



Milton Keynes Dons

Whistleblowing Policy.

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Role in Organisation	Chair of the Trustees with responsibility as Senior Safeguarding Manager
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1. Introduction.

- 1.1 Stadium MK Group Limited and MK Dons Sport & Education Trust (SET) are committed to maintaining the highest standards of honesty, openness and accountability and to conducting its business in a responsible way, meeting the requirements of the relevant external bodies and reflecting the standards in public life as set out in the reports of the Nolan Committee.
- 1.2 Members of employees and students may be the first to realise that there is something wrong within Stadium MK and MK Dons SET. However, they may not express their concerns, because they feel that speaking up would be disloyal to their colleagues or fear reprisal. In these circumstances, it may be easier for individuals to ignore the concern rather than to report what may just be a suspicion of wrongdoing. All members of Stadium MK and MK Dons SET are encouraged to raise genuine concerns about wrongdoing at the earliest opportunity.
- 1.3 The aims of this policy are:
 - a. to encourage employees and students to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate;
 - b. to provide guidance as to how to raise those concerns;
 - c. to reassure employees and students that they can raise genuine concerns without fear of reprisal even if they turn out to be mistaken.
- 1.4 The term "Whistleblowing" has no legal definition; however, it is used in this policy to describe incidents where an individual discloses an alleged wrongdoing within Stadium MK & MK Dons SET under this policy. The term "Whistleblower" is used to describe an individual who raises a concern.
- 1.5 This policy takes account of the Whistleblowing Arrangements Code of Practice issued by the British Standards Institute and Public Concern at Work.

- 1.6 This policy does not form part of an employee's contract of employment and may be changed by Stadium MK & MK Dons SET at any time.

2. What is Whistleblowing?

- 2.1 The Public Interest Disclosure Act 1998 (the "Act") applies to individuals raising genuine concerns relating to some actual or potential danger, fraud or other illegal or unethical conduct. The Act provides legal protection to prevent individuals being penalised as a result of making a qualifying disclosure. A qualifying disclosure is one which, in the reasonable belief of the person making the disclosure, is in the public interest and tends to show one or more of the following:
- a. a criminal offence;
 - b. failure to comply with a legal obligation;
 - c. miscarriage of justice;
 - d. endangering of health and safety;
 - e. damage to the environment; or
 - f. deliberate concealment of any of the above.
- 2.2 The Act applies whether or not the information is confidential and whether the wrongdoing is occurring in the UK or overseas.
- 2.3 A "Whistleblowing Concern" is a genuine concern relating to any of the matters set out in paragraph 2.1 above.

3. Who is responsible for the policy?

- 3.1 The Board of Stadium MK Group Ltd and the Board of Trustees of MK Dons SET has overall responsibility for this policy and for reviewing its effectiveness.
- 3.2 The Whistleblowing Officer (currently the Chair of MK Dons SET) has day to day operational responsibility for this policy. Managers and other employees who may deal with Whistle blowing concerns or investigations may take advice from Human Resources who may issue guidance from time to time and may provide appropriate training.
- 3.3 The Board of Stadium MK Group Ltd and the Board of Trustees of MK Dons SET, in conjunction with the Whistle blowing Officer will review this policy from time to time.
- 3.4 The Whistle blowing Officer will report annually to the Board of Stadium MK Group Ltd and the Board of Trustees MK Dons SET on the operation of the policy and (subject to the obligations of confidentiality set out in section 6 below) whether any disclosures have been made.
- 3.5 All employees are responsible for the success of this policy. Employees are invited to comment on this policy at any time and suggest ways in which it might be improved. Comments and suggestions should be addressed to Human Resources at humanresources@stadiummk.com

4. Who may raise a Whistleblowing concern?

- 4.1 The procedure set out in this document applies to all members of Stadium MK & MK Dons SET, including casual and temporary employees, agency workers and self-employed workers, contractors and suppliers, volunteers, honorary employees and students.

