



# Whistle Blowing Policy (Staff and Volunteers)

**Monitoring:**  
Office Manager

**Policy Review:**  
Reviewed and revised May 2020.  
Next review May 2021.

**Person Responsible:**  
Chief Executive Officer

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## **PUBLIC INTEREST DISCLOSURE ACT 1998 (PIDA) (WHISTLE BLOWING)**

### **Background and Definition of Whistle Blowing**

This policy takes into account the requirements set out in the Public Interest Disclosure Act 1998 (PIDA) (referred to as Whistle Blowing) to enable staff to "blow the whistle" about serious wrong doing at England Lacrosse (EL).

This policy and procedure is not to be confused with action on complaints, discipline and grievance for which there are specific EL policies and procedures to be applied where appropriate.

#### **1. Scope and Purpose**

2.

This policy and procedure applies to all members of the staff and volunteers of England Lacrosse.

In order that you should feel free to raise such matters without fear of victimisation or retribution, this procedure has been designed to provide a channel whereby you may raise genuine and legitimate concerns confidentially inside, and if necessary, outside England Lacrosse.

England Lacrosse is committed to ensuring it conducts its business in a climate of openness and honesty, in which there is respect for all individuals. It takes allegations of malpractice very seriously. All staff and volunteers who speak freely about matters which are a concern or in the interests of England Lacrosse will be protected from victimisation or retribution provided allegations are made in good faith and follow the appropriate procedures to apply the Whistle Blowing policy.

The purpose of this policy is:

- To ensure all staff understand how and when to apply the Whistle Blowing procedure;
- To provide all staff with a confidential and timely process to encourage serious concern(s) to be raised in the first instance within England Lacrosse, so that they
- can be investigated appropriately;
- To enable all involved to act professionally and with propriety;

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- To preserve the confidentiality of the person raising the concern and to ensure that management will investigate properly the concern(s) raised, before it comes in to the public domain;
- To promote, throughout England Lacrosse, a culture of openness and integrity and to encourage individuals to act responsibly to uphold the company's reputation and the confidence of the public.

## 2. What is a "Qualifying Disclosure"?

The definition of serious wrongdoing referred to within the context of Whistle Blowing is defined as certain kinds of disclosures qualifying for protection. These are referred to as "Qualifying Disclosures" which you, the member of staff or volunteer, reasonably believe, one or more of the following within the organisation:

- a criminal offence has been committed, is being committed or is likely to be committed;
- a person has failed or is failing or is likely to fail to comply with any legal obligation to which he is subject;
- a miscarriage of justice has occurred, is occurring or is likely to occur;
- 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;
- information tending to show any matter falling within any one of the above has been, is being, or is likely to be concealed.

As "malpractice" is not always easily defined, examples could be allegations of fraud, financial irregularities, corruption, bullying, bribery, dishonesty, criminal activities or creating or ignoring a serious risk to health, safety or the environment.

If you, the member of staff or volunteer, reasonably believe one or more of the above "Qualifying Disclosures" is either happening now, took place in the past, or is likely to happen in the future, please refer to section 4 "How to proceed".

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### **3. What is a "Protected Disclosure"**

It is important you are referring to a "Qualifying Disclosure", as set out in Section 2, and follow the procedure when making a "Qualifying Disclosure". This will enable the "Qualifying Disclosure" to be a "Protected Disclosure". Therefore, you will not be disciplined for raising serious concern(s) in accordance with the Whistle Blowing policy and procedures.

During the investigation it may be discovered the disclosure is unfounded and there is no case to answer. This is acceptable if evidence is available to prove you had reasonable belief of the disclosure at the time.

It must also be proved you were acting in good faith and were not acting for personal gain or malicious reasons. Any disclosure that is made for personal gain or malicious reasons will automatically lead to the implementation of the England Lacrosse Disciplinary policy.

You will not be disciplined for raising serious concern(s) if you have followed the Whistle Blowing procedure and acted in good faith.

### **4. How to proceed in applying the Whistle Blowing Procedure**

#### **Inform a Line Manager**

Where serious malpractice or criminal activity is suspected which applies to the criteria of the "qualifying disclosure" listed in section 2, we encourage you to raise your concern(s) in the first instance with your Line Manager.

**Or**

#### **Inform an alternative Manager**

If you are unable to do this for whatever reasons, your concern(s) can be raised with an alternative Manager within England Lacrosse.

This may be done verbally or in writing.

**Or**

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### **Inform an external member of England Lacrosse**

If, for good reason, you are unable to follow that route and would like to raise awareness of your concern(s) to an external member of the company, write in confidence to:

### **The Chair of the Board ([chair@englandlacrosse.co.uk](mailto:chair@englandlacrosse.co.uk))**

Outline your serious concern(s) within the criteria of the "Qualifying Disclosure" identified in Section 2 and your reasons for not raising it with an England Lacrosse Manager in the first instance.

### **If the serious concern(s) relates to the CEO or Senior Staff Members**

If the allegation of serious malpractice or criminal activity relates to the CEO or other Senior Staff members, the Chair of the Board will place the matter in the hands of a Board member to investigate. The Board member will, on receipt of the allegation, determine an appropriate method of investigation in keeping with natural justice.

