

## Whistle-blowing Policy

### 1. Introduction

This whistle-blowing policy has been introduced in response to the Public Interest Disclosure Act 1998 and provides a procedure which enables employees to raise concerns about what is happening at work, particularly where those concerns relate to unlawful conduct, financial malpractice, fraud, corruption or dangers to the public or the environment. The object of this policy is to ensure that concerns are raised and dealt with at an early stage and in an appropriate manner.

Welsh Athletics encourages you to bring to its attention alleged wrong-doing and ethical or legal concerns which may impact on the work that we do and anyone involved.

You have a duty to be vigilant and to keep Welsh Athletics informed of any such matters. This policy is to provide you with a formal channel through which employees and workers of Welsh Athletics can raise matters of a serious nature relating to Welsh Athletics. Such matters cannot be raised informally.

We encourage you to disclose information which tends to show one or more of the following where such disclosure relates in some way to Welsh Athletics:

- that a criminal offence has been committed, is being committed or is likely to be committed.
- that an employee is undertaken actions that may be deemed as fraudulent or corrupt
- that a person has failed, is failing or is likely to fail to comply with any legal obligation to which he or she is subject.
- that a miscarriage of justice has occurred, is occurring or is likely to occur.
- that the health and safety of any individual has been, is being or is likely to be endangered.
- that the environment has been, is being or is likely to be damaged.
- that information tending to show any of the above has been, is being or is likely to be deliberately concealed.

Such disclosures are referred to in this policy as “Disclosures”.

When considering whether a matter falls into any of the above categories, you should bear in mind the rules and regulations to which Welsh Athletics and its staff are subject. If you make a Disclosure, you must have a reasonable belief that the information you are disclosing is true and you must make the Disclosure in good faith.

## How the Whistle-Blowing Policy Differs from the Grievance Procedure

This policy does not apply to raising grievances about an employee's personal situation. These types of concerns are covered by Welsh Athletics Grievance Procedures. The Whistle-Blowing Policy is primarily concerned with where the interests of others or Welsh Athletics itself are at risk. It may be difficult to decide whether a particular concern should be raised under the Whistle-Blowing Policy or under the Grievance Procedure, or under both.

If you have any doubt as to the correct route to follow, please seek advice from the Chief Executive who will be able to advise you accordingly.

## 2. Method of Disclosure

Disclosures cannot be made informally, and you should not discuss or raise such matters with your colleagues or your Manager. If you wish to make a Disclosure you must make it through the formal channel set out in this policy.

Disclosures may be made anonymously, however if a disclosure is made in this way, any action taken to look into a disclosure could be limited and it will not usually be possible for the whistle-blower to receive feedback. However, anonymous whistle-blowers may seek feedback through a telephone appointment or by using an anonymised email address.

Welsh Athletics has a specified individual to whom Disclosures should be made (the "Appointed Person"). The current Appointed Person is the Chief Executive. The Chief Executive will act as a co-ordinator to ensure that any Disclosure is referred to an appropriate party for investigation.

The whistle-blower can make a request for their identity to remain confidential – this must be documented during the disclosure.

As stated above, if you wish to make a Disclosure, you should make it to the Chief Executive Officer unless:-

- the Chief Executive is absent and you reasonably consider that the Disclosure cannot wait until his/her return. In this instance you should make the Disclosure to the Head of Operations instead;
- if the Disclosure relates to or involves the Chief Executive in any way, in which case you should make the Disclosure to the Chair of the Board instead.

## 3. Procedure following Disclosure

After you have made your Disclosure, the Chief Executive will write to you acknowledging receipt of the Disclosure and to arrange a meeting with you. The written acknowledgement will normally be sent to you within 2 working days of the Disclosure and the meeting will usually take place within 5 working days of the Disclosure.

The purpose of the meeting will be to enable the Chief Executive to obtain full details of the matter to enable him/her to conduct a preliminary investigation to establish whether the Disclosure is well founded and, if so, to whom the Disclosure should be referred for investigation. At this meeting you will be asked to identify any other individuals with knowledge of the matter, who may also need to be interviewed.

Your role is to raise a matter which may be of concern to Welsh Athletics. The scope of the preliminary investigation carried out by the Chief Executive is to be determined by the Chief Executive him/herself. If the disclosure is of a Financial nature, then the Finance Lead will be informed immediately.

At the end of the preliminary investigation, the Chief Executive will have a further meeting with you to inform you of the outcome and whether any further investigations are to be undertaken and by whom.

If the Chief Executive concludes that your Disclosure is not well founded, no further investigation will be carried out under this procedure. This decision will be final and will not be reviewed unless further evidence is produced in relation to the Disclosure.

If the Chief Executive considers that your Disclosure is well founded, he/she will assess who is best placed to carry out further investigations and will refer the matter accordingly.

#### **4. Further Investigations**

If the Chief Executive considers that further investigations are required, the matter will be referred to the most appropriate and relevant person to conduct the investigations (the "Investigator"). Once again, the Investigator will not be investigating the Disclosure on your behalf, but on behalf of Welsh Athletics. The Investigator will determine the method and scope of the investigations. The Investigator may need to meet with you in order to obtain further information.

The Investigator will prepare a written report outlining the extent of the investigations and setting out his/her conclusions and/or any recommendations. A copy of this report will be provided to the Appointed Person.

The Chief Executive and the Investigator will have a meeting with you, after the report has been finalised, to inform you of the outcome of the further investigations. You will not be entitled to keep a copy of the report.

The conclusion of the Investigator is final. You have no right of appeal. The Investigator, with assistance from the Appointed Person, will be responsible for ensuring that any recommendations in the report are referred to the correct channels for implementation.

## **5. Time Periods**

All or any of the time periods set out in this policy may need to be varied in certain circumstances. If this is the case, the Chief Executive will inform you of this during the course of the procedure and advise you of the revised timescale.

## **6. Confidentiality**

The Chief Executive and the Investigator will keep your Disclosure, and the fact that you are the source of the Disclosure, as confidential as possible and will only inform individuals that need to know. These individuals may include, but will not necessarily be limited to, the alleged wrongdoer(s), others named by you when making the Disclosure and any witnesses or other individuals who can provide further information in relation to the Disclosure.

You must treat the Disclosure with the utmost confidence. You must not discuss the Disclosure with any third party other than the Appointed Person, the Investigator and, if you have one and consider it appropriate to consult him or her, your legal advisor. You must not attempt to carry out your own investigation.

## **7. Victimisation and/or Malicious Disclosures**

Welsh Athletics will make every effort to ensure that you suffer no adverse repercussions as a result of making a Disclosure. Any allegation of victimisation of an individual who has made a Disclosure will be taken very seriously and anyone found to be victimising such a person will be subject to disciplinary action, up to and including dismissal.

Any individual who is found to be making a Disclosure in bad faith or maliciously however will be subject to disciplinary action, up to and including dismissal.

If a whistle-blower believes that they have been unfairly treated because they have blown the whistle they may decide to take their case to an employment tribunal. The process for this would involve attempted resolution through the Advisory, Conciliation and Arbitration Service (ACAS) early conciliation service. Information can be found at: [www.acas.org.uk/conciliation](http://www.acas.org.uk/conciliation) and the ACAS helpline can provide further advice.

## **8. Records**

The Chief Executive will maintain notes of meetings, reports, recommendations and all other documents relating to Disclosures made under this policy. Such documents will be kept confidentially.

## **9. Revision of Policy**

This policy is not intended to be binding. Welsh Athletics Ltd reserves the right to amend and/or withdraw this policy from time to time for any reason, including without limitation, to take account of changes in the law, best practice and/or operational requirements.