



Whistleblowing Policy

Responsible Person	Directors
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Review by	SP

CM Sports/ CM Foundation is committed to being open, honest and accountable. It encourages a free and open culture in its dealings between the Trustees and those working with the charity, both employees and volunteers.

This policy aims to help the Trustees and employees/volunteers to raise any serious concerns they may have about colleagues or their employer with confidence and without having to worry about being victimised, discriminated against or disadvantaged in any way as a result.

It is written in the context of the Public Interest Disclosure Act 1998 which protects employees who 'blow the whistle' on malpractices within their organisation.

What types of concerns?

The policy is intended to deal with serious or sensitive concerns about wrongdoings such as the following:

- a criminal offence
- a failure to comply with any legal obligation
- a failure in the protection of children or vulnerable adults
- a miscarriage of justice
- a health and safety risk to an individual
- damage to the environment
- or concealment of the above.

It is not necessary for individuals who raise the concern to prove the wrongdoing that is alleged to have occurred or is likely to occur.

However, if an individual knowingly or maliciously makes an untrue allegation (eg: in order to cause disruption with CM Sports/ CM Foundation), CM Sports/CM Foundation will take appropriate disciplinary action against them. It may constitute gross misconduct.

Individuals should note that they will not be protected from the consequences of making a disclosure if, by doing so, they commit a criminal offence.

This policy does not deal with any complaints staff may have about their employment. This should be dealt with through CM Sports/ CM Foundation's Grievance Procedure.

CM Foundation's Bullying and Harassment policy offers protection to workers against harassment, bullying and discrimination.

Volunteers should make complaints or raise concerns through the Volunteer Complaints Procedure.

Service users should make complaints or raise concerns through the Service Users Complaints Procedure.

How to raise a concern in CM Sports/ CM Foundation

The officer designated to handle whistleblowing concerns in the CM Sports is The Directors (Nick Evans, Luke White and Matt Northcott) and CM Foundation Manager is Samantha Paulton and shall be known as the Whistleblowing Officers.

Individuals should in most cases, first report their concern to their line manager, who is expected to respond to that matter. If the relevant manager cannot deal with the matter, he or she will refer the concern to the Whistleblowing Officer.

Dependent on the seriousness and sensitivity of the matter, and who is suspected of the wrongdoing, the individual can, if necessary, report directly to the Whistleblowing Officer. If the matter concerns the Whistleblowing Officer, it should be raised with the Trustees.

Individuals are encouraged to raise their concerns in writing where possible, setting out the background and history of their concerns (giving names, dates and places where possible) and indicating the reasons for their concerns.

If any individual is unsure whether to use this procedure or they want independent advice at any stage, they should contact:

- the independent charity, Public Concern at Work's legal helpline on 020 7404 6609, email: helpline@pcaw.co.uk

Public Concern at Work will be able to advise on how and with whom to raise a concern about malpractice.

Disclosures made to a legal advisor in the course of obtaining legal advice will be protected under the Public Interest Disclosure Act.

If the individual reasonably believes that the matter relates wholly or mainly to the conduct of a person or body other than CM Sports/ CM Foundation or any other matter for which a person or body other than CM Sports/ CM Foundation has legal responsibility, the disclosure should be made to that other person or body.

Protecting the individual raising the concern

If an individual raises a concern which they believe to be true, CM Sports/ CM Foundation will take appropriate action to protect the individual from any harassment, victimisation or bullying. Employees who raise a genuine concern under this policy will not be at risk of losing their job, nor will it influence any unrelated disciplinary action or redundancy procedures.

The matter will be treated confidentially if the individual requests it and their name or position will be not be revealed without their permission unless CM Sports/ CM Foundation has to do so by law. If in other circumstances the concern cannot be resolved without revealing the individual's identity, the Whistleblowing Officer will discuss with the individual whether and how to proceed.

Concerns raised anonymously tend to be far less effective but the Whistleblowing Officer will decide whether or not to consider the matter taking into account:

- the seriousness of the matter;
- whether the concern is believable;
- whether an investigation can be carried out based on the information provided.

