

Reviewed: October 2021

MARSHALL AID COMMEMORATION COMMISSION

**Whistleblowing Policy**

This policy sets out how individuals may raise their concerns regarding the MACC and how those concerns will be dealt with.

- 1.1 The Public Interest Disclosure Act 1998 (the Act) provides the legal framework for the protection of individuals who make a 'protected disclosure' (see paragraph 1.4 below).
- 1.2 The Act applies to all individuals who are designated as 'workers' under the Employment Rights Act 1996 and extends to workers employed by any organisation engaged by the MACC.
- 1.3 Whilst Scholars, Fellows and Alumni are not designated workers, the MACC extends the principles of the Act to cover disclosures made by such individuals as well as workers in respect to paragraph 1.5 below.
- 1.4 A protected disclosure is one made in good faith by an individual who has a reasonable belief that:
  - a criminal offence;
  - a miscarriage of justice;
  - an act creating serious risk to health and safety;
  - an act causing serious damage to the environment;
  - a breach of any other legal obligation (other than employment contract); and/or
  - concealment of any of the above;...is being, has been, or is likely to be, committed.
- 1.5 If you make a protected disclosure you have the right not to be dismissed and/or be subjected to any detriment, discrimination or victimised, because you have made a disclosure. The MACC will take all reasonable steps to ensure that confidentiality is maintained in such cases, and that those making allegations are not disadvantaged in any way by doing so.
- 1.6 Personal grievances (for example bullying, harassment, discrimination) are not covered by whistleblowing law unless your particular case is in the public interest. These should be reported under the MACC's Complaints Policy.

**2. Principles**

- 2.1 Everyone should be aware of the importance of preventing and eliminating wrongdoing. Commissioners, Secretariat staff and others working on behalf of the MACC as well as Scholars, Commissioners and Alumni should be watchful for illegal or unethical conduct and report anything of that nature of which they become aware.
- 2.2 The outcome of any investigation will be reported back to the person who raised the issue if they have made their identity known.
- 2.3 No person will be victimised for raising a matter under this procedure unless they have not done so in good faith.

- 2.4 Anyone found to be victimising an individual for raising a qualified disclosure will be subject to disciplinary action which will be handled under the MACC's Disciplinary Policy.
- 2.5 Maliciously making a false allegation is a disciplinary offence and, for Scholars and Fellows, it will be dealt with under the disciplinary [policy](#).
- 2.6 An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager or a Commissioner. You should not agree to remain silent. You should report the matter.

### 3. Procedure

- 3.1 The procedure to follow to make a protected disclosure depends on the subject matter and the organisation for which the individual is registered/studying, employed or appointed.

- 3.2 Marshall Aid Commemoration Commission and MACC Commissioners:

The Foreign, Commonwealth and Development Office's (FCDO) Internal Audit Department's (IAID) Internal Audit Investigations Section is the central point for raising concerns, suspicions and/or allegations of activity listed under 1.4 of this policy. This includes both internal and external cases where FCDO funds, assets or interests (including FCDO's reputation) are involved, as well as any breach of the Civil Service Code.

IAID's Internal Audit Investigations Section has a dedicated secure email address for raising all concerns [reportingconcerns@fcdo.gov.uk](mailto:reportingconcerns@fcdo.gov.uk) or by calling the confidential hotline on +44 (0)1355 843747 or by writing to the Head of Internal Audit, 22 Whitehall, London, SW1A 2EG, United Kingdom

- 3.3 MACC Secretariat staff:

Association of Commonwealth Universities' Whistleblowing Policy: 'Duty to Report Misconduct'

- 3.4 Other Parties (including Regional Committee Members, Scholars, Fellows and Alumni):

The protected disclosure should be raised in the first instance with the organisation concerned according to their organisation's Whistleblowing policy. This could be the university that a Scholar is studying at or in the Regional Committee Member's case the British Consulates or British Embassy in the US, Alumni should make their protected disclosure to the AMS.

- 3.5 The MACC strongly encourages individuals to use the internal procedures of their university, employer, appointing body or other relevant organisation. However, where an individual feels that the above stated procedures have not been successful or are inappropriate, the Public Interest Disclosure Act makes provision for individuals to take their concerns to one of more than thirty prescribed regulatory organisations. You can find the full list in The Public Interest Disclosure (Prescribed Persons) Order 2014:

[www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/496899/BIS-16-79-blowing-the-whistle-to-a-prescribed-person.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/496899/BIS-16-79-blowing-the-whistle-to-a-prescribed-person.pdf)

In addition, free independent advice can be obtained from the charity Public Concern at Work on 020 7404 6609 ([www.pcaw.org.uk](http://www.pcaw.org.uk)).

**4. Provision to take action to protect reputational damage of the MACC**

Where an individual has strongly held concerns regarding management action and potential serious damage that such action may or might have to the MACC's reputation, and where that individual has exhausted the relevant grievance procedure, they should raise their concern with the Chair of the Commission or the Chair of the Audit and Risk Management Committee. Any individual raising such concerns in good faith will not be subject to disciplinary procedure.

**5. Reporting Safeguarding incidents**

To report any safeguarding incidents related to activities of the MACC, please refer to the **MACC Safeguarding Policy**

<b>Review Date</b>	October 2021
<b>Next review date</b>	October 2022