

Whistleblowing and Confidential Disclosure Policy Template

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1 Contents

This document is the [Insert NGB name] Whistleblowing Policy as defined under Public Interest Disclosure Act 1998, which came into force on 2 July 1999. The Act protects workers who disclose information about malpractice at their current or former workplace, provided certain conditions are met. For the purposes of this policy the workplace includes that of [Insert NGB name] as well as off-site locations related to competition and training camps.

2 Scope

The policy applies to all employees, athletes, contractors and students. Personal grievances (e.g. bullying, harassment, discrimination) are not normally covered by this policy, these are covered by the [Insert NGB name] Grievance Policy¹.

3 Introduction

All employees, athletes, contractors and students within [Insert NGB name] in any capacity, at one time or another may have concerns about what is happening. It is the duty of everyone to speak up about genuine concerns. These concerns are usually best resolved by having a conversation with their line manager or their Performance Director in respect of an athlete.

When disclosing a concern, an employee, athlete, contractor or student must reasonably believe two things:

1. That they are acting in the public interest; and
2. that the disclosure may fall under one or more of the following headings of malpractice (the list is not exclusive):
 - a criminal offence e.g. fraud;
 - betting, corrupt conduct, inside-information and match fixing;
 - someone's health and safety are in danger e.g. coercion of an athlete to train against medical advice or conducting an unsafe practice;
 - risk or actual damage to the environment;
 - a miscarriage of justice;
 - an organisation is breaking the law e.g. incorrect or inadequate insurance cover; or
 - covering up wrongdoing, such as fabricating test results or supporting cheating (sport rule violation, anti-doping rule violation).

Employees, athletes, contractors and students may be worried about raising such issues or may want to keep the concerns to themselves, perhaps feeling that it is none of their business or that it is only a suspicion. They may feel that raising the matter would be disloyal to colleagues, managers or to [Insert NGB name]. They may decide to say something but find that they have spoken to the wrong person or raised the issue in the wrong way and are not sure what to do next.

[Insert NGB name] takes any form of concern seriously and has introduced this policy to enable employees, athletes, contractors and students to raise them early and in the right way. We encourage all individuals, where appropriate, to raise the matter as a concern rather than wait for proof.

¹ There are separate grievance policies for employees and athletes.

4 Assurances to employees, athletes, contractors and students

4.1 Commitment

The [Insert NGB name] board members are committed to this policy. If a genuine concern is disclosed under it, [Insert NGB name] will use all reasonable endeavours to protect the position of the individual concerned. This assurance does not apply to someone who maliciously raises a concern that they know is untrue.

The daily environment for a [Insert NGB name] employee, athlete, contractor or student may be challenging following a whistleblowing disclosure, both whilst the disclosure is being investigated and following the conclusion of the process. If the individual feels that his/her environment is not tolerable, discussions should take place with HR Dept/HR Advisor, or the Performance Director in respect of an athlete. [Insert NGB name] will seek to either redeploy that individual, suitably change their environment, or ensure that they are not disadvantaged as a result of making the disclosure.

4.2 Confidence

[Insert NGB name] does not tolerate the harassment or victimisation of anyone raising a genuine concern. However, we recognise that someone may wish to raise a concern 'in confidence'. If any individual asks us to protect their identity, we will not disclose it without their consent. If the situation develops and [Insert NGB name] is not able to resolve the concern without revealing their identity (for instance because evidence is required in court), we will consult with the employee, athlete, contractor or student on how they would like to proceed.

[Insert NGB name] recognises that if we do not know the identity of the person disclosing a concern, it may be more difficult to resolve the matter: however, we will always endeavour to balance this with the needs of the individual raising a concern.

5 Procedure

Once [Insert NGB name] has been made aware of a concern we will make an initial assessment in order to decide what action should be taken. This may involve: an internal investigation; or an external review/investigation completed by independent experts who are not involved in the operation of [Insert NGB name]. The person disclosing will then be made aware of who is handling the concern and how they can be contacted and whether they will be required to assist in the future. A panel will then be formed based on the needs of the case, which will be composed of those who have the knowledge required to fairly assess the disclosure.

[Insert NGB name] will act as quickly as possible to resolve the matter though the time taken to come to a resolution will depend on the nature of the disclosure. If appropriate and confidentiality allows, the person disclosing may be kept informed though this may not always be possible.

When raising a concern, the employee, athlete, contractor or student may be asked how they feel the matter might best be resolved. At this stage, we must be made aware of any personal interest in the matter. If the concern is deemed to be covered more appropriately by the Grievance Procedure, we will make the individual aware and direct them to the policy. Records of disclosures will be kept in accordance with applicable law.

6 Raising a concern internally

Those who have a concern should ideally raise it with their Line Manager, alternatively with the Head of HR/HR Advisor or Performance Director. This may be done orally or in writing. The person disclosing must state whether they wish to raise the matter in confidence so the appropriate arrangements can be made.

If after following these concerns the person disclosing feels the matter has not been addressed, or if they feel that the matter is so serious that they cannot discuss it with any of the above they should contact the CEO.

If the person disclosing is still not satisfied with the decision-making process or the action taken, they can go to the other levels of escalation detailed in this policy (see below).

7 Raising a concern externally

Some professions, such as medicine and physiotherapy, have statutory duties to inform certain categories of disclosure externally. In disclosure cases such as criminal misconduct, child or vulnerable adult abuse, all employees, athletes, contractors and students must inform the regulatory authorities without undue delay.

The disclosure process when dealt with internally by [Insert NGB name] may be duty bound to report this externally to statutory bodies.

8 Keeping the [Insert NGB name] Board informed

The CEO will notify the Chair of the [Insert NGB name] Board when a whistleblowing case has been initiated. Details of the case will not be discussed at that stage. Once the panel findings are concluded, the [Insert NGB name] Board will be fully informed, in confidence.

9 Further information

For your information some regulatory statutory bodies are listed below:

(<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>)

These Regulatory statutory bodies have individual policies and procedures for handling concerns and complaints. Many of their websites contain guidance on issues that you may face which may be helpful in your initial deliberations on whether to make a disclosure.

The Information Commissioner

In relation to compliance with the requirement of legislation relating to data protection and to freedom of information. Email: casework@ico.gsi.gov.uk and the website is www.ico.gov.uk

The Health and Safety Executive

This relates to health or safety of individuals at work or the health and safety of the public that is work-related, in connection with those industries and work activities for which HSE is the enforcing authority. Online form: <http://www.hse.gov.uk/contact/raising-your-concern.htm> and the website is www.hse.gov.uk

The National Society for the Prevention of Cruelty to Children (NSPCC)

Matters relating to child welfare and protection. Email: help@nspcc.org.uk

Ann Craft Trust

Matters relating to Adults at Risk in sport: <https://www.anncrafttrust.org/> or email: ann-craft-trust@nottingham.ac.uk

Care Quality Commission

Matters relating to the provision of health and social care. www.cqc.org.uk

General Medical Council

Matters relating to the registration and fitness to practise of a member of the medical profession. www.gmc-uk.org

Health and Care Professions Council

Matters relating to the registration and fitness to practise of health and care professional (eg physiotherapy). www.hpc-uk.org

10 PROCESS FLOWCHART

