



# Whistleblowing Policy

Version/date:	V2/Nov 2020
Board approved date:	15 <sup>th</sup> December 2020
Next review date:	October 2023

### **Who or what in general terms is a “Whistle-blower” or “Whistle-blowing”**

The term whistle-blower comes from “blowing the whistle” about something that you have seen in the past, are seeing now or you believe is likely to happen, usually but not always related to your employment. The wrong doing that you expose, to be classed as a whistle-blower must be in the public interest, i.e. it affects others not just yourself. It cannot be a personal grievance, such as bullying, discrimination or harassment unless the particular circumstances would be **in the public interest**.

### **Background to Whistle-blowing**

The Public Interest Disclosure Act 1998 protects “[workers](#)” but does not apply to self-employed contractors. Sections 17-20 of the Enterprise and Regulatory Reform Act 2013 have introduced a series of changes to the Public Interest Disclosure Act 1998:-

**Section 17** narrows the definition of 'protected disclosure' to those that are made in the 'public interest'.

**Section 18** removes the requirement that a worker or employee must make a protected disclosure 'in good faith'. Instead, tribunals will have the power to reduce compensation by up to 25% for detriment or dismissal relating to a protected disclosure that was not made in good faith. **Section 19** introduces protection for whistle-blowers from bullying or harassment by co-workers. **Section 20** enables the Secretary of State to extend the meaning of 'worker' for the purpose of defining who comes within the remit of the whistleblowing provisions.

### **Complaints that count as ‘Whistleblowing’**

You’re protected by law if you report any of the following:

- a criminal offence, e.g. fraud
- someone’s health and safety is in danger
- risk or actual damage to the environment
- a miscarriage of justice
- the company is breaking the law, e.g. doesn’t have the right insurance
- you believe someone is covering up wrongdoing

### **Policy**

1. Welsh Netball is committed to setting and upholding the highest possible standards with regard to our corporate governance, behaviour at work, service to members and the general public and in all our working practices.
2. To ensure this, Welsh Netball encourages employees to report their concerns about poor or dishonest practice, illegal acts or failures to comply with our required standards of work, without fear of reprisals or victimisation.
  - a. Malpractice includes: who can raise a malpractice concern
  - b. how a concern should be raised and with whom
  - c. the requirement that the person believes the concern to be true
  - d. what actions follow the raising of a concern
  - e. that the person raising the concern does not have any influence on the way the malpractice is investigated
  - f. how procedures allow proportionate and independent investigation
  - g. whether or not confidentially can be assured throughout the process

3. This policy has a procedure that should be followed when reporting such concerns (or 'blowing the whistle on concerns'). This policy is not contractual, but is intended as a statement of Welsh Netball policy which can be amended from time to time.
4. Welsh Netball does not tolerate unfair treatment, harassment or victimisation of a whistleblower and will consider such conduct by an employee or member as gross misconduct which (if proven, may) result in dismissal without notice or payment in lieu of notice or disciplinary procedures for a member.
5. Welsh Netball encourages employees and members who have genuine concerns about malpractice to raise them at the earliest opportunity. Malpractice within the Company is taken very seriously.
6. Employees or key volunteers can often be the first to realise that there may be something wrong within Welsh Netball practices; however, individuals may be very reluctant to express their concerns for fear of appearing disloyal or for fear of subsequent harassment or victimisation.
7. Welsh Netball whistle-blowing policy and procedures are intended to provide a safety net to enable individuals to raise their concerns. The policy aims to provide a rapid mechanism under which genuine concerns can be raised internally without fear of repercussions or the need to pursue external disclosure (although the latter cannot be prevented by this policy).
8. Welsh Netball seeks to balance; the need to provide safeguards for individuals who raise genuine concerns about malpractice; the need to protect other members of staff and/or key volunteers, and Welsh Netball; with potential uninformed or vexatious allegations which could cause serious difficulties for innocent parties.

