

MS Ireland

HR-039 - Whistleblowing Policy and Procedures

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1 INTRODUCTION

The Board and Chief Executive of the Multiple Sclerosis Society of Ireland (hereinafter referred to as “MS Ireland”.) are committed to maintaining the highest standards of honesty, openness and accountability.

Members and employees are often the first people who realise that there may be something seriously wrong within an organisation such as MS Ireland, whether someone within or connected to the organisation is involved in illegal or improper activity and practices, but often do not express their concerns. This may be because of a feeling of disloyalty or fear of victimisation, or that a suspicion of wrongdoing is not enough to justify reporting the matter.

MS Ireland does not believe that it is in anyone’s interests for those with knowledge of wrongdoing to remain silent.

2 PURPOSE, AIM AND SCOPE OF THE WHISTLEBLOWING POLICY

The purpose of this Policy is to outline the procedures for dealing with whistleblowing concerns, to confirm MS Ireland’s commitment to observing and maintaining the highest standards of honesty,

openness and accountability in all its practices and to re-iterate the availability of existing policies for addressing other less serious non-whistleblowing issues and grievances.

Our whistleblowing policy and procedures provide employees and others with a secure and confidential way to raise concerns about potential wrongdoings. When a whistle-blower raises a concern, based on reasonable belief, MS Ireland will take measures to protect their identity, maintain confidentiality and safeguard them against consequences or recriminations.

“Whistle-blower”, a colloquial expression to describe a person who reports suspicions in respect of some wrongdoing, is often understood to refer to a person who reports a concern outside of the organisation because, for various reasons, that person does not feel able to raise the matter internally. This Policy aims to encourage and enable people to raise serious concerns within MS Ireland through appropriate channels.

“Whistle-blowing” arises where any person has a significant concern about any aspect of service provision in MS Ireland or the conduct of MS Ireland’s leadership, managers and employees or other parties acting on behalf of MS Ireland, amounting to a wrongdoing.

“Wrongdoing”, for the purposes of this Policy, includes conduct indicating:

- commission of an offence or other unlawful act
- a breach of a legal or regulatory obligation
- a miscarriage of justice
- deemed financial malpractice
- consistently putting the health and safety of an individual(s) in danger
- consistently improper conduct or unethical behaviour
- a significant breach of the Society’s policies; and/or established standards of practice

A deliberate concealment of information relating to any of the above can and should be reported under this Policy.

2.1 EXISTING AVENUES FOR REPORTING CONCERNS

Whistleblowing is not a substitute for MS Ireland’s Grievance Policy or Dignity and Respect Policy and is not a channel for members or employees to raise grievances relating to their conditions of engagement/employment or personal circumstances.

Advice and guidance on how these matters may be pursued can be obtained from MS Ireland’s Regional Co-ordinators, Service Managers or the HR Department.

3 DEFINING THE PROCESS

3.1 RAISING A CONCERN

Where an individual is aware of or suspects, with reasonable belief, the commission of a wrongdoing within MS Ireland, he or she should raise this with either the CEO or the Chair/ vice-chairperson of the Board, heretofore referred to as the “designated person”.

Notwithstanding the list above, if the whistle-blower would be uncomfortable or otherwise reluctant to report to a particular person/officer, perhaps due to a conflict of interest or the seriousness and sensitivity of the issue, then the whistle-blower could report the event to any member of the Board.

Ideally, the whistle-blower will report a concern about a wrongdoing in writing. If the whistle-blower makes a report verbally, the designated person will record the details and provide a copy to the whistle-blower. Concerns expressed anonymously will be considered at the discretion of MS Ireland. In exercising this discretion, the factors that would be taken into account would include:

- whether it is MS Ireland’s business;
- the credibility of the concern;
- the seriousness of the issues raised, and
- the likelihood of obtaining the necessary information regarding the matter concerned.

