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Swim England Whistleblowing Policy

Members and Volunteers

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1. Policy Statement

- 1.1. The Policy outlines the process by which any individual involved in the sport of swimming, open water swimming, diving, para-swimming, water polo, artistic swimming and high diving (together the 'Sports') can raise genuine concerns about wrongdoing or illegal or unethical conduct, whether suspected or confirmed, with Swim England for review or investigation without fear of reprisals, even if the concerns turn out to be mistaken, unless the concerns raised are not genuine or were raised maliciously.
- 1.2. Swim England may be referred whistleblowing cases to it by British Swimming where appropriate and in line with British Swimming's whistleblowing policy. Where this occurs, the procedures outlined in this Policy will apply.
- 1.3. Where a concern you raise falls within the remit of British Swimming, Swim England will need to refer your concern to British Swimming. Swim England will not do so without first obtaining your consent.
- 1.4. The aims of this policy are:
 - 1.4.1. to encourage members and volunteers to report suspected wrongdoing as soon as possible in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality shall be protected;

1.4.2. to provide members and volunteers with guidance as to how to raise these concerns;

1.4.3. to reassure members and volunteers that they should be able to raise concerns without fear of reprisals, even if the concerns are mistaken;

1.5. This policy may be amended at any time.

2. Who is covered by this policy?

2.1. This Policy applies to all individuals volunteering or participating at all levels within Swim England and the Sports, including but not limited to athletes, contractors, coaches, officials and volunteers.

2.2. This Policy does not apply to employees of Swim England or the Institute of Swimming. Employees with a concern should raise their concern in line with the Policy for employees' whistleblowing.

2.3. This Policy should not be used for complaints relating to your own personal circumstances, such as the way you have been treated as part of a disciplinary process or a failure of Swim England to deliver to you the quality of services you expected. In those (and other personal circumstances), you should refer to the appropriate policies or judicial procedure. If you are unsure whether this policy applies to your concern, you should contact legal@swimming.org.

3. What is whistleblowing?

3.1. Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. This may include:

3.1.1. criminal activity;

3.1.2. miscarriages of justice;

3.1.3. danger to health and safety;

3.1.4. damage to the environment;

3.1.5. failure to comply with any legal or professional obligation or regulatory requirements;

3.1.6. bribery;

3.1.7. financial fraud or mismanagement;

3.1.8. negligence;

3.1.9. breach of our internal policies and procedures (including our Code of Conduct);

3.1.10. conduct likely to damage our reputation;

3.1.11. unauthorised disclosure of confidential information;

3.1.12. the deliberate concealment of any of the above matters;

3.1.13. doping incident; and/or

3.1.14. equality incident.

3.2. A whistleblower is a person who raised a genuine concern relating to any of the above. If you have any genuine concerns related to suspected wrongdoing or danger affecting any of our activities (a 'Whistleblowing Concern') you should report it under this policy.

4. Raising a Concern

4.1. If you suspect or discover a Whistleblowing Concern, you should report it by email to legal@swimming.org or by post to Swim England Legal Department, Pavilion 3, SportPark, 3 Oakwood Drive, Loughborough, LE11 3QF.

4.2. Upon raising a Whistleblowing Concern you will receive a written confirmation of receipt, usually within 48 hours (if your concern was made by email and during normal working hours). If you raised concerns by telephone, you should usually receive a call back within 48 hours.

4.3. Where an anonymous disclosure is made, it may be investigated depending on the nature of the concern, the seriousness of the issues raised, their credibility and the likelihood of Swim England being able to confirm the allegations by attributable sources.

5. Procedure

5.1. Your concerns will be subject to an initial assessment by the Legal Department to determine the scope of any review or investigation necessary, and whether this review will be carried out internally or externally.

5.2. Upon completion of the initial assessment, Swim England will inform you of the outcome. You will be informed of the steps we plan to take to resolve the concern or, if we decide that no further action is warranted, we will explain the reasons for our decision.

5.3. If further information is required, Swim England will contact you for further information or to arrange a meeting to discuss the concern. If a meeting takes place, you may bring an additional person for support, though this person must respect the confidential nature of the process.

5.4. In some cases, we may appoint an investigator or team of investigators including staff with relevant experience. The investigator(s) may make recommendations for change to enable us to minimise the risk of future wrongdoing.

5.5. We will aim to keep you informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent us giving

you specific details of the investigation or any disciplinary action taken as a result. You should treat any information about the investigation as confidential.

5.6. Enquiries will be undertaken promptly, although some more complex Whistleblowing Concerns will require a longer, more thorough, investigation.

5.7. Upon completion, we will inform you of the outcome of our investigations and any remedial action taken.

6. Confidentiality

6.1. If you want to raise your concern confidentially, we will make every effort to keep your identity secret. If it is necessary for anyone investigating your concern to know your identity, we will discuss this with you.

6.2. We do not encourage people to raise concerns anonymously, as where we are unable to obtain further information from you, investigation and resolution may become more difficult or impossible. Whistleblowers concerned about reprisals if their identity is revealed should contact our Legal Department to ensure that appropriate measures can be taken to ensure confidentiality.

6.3. Due to the often sensitive nature of Whistleblowing Concerns, you too should treat the process as confidential. All public statements and speculation should be avoided whilst there is an ongoing review/investigation to avoid prejudicing the process.

7. External Disclosures and Investigations

7.1. In some instances, particularly those involving safeguarding, it will be necessary to refer the matter to the Safeguarding Team internally or an external authority, for example, the police. If this is the case both the complainant and the person against whom the complaint has been made will be notified of this, unless Swim England is prohibited from doing so by law or at the direction of the external authority.

