



## Whistle-blowing Policy

### 1.0 Introduction

- 1.1 This policy and accompanying procedures describe how BAFC will deal with any instances of “Whistleblowing”.
- 1.2 Whistleblowing is a term that describes how a member of staff, contractors, or volunteers within the organisation, who has knowledge of improper conduct can bring this to the attention of someone who is in a position to deal with it.

### 2.0 Legal and Regulatory Framework

- 2.1 Account has been taken of the good practice guidance published by the charity, “Public Concern at Work” and the Enterprise and Regulatory Reform Act 2013
- 2.2 The Nolan Committee 1996, Second report of the committee on Standards in Public Life, recommended, ‘Local Public spending bodies should institute codes of practice on whistleblowing appropriate to their circumstances, which would enable concerns to be raised confidentially inside, and if necessary, outside the organisation.
- 2.3 The Public Interest Disclosure Act 1998 added legal backing to the Nolan proposals. The Act provides protection for employees who raise genuine concerns about wrongdoings within the organisation for which they work. The protection applies to all employees and it applies whether or not the concern relates to confidential matters.
- 2.4 The Enterprise and Regulatory Reform Act 2013 has introduced a public interest test which requires whistleblower’s to raise concerns which are in the public interest in order to gain legal protection.
- 2.5 Vicarious liability (introduced June 2014). The Government will extend whistleblowing protection to situations where workers are bullied or harassed by co-workers. This is similar to the provision of the Equality Act 2010 and will introduce personal liability for co-workers who victimise whistleblower’s. Employers can then be held vicariously liable for their employees unless they can show that they took reasonable steps to stop victimisation

### 3.0 How BAFC will respond to the concerns

- 3.1 BAFC will respond to all concerns raised under the whistleblowing policy.
- 3.2 Initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take.
- 3.3 BAFC’s approach will be informed by three main obligations:
  - To investigate allegations thoroughly
  - To provide support and protection to the person(s) who have raised the concerns, safeguarding their right to confidentiality





- To act in the public interest
- 3.4 If concerns or allegations fall within the scope of other procedures (for example grievance or discrimination issues) they will normally be considered under the relevant procedures.
- 3.5 The person who has raised the concern will be sent a letter to acknowledge their concerns, and this will be carried out within 10 working days of a concern being raised. Their letter will
- Acknowledge that the concern has been received
  - Indicate how the organisation intends to deal with it
  - Give an estimate of how long it will take to give a final response
  - State whether further investigations will take place and, if not, why not.
- 3.6 During the course of the investigations, contact with the person who has raised the concern will depend on the nature of the concern raised. It may be necessary to seek further information.
- 3.7 BAFC will do whatever it can to minimise any difficulties the individuals may face as a result of raising a concern. For instance, if someone is required to give evidence in criminal or disciplinary proceedings, arrangements will be made to enable individuals to receive advice about the procedures.
- 3.8 Subject to any legal constraints, BAFC will inform the person who has raised the concern of the outcome of any investigations.

#### **4.0 Guidance for staff who are notified of concerns**

- 4.1 When approached by a person raising a concern you should consider whether you have any conflict of interest. If so, you should suggest a more relevant person to speak to and also advise the person of the initial contact.

The confidentiality of the person raising the concern must be respected. At the same time it is important to advise them to speak up if the matter is to be dealt with properly.

- 4.3 It is important to be mindful of legitimate concerns the whistle-blower may have about their safety or career.
- 4.4 Ensure that the whistle-blower is aware that raising unfounded allegations maliciously or frivolously is a disciplinary matter.
- 4.5 Offer to report back on the outcome of any investigation and where possible on the action that is proposed.
- 4.6 Notify an HR Representative [hr@burtonalbionfc.co.uk](mailto:hr@burtonalbionfc.co.uk) and agree the nature and range of the investigation. If the concerns relate to a member of Senior Staff contact a Director or Senior Manager or another member of the club for advice about how to proceed.
- 4.7 Deterring staff from raising a concern about malpractice is a disciplinary offence.

#### **5.0 Sources of Advice for BAFC Employees**





Refer to 10.1 of the policy document

## **6.0 Whistle-blowing procedures**

6.1 BAFC has adopted procedures related to the Whistle-blowing policy for staff. The procedures are attached to this policy and they provide guidance about

- How the concern should be reported
- How BAFC will respond to the concerns raised
- How staff who are notified of concerns should respond

## **7.0 Promoting awareness of the Whistleblowing Policy**

7.1 The whistle blowing policy will be brought to the attention of all staff during their induction and periodically at staff briefings and board meetings. The policy shall be made available for all staff through the Company Handbook and relevant updates and amendments

## **8.0 Responsibility for dealing with Investigations**

8.1 The Senior Manager/HR Representative shall be advised of any concerns notified under this policy and the outcome of any investigations conducted, unless there are reasons why this would not be appropriate

8.2 Investigations of any concerns notified will normally be carried out by a Senior Manager/HR Representative, or others agreed by the club, as soon as the matter is first reported.

