

## 7A7 EO002 MSF UK and Ireland Policy: Whistleblowing

### 1. Introduction

- 1.1. MSF UK/IE is committed to maintaining a culture of public accountability, encouraging open and honest communication, and upholding appropriate avenues for scrutiny, to ensure that instances of malpractice or failure are detected and dealt with appropriately and without fear of reprisal.

### 2. Purpose

- 2.1. The aim of this policy and procedure is to raise staff and volunteers' awareness of whistleblowing, and to provide those who have experienced, witnessed, or suspect serious malpractice or failure with the means to address the matter. This policy seeks to promote a culture whereby anyone within MSF UK/IE with a concern of malpractice or failure will feel safe, capable, and confident to raise a whistleblowing disclosure.

### 3. Scope

- 3.1. This policy applies to all members of staff. For the purpose of this policy, members of staff are defined as employees (including those on secondment to an Operational Centre), volunteers, workers (e.g., agency workers, casual workers, freelance workers, contractors), association members, work experience students, interns, self-employed persons, and anyone carrying out duties on behalf of MSF UK/IE or who is perceived as representing MSF UK/IE, including the Board of Trustees and anyone who visit projects.
- 3.2. This policy is not a contractual term of employment. It is intended to act as a general framework only. It may be varied where MSF UK/IE deems it reasonably necessary.
- 3.3. The MSF UK/IE Safeguarding Policy should be followed if the concern is regarding a safeguarding issue.
- 3.4. MSF Principles and Values

As part of the MSF movement, MSF UK/IE upholds the fundamental and operational principles of the wider movement. In conjunction with MSF's behavioural commitments and OCA Code of Conduct this policy has been developed to ensure organizational practice is of the highest quality.

Related policy and procedure documents are available on MSF UK/IE Sharepoint Portal and include:

- (a) 7A3 EO002: Safeguarding Policy;
- (b) 5A4 HR003: Grievance Policy and Procedure;
- (c) 5A5 HR001: Anti-harassment and Bullying Policy and Procedure;
- (d) 5A7 HR004: Disciplinary Policy and Procedure;
- (e) 5A6 HR002: Complaints Procedure for Volunteers, Workers and Self-employed;
- (f) 5A2 The complaints procedure for supporters and beneficiaries;
- (g) 2A2 OCA Code of Conduct

(h) 7A6 Investigation Policy

3.5. This policy is not a contractual term of employment. It is intended to act as a general framework only and may be varied by MSF UK. However, failure to adhere to this policy and those to which it refers may result in disciplinary action including dismissal or contract/agreement termination.

#### 4. Policy statement of principles

4.1. Whistleblowing is the act of disclosing information which relates to suspected wrongdoing or failures at work. As a whistleblower, you are protected by law (Public Interest Disclosure Act 1998), and you will not be treated unfairly or lose your job because you blow the whistle. To be a whistleblower, the wrongdoing you disclose must be in the public interest. This means that it must affect others, for example the public.

Examples of concerns which may be whistleblowing disclosures include:

- 4.1.1.criminal activity;
- 4.1.2.failure to comply with legal, professional or regulatory obligations or requirements;
- 4.1.3.dangers to health and safety;
- 4.1.4.damage to the environment;
- 4.1.5.bribery or corruption;
- 4.1.6.facilitating tax evasion;
- 4.1.7.financial fraud or mismanagement;
- 4.1.8.breaches of internal policies and procedures;
- 4.1.9.conduct likely to damage MSF's reputation or financial wellbeing;
- 4.1.10. unauthorised disclosure of confidential information;
- 4.1.11. negligence;
- 4.1.12. concerns about MSF UK/IE's fundraising practices, such as concerns regarding:
  - 4.1.12.1.compliance with the Fundraising Code of Practice,
  - 4.1.12.2.the use of donor's personal data,
  - 4.1.12.3.third parties with whom MSF UK/IE works in relation to fundraising activities,
  - 4.1.12.4.the protection of vulnerable people in relation to MSF UK/IE's fundraising activities, or
  - 4.1.12.5.compliance with MSF UK's policy on vulnerable people and fundraising; or
- 4.1.13. the deliberate concealment of any of the above activities.

#### 5. Raising a Concern

5.1. MSF UK/IE is committed to addressing any issues of malpractice and encourages members of staff to use the internal channels, in the first instance, to raise any concerns they may have.

