ROTHERHAM UNITED COMMUNITY TRUST

POLICY / PROCEDURE

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WHISTLEBLOWING POLICY

INTRODUCTION

This document is separate to your employment contract. It may be changed from time to time as legal developments take place and in line with current best business practice. You will be informed of any such changes.

This policy will set out how individuals can raise concerns about the safety and welfare of children, young people, adults at risk and users involved in Rotherham United Community Sports Trust activities.

This policy applies to all employees, workers, managers and directors within this Organisation, collectively described as "employees" in this policy. Other individuals, such as volunteers, agency workers and suppliers are also encouraged to read it and act accordingly where they identify wrongdoing within the Organisation.

This business Organisation strives for a culture of openness and transparency involving all members of staff and all workers from senior management down. We recognize the utmost importance of enabling employees to safely raise concerns of malpractice, negligence, criminal activity, fraud, misconduct or wrongdoing by anyone in the workforce.

Where any such concerns are raised within the guidelines set out in this Policy they will be dealt with properly and promptly. Where any individual has a concern about the conduct of others within the Organisation that has an adverse impact on other employers and workers, they should feel confident and safe to raise such concerns immediately without fear of repercussions.

The purpose of this Policy is to set out how concerns may be safely raised, who they can be raised with and how they may be dealt with.

PURPOSE

The Organisation's Procedure has been implemented for the following reasons:

- to encourage employees to feel confident in raising genuine concerns about malpractice whilst maintaining their integrity
- to ensure whistleblowers know their concerns will be taken seriously and not ignored
- to aid the smooth running of the business with minimal risk of malpractice, negligence and other wrongdoing
- to reassure employees that should they "blow the whistle" in good faith they will be protected from detrimental treatment
- to foster an open and transparent workplace where employees can promptly identify wrongdoing and report it confidentially and effectively

BACKGROUND

The **Public Interest Disclosure Act 1998** (PIDA) provides protection for employees who raise legitimate concerns about specified matters. These are called "qualifying disclosures" and is a disclosure made in good faith by an employee who has a reasonable belief that:

- a criminal offence

- a miscarriage of justice
- an act creating risk to health and safety
- an act causing damage to the environment
- a breach of any other legal obligation; or
- concealment of any of the above

is being, has been, or is likely to be, committed.

The qualifying disclosure is a "protected disclosure" if the worker:

- makes the disclosure in good faith and is not motivated by malice or personal gain
- reasonably believes the information to be substantially true; and
- reasonably believes that the matter falls within the description of matters for which the person or body has been prescribed. For example, breaches of health and safety regulations can be brought to the attention of the Health and Safety Executive (HSE)

Where an employee or worker makes a qualifying protected disclosure, he or she is protected against dismissal or detrimental treatment as a result of making a protected disclosure. This means neither the Organisation nor any of its employees, managers, directors or other workers may subject the individual to detrimental treatment or dismiss him or her as a result of making a disclosure.

The whistleblower does not have to supply proof of wrongdoing – a reasonable belief will suffice. When a qualifying disclosure is made, the Organisation involved is responsible for carrying out appropriate enquiries and investigations.

A disclosure of the kind set out above may include concerns relating to:

- environmental issues
- health and safety issues
- safeguarding
- criminal behaviour
- negligent behaviour or omissions
- financial wrongdoing such as fraud
- bribery or corruption

- misuse of personal data
- misuse of the Organisations' property
- price fixing
- other breaches of statutory duties

These types of concern are to be distinguished from a grievance in the workplace. Grievances do not generally involve issues of public interest and usually involve a problem directly related to a person's work and conditions of employment; or the general conduct of workers which can be resolved internally.

OVERRIDING PRINCIPLES

This organization is committed to preventing malpractice in the workplace. Employees are urged to be alert to wrongdoing and raise concerns accordingly.