7.2. Where possible confidentiality will be maintained, although it must be stressed that in cases of fraud and in cases of safeguarding it will not be possible to maintain strict confidentiality.

7.3. Some professions, such as medicine and physiotherapy, have statutory duties to inform certain categories of disclosure externally. In disclosure cases such as criminal misconduct, child abuse or adults at risk, all athletes, contractors, coaches, volunteers or officials must inform the regulatory authorities without undue delay. It will very rarely if ever be appropriate to alert the media. We strongly encourage you to seek advice before reporting a concern to any external authorities.

8. Whistleblower Protection and Support

8.1. It is understandable that whistleblowers are sometimes worried about possible repercussions. We aim to encourage openness and will support people who raise genuine concerns under this policy, even if they turn out to be mistaken. We encourage you to raise a matter as a concern rather than waiting for proof.

- 8.2. You must not suffer any detrimental treatment as a result of raising a genuinely held concern. Detrimental treatment includes but is not limited to disciplinary action, threats or other unfavourable treatment connected with raising a concern.
- 8.3. If you believe you are being subjected to detrimental treatment as a result of raising your concern, or that the swimming environment has become intolerable, you should discuss the matter with our Legal Department.
- 8.4. If you are told not to raise or pursue a concern by any individual, please inform our Legal Department.

9. Malicious allegations

- 9.1. Individuals reporting genuinely held concerns will always be protected and supported by Swim England, whether their concerns are proved to be true or not.
- 9.2. If a whistleblower is deemed to have raised false allegations maliciously, or for personal gain, Swim England may bring disciplinary action against them in accordance with the Judicial Regulations.

10. If you are not satisfied with an outcome

- 10.1. We strive to ensure that any Whistleblowing Concern is dealt with fairly and appropriately. By using this policy, you help us achieve this and improve the Sports for all.
- 10.2. If you are not happy with the way in which your concern has been handled, you may choose to make a complaint under the Swim England Complaints Policy by submitting a Formal Complaint Form to legal@swimming.org.

11. Organisational responsibility for this policy

- 11.1. The Swim England Board has overall responsibility for this Policy, and for reviewing the effectiveness of actions taken in response to concerns raised under this Policy.
- 11.2. The Legal Department has day-to-day operational responsibility for this Policy, and must ensure that all managers and other staff who may deal with concerns or investigations under this Policy receive regular and appropriate training.
- 11.3. The Director of Legal, in conjunction with the Swim England Board should review this Policy from a legal and operational perspective as and when deemed appropriate to do so.
- 11.4. All individuals working or participating within Swim England and the Sports are responsible for the success of this Policy and should ensure that they use it to disclose information about wrongdoing or illegal or unethical conduct or about suspected wrongdoing or illegal or unethical conduct.

Internal Contacts

Safeguarding

If you have a concern about the welfare of a child or adult, or the behaviour of an adult towards a child or adult within Swim England, you should refer it to our safeguarding team.

safeguarding@swimming.org or alternatively call 01509 640 700 (option 1 for Swim England then option 3 for safeguarding)

Complaints related to disputes and disciplinary matters

If you have concerns relating to internal disputes, you should first raise your concern with the club, who will follow their internal disputes procedure. If the matter is not resolved or you wish to make a complaint on disciplinary matters, you should seek advice from the Swim England Office of Judicial Administration.

judicial@swimming.org or alternatively call 01509 640 764.

Complaints against Swim England for failure to deliver what you expected

If you are dissatisfied or concerned with actions, apparent failings, decisions and/or behaviour of Swim England in relation to services or activities that it provides, you should raise your complaint under the Swim England Complaints Policy.

Complaints should be sent to legal@swimming.org or alternatively by post to Swim England Legal Department, Pavilion 3, SportPark, 3 Oakwood Drive, Loughborough, LE11 3QF.

External Contacts

UK Sport

Complaints regarding staff employed (or contracted) by UK Sport (with whom Swim England may work) should consult the separate UK Sport whistleblowing policy (available at <http://www.ukssport.gov.uk/resources/complaints-appeals-and-whistleblowing>)

The Information Commissioner

In relation to compliance with the requirement of legislation relating to data protection.

Email: casework@ico.gsi.gov.uk and the website is <https://ico.gov.uk>

The Health and Safety Executive

This relates to health or safety of individuals at work or the health and safety of the public that is work-related, in connection with those industries and work activities for which HSE is the enforcing authority.

Online form: <http://www.hse.gov.uk/contact/raising-your-concern.htm> and the website is www.hse.gov.uk

The National Society for the Prevention of Cruelty to Children (NSPCC)

Matters relating to child welfare and protection.

Email: help@nspcc.org.uk

Care Quality Commission

Matters relating to the provision of health and social care.

www.cqc.org.uk

General Medical Council

Matters relating to the registration and fitness to practise of a member of the medical profession.

www.gmc-uk.org

Health and Care Professions Council

Matters relating to the registration and fitness to practise of health and care professional (e.g. physiotherapy).

www.hpc-uk.org

Further contacts in the event a disclosure is made against you

Citizens Advice Bureau

Website: <https://www.citizensadvice.org.uk>

The Law Society

Website: <http://solicitors.lawsociety.org.uk/>

The Chartered Society of Physiotherapy

Website: <https://www.csp.org.uk/>

False Allegations Support Agency

FASO: Clear information; practical advice; emotional support; here for anyone affected by false allegations of abuse.

Website: <http://www.false-allegations.org.uk/>