



NETBALL SCOTLAND

WHISTLEBLOWING POLICY



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STATUS

DATE	ACTION	SIGN OFF
October 2019	Draft	KD
February 2020	Final	Board
April 2021	Launch	KD
March 2022	Review	KD

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Netball Scotland reserves the right to review this policy from time to time



1 INTRODUCTION

Netball Scotland takes a zero-tolerance approach to wrongdoing and we are committed to acting professionally, fairly and with integrity in all our business dealings and relationships wherever we operate.

1.1 Aim/Purpose

The purpose of this policy is to ensure there is an avenue for confidential reporting for any breaches of the Anti-corruption, Anti-bribery and Anti-fraud Policy and any other wrongdoing against the six categories listed by law for which our existing policies do not contain a required formal, legal and transparent reporting method.

1.2 Responsibility

The Netball Scotland Board and Staff are responsible for upholding and implementing this policy and upholding all laws relevant to whistleblowing across the 'Netball Family'.

1.3 Audience

The policy applies to the Netball Scotland Board, Staff and Athletes, Coaches, Officials, Volunteers and all within the full 'Netball Family', as well as partners and external organisations we have any relationship with.

1.4 Consultation

We always welcome feedback to improve our policies. Specific consultation with appropriate people and organisations relevant to equality or other backgrounds and circumstances is not deemed relevant to this policy.



2 THE POLICY

Netball Scotland is committed to providing the highest level of service to our 'Netball Family', as well as internal and external partners, and to applying the highest standards of quality, probity, openness and accountability.

Part of this commitment involves encouraging our employees and members who have serious concerns regarding any aspect of our work, the conduct of others or the running of our organisation to report such concerns in confidence and with confidence.

In the majority of cases these concerns or complaints can be dealt with through the existing policy and process. However we do recognise that there may be occasions when people will want to express concerns of a confidential nature. The aim of this policy is to ensure that everyone feels able to do this on the understanding that they have nothing to fear and will not suffer reprisals or victimisation.

When we find that there is a problem, we will ensure that it is viewed with the seriousness that it deserves and will be dealt with appropriately.

We will also pursue corruption, bribery, fraud and abuse vigorously through our relevant policy and our disciplinary procedures, and/or if necessary, through the courts.

We hope that all everyone will share our sense of what is right and wrong and be confident that we will act on anything that is reported to us in a responsible way.

2.1 What is whistleblowing?

Whistleblowing is when an individual reports suspected wrongdoing in an organisation.

The wrongdoing you disclose must be in the public interest. This means it must affect others, for example the general public, which includes the 'Netball Family'.

Typical whistleblowing would relate to one of six categories of wrongdoing:

- Criminal offences
- Failure to comply with legal obligations
- Miscarriages of justice
- Health and safety dangers
- Damage or likely damage to the environment
- Concealing information about any of these matters



2.2 Who can be a whistleblower?

You are a whistleblower if you are an employee, and you report certain types of wrongdoing. This will usually be something you've seen at work.

You are a whistleblower if you are a volunteer, and you report certain types of wrongdoing. This will usually be something you've seen as a member of the 'Netball Family'.

As an employee whistleblower you are protected by law - you should not be treated unfairly or lose your job because you 'blow the whistle'. All employees and workers, who are whistleblowers, are protected by law under the Public Interest Disclosure Act 1998, (PIDA).

Note: personal grievances do not constitute whistleblowing and staff should normally raise these through grievance procedures.

As a volunteer whistleblower you are currently not protected by law¹.

¹ <https://www.supremecourt.uk/cases/uksc-2018-0014.html>
<https://www.wrigleys.co.uk/news/employment-hr/question-of-the-month-could-volunteers-and-trustees-be-protected-as-whistleblowers/> <https://rva.org.uk/article/whistleblowing-protection-for-volunteers/>

2.3 Raising concerns

You can raise your concern at any time about an incident that happened in the past, is happening now, or you believe will happen in the near future.

We acknowledge that it is not easy to report a concern, particularly one that relates to corruption, bribery, fraud or abuse.

We urge whistleblowers to come forward with any concerns at an early stage before the problem has a chance to become serious. In the first instance you are encouraged to raise concerns at the earliest stage to the CEO / COO / Chair as you feel appropriate.

There are other options if you do not want to report your concern to Netball Scotland, for example you can get legal advice from a lawyer or tell a prescribed person or body.

A whistleblower need only show 'reasonable belief' that Netball Scotland has committed one of the qualifying offences to raise a concern. It is not necessary for the information disclosed to actually be true. In most cases where a genuine concern has been raised, it is easy to show reasonable belief. A whistleblower does not need to be right about their concern nor prove it. They simply need to show that they have some reasonable basis or grounding for believing there has been some wrongdoing. That is enough and it will not matter if the whistleblower is later shown to be mistaken.