8.3 Staff who feel they cannot raise concerns within the staff structure can contact a Senior Member of Staff, a Director or the Club's Sports Chaplain.

8.4 Depending on the nature of the concerns raised, it may be referred to third parties for investigation, for example the police or other outside advisories

## **9.0 Harassment and Victimisation**

9.1 It is recognised that whistleblowing can be very difficult, not least because of the fear of reprisals from those responsible for the malpractice. BAFC will not tolerate harassment or victimisation and will deal with the matter through its disciplinary procedures. In no circumstances will any employees raising legitimate concerns by following these procedures be penalised in any way for doing so. Dismissal of a member of staff who has made a protected disclosure under the whistleblowing policy will be automatically classed as an unfair dismissal. Equally, abusing this process by raising unfounded or malicious allegations is a serious disciplinary matter.

## **10.0 Sources of further advice**

10.1 Support and independent advice is available from a charitable organisation called Public Concern at Work. You can contact Public Concern at Work as follows: Further information If you want to learn more about the Code of Practice and how Public Concern at Work can help you contact [services@pcaw.org.uk](mailto:services@pcaw.org.uk) or 020 3117 2520. The report of the Whistleblowing Commission can be found at: [www.pcaw.org.uk/whistleblowing-commission](http://www.pcaw.org.uk/whistleblowing-commission).





## Appendix 1

### Whistleblowing Procedures

#### 1.0 Procedures for BAFC Employees

1.1 In most cases it should be possible for concerns to be raised with your immediate line manager. If for some reason this is not possible you may raise your concern with another manager, or HR representative, email [hr@burtonalbionfc.co.uk](mailto:hr@burtonalbionfc.co.uk) or call 01283 565938

1.2 Concerns may be raised either verbally or in writing. You will need to give details of names, dates and occurrences and your particular concern about the situation.

1.3 Contact with an external agency to express concerns is best regarded as an option of last resort. However, it is recognised that there may be exceptional circumstances where concerns could merit immediate referral to the Charity Commission or the Police.

1.4 Malicious or frivolous allegations

Anyone who abuses the procedure by making malicious or frivolous allegations or for their own personal gain will be subject to disciplinary action.

If you make an allegation in good faith but it is not confirmed by subsequent investigation, no action will be taken against you.

1.5 Anonymous allegations

You are encouraged to put your name to your allegation where possible. Anonymous allegations may still be investigated but it may be more difficult for the organisation to investigate them fully.

#### 2.0 How BAFC will respond to the concerns

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2.2 Initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take.

2.3 BAFC's approach will be informed by three main obligations:

- To investigate allegations thoroughly
- To provide support and protection to the person(s) who have raised the concerns, safeguarding their right to confidentiality
- To act in the public interest

2.4 If concerns or allegations fall within the scope of other procedures (for example grievance or discrimination issues) they will normally be considered under the relevant procedures.

2.5 A senior member of staff or HR representative will write to the person who has raised the concern. They will do this within 10 working days of a concern being raised. Their letter will





- Acknowledge that the concern has been received
- Indicate how the organisation intends to deal with it
- Give an estimate of how long it will take to give a final response
- State whether further investigations will take place and, if not, why not

2.6 During the course of the investigations, contact with the person who has raised the concern will depend on the nature of the concern raised. It may be necessary to seek further information.

2.7 BAFC will do whatever it can to minimise any difficulties the individuals may face as a result of raising a concern. For instance, if someone is required to give evidence in criminal or disciplinary proceedings, arrangements will be made to enable individuals to receive advice about the procedures.

2.8 Subject to any legal constraints, BAFC will inform the person who has raised the concern of the outcome of any investigations.

### **3.0 Guidance for staff who are notified of concerns**

3.1 When approached by a person raising a concern you should consider whether you have any conflict of interest. If so, you should suggest a more relevant person to speak to and also advise the person of the initial contact.

3.2 The confidentiality of the person raising the concern must be respected. At the same time it is important to advise them to speak up if the matter is to be dealt with properly.

3.3 It is important to be mindful of legitimate concerns the whistle-blower may have about their safety or career.

3.4 Ensure that the whistle-blower is aware that raising unfounded allegations maliciously or frivolously is a disciplinary matter.

3.5 Offer to report back on the outcome of any investigation and where possible on the action that is proposed.

3.6 Deterring staff from raising a concern about malpractice is a disciplinary offence.

### **4.0 Sources of Advice for BAFC Employees & Volunteers**

Help and advice is available from [hr@burtonalbionfc.co.uk](mailto:hr@burtonalbionfc.co.uk) Tel: 01283 565938 or speak directly to your Line Manager, or a Senior Member of staff, and further advice is also available from outside sources as referred to in 10.1 of this policy document.

