



Whistleblowing and Speaking Out Policy

1. Introduction and legislation

Government resource: <https://www.gov.uk/whistleblowing>.

Sportily is committed to maintaining an open, honest and well-intentioned atmosphere so as best to fulfil its charitable objects.

This policy sets out the way in which individuals, be they employees, workers, volunteers or members of the public, may raise a serious concern about misconduct or malpractice in order to promote good governance and accountability in the public interest and to do so with confidence and without having to worry about being victimised, discriminated against or disadvantaged in any way as a result.

Under certain circumstances, employees have legal protection if they make disclosures about an organisation for whom they work. All Sportily employees will receive Whistleblowing training as part of the core staff training offer.

It is not necessary for individuals who raise the concern to provide evidence or to prove the wrongdoing that is alleged to have occurred or is likely to occur. However, if an individual knowingly or maliciously makes an untrue allegation, this may constitute serious misconduct.

If it later becomes apparent that you were aware of information which may have safeguarded a child or adult at risk and you failed to whistle blow, there may be disciplinary consequences which will be addressed through the Disciplinary Policy.

Before raising their concerns under this policy, individuals should consider, or take advice on whether the matter is covered by another policy, such as the [Anti-Fraud Policy](#), [Grievance Policy](#) or [Complaints Policy](#).

If any individual is unsure whether to use this policy or they want independent advice at any stage, they may wish to contact Public Concern at Work, an independent charity, on their legal helpline 0207404 6609 or by email: helpline@pcaw.co.uk.

2 Protecting the individual raising the concern

If an individual raises a concern which they believe to be true, Sportily will take appropriate action to protect the individual from any harassment, victimisation or bullying.

Every matter raised through this policy will be treated confidentially if the individual requests it and their name or position will not be revealed without their permission unless, Sportily is required to do so by law. Requests for confidentiality should be documented.

The Public Interest Disclosure Act 1998 prevents employees or workers from suffering a detriment or having their contract terminated for 'whistle blowing' and Sportily takes very seriously any concerns which may be raised under this legislation. Employees or workers who raise a genuine concern under this policy will not be at risk of losing their job, nor will it influence any unrelated disciplinary action or redundancy procedures. Where a settlement agreement is agreed, this does not prevent employees or workers from making a disclosure in the public interest.

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

3. Qualifying disclosures

Certain disclosures are prescribed by law as 'qualifying disclosures' i.e. where it can be shown that the organisation commits a 'relevant failure' by:

- committing a criminal offence;
- failing to comply with a legal obligation;
- a miscarriage of justice;
- endangering the health and safety of an individual;
- environmental damage;
- bribery or corruption;
- concealing any information relating to the above.

These acts can be in the past, present or future, so that, for example, a disclosure qualifies if it relates to environmental damage that has happened, is happening, or is likely to happen.

4. The procedure

In the first instance concerns may be reported in complete confidence to a line manager, supervisor or any member of the Leadership Team.

The concern shall be heard and subsequently investigated and written feedback provided within 10 days detailing any action that has been taken to address and respond to the concern.

If the concern cannot be resolved informally through this initial stage, then whistleblowers may request a formal meeting in which they can further explain and express their concern. This meeting shall involve the whistleblower, the individual to whom the concern was reported to, the COO (Chief Operating Officer) and a further member of the Leadership Team or Board.

Wherever possible, individuals will be given the opportunity to be accompanied by a colleague or suitable companion during any meetings or interviews about the concerns they have raised.

Following this and any subsequent meetings or interviews a written response shall be provided to the whistleblower within 10 days.

If there is not a satisfactory explanation or reason given, the next stage is to raise the matter with the appropriate organisation/body, e.g. the Police, the Environment Agency, Health and Safety Executive or Social Services Department.

Employees and workers also have the right to raise concerns directly to an appropriate professional or recognised organisation/body.

If the suspicions are not confirmed by an investigation, the matter will be closed. Individuals will not be treated or regarded any differently for raising the concern, and their confidentiality will continue to be protected.

Concerns may also be reported anonymously to the COO by writing to Chief Operating Officer, Sportily, Church House, Gloucester, GL1 2LY.

Concerns raised anonymously will be investigated initially by the COO and then escalated to a meeting with the COO, a further member of the Leadership Team or Board and any other involved individuals.

Anonymous whistleblowers will not ordinarily be able to receive feedback and any action taken to look into a concern could be limited – anonymous whistleblowers may seek feedback through a telephone appointment or by using an anonymised email address.