

Protected Disclosure (Whistleblower) Policy

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Updated by	<i>Miriam Norgate, Senior Operations Manager</i>

Malaria No More UK values a culture of ethical behaviour, compliance with legal and regulatory requirements and good corporate governance. We also value transparency and accountability in our management practices. We support the making of disclosures that reveal corporate malpractice (sometimes called “whistle-blowing”).

The Organisation aims to both deter such malpractice and to detect it as soon as possible; it is based on relevant UK legislation; namely Part IV (Protected Disclosures) of the Employment Rights Act 1996 the Act.

Coverage

The policy applies to any individual providing their services in the capacity of a “worker” to the MNMUK group of companies. For these purposes a ‘worker’ is defined as an employee, contractor, intern, trainee (including someone on a vocational or work experience scheme) or any person supplied by an employment agency.

Corporate Malpractice

The intention behind the policy is to provide a safe environment in which workers are protected from victimisation if they ‘blow the whistle’ on issues of corporate malpractice; defined as follows:-

- Criminal offences that have been or will be committed;
- Failure to comply with any legal obligation on the part of the Organisation;
- Miscarriages of justice
- Danger to health and safety of any individual
- Environmental damage (irrespective of whether any environmental law of regulation has been breached);
- Deliberate concealment of information tending to show any of the above.
- Failure to comply with any of the Organisation’s policies such as Anti Bribery & Corruption, Discrimination, Gifts and Hospitality, Equality and Diversity

In this context “victimisation” means dismissal, the application of disciplinary process or some other adverse or detrimental treatment.

Disclosures

If any worker becomes aware of corporate malpractice they are encouraged to make disclosure of all relevant facts within their knowledge so that the Organisation can act on the information and rectify the situation.

Internal Disclosure:

In the first instance disclosure should normally be made to your line manager or the Chief Operating Officer.

In the event that this is not feasible or if you feel that escalation is necessary, the Organisation has two trustees that are nominated Protected Disclosure Coordinators:

Currently these are: Andrew Cooke (as.cook@yahoo.co.uk) and Azra Ghani (a.ghani@imperial.ac.uk)

Or you can email whistleblower@malariaanomore.org.uk which auto-forwards all emails to the above and no one at the organisation has access to this email.

Once an internal disclosure is made the Protected Disclosure Coordinators will assess whether or not the concern raised qualifies as a protected disclosure. If it does then a full investigation will be carried out. Upon completion of the investigation the worker will receive a report of any action taken to rectify the situation. Whilst this will not normally disclose details of any specific action taken against individuals (e.g. any disciplinary action) the worker who has raised the concern can reasonably expect to be told whether or not the issues of concern still exist, or will exist in the future.

External Disclosure:

Regulatory Authorities: Workers (acting in good faith) have a right to make disclosure(s) to certain prescribed regulatory bodies, if they have previously disclosed the matter internally but it has not been acted upon. These prescribed authorities include (not exhaustively):

- o The Environment Agency
- o The Health & Safety Executive
- o Financial Services Authority
- o HM Revenue & Customs

External Disclosure - Wider Public:

Only in extreme circumstances can a protected disclosure be made to the public at large i.e. to the police, media, Members of Parliament, or non-prescribed regulators. To make such a disclosure and remain protected from any victimisation one or more of the following conditions must apply.

The worker making the wider disclosure must have a reasonable belief that victimisation would arise if the disclosure was made internally or to the prescribed regulatory body

☑ There must be no prescribed regulator and the worker must have a reasonable belief that evidence supporting their allegation(s) would be concealed or destroyed by their employer were they to make an internal disclosure;

☑ The concern is of an exceptionally serious nature and time constraints are such that it is not practical to raise the matter internally or with a regulatory body

If any of these circumstances apply and the disclosure is deemed reasonable then the worker making it is protected from any victimisation, so long as they are acting in good faith.

Anonymity

It may be the case that the whistle-blower wishes to remain anonymous. Whilst this request will be respected, it cannot be guaranteed, especially if the disclosure is likely to result in disciplinary or legal proceedings; it may also be the case that anonymity compromises the ability of the Protected Disclosure Coordinator to conduct a full investigation. Workers are reminded that they are protected from victimisation if they are acting in good faith.

Non-Qualifying Disclosures

It is in the interests of the Organisation its staff and the wider community that a worker who has concerns about corporate malpractice raises these with the Protected Disclosure Coordinator. However, to qualify for protection under this policy and under the Act a disclosure must relate to one of the matters specifically designated as corporate malpractice (see above) and furthermore it must be made in good faith. Where a disclosure is actuated by bad faith or for ulterior motives (e.g. for personal gain, as an act of revenge against a colleague, or in an attempt to undermine a manager's position or to discredit a fellow worker) it will be rejected as a qualifying disclosure. In serious cases malicious disclosures will result in disciplinary action.

Non-qualifying disclosures made in good faith

There may be occasions when a worker is aware of practices or procedures within the Organisation that could be regarded as dubious, but which are not properly defined as corporate malpractice. If a worker raises a genuine concern of this nature in good faith they would not qualify for protection under this policy or under the Act. However, depending on the precise circumstances the Protected Disclosure Coordinator will advise the individual as to how to progress their concern legitimately, possibly offering to raise the concern on their behalf.

Grievances & Harassment Complaints

This policy is not intended to cover employment related grievances. The Organisation has a separate policy for grievances (which can be found towards the end of this Handbook in the policies section). Similarly, the Organisation also operates a [Harassment Policy](#) and a [Complaints Procedure](#) which contains an investigation process. Further advice can be obtained from the COO or the Senior Operations Manager.

Policy Review

This Policy will be maintained by the Senior Operations Manager, with review and approval by the Leadership Team and the CEO