

SYFA Limited (SYFA)

WHISTLE BLOWING POLICY



1. INTRODUCTION

- 1.1 The Scottish Youth FA (the “SYFA”) is committed to the highest standards of openness, probity and accountability. An important aspect of accountability and transparency is a mechanism to enable SYFA staff and registered members to voice concerns in a responsible and effective manner. It is a fundamental term of every contract of employment that an employee or worker will faithfully serve his or her employer and not disclose confidential information about the employer’s affairs. Nevertheless, where an SYFA member of staff, SYFA office volunteer worker or an SYFA registered member discovers information which they believe shows serious malpractice or wrongdoing within SYFA then this information should be disclosed internally without fear of reprisal and there should be arrangements to enable this to be done independently of line management (although in relatively minor instances the Line Manager would be the appropriate person to be told).
- 1.2 The Public Interest Disclosure Act, which came into effect in 1999, gives legal protection to employees against being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns. The SYFA has endorsed the provisions set out below so as to ensure that no SYFA member of staff, SYFA office volunteer worker or an SYFA registered member should feel at a disadvantage in raising legitimate concerns.
- 1.3 It should be emphasised that this policy is intended to assist individuals who believe they have discovered malpractice or impropriety. It is not designed to question financial or business decisions taken by the SYFA nor should it be used to reconsider any matters which have already been addressed under harassment, complaint, disciplinary or other procedures. Once the whistleblowing procedures are in place it is reasonable to expect an SYFA member of staff, SYFA office volunteer worker or an SYFA registered member to use them rather than air their complaints outside the SYFA.
- 1.4 This policy applies to all permanent and short-term employees of the SYFA. It also applies to an SYFA office volunteer worker, SYFA registered members, external contractors and agency employees while they are at the SYFA.

2. SCOPE OF POLICY

- 2.1 This policy is designed to enable an SYFA member of staff, SYFA office volunteer worker or an SYFA registered member to raise concerns internally and at a high level and to disclose information which the individual believes shows malpractice or impropriety (protected disclosure under the legislation). This policy is intended to cover concerns which are in the interest of SYFA members and may at least initially be investigated separately but might then lead to the invocation of other procedures e.g. disciplinary. These concerns could include:
 - 2.1.1 Financial malpractice or impropriety or fraud;
 - 2.1.2 Failure to comply with a legal obligation or Statutes;
 - 2.1.3 Dangers to Health & Safety or the environment;
 - 2.1.4 Criminal activity;
 - 2.1.5 Improper conduct or unethical behaviour;
 - 2.1.6 Attempts to conceal any of these

3. RESPONSIBILITIES

- 3.1 The Chief Operating Officer has overall responsibility for ensuring that:
 - 3.1.1 appropriate procedures are in place;
 - 3.1.2 they are implemented;
 - 3.1.3 any concerns and any action taken is reported to the Board; and
 - 3.1.4 all staff are aware of their rights and duties under the Public Interest Disclosure Act 1998.

4. SAFEGUARDS

4.1 Protection

- 4.1.1 This policy is designed to offer protection to an SYFA member of staff, SYFA office volunteer worker or an SYFA registered member who disclose such concerns, provided the disclosure is made:
 - 4.1.1.1 In the interest of SYFA or its registered members;
 - 4.1.1.2 In the reasonable belief of the individual making the protected disclosure that it tends to show malpractice or impropriety and if they make the disclosure to an appropriate person (see below). It is important to note that no protection from internal disciplinary procedures is offered to those who choose not to use the procedure. In an extreme case malicious or wild allegations could give rise to legal action on the part of the persons complained about;
 - 4.1.1.3 Does not commit a criminal offence in so doing;
 - 4.1.1.4 Does not disclose any confidential information to any person other than the Chief Operating Officer, Chairman of the Board of Directors, or the Board of Directors (except where such disclosure has previously been authorised by the SYFA, or is made in the course of obtaining legal advice, or is made to an appropriate public authority listed in the Public Interest Disclosure (Prescribed Persons) Order 1999, which can be found at www.legislation.hmso.gov.uk); and
 - 4.1.1.5 To not expect any personal gain from making such a disclosure.
- 4.1.2 An SYFA member of staff, SYFA office volunteer worker or an SYFA registered member who disclose such concerns will be protected from suffering a detriment, bullying or harassment from the SYFA, other employees, office volunteers or registered members. SYFA employees, office volunteers or registered members found to be mistreating another employee, office volunteer or registered member for making a disclosure could be subject to disciplinary action in line with the SYFA's Disciplinary Procedures.

4.2 Confidentiality

- 4.2.1 SYFA will treat all such disclosures in a confidential and sensitive manner in accordance with the SYFA Confidentiality Policy.
- 4.2.2 The identity of the individual making the allegation may be kept confidential so long as it does not hinder or frustrate any investigation. However the investigation process may reveal the source of the information and the individual making the disclosure may need to provide a statement as part of the evidence required.

4.3 Anonymous Allegations

- 4.3.1 This policy encourages individuals to put their name to any disclosures they make. Concerns expressed anonymously are much less credible but they may be considered at the discretion of the Chief Operating Officer.
- 4.3.2 In exercising this discretion the factors to be taken into account will include:
 - 4.3.2.1 The seriousness of the issues being raised;
 - 4.3.2.2 The credibility of the concern;
 - 4.3.2.3 The likelihood of confirming the allegation from attributable sources.
- 4.4 Untrue Allegations
 - 4.4.1 If an individual makes an allegation or disclosure in the interests of SYFA or its registered members or which in the individual's reasonable belief is in the public interest and which, after investigation, is not established no disciplinary action may be taken against that individual provided that the individual has taken reasonable efforts to comply with this policy and the following paragraph or unless such disciplinary action is unlawful.
 - 4.4.2 In making a disclosure the individual should exercise due care to ensure the accuracy of the information provided. If an individual makes malicious or vexatious allegations which have not been established following investigation disciplinary action may be and is likely to be taken against that individual particularly if he or she persists with making them unless such action would breach legal obligations on the SYFA.