A whistle-blower should be mindful of not “tipping off” the individual or persons involved in the alleged wrongdoing.

3.2 SAFEGUARDS

MS Ireland recognises that a decision to “blow the whistle” can be a difficult one to make, not least because of the fear of reprisal from those who may be guilty of the malpractice that is the source of the concern or from the organisation as a whole.

MS Ireland will not tolerate any victimisation and will take appropriate action to protect any person who raises a concern in good faith including any necessary disciplinary action. If any person has a concern, they can seek information and guidance with anonymity.

Wherever possible, MS Ireland will protect the identity of any person who raises a concern and who does not want his/her name disclosed. However, confidentiality may not always be possible, as any investigation process may in itself reveal the source of information and a statement by the whistle-blower may be a necessary part of the evidence.

MS Ireland will protect individuals and the organisation from false, malicious or vexatious expressions of concern.

Concerns that are sincerely felt and expressed may, on investigation, prove to be unfounded. In such event, MS Ireland will try and ensure that the negative impact of either a false or unfounded

allegation on any “accused” person is minimised but acknowledges that it will not be possible to prevent all of the repercussions potentially involved.

4 MS IRELAND’S RESPONSE

The designated person/MS Ireland will:

- Acknowledge a report and give an indication of how it is proposed to deal with the matter as well as an indication of the likely timescale to provide a final response
- Carry out an initial assessment to determine the most appropriate process for the consideration of the concern and to determine whether the commitment of resources to any form of investigation would be appropriate
- Carry out any necessary action that is required urgently ahead of any assessment/investigation process
- Have a responsibility to ensure that the action necessary to resolve a concern is taken
- Give the Whistle-blower as much information as possible on the outcome of the investigation, subject to the constraints of MS Ireland’s duty of confidentiality or any other legal constraint. The objective of the various responses would be to ensure that a person expressing a legitimate concern can be assured that the matter has been addressed
- If appropriate, forward a copy of the outcomes to the Board or the auditors of MS Ireland to enable a review of the relevant procedures.

Relevant matters may also be subject to investigation by an Gárda Síochána or the relevant statutory authority.

Concerns or allegations raised which fall within the scope of specific established procedures will be referred for consideration under those procedures

5 OUTCOMES

Resulting actions can include:

- Disciplinary action (up to and including dismissal or a recommendation to expel as a member) against the wrongdoer dependant on the results of the investigation; or
- Disciplinary action (up to and including dismissal or a recommendation to expel as a member) against the whistle-blower if the claim is found to be malicious or otherwise in bad faith; or
- Disciplinary action (up to and including dismissal or a recommendation to expel as a member) against anyone who retaliates against or victimises the whistle-blower (who reported an event in good faith);

6 TAKING THE MATTER FURTHER

As described above, the intention of the policy is to provide an avenue for people to raise matters within MS Ireland.

MS Ireland's Contract of Employment, Confidentiality agreement and disciplinary procedure requires that people do not disclose confidential, false or misleading information to an unapproved external organisation.

Where the investigation finds the allegations unsubstantiated and all internal procedures have been exhausted, but the whistle-blower is not satisfied with the outcome of the investigation, MS Ireland recognises the lawful rights of employees or members to take the matter further, e.g. The Charities Regulator, The Office of the Director of Corporate Enforcement or an Garda Síochána as appropriate.

7 MONITORING THE POLICY

MS Ireland will maintain a record of all matters raised through the Whistleblowing Policy in order that an assessment may be made of the effectiveness of the policy and any emerging patterns.

8 TRAINING

Appropriate training will be provided for all persons who have responsibilities under this policy; in particular, the CEO, the Chair and Vice-chair and members of the Board. A copy of this policy will be provided to all employees, will be outlined to staff when they commence employment with MS Ireland and will be made available on our website for all members.

9 CONCLUSION

MS Ireland reserves the right to revoke/ amend or replace this policy or any part thereof at any time.