To facilitate this:

- an employee who raises legitimate concerns will be treated confidentially as far as practically possible
- any matter raised in accordance with this policy will be dealt with promptly and appropriate investigations and enquiries will be commenced
- misconduct that is identified as a result of the enquiries will be treated under the Organisation's disciplinary procedures
- the employee will be kept updated with developments and any action taken, subject to legal constraints
- spurious or malicious claims will be dealt with and may involve disciplinary action and/or summary dismissal
- the employee will not be victimized or suffer reprisals for raising legitimate concerns in accordance with this policy, either by the Organisation or any of its other workers, manager, or directors
- victimization of an employee after he or she has raised a qualified disclosure will be treated as a disciplinary offence
- employees will have the option of making external disclosures where he or she does not reasonably believe the internal procedure will suffice in a given situation
- anyone ordering an employee not to speak up and raise a relevant disclosure, or ordering an employer to cover up wrongdoing will attract disciplinary action

PROCEDURE FOR WHISTLEBLOWERS

Where an employee wishes to raise a qualified disclosure as set out above, the following Procedure should be adhered to unless it is unreasonable to do so:

- such disclosures should be raised with the employee's line manager

- if that is not an option, for example, because there is cause to believe the manager is involved in wrongdoing or simply because they feel they are unable to, the matter should be raised with the Head of Community who is the Organisation's Whistleblowing Officer -jnoble@rotherhamunited.net or 01709 827 767

- where possible, the whistleblower's identity will not be disclosed without consent

- the manager or whistleblowing officer will instigate an investigation of the matter either personally or through a senior person. Investigations may require the employee and/or other individuals to provide statements

- the manager responsible for the investigation and enquiries will report to the Board of Directors who will then arrange to take the necessary action, for example, to remedy the wrongdoing, start disciplinary action, or call in the police

- a regulatory body may be notified if it is considered necessary

- the whistleblower will be informed of the outcome of the investigations and any action taken

- if the whistleblower is not happy with either the way the matter was dealt with; or the outcome of the investigations, he or she will have the opportunity to raise the matter with another Manager, the name of which will be notified at the time who may decide, in his or her reasonable judgement, to instigate further investigations

ANONYMOUS REPORTING

This Organisation actively discourages anonymous whistleblowing. Anonymous reporting makes it particularly difficult to investigate effectively. Initial anonymity of an employee raising concerns may later be lost in any event – it is more effective to raise the concern and be assured of confidentiality.

WHAT A WHISTLEBLOWER SHOULD NOT DO

If you have raised a relevant matter of concern or are considering it, you should not do the following:

- contact the suspected perpetrator of wrongdoing on a fact findng mission

- discuss the matter with anyone outside of the Organisation including the media

- start your own investigations or enquiries without permission. This could seriously undermine the Organisation's own enquiries and your integrity

WIDER DISCLOSURES

In limited circumstances, an employee is permitted by law to make wider disclosures and still be protected by PIDA. Where the employee has reasonable belief he or she would be victimized if the matter was raised internally, there is no relevant regulator with which the matter can be raised, there is reasonable belief that the evidence was likely to be concealed or destroyed if the disclosure was made internally and if the matter was exceptionally serious, and it was reasonable to disclose it to another party, then the employee may be protected if the matter is raised with the police or other interested parties.

OTHER RELEVANT POLICIES AND PROCEDURES

SAFEGUARDING

Rotherham United Community Trust realise that raising a concern and reporting allegations are often difficult to make through fear of reprisals from those responsible for the alleged poor practice. If the individual believes what they say to be true and are not deemed to be malicious Rotherham United Community Trust will fully support the whistle-blower and will not tolerate any bullying, harassment or victimisation whatsoever. If this does occur, any perpetrators will be dealt with under Rotherham United Community Sports Trust disciplinary policy/procedure resulting in possible dismissal.

