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## Reporting Malpractice & Raising Concerns ('Whistleblowing') Policy and Procedure

The aim of this policy and procedure is to encourage employees and others working for MAG who come into contact with our work who have serious concerns about any aspect of MAG's work to come forward and voice those concerns.

### Policy Statement

MAG will always strive to maintain the highest standards of openness, integrity and accountability in its work. Consequently, we are committed to ensuring that appropriate policies, procedures and guidelines are in place to prevent malpractice and irregularities taking place within the organisation. Any form of malpractice or improper conduct will be taken extremely seriously. All employees are expected to follow the standards contained in the Policy on Personal Conduct, and are encouraged to raise concerns when these standards are not being met so that corrective action can be taken.

MAG is committed to ensuring that genuinely held concerns will be thoroughly investigated and anyone who raises a concern will be protected against victimisation and discrimination.

This Policy and Procedure aims to:

- give all employees the confidence to raise serious concerns at the earliest opportunity;
- provide avenues for concerns to be raised;
- give all employees the confidence that they are being listened to
- reassure all staff of the response they can expect when raising an issue or concern;
- reassure all employees that they will be protected from possible reprisals or victimisation if they make a disclosure regarding a genuinely held concern.

This policy applies to all:

- Employees of MAG including HQ, international and national staff and must therefore be translated into all relevant languages.
- Consultants and contractors providing services to MAG, who will be made aware of it.
- Voluntary workers and interns working with MAG, who will be made aware of it.
- Trustees

Where the word employee (or staff) is used in this policy, it applies to all categories listed above.

**Beneficiaries:** Where the term beneficiary is used this refers to someone in receipt of MAG's assistance. This could include but is not limited to: people who will use or may use land or property made safe by MAG through clearance or survey, communities receiving risk education activities in any form, recipients of MAG training, security forces benefitting from MAG's interventions, and populations in areas of close proximity to ammunition stores.

### Guiding Principles:

- All concerns will be treated extremely seriously and MAG will respond effectively to all issues raised.
- This policy is for the use and benefit of all staff in all locations. MAG expects all staff to raise concerns that they have.
- The confidentiality and wellbeing of the person raising the concern will be considered at every stage.
- MAG will not allow victimisation or harassment of any individual who has raised a concern.
- Disciplinary action may apply to anyone working for MAG who is found to have withheld, destroyed or concealed information or deterred anyone else from making a report or raising a concern they have.

## Definitions:

**Whistleblowing/ Reporting Malpractice/ Raising a Concern:** is the action of an employee in making a report about a genuinely held concern they hold of any wrongdoing, misconduct, malpractice, irregularity or illegal act taking place within MAG or any of its programmes. This could include:

- a safeguarding issue which contravenes any of the standards set out in the policies within MAG's Safeguarding Framework – this includes but is not limited to prostitution, personal relationships with partners or beneficiaries, any cases of sexual harassment, abuse, or assault
- financial irregularity including fraud,, attempted fraud, bribery or attempted bribery
- serious maladministration arising from the deliberate commission of improper conduct,
- unethical activities which may or may not be of a criminal nature
- dangerous acts or omissions which create a risk to health, safety or the environment.
- Malpractice includes (but is not limited to) illegal or criminal activities as defined by the law of the country in which MAG is operating.

This list is only indicative and not exhaustive. If you have a concern that is not detailed above, please raise it.

**Qualifying Disclosures:** The Public Interest Disclosure Act 1998 (UK) provides protection for workers who raise legitimate concerns known as “qualifying disclosures”, about specific matters which are in the public interest. A qualifying disclosure relates to the following:

- a criminal offence has been committed, is being committed or is likely to be committed;
- a person has failed, is failing or is likely to fail to comply with any legal obligation to which he/she is subject;
- a miscarriage of justice has occurred, is occurring or is likely to occur;
- the health or safety of any individual has been, is being or is likely to be endangered;
- the environment has been, is being or is likely to be damaged;
- a fundraising regulation or code of practice has been breached; or,
- information relating to any of the above matters has been deliberately concealed.