How CM Sports/ CM Foundation will deal with the concern

How the concern will be dealt with, will depend on what it involves. It is likely that further enquiries and/or investigation will be necessary. The concern may be investigated by CM Sports/ CM Foundation's Whistleblowing Officers, the Trustees, through the disciplinary process or it may be referred to the police, other agencies such as Social Services, an external auditor or an independent investigator.

It may be necessary for the individual to give evidence in criminal or disciplinary proceedings.

CM Sports/ CM Foundation will give the individual feedback on the progress and outcome of any investigation wherever possible.

If the suspicions are not confirmed by an investigation, the matter will be closed. Team members will not be treated or regarded any differently for raising the concern, and their confidentiality will continue to be protected.

General Guidance

What is Whistleblowing?

Whistleblowing, or public interest disclosure, is when a worker reports a concern about the improper actions or omissions of their colleagues or their employer which may cause harm to others or to the organisation. Obvious examples of such improper actions include theft, fraud, abuse, breaches of health & safety.

The disclosure should be made 'in good faith'. In other words, the disclosure must be made out of real concern about wrongdoing. Knowingly and maliciously making false accusations for ulterior motives is not whistleblowing. The whistle-blower should reasonably believe the information and allegation is substantially true, even if the information later turns out to have been incorrect.

Whistleblowing is not the same as making a complaint or raising a grievance, where the individual is saying that they have personally been poorly treated. A whistle-blower is usually not directly or personally affected by the concern and therefore rarely has a direct personal interest in the outcome of any investigation into their concerns.

The whistle-blower raises the concern so that others can address it. Examples of concern may include:

- an employee or volunteer defrauding the charity or anyone associated with the charity;
- the physical or emotional abuse of children, young people, vulnerable adults or the elderly;
- anyone making inappropriate use of CM Sports/ CM Foundation's resource (eg: for their own personal benefit);
- faulty machinery that puts at risk the safety of employees or anyone associated with CM Sports/ CM Foundation.

Good Practice

For effective risk management, employees need to be confident that they can raise matters of concern without suffering any detriment. Not dealing with problems early could have a devastating effect on organisations with costly fines, compensation, higher insurance premiums, damaged reputation, regulatory

investigation, lost jobs, and even lost lives. Whistleblowing can be an early warning system for employers and an effective policy can provide a clear framework for action for employees and employers alike.

Following its public consultation on whistleblowing, the UK Financial Services Authority (FSA) found that:

A whistleblowing policy will improve the trust and confidence among workers by creating what one respondent called a "culture of honesty and openness" by encouraging workers to report internally. This was seen as "good for the morale of workers", giving them confidence to come forward with concerns. Senior managers will be the first to know of any issues that they may need to address. These can be dealt with internally. This also means that the costs of investigating any problems, such as fraud, are reduced as problems can be caught quickly.

If workers voice concerns within the organisation rather than being forced to go to an external body, employers can often tackle a problem before it becomes a crisis, thus helping to avoid potentially damaging media coverage, regulatory sanctions and/or costly compensation payments. A whistleblowing policy can provide a clear framework for constructive problem solving in a reasonable, appropriate and controllable way.

Team members should not be expected to prove their case should they have a concern about malpractice. Therefore, an organisation's policy on - and response to - whistleblowing should be different from its policy on and response to a grievance.

The main points to consider within a whistleblowing policy or approach to whistleblowing at work:

- Involve workers by consulting with them, either through staff groups, or – in smaller organisations – individually, before the introducing the policy;
- Discuss the types of risk your organisation may face with your team members;
- Be clear about what conduct is unacceptable and about the standards expected of your workers;
- Encourage Team members to share their concerns internally and in confidence – they do not need to have proof or need to investigate the matter themselves;
- Be clear that concerned employees will be supported and protected from reprisals;
- Explain that a whistle blower is a witness, not a complainant;
- Deal with wrongdoing seriously and effectively;
- Train managers on how to deal with whistleblowing;
- If employees feel uncomfortable raising their concern with their line manager, explain that they should then raise it at a senior level such as to a member of the Directors;
- Emphasise to managers and Team members that victimisation is a disciplinary offence as is knowingly raising malicious untrue allegations;
- Offer confidentiality to any worker who asks for it but be clear that there may be circumstances when their identity might have to be revealed such as when you are ordered by court;
- Report back to employees about the progress and outcome of any enquiry or action taken;
- Be prepared to explain how you have handled the concern;
- Under no circumstances try to suppress evidence of malpractice.

