



Whistleblowing Policy

January 2022

1. Introduction

Whistleblowing is making a disclosure in the public interest about possible wrongdoing in the workplace. Throughout this policy, the term “malpractice” is used to describe such wrongdoings. The categories of wrongdoing which may constitute malpractice include the following:

- criminal offences
- failure to comply with legal obligations
- miscarriage of justice
- endangering the health & safety of individuals
- damaging the environment
- attempting to cover up any of the above.

MSDP is committed to the highest possible standards of openness, transparency and accountability in all its affairs. It will not always be clear that a particular situation falls within one of these categories and you are encouraged to report other types of malpractice such as, but not limited to, deliberate disregard or serious breach of MSDP’s code of conduct, and concerns about fundraising practice.

Whistleblowing is generally NOT a complaint about a personal grievance (e.g. bullying, harassment etc), and whistle-blowers therefore tend to be witnesses as opposed to complainants and rarely have a personal interest in the outcome of any investigation into their concern.

2. Scope

MSDP uses this policy to enable all MSDP staff, volunteers, partners, consultants or contractors (engaged by MSDP or any of its subsidiaries and affiliates) to raise or disclose concerns at an early stage and in the right way. The organisation will take appropriate measures to promote knowledge and awareness of the policy so that stakeholders are in a position to apply it as necessary.

3. Reporting Procedure

3.1 Standard Reporting Mechanism

As soon as you become aware of or have good reason to believe that malpractice has occurred, is occurring or likely to occur, you should raise the matter with your line manager. For partners, consultants or contractors, you should raise the matter with your key point of contact within MSDP. If you feel unable to raise the matter with your line manager/your key point of contact within MSDP, you should raise it with a more senior manager.

The manager should consult with the responsible personnel in line with the relevant policy depending on the nature of the concern raised, as follows:

- For complaints about personal grievances such as bullying, harassment etc (which are generally not considered to be whistleblowing), the relevant HR manual should be referred to and the HR Manager should be consulted.
- For incidents of fraud, theft or corruption, MSDP's Anti-Fraud Policy should be referred to and the Internal Audit Department consulted.
- For issues relating to sexual exploitation and abuse concerns, MSDP's Code of Conduct and associated policies should be referred to and the applicable HR Manager from Head Office and Regional Director informed.
- For any other incidents of malpractice, seek guidance with the HR Manager to identify the best reporting line.

MSDP is committed to treating all disclosures consistently and fairly, and all investigations will be conducted in line with MSDP's Investigation Guidelines. Accordingly, MSDP will keep you informed of the progress of the investigation and its likely timescale. However, the need for confidentiality may prevent us from giving you specific details of the investigation or any disciplinary action taken as a result.

3.2 Alternative Reporting Mechanism

If you have concerns that you feel cannot be raised through line management/your key point of contact within MSDP or were not satisfied with the response you received, the following alternative contact channel is available to you:

- Whistleblowing helpline - This helpline is monitored by the MSDP Internal Audit department and is accessed as follows:
 - By email to complaints@mukuruprojects.org
 - By telephone to 0716-598-791

It is worth stressing that the Internal Auditor has a direct reporting line to the Board of MSDP and is empowered to take any cases considered appropriate directly to that level.

3.3 Information/evidence to include

While it is important to provide as much information as possible to facilitate investigation of the issue, it is not necessary to have/provide hard evidence of malpractice before reporting a concern.

4. Safeguards for those making reports

4.1 Harassment or Victimisation

MSDP recognises that the decision to report a suspicion can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. MSDP will not tolerate harassment or victimisation and will take all practical steps to protect those who raise an issue in good faith.

4.2 Confidentiality

MSDP will endeavour to take all reasonable steps to protect an individual's identity when he or she raises an issue and does not want their name to be disclosed. It should be understood, however, that an investigation of any malpractice may need to identify the source of the information and a statement by the individual may be required as part of the evidence.

4.3 Anonymous Reporting

MSDP understands that you may wish to report your concerns anonymously and accepts that this may occur from time to time. However, it should be noted that MSDP does not encourage this as anonymous reporting can make it difficult to clarify the issues, substantiate claims, investigate concerns properly and provide feedback. Issues expressed anonymously will be considered at the discretion of MSDP. In exercising this discretion, the factors to be taken into account will include:

- The seriousness of the issues raised
- The credibility of the allegations and the supporting facts
- The likelihood of confirming the allegation from attributable sources

4.4 Untrue Allegations

If an allegation is made in good faith, but it is not confirmed by an investigation, MSDP guarantees that no action will be taken against the complainant. If, however, individuals make malicious or vexatious allegations, disciplinary action will be considered against the individual making the allegation.

4.5 Disclosures Protected by Legislation

Whistleblowing legislation in the ROI (Protected Disclosures Act 2014) aims to provide legal protection (from detrimental treatment or victimisation from their employer) to those who raise concerns about possible malpractice in the workplace. This is provided that they reasonably believed that the information they disclosed was substantially true and it was reported in the public interest.

The scope of legal protection under the Protected Disclosures Act 2014 covers all "workers" in the ROI. The definition of "worker" includes employees or former employees, trainees, people working under a contract for services, independent contractors, agency workers and people on work experience.

You can seek advice about whether your concerns meet the requirements of a protected disclosure in line with section 5 below.

5. Prescribed Bodies

The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any malpractice in the workplace. That should ensure that the issue is addressed. However if you feel it is appropriate to whistle-blow to a prescribed/external body rather than internally, you should make sure that you have chosen the correct body for your issue.

For the ROI, these prescribed bodies are listed in Statutory Instrument No. 339/2014 amended by Statutory Instrument No. 448/2015.

In general, these bodies have regulatory functions in the area which are the subject of the allegations. MSDP strongly encourages you to seek advice in line with section 5 above before reporting a concern to external bodies.

6. Review of this Policy

In the interests of maintaining best practice, the contents of this Whistleblowing Policy will be formally reviewed by the Audit and Risk Committee of the Board of MSDP every three years. In the interim, management is authorised to make adjustments as may be required by changes to statutory obligations and/or donor requirements - however any other significant revision will need approval by the Audit and Risk Committee of the Board of MSDP.