A qualifying disclosure does not include mismanagement which arises from weak or poor management rather than malpractice, irregularity etc. The protections described above apply to all workers employed by MAG, although some options available by way of redress (i.e. Tribunals) are not available where the employee normally works outside of the UK.

MAG reserves the right to consider, in conjunction with the employee raising the concern, whether that concern might be more appropriately dealt with under some other existing policy or procedure. Any such decision, the reasons for it and the agreement of the person raising the concern will be fully recorded.

## Responsibility to report internally

All employees have a responsibility to challenge unethical or illegal behaviour, malpractice or misconduct, and to speak up about genuine concerns they have. To raise a concern, the individual does not have to be directly or personally affected by the issue, nor do they have to have any evidence that proves their concern. MAG relies on employees in all locations to uphold high standards of behaviour, ethics and integrity and to raise concerns they may have about the conduct of others or the way we operate as an organisation.

## Reporting Procedures

### Raising a Concern at HQ:

Concerns should normally be raised with a member of the Management Team (MT). If the concern involves a member of the Management Team at HQ, then this should be reported to the Chief Executive. If the concern relates to the Chief Executive, the report can be made to John Shinnick, a nominated member of the Board of Trustees: [john.shinnick@maginternational.org](mailto:john.shinnick@maginternational.org). If the concern relates to a member of the Board of Trustees, a report may be made to the Chair of the Board of Trustees: [Karen.Brown@maginternational.org](mailto:Karen.Brown@maginternational.org). The Trustees can also be contacted if you feel that a previous case has been raised but not acted upon.

If, for any reason, an individual doesn't feel able to follow the procedure outlined above, concerns can be raised by sending a message to the email address [reporting@maginternational.org](mailto:reporting@maginternational.org). Emails sent to this address are received by Sarah Howell, MAG's Company Secretary based at HQ who will record all referrals on a register. This email address can also be used to contact the Trustees if you feel that a previous case has been raised but not acted upon appropriately.

See the section below for a summary of reporting options

**Raising a Concern in a country programme:**

Concerns should be raised to the senior manager in country (SMIC) or the relevant Regional Director (RD).

If for any reason, an individual doesn't feel able to follow the procedure outlined above, concerns can be raised by sending a message to the email address [reporting@maginternational.org](mailto:reporting@maginternational.org). Emails sent to this address are received by MAG's Company Secretary based at HQ. This email address can also be used if you feel that a previous case has been raised but not acted upon appropriately.

Concerns may be raised by telephone, in person, by email or in writing. The earlier a concern is raised, the easier it will be to take action. The following information should be provided:

- the nature of the concern and why it's believed to be true, including any evidence that is available (although you are not required to actively obtain evidence yourself to prove your concern),
- the background and history of the concern including any relevant dates/ locations/ names etc, if possible

**Summary of Reporting Options for HQ & Programme staff**

Reporting Options (In person, by email, or by phone)					
Programme employee has a concern	Member of the HQ Management Team (MT)	RD	Line Manager	SMIC	Email <a href="mailto:reporting@maginternational.org">reporting@maginternational.org</a>
HQ employee has a concern	Member of MT <a href="mailto:rhian.cooke@maginternational.org">rhian.cooke@maginternational.org</a> <a href="mailto:Llewelyn.jones@maginternational.org">Llewelyn.jones@maginternational.org</a> <a href="mailto:chris.loughran@maginternational.org">chris.loughran@maginternational.org</a> <a href="mailto:darren.cormack@maginternational.org">darren.cormack@maginternational.org</a> <a href="mailto:andy.ewart@maginternational.org">andy.ewart@maginternational.org</a>			Line Manager	Email <a href="mailto:reporting@maginternational.org">reporting@maginternational.org</a>
Any concern involving a member of MT	Chief Executive <a href="mailto:Jane.cocking@maginternational.org">Jane.cocking@maginternational.org</a>				Email <a href="mailto:reporting@maginternational.org">reporting@maginternational.org</a>
Any concern involving the Chief Executive	A member of the Board of Trustee <a href="mailto:john.shinnick@maginternational.org">john.shinnick@maginternational.org</a>				Email <a href="mailto:reporting@maginternational.org">reporting@maginternational.org</a>
Any concern involving a member of the Board of Trustees	Chair of the Board of Trustees <a href="mailto:Karen.Brown@maginternational.org">Karen.Brown@maginternational.org</a>				Email <a href="mailto:reporting@maginternational.org">reporting@maginternational.org</a>