- 5.2. If a member of staff knows or suspects that serious wrongdoing is taking place it is important that the concern is raised straight away. Any instruction to cover up wrongdoing is itself a potential disciplinary offence. Members of staff should not agree to remain silent, even when instructed by a person in authority such as a manager.
- 5.3. If a member of staff is unsure about raising a concern, they can obtain independent advice from Public Concern at Work. Contact details are provided at the end of this document.

## Who to contact

- 5.4. MSF UK/IE hopes that in many cases staff will be able to raise any concerns with their line manager or the person that commissioned the work assignment. A member of staff may tell their line manager or the person that commissioned the work assignment in person or put the matter in writing if they prefer. The line manager or the person that commissioned the work assignment may be able to agree a way of resolving a concern quickly and effectively.
- 5.5. However, if the member of staff feels that their line manager or the person that commissioned the work assignment has not addressed their concern, or if for any reason the member of staff prefers not to raise it with the line manager or person who commissioned the work assignment, the member of staff should report their concern in the following manner.
- 5.6. Staff or volunteers' first point of contact for whistleblowing concerns will depend on where they are based.
- 5.7. Staff or volunteers based in the UK/IE are advised to report their whistleblowing concerns to the Deputy Executive Director. For specific contact details, see Annex A.
- 5.8. If the Deputy Executive Director is implicated in the concern, or the concern relates to the Head of Human Resources, the Executive Director, or the governance of safeguarding, the member of staff is advised to report the incident or allegation directly to the Safeguarding Trustee, or, if they are implicated or unavailable, the UK Chair of Trustees.
- 5.9. Alternatively, in the event staff or volunteers feel that their concerns have not been handled effectively through all internal reporting mechanisms, individuals can raise their concerns directly with the Charity Commission.
- 5.10. Staff based in the field are advised to report their concerns to:  
  
Head of Mission or Responsible Behaviour Focal Point for the relevant Operational Centre. For the contact details for the Responsible Behavioural Focal Points, see Annex A.

## External contact details

**Protect Advice Line:** 020 7404 6609

**Protect Advice line:** [whistle@protect-advice.org.uk](mailto:whistle@protect-advice.org.uk)

**Website:** [www.pcaw.org.uk](http://www.pcaw.org.uk)

- 5.11. MSF UK/IE staff who whistle blow regarding concerns while based in the field, are also advised to report their concerns to the Deputy Executive Director to ensure MSF UK/IE are ensuring they are supported throughout the whistleblowing process. Additionally, if they feel their concerns

have not been handled effectively to ensure they inform the Deputy Executive Director, or UK Chair of Trustees.

## External disclosures

- 5.12. The aim of this policy is to provide an internal mechanism for reporting, investigating, and remedying any wrongdoing in the workplace. In most cases a member of staff should not find it necessary to alert anyone externally.
- 5.13. The law recognises that in some circumstances it may be appropriate for a staff member to report their concerns to an external body such as a regulator. It will very rarely, if ever, be appropriate to alert the media. MSF UK/IE strongly encourages members of staff to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Protect, operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern. Their contact details are provided at the end of this policy.
- 5.14. Whistleblowing concerns usually relate to the conduct of our staff, but they may sometimes relate to the actions of a third party. In some circumstances the law will protect a member of staff if they raise the matter with the third party directly. However, MSF UK/IE encourages staff to report such concerns internally first, as per the procedure outlined above.

## External reporting by MSF UK/IE

- 5.15. Any external reporting by MSF UK/IE will be made to appropriate authorities i.e. informing the police and/or Charity Commission.

