

# WHISTLE BLOWING POLICY

(Updated September 2020)



## 1. INTRODUCTION

- 1.1 Basketball England is committed to developing a culture where it is safe and acceptable for all individuals working for the organisation to raise concerns about poor or unacceptable practice and misconduct.
- 1.2 Employees may often be the first to identify some apparent wrongdoing within Basketball England. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to Basketball England. They may also fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.
- 1.3 Basketball England is committed to the highest possible standards of openness, good governance, probity and accountability. In line with that commitment we expect employees, and others that we deal with, who have serious concerns about any aspect of Basketball England's work to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.
- 1.4 This code makes it clear that you can do so without fear of victimisation or disadvantage. This code is intended to encourage and enable employees to raise serious concerns within Basketball England rather than overlooking a problem or feeling the need to raise it with someone outside. This code also takes account of the Public Interest Disclosure Act 1998.
- 1.5 This code applies to all employees and those contractors working for Basketball England on the organisation's premises, for example agency staff, and contractors. It also covers suppliers and those providing services under a contract with Basketball England in their own premises. It does not apply to service users or members of the general public. Although such persons are encouraged (if they have concerns about some apparent wrongdoing within the organisation) to raise their concerns in line with the complaints procedures.

## **2. AIMS AND SCOPE OF THIS CODE**

2.1 This Code aims to:

- Encourage you to feel confident in raising serious concerns, without the fear of being sacked, suspended or victimised.
- Provide avenues for you to raise those concerns and receive feedback on any action taken (if required).
- Ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied.

2.2 There are existing procedures in place to enable you to lodge a grievance relating to your own employment. This Code is intended to cover major concerns that you may have which fall outside the scope of other procedures. Thus, any serious concerns that you have about any aspect of service provision or the conduct of officers or members of Sport England or others acting on behalf of Basketball England can be reported under this Code. Examples of major concerns will include information which tends to show that:-

- A criminal offence has/is taking place
- There is a danger to the health and safety of any individual
- Damage to the environment
- A serious breach of procedures and guidelines has/is taking place.

## **3. SAFEGUARDS**

3.1 Basketball England recognises that the decision to report a concern can be a difficult one to make. If you disclose information in good faith and you reasonably believe that what you say is true, you will have nothing to fear because you will be doing your duty to your employer and those for whom you are providing a service.

3.2 Basketball England will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern in good faith.

3.3 Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect you.

#### **4. CONFIDENTIALITY**

4.1 All concerns will be treated in confidence and during the process of investigating the matter, every effort will be made not to reveal your identity if you so wish. However, if the results of the investigation require formal action to be taken which depends upon your evidence, for example disciplinary proceedings, then you will be expected to come forward as a witness.

#### **5. ANONYMOUS ALLEGATIONS**

5.1 This Code encourages you to put your name to your allegation.

5.2 Concerns expressed anonymously are much less powerful, but will be considered at the discretion of Basketball England.

5.3 In exercising this discretion, the factors to be taken into account would include:

- a) The seriousness of the issues raised
- b) The credibility of the concern
- c) The likelihood of confirming the allegation from attributable sources

#### **6. UNTRUE ALLEGATIONS**

If you make an allegation in good faith, which you reasonable believe to be true, but the allegation is not subsequently confirmed by the investigation, no action will be taken against you. If, however, you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you.

#### **7. HOW TO RAISE A CONCERN**

7.1 Reporting colleagues and fellow workers can be a stressful experience, so here are some tips for you to think about:

- Don't panic.
- Don't become a private investigator, especially where computers are involved.
- Don't forget there may be an innocent or good explanation.
- Don't use this procedure to pursue a personal grievance.
- Think about what the end result may be before you take any action.

7.2 As a first step, you should normally raise concerns with your immediate manager. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. If you do not think this is appropriate, then you should approach the Chief Executive or Finance Manager and if this is also not appropriate, then you should refer your concerns to the Chair. If you believe that the Chair is involved in the matter, which you are raising, then you should raise your concerns with the Director of Management Audit, Sport England.

7.3 Concerns may be raised verbally or in writing. Staff who wish to make a written report are invited to use the following format:

- The background and history of the concern (giving relevant dates)
- The reason why you are particularly concerned about the situation

If the concern is raised verbally, the manager receiving your information should put it in writing as soon as practicable to ensure that it properly reflects the concern you have raised.

7.4 The earlier you express the concern the easier it is to take action.

7.5 Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.

7.6 You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.

## **8. HOW BASKETBALL ENGLAND WILL RESPOND**

8.1 Basketball England will respond to your concerns. Do not forget that testing out your concerns is not the same as either accepting or rejecting them.

8.2 Where appropriate, the matters raised may:

- Be investigated by the Chief Executive or Finance Manager.
- Be referred to the Police (where appropriate).
- Be referred to the external auditor.
- Form the subject of an independent enquiry.

- 8.3 In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle, which Basketball England will have in mind, is the public interest.
- 8.4 Some concerns may be resolved by agrees action without the need for investigation. If urgent action is required, this will be taken before any investigation is conducted.
- 8.5 Within 48 hours (working) of a concern being raised, the person receiving your concerns will write to you:
- Acknowledging that the concern has been received
  - Indicating how we propose to deal with the matter
  - Giving an estimate of how long it will take to provide a full response
  - Telling you whether any initial enquiries have been made
  - Telling you whether further investigations will take place and if not, why not.
- 8.6 The amount of contact between the officers considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the manager concerned will seek further information from you.
- 8.7 Where any meeting is arranged, off-site if appropriate, a union representative or professional association representative or a friend can accompany you.
- 8.8 Basketball England will take steps to minimise any difficulties that you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, your manager will arrange for you to receive advice about the procedure.
- 8.9 Basketball England accepts that you need to be informed that the matter has been properly addressed. Thus, subject to legal constraints, we will inform you of the outcome of any investigation.

## **9. THE RESPONSIBLE OFFICER**

9.1 The Chief Executive has overall responsibility for the maintenance and operation of this policy and will periodically review its effectiveness. However, it is the responsibility of senior staff to foster arrangements that will freely permit any employee to come forward and voice concerns about any matter covered by this Code.

## **10. HOW THE MATTER CAN BE TAKEN FURTHER**

10.1 This Policy is intended to provide you with an avenue within Basketball England to raise concerns. If you do take the matter outside the organisation, you should ensure that you do not disclose confidential information. The Public Interest Disclosure Act does not provide blanket protection and you could leave yourself vulnerable to disciplinary action if you disclose confidential information in circumstances not covered by the Act.

10.2 Basketball England hopes you will be satisfied with any action taken. If you are not, and if you feel it is right to take the matter outside Basketball England, the following are possible contact points:

- Sport England
- The National Audit Office
- Your Trade Union
- Your local Citizens Advice Bureau
- Relevant Professional Bodies or regulatory organisations.
- A relevant voluntary organisation
- The Police