## **How MAG will respond**

All concerns raised under this policy will be notified to the Company Secretary promptly and recorded appropriately. Anyone who receives any concern reported under this policy must notify the Company Secretary promptly. It does not matter if the concern is subsequently determined not to be a whistleblowing matter (and dealt with via some other means) or if there is no evidence submitted alongside the report.

It's important for the person to whom report is made remembers that it isn't necessary for the person making the report to specifically refer to this policy when raising a concern. It is the responsibility of the person receiving the report to ensure that the issue is logged. Following this, a decision will be made as to whether it falls within this policy, to inform the referrer and to report and action it accordingly.

When the issue has been logged, available facts will be considered and a decision will be made whether the matter should be dealt with under the Reporting Malpractice (Whistleblowing) policy. If they consider that the matter should be dealt with under a different procedure, such as the Grievance Procedure or the Financial Crime Procedure, they will advise the person making the disclosure and provide the support needed to raise the concern in the appropriate way. It is important that the referrer concurs with this approach where possible. The matter will still be logged as having been received under this policy, but will also record any discussion / decisions / agreements to resolve the matter under a more appropriate process.

The person receiving the reported concern will also determine whether there is any actual or perceived conflict between the nature of the concern raised and their own role and responsibilities with MAG. If appropriate, the matter should be passed to an alternative individual as noted above.

MAG will respond to all concerns raised as soon as possible. If the disclosure does come under the Reporting Malpractice policy, it will be acknowledged in writing within 5 working days.

## **Making initial enquiries**

Initial enquiries will be made to decide whether a full investigation is appropriate and necessary, and if so, what form it should take. This will normally involve a meeting with the person making the report. Investigations will normally be carried out by an appropriately senior and experienced member of staff. Depending on the nature and circumstances of the case, this initial investigation could be carried out by the SMIC, Regional Director (RD) or a member of the Management Team at HQ, The Chief Executive or a member of the Board of Trustees. In exceptional circumstances, MAG reserves the right to commission an independent investigation.

If financial crime is suspected, the issue must be dealt with by following the Financial Crime Policy and Procedure.

## **Conducting an Investigation**

The investigation will usually begin with a formal interview with the person who has raised the concern. At this meeting, the individual may be accompanied by a work colleague if they wish. The primary purpose of the interview will be to obtain further information about the concern and to establish what evidence, if any, is available. It will also establish whether the person is prepared to be identified and if so, to sign a statement confirming the specific details of their concerns, or at least a written record agreed by both parties. This meeting is also an opportunity to enable the process to be explained to the referrer, to clarify their rights and expectations, to allow them to ask any questions, identify any immediate support they may need and to raise any concerns they may have.

MAG will preferably try to arrange for the meeting to be held at a time and location that enables the employee to attend in person but due to the distances involved, this may not always be possible. Where it is not possible to hold meetings in person, a skype or telephone conversation will take place. Failing this, MAG will ask the employee to submit a full report of their concerns in writing and will then, discuss these and any questions arising from it by telephone/skype.

Further investigations may be necessary which could include reviewing any evidence available or attempting to gather further evidence. It may be necessary to conduct further interviews with the person who raised the concern or with any other relevant people, which could include third parties or witnesses. The confidentiality of

the whistleblower's identity will be considered at every stage of the initial investigation and they will be notified if it becomes necessary to involve other individuals, particularly if the referrer's identity could become obvious due to the nature of the enquiry or questions asked. This investigation will be carried out as sensitively and speedily as possible.

### **Further action**

Depending on the outcome of the initial investigation, it will be decided whether further action is appropriate and necessary and what form it will take. Depending on the circumstances, this could include:

- No further action
- Further internal action (internal investigation, disciplinary etc)
- Further external action (external investigator, civil legal action)
- Referral to a regulatory body (i.e. Charity Commission)
- Referral to another authority (i.e. police)
- Amendment to organisation's policies or procedures

MAG will report incidents of criminal acts, wherever they occur in the world, to the local police unless there are strong reasons for not doing so or unless there is a legal obligation to do so.