5. What concerns may be raised.

- 5.1 Concerns which are in the public interest and covered by this policy are set out in paragraph 2.1 and may include:
- financial fraud, mismanagement or impropriety
 - failure to comply with a legal or regulatory obligation including the Statutes, Ordinances and Regulations of Stadium MK Group Ltd
 - academic or professional malpractice
 - improper conduct or unethical behaviour including unauthorised disclosure of confidential information
 - corruption, bribery or blackmail under Stadium's anti-bribery policy.
- 5.2 The procedure set out in this policy is distinct from existing internal procedures for dealing with individual complaints by employees connected with their personal circumstances at work, terms of employment or collective grievances, and from procedures for dealing with complaints or academic appeals by students. This procedure may not be used to re-open or review a matter already decided in such procedures or to question or reconsider financial or business decisions taken by Stadium MK & MK Dons SET. The purpose of this policy is to assist individuals who believe that they have discovered wrongdoing at Stadium MK & MK Dons SET to have their concerns considered.
- 5.3 If an individual is uncertain whether this policy applies to their concern or is within the scope of the policy, they should contact Human Resources (Appendix 1) who will refer the matter to the Whistleblowing Officer for a decision as to which is the appropriate procedure to apply. The decision of the Whistleblowing Officer will be final.

6. Safeguards and Confidentiality.

- 6.1 This procedure is designed to offer protection to employees or other members of Stadium MK Group Ltd and MK Dons SET (see section 4.1 above) who disclose Whistleblowing Concerns provided that:
- the individual making the disclosure reasonably believes that it is a matter of public interest (see section 2.1 above); and
 - the disclosure is made to an appropriate person (see section 7.1 ad 7.2 below).
- 6.2 Stadium MK & MK Dons SET aims to promote a culture in which individuals feel confident to raise their concerns. Consequently, anyone reporting a disclosure is encouraged to identify him/herself. However, if an individual should wish to raise a Whistleblowing Concern confidentially, Stadium MK Group Ltd and MK Dons SET will make every effort to keep that individual's identity secret.
- 6.3 Concerns which are expressed anonymously will be considered at the discretion of Stadium MK Group Ltd and MK Dons SET according to:
- the seriousness of the issues concerned;
 - the likelihood of confirming the allegation from alternative credible sources.
- 6.4 In the event that it is deemed necessary to reveal the identity of the individual making the disclosure, this will be discussed with the individual who will be advised prior to the release of their identity. The investigation process may require that the source of the information and the individual making the disclosure provide a statement as part of the evidence required or to assist in further investigations. All reasonable steps will be taken to ensure that the Whistleblower suffers no detriment as a result of their identity becoming known. Similarly, a Whistleblower who is a contractor or supplier of Stadium MK & MK Dons SET who raises a concern will not be subject to sanctions or discrimination against their business.

- 6.5 If it is concluded that the Whistleblower has made a malicious or vexatious allegation or with a view to personal gain and particularly where they persist in making them, disciplinary action may be taken against the individual concerned.
- 6.6 Employees may be personally liable if they subject the Whistleblower to any kind of detriment on the grounds that they have made a protected disclosure and Stadium MK & MK Dons SET will take all reasonable steps to protect employees or students from any form of harassment for making a disclosure.

7. How to raise a Whistleblowing Concern.

- 7.1 Stadium MK & MK Dons SET wishes to promote a culture of openness and therefore hopes that in most cases an individual will be able to raise any concerns with their line manager or the next more senior manager if it concerns the line manager. This can be done in person or in writing. It is hoped that this will result in finding a quick and effective resolution. In some cases, the line manager may feel that the concern should be referred to the Whistleblowing Officer; if so, the Line manager will discuss this with the Whistleblower before making the referral.
- 7.2 Where the matter is more serious or having raised the matter with the line manager the individual feels that the concern has not been addressed or the individual prefers not to raise it with the line manager the individual should contact one of the following:
- i. The Whistleblowing Officer (Appendix 1)
 - ii. Human Resources (Appendix 1)
- 7.3 As soon as possible after receipt of a Whistleblowing Concern the Whistleblower will be invited to a meeting with the Whistleblowing Officer or in his absence an authorised nominee to discuss the concern. The Whistleblower may be accompanied to any meetings under this policy by a colleague or recognised trade union representative. The Whistleblower and his or her representative are expected to maintain the confidentiality of the concern raised and any subsequent investigation, recommendation or action.
- 7.4 Once the Whistleblowing Concern has been raised the Whistleblowing Officer will carry out an initial assessment to determine the scope of any investigation. The Whistleblower may be required to attend additional meetings to provide further information to assist in making the initial assessment.
- 7.5 The Whistleblower will be provided with a written summary of the concern raised and be given an indication of how Stadium MK & MK Dons SET proposes to deal with the matter.

