



## Active Sussex Whistleblowing Policy

The Trust seeks to conduct its business honestly and with integrity at all times and it expects all employees to maintain high standards. The Trust acknowledges however, that all organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. The Trust believes that it has a duty to take appropriate measures to identify such situations and attempt to remedy them. By encouraging a culture of openness and accountability within the Trust, it believes that it can help prevent such situations occurring.

The Trust expects all employees to report any wrongdoing that falls short of these fundamental principles. It is the responsibility of all employees to raise any concerns that they might have about malpractice in the workplace.

The culture of the Trust is to be open and fair and it would like to continue to develop and embed this philosophy for all, and through all of its employees. Whistleblowing can have a beneficial impact on people, so the Trust takes its custodial role seriously and ensures that behaviours/resources are used for the purpose intended (i.e. to increase the number of people playing sport in Sussex).

### What are the aims of this policy?

The aims of this policy are as follows:

- (a) to encourage employees to report suspected wrongdoing which fall within the categories set out in this policy as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected;
- (b) to provide employees with guidance as to how to raise those genuine concerns; and
- (c) to reassure employees that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken.

### Who is covered by this policy?

This policy applies to all individuals working at all levels of the Trust, including managers, employees, officers, consultants, contractors, casual workers and agency workers.

It does not form part of any employee's Contract of Employment and may be amended at any time.

### What is Whistleblowing? (<https://www.gov.uk/whistleblowing>)

**Whistleblowing** is the disclosure of information which relates to suspected wrongdoing or dangers in relation to the Trust's activities. To fall within the scope of this policy, the disclosure of information must in the reasonable belief of the person making the disclosure, be made in the public interest, and must tend to show that one or more of the following activities has been, is being or is likely to be committed:

- (a) any activity you suspect is criminal;
- (b) any activity you suspect is a miscarriage of justice;



- (c) any activity you suspect puts health and safety of an individual at risk;
- (d) any activity you suspect may damage the environment;
- (e) any failure to comply with any legal or professional obligation or regulatory requirements by an individual;
- (f) any activity you suspect breaches the Trust's policy on bribery and corruption; and/or;
- (g) any attempt to conceal one or more of these activities.

A **whistleblower** is a person who raises a genuine concern as a disclosure of information, relating to any of the above. If you have any genuine concerns related to suspected wrongdoing or danger affecting any of the Trust's activities which fall within any of the above, you should report it under this policy.

This policy should not be used for complaints relating to your own personal circumstances, such as the way you have been treated at work. In those instances you should refer to the Trust's Equal Opportunities & Anti-Bullying & Anti-Harassment Policy or its Grievance Procedure (as appropriate).

If you are uncertain whether something falls within the scope of this policy, you should seek advice from the Whistleblowing Officer, who is the Chief Executive, whose contact details are set out at the end of this policy. If however, the whistleblowing allegation concerns the Whistleblowing Officer then you should speak to the Head of Operations.

### **How do I raise a whistleblowing concern (Disclosure)?**

The Trust hopes that, in many cases, you will be able to raise any concerns with your Line Manager. You may tell them in person or put the matter in writing if you would prefer. They may be able to agree on a way of resolving your concern quickly and effectively. In some cases, they may refer the matter to the Whistleblowing Officer.

However, where you believe that your concern is particularly serious or where you feel that your Line Manager has not addressed your concern or you would prefer not to raise it with them for any reason, you should contact one of the following:

- the Whistleblowing Officer, who is the Chief Executive, however if the whistleblowing allegation concerns the Chief Executive then speak to the Head of Operations. [The contact details of the Chief Executive and the Head of Operations are at the end of this policy].
- a Trustee of the Trust.

If you raise your concern in writing, your letter should say that you are raising your concern under this policy and then explain the nature of your concern, including all key facts, dates and the names of people involved.

The Trust will arrange a meeting with you as soon as possible to discuss your concern. You may bring a work colleague or trade union representative to any meetings under this policy. Your companion must also respect the confidential nature of your disclosure and any subsequent investigation.



The Trust will make a written summary of your concern and provide you with a copy after the meeting. It will also aim to give you an indication of how it proposes to deal with the matter.

Alternatively, a concern does not have to be raised with the Trust, but there is a right to consult a lawyer (or to report to Prescribed Persons or Bodies). Please refer to the end of this policy for where to access the list of Prescribed Persons or Bodies.