Employees are encouraged to be familiar with the Organisations' other codes of conduct and procedures including the Grievance Policy and Procedure, Disciplinary Procedures and Health and Safety Policy.

http://www.rucst.co.uk/policies-procedures/

CONFIDENTIAL HELPLINE

Any employee needing advice about a matter of serious concern may choose to contact Public Concern at Work. It is an independent national charity providing advice on how and with whom to raise concerns. Their helpline is available 9am to 6pm, Monday to Friday on 020 7404 6609 or you can contact them by email: helpline@pcaw.co.uk

FURTHER CONTACT RESOURCES

Lisa Glaves, Designated Safeguarding and Welfare Officer, Sheffield and Hallamshire County FA - 0114 261 5514 / Lisa.Glaves@SheffieldFA.com

Claire Taylor, English Football League, EFL House, 10-12 West Cliff, Preston, PR1 8HU, 01772 325800 CTaylor@efltrust.com

Charity Commission - Charity Commission - whistleblowing whistleblowing@charitycommission.gsi.gov.uk

NCS Trust - The NCS 'Speak Up' helpline and accompanying email account enables the reporting of all issues or concerns that relate to NCS and its delivery. All calls and emails will be received directly by NCS Trust and will respect the reporting party's right to anonymity. T: 0800 9806 899 E: confidential@ncstrust.co.uk

NSPCC

Contact the Whistleblowing Advice Line
Call 0800 028 0285
Email help@nspcc.org.uk
https://www.nspcc.org.uk/what-you-can-do/report-abuse/dedicated-helplines/whistleblowing-advice-line/

Alternatively you can contact The FAs Safeguarding Team via 0800 169 1863 # 6300 (during office hours Mon-Fri excluding public holidays) or (including out of hours) the FA/NSPCC Child Protection Helpline on 0808 800 5000

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7 Raising a Concern or Making an Allegation if you are an External Company or Partner

Whistleblowing - Types of Disclosures Covered

7.1 This guidance relates to disclosures being made by external companies or partners who work with RUCST and may have concerns about serious malpractice, abuse, neglect or wrongdoing, notably when the interests of others or the company are at risk. Concerns of this nature are likely to involve matters such as unlawful conduct, serious safety/security deficiencies, breaches of confidence or danger to the public/environment.

These can include:-

- Any unlawful act, whether criminal (e.g. theft) or a breach of the civil law (e.g. slander or libel);
- Failure to comply with legal obligation;
- A miscarriage of justice;
- Misadministration (e.g. unjustified delay, incompetence, negligent advice);
- Health & Safety risks, including risks to the public as well as other employees;
- Damage to the environment (e.g. pollution);
- The unauthorised use of public funds (e.g. expenditure for improper purpose);
- Fraud & corruption;
- Abuse of children and vulnerable adults; and Deliberate concealment of information tending to show any of the above.

This is not a comprehensive list but is intended to illustrate the sort of issues that may be raised under this policy.

7.2 If your concern is about possible fraud, you should contact the confidential Fraud Hotline (0808 100 2716) through which concerns of this particular nature may be reported in confidence.

What does this mean?
If you see something that you believe is negligent, improper or illegal, then you should report the matter immediately in accordance with this policy.

7.3 This guidance invites the general public or other external or partnership organisation, where they may have witnessed or have concerns about alleged wrongdoing, corruption, fraud and malpractice within RUCST. You can also raise concerns in relation to RUCST who are also required to comply with the Public Interest Disclosure Act and are responsible for ensuring compliance with the legislation.
The Public Interest Disclosure (NI) Order 1998, does not extend or provide protection to “external” whistleblower’s, a whistleblower as defined in the Order is someone inside the organisation.

7.4 When someone complains, they are saying they have personally been poorly treated. This poor treatment could involve a breach of their individual rights or bullying or poor service and the complainant is seeking redress or justice for themselves. The person making the complaint therefore has a vested interest in the outcome of the complaint and, for this reason, is expected to be able to prove their case.

Procedures for making a complaint relating to the Trust’s service standards can be accessed through the RUCST website here:-

http://www.rucst.co.uk/policies-procedures/

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Any employee needing advice about a matter of serious concern may choose to contact Public Concern at Work. It is an independent national charity providing advice on how and with whom to raise concerns. Their

helpline is available 9am to 6pm, Monday to Friday on 020 7404 6609 or you can contact them by email: helpline@pcaw.co.uk

8 Other relevant Policies and Procedures

Employees are encouraged to be familiar with the Organisations' other codes of conduct and procedures including the Grievance Policy and Procedure, Disciplinary Procedures and Health and Safety Policy.