

## **General Employment - Whistleblowing Policy**

### **Introduction**

The Great Britain Wheelchair Basketball Association (GBWBA) conducts its affairs with the highest standards of integrity and honesty in order to protect the interests of GBWBA, its officers and colleagues.

As a part of GBWBA's commitment to conduct its affairs in this way, all colleagues are encouraged to disclose any serious concerns in accordance with this policy. GBWBA considers it fundamental to encourage the use of this policy and to assure colleagues that they will be protected from reprisal, victimisation or dismissal. All concerns raised must be done so in good faith, whether such matter(s) later turn out to be justified or not.

In some circumstances, it may be possible to address concerns through the Grievance Policy. However, in some cases it is recognised that the normal Grievance Policy, which is used to handle an individual's concerns about their employment, may not be appropriate to disclose serious concerns or where a colleague feels their confidentiality may be affected. GBWBA will do all they can to protect confidentiality if requested but, depending on the nature of the concern raised, this cannot be guaranteed. GBWBA will take all reasonable steps to notify a colleague if confidentiality cannot be preserved.

It is important to the business that any fraud, misconduct or wrong doing by officers or colleagues of GBWBA is reported and properly dealt with. GBWBA therefore encourages all officers and colleagues to raise any concerns that they may have about the conduct of others in the business or the way in which the business is run. Other individuals performing functions in relation to GBWBA, such as agency colleagues and contractors, are encouraged to use it. This policy sets out the way in which such individuals may raise any concerns that they have and how those concerns will be dealt with.

### **Qualification**

This policy shall be applied consistently in relation to all colleagues of GBWBA regardless of gender, gender reassignment, marital or family status, age, disability, ethnic origin, creed, religion/belief, sexual orientation or any other condition or requirement which cannot be shown to be justifiable.

### **Background**

The Public Interest Disclosure Act 1998 amended the Employment Rights Act 1996 to provide statutory protection for colleagues who raise legitimate concerns about specified matters. These are called 'qualifying disclosures'. A qualifying disclosure is one made in good faith by a colleague 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.

It is not necessary for the colleague to have proof that such an act is being, has been, or is likely to be, committed. A reasonable belief is sufficient. The colleague is not under a duty to investigate the matter before reporting it as; it is GBWBA's responsibility to ensure that an investigation takes place.

Any colleague who makes such a protected disclosure has the right not to be dismissed, or subjected to victimisation, because he/she has made the disclosure.

GBWBA encourages colleagues to raise their concerns under this procedure in the first instance. If a colleague is not sure whether to raise a concern, they should discuss the issue with their line manager.

### **Principles**

Everyone should be aware of the importance of preventing and eliminating wrong doing at work. Colleagues should be watchful for illegal or unethical conduct and report anything of that nature of which they become aware.

Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the person who raised the issue.

No colleague will be victimised for raising a matter under this procedure. This means that the continued employment and opportunities for future promotion or training of the colleague will not be prejudiced because he/she has raised a legitimate concern.

Victimisation of a colleague for raising a qualified disclosure will be a disciplinary offence.

If misconduct is discovered as a result of any investigation under this procedure the Disciplinary Policy will be used, in addition to any appropriate external measures.

Making a false allegation maliciously or in bad faith may be treated as a disciplinary offence.

An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, colleagues should not agree to remain silent. They should report the matter to a director as anyone who tries to prevent or discourage a colleague raising a concern under this policy may be dealt with under the Disciplinary Procedure.

### **Procedure**

This procedure is for disclosures about matters other than a breach of a colleague's own contract of employment. If a colleague is concerned that their own contract has been, or is likely to be, broken, they should use the Grievance Policy.

### **Stage One**

In the first instance, and unless the colleague reasonably believes their line manager to be involved in the wrongdoing, or if for any other reason the colleague does not wish to approach their line manager, any concerns should be raised with the chairman of the trustees.

If they believe the line manager to be involved, or for any reason do not wish to approach the line manager, then the colleague should proceed straight to stage three.

### **Stage Two**

The line manager will arrange an investigation of the matter (either by investigating the matter personally or immediately passing the issue to someone in a more senior position). The investigation may involve the colleague and other individuals involved giving a written statement. Any investigation will be carried out in accordance with the principles set out above. The colleague's statement will be taken into account and they will be asked to comment on any additional evidence obtained.

The line manager (or the person who carried out the investigation) will then take any necessary action, including reporting the matter to any appropriate government department or regulatory agency.

If disciplinary action is required, the line manager (or the person who carried out the investigation) will report the matter to the chairman of the trustees and start the disciplinary procedure.

On conclusion of any investigation, the colleague will be told the outcome of the investigation and what has been done, or proposes to do, about it. If no action is to be taken, the reason for this will be explained.

### Stage Three

If the colleague is concerned that their line manager is involved in the wrong doing, has failed to make a proper investigation or has failed to report the outcome of the investigations, they should inform the chairman of trustees who will arrange for another manager to review the investigation carried out, make any necessary enquiries and make their own report to the Chief Executive as in stage two above.

If for any other reason the colleague does not wish to approach their line manager they should also in the first instance contact the chairman of the trustees. Any approach will be treated with the strictest confidence and the colleague's identity will not be disclosed without their prior consent.

### Stage Four

If, on conclusion of stages One, Two and Three, the colleague reasonably believes that the appropriate action has not been taken, they can report the matter to the proper authority. The legislation sets out a number of bodies to which qualifying disclosures may be made. These include: HM Revenue & Customs	<a href="http://www.hmrc.gov.uk">http://www.hmrc.gov.uk</a>
Financial Services Authority	<a href="http://www.fsa.gov.uk">http://www.fsa.gov.uk</a>
Office of Fair Trading	<a href="http://www.oft.gov.uk">http://www.oft.gov.uk</a>
Environment Agency	<a href="http://www.environment-agency.gov.uk">http://www.environment-agency.gov.uk</a>
Health and Safety Executive	<a href="http://www.hse.gov.uk">http://www.hse.gov.uk</a>