



Public Interest Disclosure (Whistleblowing) Policy

Reviewed by Board – August 2022

Purpose

Scottish Disability Sport (SDS) is committed to achieving the highest possible standards of service and the highest possible ethical standards in all of its practices and dealings. SDS is also committed to developing a culture of openness, accountability and integrity. To help achieve these aims, this policy encourages individuals to raise any concerns they may have about possible misconduct or malpractice at an early stage and in the correct way.

This policy will operate in parallel with the SDS Anti-Harassment and Bullying Policy and Safeguarding Children, Young People and Adults at Risk Policies and Procedures.

Background

The Public Interest Disclosure Act 1998 allows individuals to disclose certain issues to particular external parties where there is a good reason to believe that internal disclosure will not be taken seriously or will cause the individual making the disclosure to be penalised in some way. However, SDS encourages you to discuss your concerns internally whenever possible by reporting any wrongdoing or malpractice which you believe has occurred or is likely to occur.

We recognise that you may not always feel comfortable about discussing your concerns, especially if you believe that SDS itself or any of its directors, volunteers or staff are responsible for the wrongdoing. The aim of this policy is to ensure that you are confident that you can raise any legitimate concerns about wrongdoing in the knowledge that:

- it will be taken seriously;
- it will be treated as confidential, as far as possible; and
- you will not be subject to any detriment.

What Should be Disclosed?

It is your duty to report any situation or matter which you reasonably believe might show that one or more of the following matters has occurred, is occurring or is likely to occur in the future;

- a criminal offence;
- a failure to comply with a legal obligation;
- a miscarriage of justice;
- a health and safety danger;
- an environmental risk;
- an act of misconduct;
- harassment, victimisation or bullying;
- dishonesty or fraud;
- bribery;
- a breach of the Employer's rules, or procedures of any regulatory body; or
- a concealment of any of the above.

Complaints Procedure

Informal Steps

This stage is appropriate where you simply want the behaviour to stop and you wish to attempt to resolve the problem informally. The informal stage will not result in any formal internal investigation or disciplinary action but it is intended to resolve the matter without it going any further.

You can seek to resolve a matter informally by approaching the person responsible directly, making it clear to them that the behaviour in question is offensive, is not welcome and should be stopped. Alternatively, you may prefer to put it in writing to them. A copy of any written letter should be kept and a note kept of the dates and what was said by all involved. This may be needed as evidence should the misconduct, harassment, victimisation or bullying continue or subsequently recur.

If it is too difficult or embarrassing to do this personally, you may wish to discuss the matter with a colleague, manager or other individual and ask them to approach the person on your behalf.

Formal Steps

Where informal methods fail, or you choose not to use them or the problem is sufficiently serious, a formal complaint can be made. The complaint should be made in writing, describing the incident(s) as fully as possible, including the name of the person responsible, the date(s) and time(s) when the incident(s) occurred, the names of any witnesses and any action taken so far to attempt to stop the misconduct/harassment/bullying. This complaint should be given to the SDS CEO/Chair.

Thereafter, the matter will be dealt with as follows:

- All complaints will be managed in a timely and confidential manner via an independent investigation. The investigation will be thorough, impartial and objective and will be carried out with sensitivity and with due respect for the rights of both the complainant and the alleged miscreant/harasser/bully;
- Where appropriate and /or possible, consideration will be given to ensuring that you and the alleged miscreant/harasser/bully are not required to work/participate together whilst the complaint is under investigation;
- An investigating officer will be appointed to investigate the complaint, and will interview you, the person against whom allegations are made and any relevant witnesses. All those interviewed will be permitted to be accompanied by a work colleague, friend or legal representative;
- The importance of confidentiality will be stressed to all those interviewed and everyone will be strictly required not to discuss the complaint. Breach of confidentiality may give rise to disciplinary action;
- The investigation will focus on the facts of the complaint. Notes will be kept of all stages of the investigation and those interviewed will receive notes of the interview to agree. Parties will not be required to repeat distressing or embarrassing details any more than is necessary;
- At the conclusion of the investigation, the investigating officer will submit a report to the SDS CEO/Chair. The CEO/Chair will usually meet with you to report their findings back to you within 2 weeks of your complaint first being reported. A copy of the investigating officer's report together with the findings will be provided to you and to the alleged miscreant/harasser/bully;
- If disciplinary action is justified it will be conducted in accordance with the SDS Disciplinary Procedure;
- Any disciplinary action taken will reflect the severity of the offence.

SDS will seek to ensure that you are not in any way penalised whether directly or indirectly for bringing a complaint and the situation will be monitored to ensure that the misconduct/harassment/bullying has stopped.

Even where a complaint is not upheld, for example where the evidence is inconclusive, consideration will be given to effecting arrangements which will enable the parties not to continue to work/participate together against the wishes of either party.

You will be informed of the outcome as soon as possible following disciplinary action.

Appeal

If you are dissatisfied with the outcome, or with the way in which the complaint was handled, you have the right of appeal. Any appeal should be made to the CEO/Chair. All appeals must be made in writing, stating the full grounds of appeal, within 1 week of the date on which you were informed of the outcome of your complaint. Failure to lodge the written notice within that time period will be regarded as acceptance of the findings and no further right of appeal will be available.

An appeal meeting will take place within 2 weeks of receipt of the written notice of appeal or as soon as reasonably practicable thereafter. You must take all reasonable steps to attend the meeting. The person hearing your appeal will meet you to discuss your appeal. You may be accompanied by a colleague, friend or legal representative. You will be notified of the outcome of the appeal within 1 week of this meeting. This is the final stage of the procedure.

Protection from Detriment

Anyone who makes complaints or participates in any investigation under this policy in good faith will be protected from any form of intimidation or victimisation and shall not be subjected to any form of detrimental treatment as a result of their involvement.

If you believe you are the victim of such treatment you should bring it to the attention of the CEO/Chair as soon as possible.

Anyone who is, after investigation, found to have provided false information or to have acted in bad faith will be subject to action under the SDS Disciplinary Procedure.

External Authorities

The employer recognises there may be matters that cannot be dealt with internally and external authorities will need to become involved. Where this is necessary the employer reserves the right to make such a referral without your consent.