Whistleblowing Policy & Procedure

Purpose

The purpose of this policy is to guide staff in relation to Whistleblowing in accordance with the Public Interest Disclosure Act 1998, otherwise known as the 'Whistleblowers Act' and to make it clear what employees should do to disclose any concerns about the alleged wrongful conduct of the employer, an employee, a client or any third party.

Whistleblowing is when an individual raises a concern about any suspected illegal wrongdoing or dangers at work. The Whistleblowing disclosure has to be "in the public interest". Whistleblowing is different to concerns regarding workplace grievances for which a Grievance Procedure is in place.

Certain disclosures are prescribed by law as qualifying disclosures. A qualifying disclosure means a disclosure of information that the employee genuinely and reasonably believe is in the public interest and shows that the Company has committed a relevant failure by:

- committing a criminal offence
- failing to comply with a legal obligation
- a miscarriage of justice
- endangering the health and safety of an individual
- sexual harassment (unwanted conduct of a sexual nature, as defined in the Equality Act 2010)
- environmental damage
- concealing any information relating to the above

It is important to distinguish here that during the course of providing advice and support to our clients MJCA may become aware that a client has practices or processes that are incorrect, non-compliant or require improvement for which we are working collaboratively with them to understand, correct and remediate issues. This is not classed as a qualifying disclosure as this information had been disclosed or made available to MJCA in the course of the client obtaining our professional services.

It is MJCA's policy to conduct all of our business in an honest, professional and ethical manner and we expect all employees to maintain the same standards.

Should formal action against MJCA employees be required as a result of any disclosure made under this policy then the appropriate action will be carried out in accordance with the applicable internal policy.

General Principles

This Whistleblowing policy and procedure is in place to encourage employees to confide in someone without fear of reprisal if they have concerns about any malpractice or wrongdoing in relation to the business of MJCA.

When dealing with situations under this policy MJCA will aim to ensure that individuals feel that they have been treated fairly and consistently regardless of the outcome.

Protection
MJCA will support anyone who raises genuine concerns in good faith under this policy even if they turn out to be mistaken. MJCA is committed to ensuring no one suffers any detrimental treatment, which includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern, as a result of disclosing any concerns. Anyone found to have reacted to the raising of genuine concerns in an unacceptable manner will be subject to disciplinary action in accordance with the MJCA policies.

Section 47B of the Employment Rights Act 1996 provides protection for workers who 'blow the whistle' where they reasonably believe that some form of illegality, injustice or breach of health and safety has occurred or is likely to occur.

Whistleblowing Procedure
MJCA will follow the Whistleblowing (also known as public interest disclosure) procedure below as far as is reasonably practicable if an employee has a reasonable belief about any concerns relating to wrongdoing at work which are in the public interest, including any criminal offence, a failure to comply with legal obligations, a miscarriage of justice, a health and safety danger, sexual harassment, environmental damage or concealing any information relating to these.

Manager level
Employees are encouraged to first raise concerns internally so that MJCA can investigate and take prompt appropriate action.

An individual should provide written details of their concerns and forward it for the attention of their preferred manager. Individuals will need to provide details of any evidence and state that they are raising a concern under the Whistleblowers Act. This will ensure clarity of the concerns.

The investigating manager will meet the employee as soon as possible to gather as much information as possible regarding the employee concerns, including whether there is any additional supporting evidence or if the employee can identify any witnesses. The meeting will also aim to provide support. Support will be determined on a case-by-case basis and may include provision of information, a temporary relocation to a different work area or a period of paid absence to remove or protect the employee or another person from the situation. The employee is entitled to have another work colleague or a trade union representative to attend this meeting with if they wish to do so.

Following the meeting, the investigating manager and the employee may agree that the discussion has resolved the issue, but if the matter requires further investigation, it will be carried out and the employee will be informed, in writing, of the outcome and what, if any, action has been taken.

All concerns will be treated confidentially wherever possible. An employee can raise concerns anonymously but please be aware that this may limit our ability to investigate fully and to inform the employee of the outcome of any investigation.

Director level
If the employee remains unhappy about the speed or conduct of the investigation, or the way that the matter has been resolved, the employee may refer the matter to a Director who has not been involved in the initial investigation.

When the Director has investigated the complaint, they will inform the employee of the result of the investigation, in writing, and what, if any, action has been taken.

How to raise a concern externally
MJCA recognises there may be matters that cannot be dealt with internally and external authorities will need to become involved.

Where the employee reasonably believes that the appropriate action has not been taken, they should report the matter to the relevant authority. There are a number of bodies to which qualifying disclosures may be made, including HM Revenue & Customs, the Health and Safety Executive and the Environment Agency.

A full list of prescribed bodies is available at:
https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies

Data Protection
Written records of conversations recorded by the investigating manager regarding a significant concern will be stored in accordance with the requirements of the General Data Protection Regulations.

Communication of this policy
Employees are provided with details of this policy on joining the company and a copy of the policy is available on the F:drive.

Who is responsible for the policy?
The Board of Directors have overall responsibility for ensuring this policy complies with our legal and ethical obligations.

Monitoring and review
MJCA will review policies and procedures periodically to reflect changes in legislation and good practice



Julie Warner
HR Director

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