

## Terms of Reference

This Whistle-blowing Policy has been introduced following the recommendation of Lord Nolan in the second report of the Committee on Standards in Public Life and to ensure British Orienteering complies with the requirements of the Public Interest Disclosure Act 1998.

The recommendations as to the constituent elements of a Whistle-blowing policy are as follows:

- A clear statement that malpractice is taken seriously in the organisation and an indication of the sorts of matters regarded as malpractice.
- Respect for the confidentiality of staff raising concerns if they wish.
- The opportunity to raise concerns outside the line management structure.
- Penalties for making false and malicious allegations.
- An indication of the proper way in which concerns may be raised outside the organisation if necessary.

## Preamble

The term "whistle-blowing" is commonly used when employees disclose a practice within an organisation that is malpractice or are illegal acts or omissions at work or threatens the public interest. The purpose of introducing a procedure for whistle-blowing is to encourage employees of British Orienteering to raise any concerns that they have in a responsible way where they believe there is such a practice. It introduces an internal procedure which individual employees may use in order to protect themselves from victimisation. The procedure requires employees to raise their concerns internally and strictly regulates the situations in which they may raise the matter externally.

If an employee wishes to disclose information of a nature which falls within one of the following six categories of allegation, then that disclosure should be pursued through the procedure set out at point 3 below if the employee is to be effectively protected from disciplinary action in respect of the disclosure.

## The six categories of allegations

1. That a criminal offence has been, *is being*, or is likely to be committed.
2. That a person has failed, is failing, or is likely to fail to comply with any legal obligation to which they are subject.
3. A miscarriage of justice has occurred, is occurring or is likely to occur.
4. That the health or safety of any individual has been, is being, or is likely to be endangered.
5. That the environment has been, is being, or is likely to be damaged.
6. That information intending to show any matter falling within one of the above categories has been, is being, or is likely to be deliberately concealed.

## General Principles

The Board and members of staff are committed to conducting the affairs of British Orienteering in a responsible way and to ensuring that the public interest is at all times safeguarded.

The Board applies the rules and conventions for the conduct of the business of governing bodies of sport as set out in the Articles of Association and other Policies as agreed by The Board.

The Board and members of staff are committed to combating unethical conduct, whether the perpetrators are internal or external to British Orienteering.

Staff are encouraged to raise legitimate concerns in a responsible way if they believe that disclosure is in the interests of British Orienteering, its employees or the public. Concerns should only be raised in good faith and not be raised for the purpose of furthering a personal grievance or private disputes: such matters must be dealt with through British Orienteering's Grievance Procedure.

The Board and members of staff recognise that victimising employees or deterring them from raising a concern about fraud, corruption, malpractice or unethical conduct is a serious disciplinary offence and could lead to a loss of certain statutory protections otherwise available to them the person or persons carrying out that conduct.

Abuse of this procedure by maliciously or mischievously raising unfounded allegations, either internally or externally, is a serious breach of discipline by the person maliciously raising the allegation.

Where an allegation is made, the person or persons against whom the allegation is made shall be informed of the allegation and the evidence supporting it, and shall be allowed to comment before the investigation is completed.

Any allegation of malpractice shall be treated in the strictest confidence and investigated immediately. The identity of the whistle-blower shall not be disclosed to the alleged perpetrator of malpractice without the whistle-blower's prior approval, unless this is incompatible with a fair investigation. (You will be informed of the need to disclose your identify in any event).

## PROCEDURE

1. If allegations in one or more of the six categories listed above are brought:
  - The employee disclosing the allegation must act in good faith.
  - The employee must believe that the allegation is true and that belief must be reasonable.
  - The employee must not make the disclosure for the purposes of personal gain.
  - It must be reasonable for the employee to make the disclosure in all the circumstances.
2. Any member of staff who wishes to disclose an allegation in one or more of the six categories listed above shall in the first instance raise the matter with their line manager or with the Chief Executive. The matter may be raised either verbally or in writing.
3. If the matter is raised with the line manager, they must make a record of receipt of the disclosure and undertake a preliminary investigation. If the line manager considers that an initial case has been made, they should request the Chief Executive to initiate an investigation of the disclosure. The Chief Executive shall designate a member of the Senior Management Team to carry out a full investigation of the matter.
4. If, for whatever reason, the person making the disclosure reports the matter directly to the Chief Executive, the Chief Executive shall designate a member of the Senior Management to carry out a full investigation of the matter.

5. If the disclosure involves the Chief Executive the person making the disclosure should report it in writing to the Chair of the Board of British Orienteering through the registered National Office. The Chair of the Board shall designate a member of the Senior Management Team or a member of the Board to carry out a full investigation of the matter.
6. If the person making the disclosure is dissatisfied with the outcome of an investigation authorised by the Chief Executive, they should report it in writing to the Chair of the Board of British Orienteering through the registered National Office. The Chair of the Board shall designate a member of the Senior Management Team or a member of the Board to carry out a full investigation of the matter.

In all instances the person responsible for making a report, either the Chief Executive or the Chair of British Orienteering will report back to the person who made the disclosure as soon as practicable, normally within two weeks, and, subject to third party rights, inform them of the outcome of the investigation.

If the person raising the concern has proceeded to stage 6 and is dissatisfied with the outcome of the investigation, they should obtain advice from the following body:

Public Concern at Work, Suite 306, 16 Baldwins Gardens, LONDON EC1N 7RJ Tel: 0207 404 6609