The Legislation

The Public Interest Disclosure Act came into force in July 1999. It protects most workers against unfair dismissal or being subjected to any other detriment by their employer (such as denial of promotion, pay rise or training) for making disclosures about wrongdoing. It covers all employees, trainees, agency staff, contractors and homeworkers, regardless of length of service or age. However, the genuinely self-employed and volunteers are not covered by the Act.

The Act encourages team members to raise concerns about malpractice – dangerous or illegal activity – in the workplace. It does not matter whether the wrongdoing takes place in the United Kingdom or abroad. In

order for it to be a 'qualifying disclosure' under the Act, the whistle-blower should reasonably believe that there is;

- a criminal offence
- a failure to comply with any legal obligation
- a miscarriage of justice
- a health and safety risk to an individual
- damage to the environment
- or concealment of the above.

Case law has shown that the second reason for a qualifying disclosure, a failure to comply with any legal obligation can be interpreted broadly. For example, this includes breach of a contract of employment, but for the disclosure to be protected there must be a real legal obligation not just a belief that there is one.

Once a disclosure has been made in good faith to a manager or employer it will be protected under the Act. This should normally be the first route for workers, rather than having to disclose the concern externally. However, it does mean that the matter should be dealt with by employers, quickly and thoroughly.

If the matter is not dealt with internally, whistle-blowers can disclose to appropriate external bodies. The Act protects disclosures made to prescribed bodies such as the Health and Safety Executive, the Inland Revenue, the Audit Commission, the Charity Commission, the Commission for Social Care Inspection, the Financial Services, General Social Care Council, the Housing Corporation, the Information Commissioner and the National Care Standards Commission (full list can be found at www.pcaw.co.uk/law/lawregulatorses.htm).

The disclosure is also protected if it is made to a legal advisor in order to obtain legal advice.

The Act also helps ensure that organisations respond without trying to cover up, or to victimise or dismiss the whistle-blower. If the whistle-blower fears they may be victimised, or that a cover-up is likely or there is no appropriate prescribed regulator, or if the matter has already been raised internally or with a prescribed body, wider disclosures can be made and still be protected.

Wider disclosures might be to another professional body, the police, an MP, the media, etc. They should still be reasonable in all circumstances taking into account the seriousness of the matter and likelihood of re-occurrence. Reasonableness would also include consideration of whether the worker first followed any internal whistleblowing procedure the organisation may have.

However, if the wrongdoing is of an 'exceptionally serious nature', (such as involving a murder enquiry) the whistle-blower need not fear victimisation or cover up to make a protected disclosure to an external body, although it should still be reasonable particularly with regard to whom the disclosure is made.

If the whistle-blower is victimised for making the disclosure, they can bring a claim to an employment tribunal for compensation. Dismissals of employees for making a protected disclosure are automatically unfair. Compensation awards will be uncapped and based on the losses suffered.

Any clauses in an agreement between a worker and the employer which prevent the worker from making disclosures protected under the Act will be void.

Further Information

Protect (Whistleblowing Advice) Limited

This charity is an independent authority on public interest and whistleblowing. It promotes compliance with the law and good practice. They also aim to influence public policy and legislation. <https://protect-advice.org.uk/>

ACAS

The Arbitration Conciliation & Advisory Service website provides guidance on whistle-blowing for both employers and employees www.acas.org.uk/index.aspx?articleid=1919

Direct.Gov

Information on whistleblowing can be accessed through the government websites. www.gov.uk/whistleblowing/overview

The Chartered Institute of Personnel and Development (CIPD)

CIPD is the professional body for those involved in the management and development of people. They have a factsheet on whistleblowing. www.cipd.co.uk/subjects/empreltns/whistleblw/whistle.htm



CM SPORTS - CHILDCARE

Whistleblowing is when someone raise a concern about a dangerous or illegal activity or any wrongdoing within their organisation. Raising a concern is known as “blowing the whistle” and is a vital process for identifying risks to people’s safety.

