

Whistleblowing Policy

Purpose of the Policy

British DanceSport Association (hereinafter referred to as BDSA) is committed to the highest standards of openness, probity and accountability and encourages any employee or volunteer to use this policy and related procedures if they are concerned about any wrongdoing at work.

This policy is intended to ensure that BDSA complies with its duty under the Public Interests Disclosure Act 1998 (PIDA). This act prevents an employee or volunteer from suffering a detriment or having their contract terminated for 'whistle blowing' and BDSA takes very seriously any concerns which an employee or volunteer may raise under this legislation.

What is Whistleblowing?

In normal circumstances, members of staff or volunteers, should discuss any concerns they have about work with their line manager, or where that is not possible, with their line manager's manager.

Where this is not possible and it is appropriate to do so, you may need to consider using the whistleblowing procedure.

Whistleblowing is the confidential reporting of:

- Allegations that someone has breached, or an individual has been asked to breach, the BDSA Code of Conduct.
- Evidence of criminal or unlawful activities by others.
- Any security risks or breaches, including information risks or concerns about data handling or information security, which you are uncomfortable reporting openly through the normal incident reporting channels.

This procedure enables staff and volunteers of BDSA to voice concerns in a responsible and effective manner.

While it is fundamental to each employment contract and compliance with General Data Protection Regulations that an employee or volunteer will not disclose confidential information, if an employee or volunteer discovers information which they believe shows serious malpractice or wrongdoing within the organisation, then this information should be disclosed internally without fear of reprisal.

Scope

This policy applies to all employees, volunteers and contractors.

This policy is to help individuals who believe they have discovered malpractice or impropriety to raise concerns internally and at a high level and to disclose information

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British DanceSport Association

showing malpractice or impropriety, principally those of public interest. It is not to be used to question financial or managerial decisions or to reconsider any matters which have already been addressed under incident reporting, complaint reporting, disciplinary or grievance or other procedures.

BDSA expects staff and volunteers to use this policy and procedures rather than air their complaints outside the organisation.

Certain disclosures are prescribed by law as 'qualifying disclosures'. Disclosures are qualifying disclosures where it can be shown that the company commits a 'relevant failure' by:

- Committing a criminal offence
- Failing to comply with a legal obligation
- A miscarriage of justice
- Unauthorised use of public funds
- Possible fraud and corruption
- Sexual, physical; or verbal abuse or bullying or intimidation of employees, volunteers, clients or service users
- Endangering the health and safety of an individual
- Environmental damage
- Abuse of authority
- Other unethical conduct
- Concealing any information relating to the above

These acts can be in the past, present or future.

Protection

BDSA is committed to:

- Seriously considering any concerns staff and volunteers raise with us.
- Making sure that staff and volunteers are not penalised unfairly for raising concerns.
- Where necessary, providing staff and volunteers with appropriate support and protection (including for example, consideration of a move to a different work area).

This policy is designed to offer protection to employees and volunteers who disclose such concerns in good faith and the reasonable belief that it shows malpractice or impropriety and they make the disclosure to an appropriate person.

BDSA will treat all disclosures in a confidential and sensitive manner. The identity of the individual making the allegation will be kept confidential so long as it does not hinder any investigation.

If the allegation results in court proceedings, then the whistleblower may have to give evidence in open court if the case is to be successful.

BDSA will not disclose the identity of the whistleblower, without the whistleblower's consent to anyone other than the person involved in the investigation/allegation.

Anonymous Allegations

Effective date : 1st September 2023

Review date : 31st August 2024

British DanceSport Association

BDSA encourages individuals to put their name to any disclosures they make. Concerns expressed anonymously are less credible, but may be considered if the issue is serious, the concern has credibility and there is a likelihood the concern can be confirmed from reliable sources.

In exercising discretion to accept anonymous allegations the factors to be taken into account include:

- The seriousness of the issue raised
- The credibility of the allegation
- Whether the allegation can realistically be investigated from factors or sources other than the complainant

Untrue Allegations

If an individual makes an allegation in reasonable belief that it is true and in the public interest to do so, even if the allegation is not substantiated by an investigation, no action will be taken against them.

Malicious Whistleblowing

An employee or volunteer who makes an allegation for malicious reasons, or in pursuit of a personal grudge, and where there is no public interest, makes themselves liable for disciplinary action and even immediate termination of employment if appropriate.

Unauthorised Disclosures

'Leaking' confidential information (for example to the press or other media) is never justified and is inconsistent with BDSA's role as a services provider and our contractual duty of confidentiality. If staff or volunteers are found to have 'leaked' information they will not be protected by the PIDA legislation described above. They are also likely to face disciplinary action which could lead to their dismissal.

Procedure

The Chair and the Board of Trustees have overall responsibility for the operation of the Procedure and for determining the administrative processes to be followed and the format of the records kept.

