

Employees and volunteers are often the first to realise that there may be something seriously wrong within Rounders England. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to Rounders 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.

Rounders England is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we encourage employees and others with serious concerns about any aspect of Rounders England's work to come forward and voice those concerns without fear of reprisals. This policy document makes it clear that you can do so without the fear of victimisation, subsequent discrimination or disadvantage. This Whistle blowing Policy is intended to encourage and enable staff to raise serious concerns within Rounders England rather than overlooking a problem or blowing the whistle outside.

The policy applies to all employees and volunteers.

These procedures are in addition to Rounders England's Welfare Policy and the Rounders England Bribery Policy.

### **Aims and scope of this policy**

This Whistle blowing Policy aims to:

- encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice
- provide avenues for you to raise concerns and receive feedback on any action taken
- allow you to take the matter further if you are dissatisfied with Rounders England 's response; and
- re-assure you that you will be protected from reprisals or victimisation for whistle blowing in good faith.

There are existing procedures in place to enable you to lodge a grievance relating to your own employment. This Whistle blowing Policy is intended to

cover disclosures in the public interest that fall outside the scope of other procedures.

That concern may be about something that:

- is unlawful; or
- makes you feel uncomfortable in terms of known standards, your experience or the standards you believe Rounders England subscribes to; or
- is against Rounders England's Rules or policies; or
- falls below established standards or practice; or
- amounts to improper conduct.

## **Safeguards**

### **Harassment or Victimisation**

Rounders England is committed to good practice and high standards and wants to be supportive of employees and volunteers.

Rounders England recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. Rounders England will not tolerate harassment or victimisation and will do what it lawfully can to protect you when you raise a concern in good faith.

This does not mean that if you are already the subject of disciplinary procedures, that those procedures will be halted as a result of your whistle blowing.

### **Confidentiality**

Rounders England will do its best to protect your identity when you raise a concern and do not want your name to be disclosed. It must be appreciated that the investigation process may reveal the source of the information and a statement by you may be required as part of the evidence, particularly if the Police or External Auditors become involved. In order to take effective action, Rounders England will need proper evidence, which may be required to stand up to examination in Courts or Tribunals.

## **Anonymous Allegations**

This policy encourages you to put your name to your allegation. Concerns expressed anonymously are much less powerful, but they will be considered at the discretion of Rounders England.

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

- the seriousness of the issues raised
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources.

## **Untrue Allegations**

If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make a disclosure in bad faith that is for no other purpose than to cause trouble or annoyance or without good reason to discredit Rounders England any member or officer an investigation will take place to determine whether disciplinary action is taken.

## **How to raise a concern**

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 thought to be involved in the malpractice. If this is not appropriate, concerns can be raised directly with any Board member. Concerns are better raised in writing. You are invited to set out the background and history of the concern, giving names, dates and places where possible, and the reasons why you are particularly concerned about the situation. If you do not feel able to put your concern in writing, you can telephone or meet the appropriate officer.

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

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

You may invite a companion, or a friend or a legal representative to raise a matter on your behalf. You may also have such a companion to represent you at any meeting that is held relating to your concern.

### **How Rounders England will respond**

Rounders England will respond to your concerns. Do not forget that testing out your concerns is not the same as either accepting or rejecting them. The action taken by Rounders England will depend on the nature of the concern, as determined by the Corporate Services Manager. Rounders England could decide that the matters raised may:

- be investigated internally
- be referred to the Police
- be referred to the external Auditor
- form the subject of an independent inquiry

In order to protect individuals and Rounders England, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations, which fall within the scope of specific procedures (for example, child protection or discrimination issues), will normally be referred for consideration under those procedures.

Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.

Within ten working days of a concern being received, the Corporate Services Manager will write to you:

- acknowledging that the concern has been received
- indicating how they propose to deal with the matter if possible at such an early stage
- giving an estimate of how long it will take to provide a final response if possible at such an early stage
- telling you whether any initial enquiries have been made, and
- telling you whether further investigations will take place, and if not, why not.

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, further information will be sought from you.

When any meeting is arranged, you have the right to be accompanied by your chosen companion. This person cannot be involved in the area of work to which the concern relates.

Rounders England will do what it lawfully can to minimise any difficulties that you may experience as a result of raising a concern. Rounders England cannot provide legal representation for you.

Rounders England accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, you will receive information about the outcomes of any investigations.

### **How the matter can be taken further**

**If you are unable to go to Rounders England with the disclosure first you should seek guidance from Gov.uk –**

**<https://www.gov.uk/government/publications/whistleblowing-guidance-for-prescribed-persons>**

If you do take the matter outside Rounders England, you should ensure that you do not disclose confidential information. Check with your contact point and the Corporate Services Manager about that.

It will be safe to raise a concern with any of the above provided that: -

- a. You make the disclosure in good faith
- b. You reasonably believe that the information disclosed, and any allegation contained in it, are substantially true
- c. You do not make the disclosure for the purposes of personal gain.

If you make allegations in bad faith then you could face defamation proceedings or a prosecution for wasting Police time. If you decide to address your concerns by going to the Press or the media then you may face defamation proceedings if your allegations are unfounded. If a case goes to an employment tribunal and the tribunal thinks the disclosure was made in bad faith, it will have the power to reduce compensation by up to 25%.

## **The responsible officer**

The Corporate Services Manager has overall responsibility for the operation of this policy. That officer maintains a record of concerns raised and the outcomes and will report as necessary to Rounders England. If you request it the Corporate Services Manager will do what they lawfully can to protect your identity but you should realise that they may be obliged to disclose it to the Police or the External Auditor or the Courts.

## **The law**

This policy has been written to take account of the Public Interest Disclosure Act 1998, which protects workers making disclosures about certain matters of concern, where those disclosures are made in accordance with the Act's provisions. The Act is incorporated into the Employment Rights Act 1996, as amended by the Public Disclosures Act 1998, which already protects employees who take action over, or raise concerns about, health and safety at work.

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