5. PROCEDURES FOR MAKING A DISCLOSURE

- 5.1 On receipt of a complaint of malpractice the member of staff who receives and takes note of the complaint must pass this information as soon as is reasonably possible to the Chief Operating Officer as follows:
 - 5.1.1 Complaints of malpractice will be investigated under the provisions of SYFA Policies and Procedures.
 - 5.1.2 In the case of a complaint, which is any way connected with but not against the Chief Operating Officer, the Board of Directors will nominate an impartial individual to act as investigating officer.
- 5.2 Complaints against the Chief Operating Officer should be passed to the Board of Directors who will nominate an appropriate investigating officer.
- 5.3 The complainant has the right to bypass the Chief Operating Officer and take their complaint direct to the Board of Directors. The Board of Directors then has the right to refer the complaint back to the Chief Operating Officer if the Board feels that the Chief Operating Officer without any conflict of interest can more appropriately investigate the complaint.
- 5.4 If there is evidence of criminal activity then the Chief Operating Officer or investigating officer should inform the police. Cases will be suspended until all Police and Legal Authorities have concluded their business in respect of those allegations.
- 5.5 This procedure should not be used to deal with issues regarding an employee's own contract of employment. There are procedures in place to enable employees to put

forward a grievance relating to their own employment or where they believe they have been subject to detrimental behaviour at work. The SYFA's Grievance Policy and Procedures should be referred to in these circumstances. This Whistle Blowing Policy is intended to cover issues of probity and honesty that fall outside the scope of other procedures.

6. TIMESCALES

- 6.1 Due to the varied nature of these sorts of complaints which may involve internal investigators and/or the police it is not possible to lay down precise timescales for such investigations.
- 6.2 The Chief Operating Officer or investigating officer should ensure that the investigations are undertaken as quickly as possible without affecting the quality and depth of those investigations.
- 6.3 The Chief Operating Officer or investigating officer should as soon as practically possible send a written acknowledgement of the concern to the complainant and thereafter report back to them in writing the outcome of the investigation and on the action that is proposed.
- 6.4 If the investigation is a prolonged one the Chief Operating Officer or investigating officer should keep the complainant informed, in writing, as to the progress of the investigation and as to when it is likely to be concluded.
- 6.5 All responses to the complainant should be in writing and either emailed or posted to their home address.

7. INVESTIGATING PROCEDURE

- 7.1 The Chief Operating Officer or investigating officer should follow these steps:
 - 7.1.1 Full details and clarifications of the complaint should be obtained;
 - 7.1.2 The Chief Operating Officer or investigating officer should inform the person against whom the complaint is made as soon as is practically possible. Said person will be informed of their right to be accompanied by a trade union or other representative at any future interview or hearing held under the provision of these procedures;
 - 7.1.3 The Chief Operating Officer or investigating officer should consider the involvement of the SYFA auditors and the Police at this stage and may consult with the Board of Directors;
 - 7.1.4 The allegations should be fully investigated with the assistance where appropriate, of other individuals / bodies;
 - 7.1.5 A judgement concerning the complaint and validity of the complaint will be made by the Chief Operating Officer or investigating officer. This judgement will be detailed in a written report containing the findings of the investigations and reasons for the judgement. The report may be passed to the Board of Directors as appropriate;
 - 7.1.6 The Chief Operating Officer will decide what action to take. If the complaint is shown to be justified then they will invoke the disciplinary or other appropriate organisation procedures;

- 7.1.7 The complainant should be kept informed of the progress of the investigations and, if appropriate, of the final outcome;
- 7.1.8 If appropriate a copy of the outcomes will be passed to the SYFA Board to enable a review of the procedures.
- 7.2 If the complainant is not satisfied that their concern is being properly dealt with by the Chief Operating Officer or investigating officer they have the right to raise it in confidence with the Board of Directors not involved.
- 7.3 If the investigation finds the allegations unsubstantiated and all internal procedures have been exhausted but the complainant is not satisfied with the outcome of the investigation the SYFA recognises the lawful rights of employees and ex-employees to make disclosures to prescribed persons (such as the Health and Safety Executive, the Audit Commission or the utility regulators) or, where justified, elsewhere.

8. CONFIDENTIAL REPORTING

- 8.1 SYFA employees, office volunteers or registered members are often the first to realise that there may be something wrong within the SYFA. However they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the SYFA. They may also fear harassment or victimisation.
- 8.2 In these circumstances SYFA employees, office volunteers or registered members may feel it is easier to ignore the concern rather than report it. In order to combat this in addition to the right to make a public interest disclosure any SYFA employees, office volunteers or registered members who has a serious concern about any aspect of the SYFA's work can, if the matter would not qualify as a public interest disclosure, choose to follow the 'confidential reporting route.' This route is designed to encourage and enable SYFA employees, office volunteers or registered members to raise serious concerns within the SYFA rather than ignoring them or raising them externally.
- 8.3 The investigating procedure detailed above for public interest disclosure will be applied to instances of confidential reporting.

9. MONITORING AND REVIEW

- 9.1 The Chief Operating Officer will report all complaints (i.e. public interest disclosures and confidential reports) at the next meeting of the Board of Directors without revealing the name of the complainant or any unnecessary details.
- 9.2 The Chief Operating Officer will report on the nature of any complaint and any action taken and the resolution of it.
- 9.3 The Board of Directors will review the working of this policy from time to time.