### **If you want independent advice on who to contact**

England Lacrosse would prefer that any serious concern(s) is raised responsibly rather than not at all. If you are unsure whether or how to raise a concern or you want to speak to someone in confidence first, you can contact the independent charity:

### **Protect**

#### **Telephone:**

Protect Advice Line: 020 7404 6609

Business Support: 020 3117 2525

General enquiries: 020 3117 2520

#### **Fax**

020 7403 8823

#### **Email**

Protect Advice line: [whistle@protect-advice.org.uk](mailto:whistle@protect-advice.org.uk)

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Media enquiries: [press@pcaw.org.uk](mailto:press@pcaw.org.uk)

Business support services: [business@protect-advice.org.uk](mailto:business@protect-advice.org.uk)

Their advisors can give you free confidential advice on how to raise a concern about serious malpractice at work.

## **Assurances on Confidentiality**

A "Qualifying Disclosure" under this procedure will not be revealed to the alleged perpetrator without the prior approval of you the "Discloser" and the matter will always be treated in strict confidence. Notes will be made during the investigation and any meetings for your concern(s) the "Disclosure" to be treated appropriately, but without revealing the identity of you (the "Discloser").

However, you must be aware it is not possible to guarantee confidentiality in all circumstances, because investigation of an allegation may reveal the "Discloser's" identity. She/he may also be required to give evidence in the public domain, for example in criminal proceedings.

The "Discloser's" name will as far as possible be kept out of any report submitted by the appropriate investigating group, other than in the following circumstances:

- Where there is a legal obligation to reveal the name;
- Where the investigating officer wishes to seek the advice of a solicitor.
- It becomes necessary for the evidence to be given at a subsequent disciplinary hearing.

Although anonymous complaints will not be entertained, every effort will be made to keep the identity of the "Discloser" confidential. The "Discloser" will be informed at all stages of the investigation.

## **6. The Investigation Process**

### **Evaluation of concern(s) under the criteria of "Qualifying Disclosure"**

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The Manager you have chosen to disclose your serious concern(s) will evaluate your concerns under the criteria of the "Qualifying Disclosures" listed within section 2 of this procedure.

### **The Investigating Officer**

Upon receipt of your "Disclosure" a thorough investigation will be made by your designated Manager or if this is not possible an alternative Manager will be nominated as the Investigating Officer within England Lacrosse or a volunteer (The Investigating Officer). The Investigating Officer will communicate with the CEO throughout the investigation unless the "Disclosure" directly relates to the CEO (see section 4).

### **If no case to answer**

During the investigation it may be discovered the disclosure is unfounded and there is no case to answer. This is acceptable if evidence is available to prove you had reasonable belief of the disclosure at the time. It must also be proved you were acting in good faith and were not acting for personal gain or malicious reasons. Any disclosure that is made for personal gain or malicious reasons will automatically lead to the implementation of the England Lacrosse Disciplinary Policy.

### **If straightforward and can be resolved quickly**

Following the investigation, if the named Manager feels that there is a concern and it can be resolved quickly, or in a straightforward manner it will be brought to the attention of the appropriate Line Manager to deal with immediately.

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### **If other England Lacrosse procedures are required**

The investigation may lead to other England Lacrosse procedures being implemented to deal with your concern(s) such as disciplinary, grievance or complaints or to more formal investigations.

If the matter requires more detailed consideration, an investigation will be carried out under the direction of the CEO or other Senior Members of Staff depending upon the nature of the concern.

### **7. Time scales**

No specific time scale is set for receiving complaints. However, matters must be raised in a time scale, which respects the requirement for England Lacrosse to carry out an effective investigation. The time needed to complete the investigation will depend on the complexity of the matter.

England Lacrosse, via the Investigating Officer, will confirm the following to the "Discloser" within 10 working days of receiving the disclosure:

- Acknowledge receipt of the disclosure.
- Indicate how the matter is being progressed.
- State whether any investigation is to take place.
- Provide regular progress updates during the course of the investigation.

### **8. The Decision**

You will be informed when action has been taken to resolve your concern(s). It may not be possible to reveal the full extent of the investigation where this relates to personal issues involving a third party.

If no action is to be taken you will be provided with an explanation.

### **9. Monitoring and reviewing the Policy and Procedure**

At the end of the process the Investigating Officer will register, in confidence, details of the "Discloser" and concerns raised including the outcome to the Chair of the Board. The Chair of the Board will keep details of the "Discloser" and "Qualifying Disclosure" on confidential file for up to five years for England Lacrosse. The confidential information is available to the CEO.

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The purpose of this is to ensure that a central record is kept which can be cross referenced with other complaints in order to monitor any patterns of concern and to assist England Lacrosse in monitoring and reviewing the effectiveness of this policy and procedure.

If you suspect serious malpractice is being committed within England Lacrosse, regardless of who the perpetrator is, please do not be afraid to refer and if necessary apply this policy and procedure.

Remember England Lacrosse is committed to ensuring it conducts its business in a climate of openness and honesty, in which there is respect for all individuals.

It takes allegations of malpractice very seriously and staff who speak freely about matters which are a concern in the public interest or the interest of England Lacrosse will be protected from victimisation or retribution, provided you make such allegations in good faith and follow appropriate procedure to apply the Whistle Blowing Policy.

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