Depending on the circumstances, further investigation or work may need to be carried out on a strictly confidential basis (for example, so as not to prejudice any ongoing criminal investigation). The person who raised the concern will be kept informed, in broad terms, of the investigation and action taken as a result of it.

If it's decided not to proceed with further investigation or action, the decision will be explained as fully as possible to the individual who has raised the concern.

### **Logging and External Reporting**

All concerns raised will be logged on MAG's Whistleblowing Register which will be updated throughout the management of the case, until the matter has concluded. Depending on the nature and severity of the concern, a report may be made to the Charity Commission and any other relevant and appropriate bodies.

The Governance Nominations and Review Committee (GNRC) maintains oversight of MAG's incident reporting to the Charity Commission and any other relevant regulatory bodies. The committee will ensure that incident reporting practice is in line with the Commission's expectations and with industry good practice.

### **Untrue Allegations**

Individuals will have nothing to fear if a genuinely held concern they raise is not substantiated as a result of initial enquiries or an investigation. However, making allegations which are known to be untrue, are malicious or frivolous, will be dealt with under the appropriate disciplinary policy and procedures.

### **External disclosures**

All employees are expected to fully exhaust internal procedure prior to voicing allegations elsewhere. Staff who disclose publicly or externally without first using this procedure and without good reason may be subject to disciplinary action should their actions be deemed to have unnecessarily breached this policy.

However, any representative has the right to make direct contact with the UK Charity Commission at this link: <https://forms.charitycommission.gov.uk/raising-concerns/> to raise a concern about a serious risk of harm to the MAG or people its beneficiaries. You will be expected to detail any attempts you have made to raise this issues internally.

### **Confidentiality**

Anonymous disclosures are not preferred and will be considered on a case by case basis. Under normal circumstances, the identity of the person raising the matter will be kept confidential if requested, for as long as possible, provided that this is compatible with a proper investigation. However, in some circumstances it may be

obvious who raised the concern, or the investigation may lead to a point where the individual is required to give evidence. Additionally, there may be a legal (judicial) compulsion to identify the referrer. In such circumstances, where finding the truth is hindered by confidentiality, MAG cannot guarantee complete confidentiality to the employee.

MAG understands how difficult it can sometimes be to take a stand and raise a concern about colleagues or the organisation in which they work. MAG will take all reasonable steps to provide protection to anyone who raises genuinely held concerns in good faith, and will do everything possible to maintain confidentiality for as long as possible.

### **Protected from Victimisation and Harassment**

MAG recognizes that the decision to report a concern can be difficult to make. However, individuals are strongly encouraged to report any concerns they have to enable MAG to take appropriate action and address any wrongdoing that may be taking place.

MAG will not tolerate the harassment or victimisation of anyone who raises a concern. Appropriate action will be taken to protect staff when they raise a concern in good faith. MAG has an obligation to ensure that any member of staff who makes a disclosure will not be penalised or suffer any adverse treatment for doing so. A member of staff who has made a disclosure and who feels that, as a result, he or she has suffered adverse treatment should submit a formal complaint under the Grievance Procedure. If proven, disciplinary action may be taken against the perpetrator.

### **References**

This Policy must be read in conjunction with:

- Safeguarding Framework
- Protection of Children and Vulnerable Adults Policy
- Policy on Personal Conduct
- Dignity at Work Policy
- Modern Slavery Statement
- Equal Opportunities Policy
- Security Policy & Local Security Guidelines
- Financial Crime Policy
- Global Health & Safety Policy
- HQ Health and Safety Policy
- Conflict of Interest Policy and Gifts and Hospitality Policy.
- Grievance Policy

### **Approval and Dates**

This policy was approved by Management Team, Audit and Finance Committee and Board of Trustees.

This policy comes into effect on 10<sup>th</sup> May 2018 and will be reviewed in three years' time.

### **Policy Owner**

Director of Human Resources

## Whistleblowing Procedure

