you enter any Jointed Hands office or close to the seating area where staff do not see the person placing the written document and as one goes to the bathrooms and when MACO is having meetings and programs
- There is need for an investigation team to be set up by the board for issues that would not have been solved at committee level, depending on the gravity of the issue.
- [finance@maco.org.uk](mailto:finance@maco.org.uk) email facility created for whistle blowing
- Whatsapp and media monitoring
- Call lines to the Board or to the senior management depending on the nature of the issue being reported.
- Tip offs can be reported to MACO auditors.

### **How whistleblowers are protected**

MACO shall put in place provisions for the protection of the whistle blower and that includes non-retaliation and non-disclosure.

All allegations will be treated in confidence and every effort will be made not to reveal a whistleblower's identity unless the whistleblower otherwise requests.

Similarly, if the allegation results in court proceedings then the whistleblower may have to give evidence in open court if the case is to be successful.

MACO will not, without the whistleblower's consent, disclose the identity of a whistleblower to anyone other than a person involved in the investigation/allegation.

### **Anonymous Allegations**

This procedure encourages whistleblowers to put their name to an allegation wherever possible as anonymous allegations may often be difficult to substantiate/prove. Allegations made anonymously are much less powerful but anonymous allegations will be considered at the discretion of the Director.

In exercising discretion to accept an anonymous allegation the factors to be taken into account:

- The seriousness of the issue raised
- The credibility of the allegation; and
- Whether the allegation can realistically be investigated from factors or sources other than the complainant

### **Untrue Allegations**

No disciplinary or other action will be taken against a whistleblower who makes an allegation in the reasonable belief that it is in the public interest to do so even if the allegation is not substantiated by an investigation. However, disciplinary action may be taken against a whistleblower who makes an allegation without reasonable belief that it is in the public interest to do so (e.g. making an allegation frivolously, maliciously or for personal gain where there is no element of public interest).

### **Procedure for Making an Allegation**

It is preferable for allegations to be made to an employee's immediate manager to whom they report. However, this may depend on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if the whistleblower believes that management is involved it would be inappropriate to raise it directly with them. The whistleblower may then make an allegation direct to the Director or the Board Chairperson.

If either of the above receive an allegation he/she will consider the allegation and may discuss with either the Director. The line manager (or either/or both) of the above, after consideration, will discuss with the whistleblower and if they wish to proceed with the allegation will be investigated.

### **Allegation**

Whether a written or oral report is made it is important that relevant information is provided including:

- The name of the person making the allegation and a contact point.
- The background and history of the allegation (giving relevant dates and names and positions of those who may be in a position to have contributed to the allegation);
- The specific reason for the allegation. Although someone making an allegation will not be expected to prove the truth of any allegations, they will need to provide information to the person they have reported to, to establish that there are reasonable grounds for the allegation.

Someone making an allegation may be accompanied by another person of their choosing during any meetings or interviews in connection with the allegation. However, if the matter is subsequently dealt with through another procedure the right to be accompanied will at that stage be in accordance with the relevant procedure.

### **Action on receipt of an Allegation**

The line manager will record details of the allegation gathering as much information as possible, (within 5 working days of receipt of the allegation) including:

- The record of the allegation;
- The acknowledgement of the allegation;
- Any documents supplied by the whistleblower

The investigator will ask the whistleblower for his/her preferred means of communication and contact details and use these for all communications with the whistleblower in order to preserve confidentiality.

If the allegation relates to fraud, potential fraud or other financial irregularity the Finance Manager will be informed within 5 working days of receipt of the allegation. The Finance Manager will determine 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 to the Board 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.

Timetable demonstrate

- An acknowledge the allegation in writing within 10 working days with
  - An indication of how the MACO propose to deal with the matter
  - An estimate of how long it will take to provide a final response
  - An indication of whether any initial enquiries have been made
  - Information on whistleblower support mechanisms
  - Indication whether further investigations will take place and if not, why not

Where the allegation has been made internally and anonymously, obviously the MACO will be unable to communicate what action has been taken.

### **MACO Roles and Responsibilities**

The suggestion box should be opened by the quality improvement committee before their committee meeting, to facilitate investigations before taking key issues to the management or Director or Board, depending on the gravity of the case.

MACO will take steps to minimise any difficulties which may be experienced as a result of making an allegation. For instance, if a whistleblower is required to give evidence in criminal or disciplinary proceedings the MACO will arrange for them to receive advice about the procedure and advise on the support mechanisms that are available.

MACO accepts that whistleblowers need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform those making allegations of the outcome of any investigation.

### **Responsibility for the Procedure**

The Director has overall responsibility for the operation of this Procedure and for determining the administrative processes to be followed and the format of the records to be kept.

### **Monitoring**

A Register will record the following details:

- The name and status (e.g. employee) of the whistleblower
- 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 Director.

The Director will report annually to the Board on the operation of the Procedure and on the whistleblowing allegations made during the period covered by the report. The report will be in a form which does not identify whistleblowers.

<i>Effective Date</i>	<i>Chairperson Name</i>	<i>Signature</i>

*Organisation Stamp*