However, in order to gain protection, an employee must follow the procedures laid down in the legislation in disclosing any of the categories of malpractice. The intention is that the employee should, in the first instance, raise concerns with Netball Scotland or the appropriate regulatory body, such as the Health and Safety Executive (or had not done so because they believed they would be victimised or evidence would be concealed or destroyed).



In order to qualify for protection under PIDA, you must make a “protected disclosure”.

This has three main elements to it:

- You must provide information of a concern that you “reasonably believe” shows a category of wrongdoing set out in the law
- You must reasonably believe that the concern is in the public interest
- You must raise your concern in accordance with the law – either internally to your employer or externally to an outside body.

The employee must also:

- Make the disclosure in good faith
- Reasonably believe that the information is substantially true
- Not act for personal gain
- Act reasonably

We are happy for employees to come forward with a work colleague, trade union representative or alone if they prefer.

We will support and protect employees from reprisal or victimisation. Employees can be confident that reporting any matter will in no way affect their career or enjoyment of their job.

This also applies if an employee comes forward in good faith and with reasonable belief and, after investigation, it turns out that the matter has genuine and innocent explanation. We will do all we can to respect any request for confidentiality.

If anyone tries to discourage an employee from coming forward with any concerns, this will be treated as a disciplinary offence. This will apply to anyone who expresses criticism or any negative responses and to anyone who harasses, bullies, isolates or victimises employees in any way after they have come forward.

A disclosure of “information” can be made verbally or in writing to the CEO / COO / Chair as you feel appropriate and can include new information or drawing attention to a matter that someone is already aware of. Your disclosure must contain sufficient factual content and be sufficiently specific, as opposed to saying an opinion or making an allegation.

Making your claim anonymously or confidentially

You can give your name but request confidentiality.

Every effort will be made not to reveal your identity if that is your wish, however, if disciplinary or other proceedings follow the investigation, it may not be possible to take action as a result of your disclosure without your help. You may be asked to come forward as a witness. If you agree to this, you will be offered advice and support.

If you report your concern to the media, in most cases you’ll lose your whistleblowing law rights. A confidentiality clause or ‘gagging clause’ in a settlement agreement is not valid if you are a whistleblower.



2.4 How Netball Scotland deals with concerns

Stage 1

The CEO / COO / Chair will arrange for an investigation into the allegations to be carried out.

As far as possible, confidentiality will be respected but there may be occasions where we have no alternative but to take action, which may break that confidentiality. We will ensure however that the individual who has raised the issue is fully informed in advance, if possible, of any such action.

In order to ensure fair treatment of all concerned, if someone is potentially being accused of misconduct, our investigation will involve taking statements from those involved. During our investigation, we will respect any fears that the individual who has raised the issue may express about their own or their family's physical and/or emotional safety and/or career.

Our investigations may involve other regulatory bodies such as the Police, the Health and Safety Executive etc. We would expect the individual who has raised the issue to co-operate fully with all of outside agencies in assisting with their investigations.

Stage 2

Once the investigation is complete, the CEO / COO / Chair, along with an appropriate member of the Senior Management team, will agree a course of action. If the individual who raised the issue wishes to receive details of the result of the investigation and any proposed action, this information will be provided however, we do have to respect the right to confidentiality of other employees, or the other parties and it may not be possible to provide all the details.

Abuse of the System

If it is discovered that an individual has abused this confidential reporting process and has maliciously or in bad faith or without reasonable belief raised unfounded allegations, Netball Scotland will treat this as a very serious disciplinary matter. In this event the process will be dealt with in accordance with our Disciplinary and Grievance Procedures.

Please note that anyone who comes forward in good faith and/or with a reasonable belief has nothing to fear even if it turns out that their concerns were unfounded.

Help from External Agencies

The current policies and procedures should allow whistleblowers to express their concerns and have them dealt with without the need to involve any external agencies however we do acknowledge that in exceptional, urgent or emergency circumstances, whistleblowers might feel that it is best to contact an external agency.



e.g. If they believe a serious criminal offence has been or is about to be committed, they may wish to call the police, or if the problem involves a member of the Senior Management Team, they may wish to raise this directly with the Chair or a Board Member.

An employee may wish to contact Public Concern at Work for confidential and independent advice.

2 MONITORING AND EVALUATION OF THE POLICY OR PROCESS

If you wish to suggest improvements to the policy or experience particular difficulty complying with it, please contact Netball Scotland.

3 BREACH OF THE POLICY OR PROCESS

To formally raise a complaint regarding the misuse of this policy please refer to RESPECT: A Process for Managing Complaints.

4 RELATIONSHIP WITH OTHER POLICIES OR PROCESSES

Netball Scotland is committed to ensuring that the monitoring and evaluation is undertaken with regards to:

- All appropriate legislation
- Other relevant Netball Scotland policies

This policy should be read in conjunction with:

- Whistleblowing Policy
- Integrity policy