

 YOUTH SPORT TRUST	POLICY	Document Number: BWPo03 Version number: 2 Updated: Apr-2022 Next Review Date: Apr-2024
	WHISTLEBLOWING	

v.	Latest Amendment Details	Approved by
1	New format – reviewed and updated	YST Board (NGR Committee)
2	Policy reviewed and updated	YST Board (NGR Committee)

Introduction

The Youth Sport Trust (YST) is committed to creating a safe environment in which all those involved in the charity are able to raise concerns about unacceptable practice and misconduct including the behaviour of an adult towards a young person.

YST encourages all individuals to raise any concerns they may have about the conduct of others in the charity or the way in which the charity is run. This policy sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.

This policy applies to all employees, trustees, workers, volunteers, contractors and any other individuals performing functions in relation to YST, such as agency workers.

YST is committed to:

- Providing simple and secure mechanisms to raise concerns;
- Recording concerns confidentially;
- Investigating concerns promptly and fairly and maintaining objectivity and confidentiality throughout;
- Providing individuals with an opportunity to remain anonymous;
- Providing the right to be accompanied for any meetings in relation to their concerns; and
- Keeping individuals informed throughout the investigations undertaken, where appropriate.

Concerns covered by the policy

This policy covers actions or omissions which could be considered to be illegal, non-compliant with regulatory requirements, contrary to policy or organisational procedures, outside the scope of an individual's authority or which could materially damage YST. Examples might include:

- Conduct which is an offence or a breach of law;
- A failure to comply with legal obligations;
- Imminent health and safety risks, including risks to the public as well as other staff and volunteers;
- Damage to the natural environment;
- A child's health and welfare is at risk;
- Fraud, theft, bribery or corruption;
- Improper or unauthorised use of YST funds, resources or time;
- Unethical or improper conduct or conduct which breaches YST policies or procedures, including improper use of authority;
- Slavery, servitude, forced or compulsory labour and/or trafficking in YST or its supply chain;
- Where any of the above is being, or is likely to be, deliberately concealed.

Concerns about a third party, such as a supplier or partner of YST, should still be reported using the procedure outlined in this policy. YST can then contact the third party or take other appropriate action.

Reporting concerns

Concerns should be reported in accordance with the Whistleblowing Process outlined below.

Confidentiality

YST will use its best endeavours to protect an individual's identity if they raise a concern and do not want their identity disclosed. There may, however, be circumstances in which, because of the nature of the investigation or disclosure, it will be necessary to disclose an individual's identity. If such circumstances exist, they will be informed.

Anonymous reporting

Individuals are encouraged to provide their names with any disclosures they make. Concerns expressed anonymously may be less credible and will be considered at the discretion of YST. In exercising this discretion, the factors to be taken into account will include:

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

Proper investigation may prove impossible if YST cannot obtain further information. It is therefore preferable for those raising concerns to reveal their identity. Measures can then be taken to preserve confidentiality as appropriate.

Protection and support for those raising concerns

"Whistleblowing" legislation aims to protect individuals who feel they have genuine concerns. YST is committed to good practice and high standards and is committed to being supportive of anyone who has concerns. In particular:

- Whistleblowers raising matters of concern internally are protected from harassment, victimisation, disciplinary action or dismissal or any other disadvantage at work (even if the disclosure of any wrongdoing or malpractice is not substantiated after investigation), provided issues are raised and disclosed in good faith; and
- YST will not tolerate harassment or victimisation and will take such action as is necessary to protect individuals when they raise concerns in good faith under this Policy.

If an individual believes that they are being subjected to a detriment within the workplace as a result of raising concerns under this policy, they should inform the Assistant Director of Human Resources (HR) immediately. Staff who victimise or retaliate against those who have raised concerns under this policy may be subject to disciplinary action under YST's Disciplinary Policy.

The law provides protection for workers who raise legitimate concerns about specified matters. These are called "qualifying disclosures". A qualifying disclosure is one made in good faith by an employee who has a reasonable belief that a concerning act is being, has been, or is likely to be, committed. The individual has no responsibility for investigating the matter - it is YST's responsibility to ensure an investigation takes place.