An employee or volunteer in the first instance should report any concerns to their line manager who will inform a member of the Senior Management Team or appointed Whistleblowing Officer. The matter will be treated in complete confidence. If the allegation involved the management or Whistleblowing Officer, it would be inappropriate to raise the issue directly with them and so the whistleblower should make an allegation direct to the Chair.

The Chair can refer the complaint back to the management or Whistleblowing Officer if, they feel without any conflict of interest, they can more appropriately investigate the complaint.

On receiving a complaint of malpractice, the member of the Senior Management Team or Whistleblowing Officer takes note of the complaint. It is important the relevant information is provided including:

- The name of the person making the allegation and a contact point

Effective date : 1st September 2023

Review date : 31st August 2024

British DanceSport Association

- The background and history of the allegation (giving relevant dates and names and positions of those who may be in a position to have contributed to the allegation)
- The specific reason for the allegation. Although someone making an allegation will not be expected to prove the truth of any allegations, they will need to provide information to the person they have reported to, in order to establish that there are reasonable grounds for the allegation.

The line manager or Senior Manager must pass this information as soon as is reasonably possible (within 5 working days of receipt of the allegation), to the nominated Officer. The Nominated Officer in the first instance would be the Whistleblowing Officer unless the complaint is against them or is in any way related to the actions of the Whistleblowing Officer. In such a case the Chair would become the Nominated Officer. Should both Chair and Whistleblowing Officer be involved, then BDSA's auditors should be contacted.

The Nominated Officer will make initial enquiries in order to decide the appropriate course of action. During their initial enquiries they will:

- Make an initial assessment of the extent and nature of the complaint and whether there are reasonable grounds for believing that wrongdoing has taken place or that there is a genuine issue and that the individual is acting in good faith
- Consider whether the matter raised is actually or potentially a criminal matter and should be reported to the police or other enforcement agency
- Assess whether to involve the local authority Safeguarding Adults Board, lawyers, the Charity Commission, auditors and insurers
- Decide whether the matter needs to be reported elsewhere (e.g. the Care Quality Commission)
- Assess if the concern is outside the scope of the Whistleblowing Policy because it is linked to a personal grievance for which a different policy is available

Timetable

The Nominated Officer will make an acknowledgment of the allegation within 10 working days. This will include:

- An indication of how BDSA propose to deal with the matter
- An estimate of how long it will take before the individual who made the allegations receives a final response

Follow up

Nominated Officers are required to record all approaches made to them and make a summary of allegations or issues in contention.

Dealing with the concern may require an internal inquiry or formal investigation. Some concerns, however, may be resolved by agreed action without the need of an investigation.

If urgent action is required, this will be taken before any investigation is conducted.

The Nominated Officer will appoint an Investigating Officer if appropriate. Whistle-blowers will be told who the Investigating Officer is and how to contact them. They will be kept informed of the progress of the investigation, which will be conducted according to ACAS best practice.

Effective date : 1st September 2023

Review date : 31st August 2024

British DanceSport Association

The Investigating Officer will:

- Contact the parties involved to establish the facts
- Submit their findings to the Nominated Officer to decide what action should be taken.
- Aim to complete the investigation within one working month subject to other work pressures and the availability of those involved.

It may be necessary for the Investigating Officer to meet with the individual making the allegation to get more information about the issue.

At this meeting the individual can be accompanied by a colleague or a trade union representative.

Wherever possible the Investigating Officer will give the individual feedback on the outcomes of the investigation.

Once the investigation has been concluded and reported the Nominated officer and Board of Trustees will decide:

- Whether to press for either criminal prosecution or civil action for recovery as appropriate
- What disciplinary action will be taken against any involved employees or volunteers
- How to report the findings to the police, lawyers, Charity Commission, insurers, other funders and the media
- Agree and implement any improvements to relevant control systems

Monitoring

A register will record the following details regarding all allegations:

- The name and status of the whistleblower
 - The date on which the allegation was received
 - The nature of the allegation
 - Details of the person who received the allegation
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- Whether it is to be investigated and if yes, by whom
 - The outcome of the investigation
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- Any other relevant details

The register will be confidential and only available for inspection by the Board of Trustees.

The Whistleblowing Officer will report to the Board at every Board meeting on the operation of the Procedure and on any whistleblowing allegations made during the period covered by the report. The report will be in a form which does not identify whistleblowers.

Exceptional circumstances

The employee or volunteer can in exceptional circumstances report their concerns direct to an appropriate organisation or body such as the Health and Safety Executive or Social Services Department.

Effective date : 1st September 2023

Review date : 31st August 2024

British DanceSport Association

Complainant dissatisfaction

If the complainant is not satisfied their concern is being properly dealt with by the Nominated Officer, they have the right to raise it in confidence with the Chair or other Trustee.

If at the end of the process the complainant is not satisfied with the outcome, BDSA recognises their right to make disclosures to an appropriate statutory organisation.

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Effective date : 1st September 2023
Review date : 31st August 2024