A concern might relate to:

- a breach of the law,
- theft,
- failure to comply with a legal obligation,
- possible miscarriage of justice,
- health and safety risk,
- damaging the environment,
- misuse of money,
- corruption or unethical conduct,
- abuse of children, student or other users,
- deliberate concealment of any of these matters,
- any other substantial and relevant concern or bullying.

CM Sports aims:

- To protect the welfare of all the children in our care, team and students in our nursery.
- To create a culture where team can voice their concerns, made in good faith, without fear of repercussion.
- To inform team of their individual responsibilities to bring matters of concern to the attention of the management team or the senior management team of the nursery and/ or relevant external agencies.
- To ensure team know the whistle blowing procedure.

The following principles apply;

- Team who uses the Whistle Blowing Procedure will have their employment rights protected.
- Information will be clearly and promptly recorded and reported to the management team without delay.
- Minutes should be taken of any meetings or conversations held.
- Team should always feel able to discuss with their specialist or one of Management team, any difficulties or problems that may affect their relationship with children and Team Members so that appropriate support can be provided or action can be taken.
- Team should always feel able to discuss any inappropriate behaviour displayed by other Team Members or any other person working with the children. For example; inappropriate sexual comments, excessive one to one attention beyond the requirements of their usual role and responsibilities, or inappropriate sharing of images.
- Team must express any concerns around visitors to any projects and feel free to express any concerns around safeguarding and anyone who may be influenced by extremism.

CM Sports will provide this through;

- Conducting open discussions with the Team that enables adults to speak freely about any concerns they may have.
- Making individuals aware of the Organisation's Safeguarding and Child Protection Procedures, including procedures for dealing with allegations against adults, within working for HCC/ Southampton/ Portsmouth or Isle of Wight.
- CM Sports will record and investigate any allegation in accordance with local procedures and statutory guidance.

Harassment or Victimisation

CM Sports recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. CM Sports will not tolerate harassment or victimisation and will take action to protect you when you raise a concern in good faith.

This does not mean that if you are already the subject of disciplinary or redundancy procedures that those procedures will be halted as a result of your whistle blowing.

Confidentiality

CM Sports will do its best to protect your identity when you raise a concern and do not want your name to be disclosed. It must be appreciated that the investigation process may reveal the source of the information and a statement by you may be required as part of the evidence.

Anonymous Allegations

This policy encourages you to put your name to your allegation. Concerns expressed anonymously are much less powerful, but they will be considered at the discretion of CM Sports. In exercising the discretion, the factors to be taken into account would include:

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

Untrue Allegations

If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make allegations that are malicious, or simply to cause anger, irritation or distress, then disciplinary action may be taken against you.

How to raise concern

As a first step, you should normally raise the concerns with your manager or one of the Directors. This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. For example, if you believe that management is involved, you should approach one of the Directors. If the concern is about the Director, you should contact Ofsted.

Concerns are better raised in writing. You are invited to set out the background and history of the concern, giving names, dates and places where possible, and the reason why you are particularly concerned about the situation. If you do not feel able to put your concern in writing, you can telephone or meet the appropriate person. The earlier you express the concern, the easier it is to take action.

Although you are not expected to prove the truth of an allegation, you will need to demonstrate to the person contacted that there are sufficient grounds for your concern. Advice and guidance on how matters of concern may be pursued can be obtained from the Directors.

Outside agencies for support and advice - Safeguarding concerns:

Children's Services Professional Helpline - 01329 225379

Local Authority Designated Officer: LADO (For allegations against a Team Member) Depending on where in Hampshire/ Southampton or Portsmouth area- Failure of Practice and Procedures

OFSTED (Compliance Investigation Enforcement/OFSTED)– 0300 123 466