Right to be accompanied

Raising concerns can be difficult, particularly those that may relate to fraud. However, an individual is urged to come forward with concerns at an early stage and before suspected problems may become more serious. If it helps, they may come forward with another colleague, to support them when raising a concern. The companion will be asked to respect the confidentiality of the disclosure and any subsequent investigation.

Disclosures made in bad faith

If an investigation under this policy concludes that a concern has been raised maliciously, vexatiously, in bad faith or with a view to personal gain, the individual making the disclosure may be subject to disciplinary action under YST's Disciplinary Policy.

WHISTLEBLOWING PROCESS

Reporting concerns

This process is for disclosures about matters other than a breach of an individual's own contract of employment. If an individual is concerned that their own contract has been, or is likely to be, broken they should use YST's Grievance Procedure.

Who do are concerns reported to?

If there is a concern about any activity that an individual witness or is aware of, then this should be raised promptly. This includes not only issues that involve the individual but also others in relation to YST activities.

Whenever possible concerns should be raised with the individual's line manager. They will work with the individual to address the concern and/or escalate it as appropriate whilst also reporting it to the YST's Assistant Director of HR. If an individual does not have a line manager, or does not feel comfortable discussing the concerns with their line manager, they wish to remain anonymous or they believe that their line manager is in some way involved with the concern, they should either contact YST's Assistant Director of HR directly, or another member of YST's Senior Leadership Team (SLT), with whom they feel comfortable raising the concerns.

If they are not satisfied with the action that their line manager takes, they can also contact YST's Assistant Director of HR directly.

If the individual/line manager/HR is concerned that a member of SLT is involved in the wrongdoing, they should raise the concern with the Chair of YST's Board, Neil Davidson – neil.davidson@youthsporttrust.org

NB: A concern about safeguarding should be raised directly with the Event Safeguarding Lead or Lead Safeguarding Officer at safeguarding@youthsporttrust.org or 01509 226654.

If the individual is not satisfied with the actions taken they may write to the Chief Executive Officer or to the Chair at YST's head office at SportPark, 3 Oakwood Drive, Loughborough LE11 3QF.

If the individual is not satisfied with the actions taken thereafter they should report the matter to the proper authority. The legislation sets out a number of bodies to which qualifying disclosures may be made. These include:

- HM Revenue & Customs;
- the Financial Conduct Authority;
- the Serious Fraud Office;
- Independent Office for Policy Conduct;
- Charity Commission;
- the Health and Safety Executive; and
- the Environment Agency.

How are concerns recorded?

If the individual raised the concern with their line manager, YST's Assistant Director of HR directly will review this with the line manager as appropriate and undertake any necessary investigation in line with agreed procedures. YST's Assistant Director of HR directly will acknowledge receipt of the concern and will keep a record of further action taken.

Investigating and responding to concerns

Initial response

Within 10 working days of a concern being received, or sooner if the situation requires, YST will respond to the individual raising the concern, directly in writing, to acknowledge that the concern has been received and where applicable:

- Indicate how it proposes to deal with the matter; or

- Request additional information.

The individual will also be provided with details of the support available which will include access to counselling facilities.

Appropriate action

The action taken by YST will depend on the nature of the concern, the appropriate method of investigation, the skills needed and the nature of evidence required to substantiate the concern. The matters raised may:

- Be investigated internally;
- Be referred to the Police;
- Be referred to the external auditor; or
- Form the subject of an independent inquiry.

Contact with the individual making the disclosure

The amount of contact between those people considering the issues and the individual making the disclosure will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided.

So far as YST's Assistant Director of HR directly considers it appropriate, subject to legal constraints, the individual will be kept informed of the progress of the investigation and whether external authorities have been notified; however, the need for confidentiality may prevent YST or an investigator from giving specific details.

Monitoring

YST's Assistant Director of HR, will be directly responsible for monitoring the outcome of the concerns raised through this Policy and Process.

Data Protection

When an individual makes a disclosure, YST will process any personal data collected in accordance with its Data Protection Policy. Data collected from the point at which the individual makes the report, is held securely and accessed by, and disclosed to, individuals only as necessary for the purposes of dealing with the disclosure.