### **Confidentiality**

The Trust hopes that employees will feel able to voice whistleblowing concerns openly without anonymity under this policy. Completely anonymous disclosures are difficult to investigate and the Trust actively discourages anonymous disclosures.

If you want to raise your concern anonymously, the Trust will make every effort to keep your identity secret and only reveal it where necessary to those involved in investigating your concern.

If you are in any doubt you can seek advice from Protect, the independent whistleblowing charity, which offers a confidential helpline. Their contact details are set out at the end of this policy.

### **Investigation & Outcome**

Once you have raised a concern, the Trust will carry out an initial assessment to determine the scope of any investigation. It will inform you of the outcome of its assessment. You may be required to attend additional meetings in order to provide further information.

To investigate properly, the Trust may involve specialists with particular knowledge or experience of the issues you have raised.

You will be kept informed about how the Trust's investigations are progressing and how long they are likely to take. Sometimes however, the Trust may be unable to give you details about the investigation (or any action it leads to) as it may need to preserve confidentiality. The Trust understands that this may be frustrating and may give you concerns about whether it has actually done anything. As such, if this happens, the Trust will do its best to sit down with you and explain why it is acting in the way it is.

You can be assured that the Trust will take your concern seriously. The concern will be addressed fairly albeit that the Trust cannot guarantee that the outcome of its investigations will be the one you want. If you are not satisfied with how the Trust has conducted its investigations, you can take the matter to the Chief Executive for further consideration.

If the Trust concludes that a whistleblower has made false allegations maliciously, or with a view to personal gain, the whistleblower will be subject to disciplinary action.

### **Protection & Support for Whistleblowers by the Trust**

It is understandable that employees are sometimes worried about possible repercussions. The Trust aims to encourage openness and will support employees who raise genuine concerns under this policy, even if they turn out to be mistaken.



Whistleblowers will not suffer any detrimental treatment as a result of raising a genuine concern. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If you believe that you have suffered any such treatment, you should inform the Whistleblowing Officer immediately. If the matter is not remedied you should raise it formally using the Trust's Grievance Procedure.

Employees must not threaten or retaliate against whistleblowers in any way. If you are involved in such conduct you may be subject to disciplinary action. In some cases the employee could have a right to sue you personally for compensation in an Employment Tribunal.

### **External Disclosures**

The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases you should not find it necessary to alert anyone externally.

The law recognises that in some circumstances it may be appropriate for you to report your concern to an external body such as a regulator. It will very rarely, if ever, be appropriate to alert the media. The Trust strongly encourages you to seek advice before reporting a concern to anyone external.

Whistleblowing concerns usually relate to the conduct of the Trust's employees, but they may sometimes relate to the actions of a third party. In some circumstances, the law will protect you if you raise the matter with the third party directly. You should contact your Line Manager, the Whistleblowing Officer or a Trustee of the Trust for guidance.

### **Who has overall responsibility for this policy?**

The Trustees have overall responsibility for this policy, and for reviewing the effectiveness of actions taken in response to concerns raised under this policy.

The Whistleblowing Officer has day-to-day operational responsibility for this policy, and must ensure that all managers and other employees who may deal with concerns or investigations under this policy receive regular and appropriate training.

The Whistleblowing Officer, in conjunction with the Trustees, should review this policy from a legal and operational perspective at least once a year.

All employees are responsible for the success of this policy and should ensure that they use it to disclose any suspected danger or wrongdoing. Employees are invited to comment on this policy and suggest ways in which it might be improved. Comments, suggestions and queries should be addressed to the Whistleblowing Officer.

### **Contact Details:**

**Protect** (Independent Whistleblowing Charity)

Helpline: 020 3117 2520

Email: [whistle@protect-advice.org.uk](mailto:whistle@protect-advice.org.uk)

Website: [www.pcaw.org.uk](http://www.pcaw.org.uk)



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[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/404330/bis-15-43-blowing-the-whistle-to-a-prescribed-person-list-of-prescribed.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/404330/bis-15-43-blowing-the-whistle-to-a-prescribed-person-list-of-prescribed.pdf).

*Policy First Written: Governance Sub-group (26.4.12)*

*Last reviewed/updated: Governance & Audit Committee (May 2022)*

*Due for review: March 2025*