## 6. Support for Whistleblowers

- 6.1 Any member of staff who has concerns about the procedure for any reason should seek assistance from an appropriate manager and/or the Safeguarding Team. MSF UK/IE will provide appropriate and reasonable support to all affected parties. Reasonable adjustments will be made to the procedure for disabled employees.
- 6.2 Information given may need to be disclosed to others for it to be investigated, resolved, or managed. The number of people involved in addressing any disclosure will be kept to a minimum and limited to those that need to know.
- 6.3 Members of staff will not be subjected to any detriment or less favourable treatment because they have raised concerns. Detrimental treatment includes dismissal, disciplinary action, threats, or other unfavourable treatment connected with raising a concern. If a member of staff believes that they have suffered any such treatment, they should inform the Head of Executive Office, or if implicated, the Safeguarding Trustee immediately. If the matter is not remedied, they should raise it formally using the Grievance Procedure. Any threatening or retaliatory behaviour towards a whistleblower will result in disciplinary action.
- 6.4 Members of staff may choose to raise concerns anonymously (i.e., via an anonymous letter). MSF UK/IE recognises that raising concerns can be daunting and, unless required by law, will consider anonymising the identity of person(s) that raise a serious concern or the identity of witnesses. However, MSF UK/IE does not encourage anonymous allegations because knowing the person's identity will enable a thorough investigation and it will also enable MSF UK/IE to protect the

person raising a concern. Nevertheless, raising a concern anonymously is preferred rather than keeping silent about potential serious wrongdoing.

## 7. Investigations

7.1 MSF UK/IE is committed to ensuring supportive and clear procedures for managing all concerns raised about organizational and individual practice of anyone representing MSF's work. As part of this, MSF UK/IE has an Investigation Procedure which outlines how all concerns will be dealt with from receipt of a disclosure through to appeal and closure. If you have a concern and would like to understand the process of how this will be dealt with internally, please refer to the Investigation Policy.

7.2 On receipt of a raised concern in line with this policy, MSF UK/IE will complete an initial assessment to determine the scope of an investigation. MSF UK/IE will inform all reporting parties of the outcome of the assessment, and any subsequent investigation will be carried out in line with the HR & Safeguarding Investigation Procedure.

## 8. Data Protection

8.1 MSF UK/IE is committed to processing data securely and transparently, in accordance with the General Data Protection Regulation and the UK Data Protection Act 2018. For more information, please refer to the Data Protection Policy and to MSF UK's Data Privacy Statement at <https://www.msf.org.uk/msfuk-privacy-notice> or MSF IE's Data Privacy Statement at <https://www.msf.ie/msf-ireland-privacynotice>

## 9. Key roles and responsibilities

9.1. **Members of staff** are responsible for:

- Using their professional curiosity to reflect and watch for illegal or unethical conduct and where concerns are present, reporting anything of that nature to MSF UK/IE.
- Helping to create and maintain a working environment that respects the dignity of everyone.
- Co-operating fully with any investigation.
- Familiarising themselves with this policy and procedure, as well as acting in accordance with the information stated in this policy and procedure.
- Seeking advice from an appropriate manager or the Safeguarding Team if they have any doubt or uncertainty about the application of this policy and procedure.

9.2. **Managers** are responsible for:

- Demonstrating the Leadership Values and Behavioural Framework and supporting individuals and teams in modelling the behaviour.
- Familiarising themselves with the policies, relating procedure and guidance, explaining this policy to their staff members, and taking necessary steps.
- Being responsive and supportive to any staff member who makes a disclosure.

- Maintaining confidentiality as far as possible and always managing matters sensitively.
- Utilising available guidance materials and seeking support from the Head of the Executive Office, or if implicated, the Safeguarding Trustee if further advice and guidance are needed.
- Setting a positive example in accordance with the principles of this policy and relating documents mentioned.

9.3 The Deputy Executive Director is responsible for:

- Being the main point of contact for UK/IE based staff and volunteers who wish to raise a formal whistleblowing concern.
- Being an available point of contact for UK/IE staff on secondment for advice or if they feel that their whistleblowing concern has not been addressed by a relevant Operation Centre.
- Advising MSF UK/IE on how it should respond to whistleblowing concerns.
- Recording and reporting whistleblowing incidents, allegations, and concerns.
- Ensuring that all managers and other staff who may deal with concerns or investigations under this policy receive regular and appropriate training.

9.4 The **UK Board of Trustees** is responsible for:

- Approving this policy and any updates to it.
- Addressing allegations regarding the Senior Management Team or the governance of safeguarding.
- Having on its Board of Trustees a designated Safeguarding Trustee who will serve as the first point of contact for disclosures regarding the governance of safeguarding, and where required, will support in the management of allegations and concerns.
- Understanding that if the allegation is about the Board of Trustees, then the Chair of the Trustees will address the complaint.
- Ensuring effective reporting of whistleblowing to the correct external parties including where required the Charity Commission and in the case of criminal conduct the police.