#### **Procedure**

1. Any employee, key volunteer or member may raise a malpractice concern under the "whistle-blowing policy". This person shall be identified in this procedure as "the whistleblower".
2. Any malpractice concern should be raised as soon as practicable with Sarah Jones, CEO ([Sarah.Jones@Welshnetball.com](mailto:Sarah.Jones@Welshnetball.com)).
3. The raised concern must not be made for purposes of personal gain and malicious or false allegations will be regarded as a serious disciplinary offence.
4. Following the raising of a malpractice concern a full investigation will be carried out in line with Welsh Netball's Complaints Policy. The person undertaking the investigation shall be considered "the investigating officer" as far as this procedure is concerned and wherever possible should complete the investigation within 10 working days.

5. A full written record must be kept at each stage of these procedures securely. At the end of the process the record shall be retained by Welsh Netball for 10 years in line with the Welsh Netball data management process.
6. The investigating officer shall carry out an initial investigation which shall, in the first instance, include a meeting with the person or persons who raised the malpractice concern. If an employee has raised the concern then they shall be entitled to be accompanied by a work colleague (co-worker) at the meeting.
7. Usually the identity of the “the whistle-blower” shall be kept confidential unless they confirm in writing otherwise, or if any of the following apply:
  - a. it is a legal obligation to advise their name;
  - b. the information is already in the public domain;
  - c. identification is to a qualified lawyer for the purposes of obtaining legal advice, or
  - d. where it is necessary as part of the proper investigation
8. Legal advice may be taken by “the whistle-blower” at their own expense at any time prior or during the process.
9. Individuals raising a concern, may do so anonymously but it is preferable that the individual puts their name to any disclosure. Their identity will be kept confidential, if so requested, for as long as possible provided that this is compatible with a proper investigation.
10. Anonymous complaints cannot be covered by this procedure but may be reported, investigated or acted upon as the person receiving the complaint decides.
11. Sometimes despite all the necessary steps being followed the identity of the “the whistleblower” might be realised due to the nature of the malpractice, therefore although unfortunate confidentiality cannot be guaranteed.
12. If, despite the Welsh Netball policy stating that unfair treatment or harassment is not tolerated, you feel that you have suffered adverse treatment as a result of making a malpractice disclosure, you should submit a formal complaint under the Welsh Netball Grievance Procedure.
13. Once the investigation has taken place if the investigating officer has found that there is likely to be some form of malpractice concerned they will confirm the action to be taken to the “the whistle-blower” or this might include:
  - a. the matter is to be reported to the Police
  - b. the matter is to be investigated further internally by Welsh Netball, or by external auditors or other specialised investigators appointed by Welsh Netball
14. Following investigation, the investigating officer may find that there is no further action required if they are:
  - satisfied that malpractice has not occurred or is not likely to occur;
  - aware that the matter is already subject to legal proceedings, or has already been referred to the police or to the relevant “Prescribed Persons”, i.e. someone identified by the Secretary of State as prescribed regulators;
  - aware that the matter is already, or has already been, the subject of proceedings, under one of Welsh Netball’s other procedures;

- satisfied that “the whistle-blower” does not have reasonable belief that malpractice within the meaning of the policy/procedure has taken place, is taking place or is likely to occur; or is raising a personal grievance or similar.
15. Depending on the circumstances of the malpractice the person(s) against whom allegations have been made, if an employee, may be suspended during the investigation and/or may be supported in an appropriate manner.
  16. The “the whistle-blower” will be advised of the outcome of the investigation and subsequent action or no action to be taken.
  17. If the “the whistle-blower” if having followed this procedure is not satisfied with the action taken, they may raise the matter confidentially with the Police or a relevant prescribed regulator. The relevant prescribed regulator will depend on the nature of the concern but may include the Environment Agency, the Health & Safety Executive and the Information Commissioner.
  18. If the prescribed regulator or similar becomes involved at any stage of the process then Welsh Netball will comply with their requests; at this stage Welsh Netball shall normally take legal advice on the matter.
  19. Depending on the outcome of the investigation at 13b, recommendations might arise for a change or changes to the way that Welsh Netball works and/or manages the processes that gave rise to the malpractice concern. These recommended changes must be implemented as soon as possible unless the changes themselves might cause future concerns.