8. Investigations.

- 8.1 The form of the investigation will depend on the nature of the matter raised. The Whistleblowing Officer will determine whether the matter should:
- be investigated and if so whether that investigation should take place under an existing internal procedure e.g. if the allegations relate to potential fraud then the investigation will take place under the Disciplinary policy.
 - (unless being referred by a nominated officer under an alternative internal procedure) be referred to the police or other external authority. The outcome of any investigation under an existing internal procedure will be reported to the Whistleblowing Officer so that he may decide whether any further action should be taken. It will however be for those conducting the matter under the internal procedure to comply with the terms of the relevant procedure in respect of matters such as keeping the Whistleblower informed as to progress of the investigation. Except as may be otherwise provided in internal procedures, referral to the police will not prohibit a parallel internal investigation, if considered appropriate.

- 8.2 Investigations will not normally be conducted by the Whistleblowing Officer or by any other person who will have to reach a decision on the matter.
- 8.3 Any investigation under this policy will be conducted as sensitively and speedily as possible. The intended timetable for the investigation will be notified to the Whistleblower. In order to seek to protect the identity of the parties concerned, those participating in the investigation will be reminded of the need to maintain strict confidentiality in appropriate cases at all stages of the process.
- 8.4 The findings of the investigation under this policy (which may include recommendations for change to minimise the risk of future wrongdoing) will be reported to the Whistleblowing Officer who will decide what action should be taken.
- 8.5 In some instances it may be necessary to conduct further internal investigations or to refer the matter to an external authority for further investigation (eg Police, Funding Council, Financial Services Authority, Health and Safety Executive).
- 8.6 The Whistleblowing Officer will aim to keep the Whistleblower informed of the progress of any investigation under this policy and its likely timescale. He will also inform the Whistleblower of what action, if any, is to be taken bearing in mind that the need for confidentiality may prevent disclosure of specific details of the investigation or any disciplinary action taken as a result. Any information given by the Whistleblowing Officer to the Whistleblower or their representative will be regarded by them as strictly confidential and may not be disclosed to third parties except with the express consent of the Whistleblowing Officer.

9. What happens if the Whistleblower is dissatisfied with the outcome of an investigation?

- 9.1 Stadium MK & MK Dons SET cannot guarantee that a Whistleblower will obtain the outcome that they were seeking however it will try to deal with any concern raised fairly and in an appropriate way.
- 9.2 The Whistleblower may not seek review of any decision made by the Whistleblowing Officer but if they are concerned about the way in which the Whistleblowing Concern has been handled they may raise it with one of the key contacts named at the end of this policy.

10. External Disclosures.

- 10.1 As set out above (see paragraph 1.3) the aim of this policy is to provide an internal mechanism for reporting, investigating and remedying wrongdoing at Stadium MK & MK Dons SET. In most cases therefore an individual should not find it necessary to alert anyone externally to their concern.
- 10.2 The law recognises that in some circumstances it may be appropriate for an individual to report their concerns to an external body such as a regulator. It will rarely, if ever, be appropriate to inform the media. Stadium MK & MK Dons SET strongly advises any individual considering reporting a concern externally to seek advice. The independent charity Public Concern at Work operates a confidential helpline and has a list of prescribed regulators for reporting certain types of concern. Contact details are at the end of this policy.
- 10.3 Whistleblowing Concerns usually relate to the conduct of Stadium MK & MK Dons SET's **employees**, but they may sometimes relate to the actions of a third party such as a supplier or service provider. In some circumstances the law will protect individuals if they raise a concern with a third party directly. However, Stadium MK & MK Dons SET would encourage individuals to report such concerns internally first.

Appendix 1

Whistleblowing Officer John Cove, Chair MK Dons SET	01908 622950 John.cove@mkdonsset.com
Human Resources	01908 622911 humanresources@stadiummk.com
Public Concern & Work Advice	0207 404 660