

Whistleblowing Policy & Procedure

Overview on who to contact

MACCA Sports Academies Ltd is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect workers and others that we deal with who have serious concerns about any aspect of MACCA Sports Academies Ltd's work to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis, but it is important that all disclosures be made in the public interest.

Raising of concerns or whistle blowing is not necessarily just about the actions of MACCA Sports Academies Ltd's workers, it also encompasses Casual Workers, Contractors working for us on our premises, and Volunteers. It also covers suppliers and those providing services under a contract. For this purpose, we will refer to all of the above as 'Workers'.

Whistleblowing has been defined as:

'the disclosure by an employee or professional of confidential information which relates to some danger, fraud or other illegal or unethical conduct connected with the workplace, be it of the employee or his/her fellow employees'

(Public Concern at Work Guidelines 1997)

The information below is a short overview of who to contact if you believe that you have seen something in the workplace that has worried you and/or given you cause for concern.

In the first instance please contact the Head of Programme responsible for your setting. If possible, please put your concern in writing making it clear that your concern is being raised via the Whistleblowing procedure or complete the Whistleblowing Disclosure form (Appendix B) which will help support you through the information that is required. If there are reasons why you feel you cannot approach your Head of Programme and your concern is in respect of the below:

- The standards, procedures or practices within the setting or more widely within MACCA Sports Academies
- The actual or potential harmful treatment of service users, particularly children, young people and vulnerable adults
- The behaviour of other workers or managers
- The conduct of contractors or partner organisations
- Any potential health and safety risk
- Any practice that you believe is breaking the law or legislation
- Any reason to believe that MACCA Sports Academies's finances are being used wrongfully

Please contact: Matthew Albinson, Director

Officer Telephone: 07793505521 / Email: admin@maccasportsacademies.com

MACCA Sports Academies Ltd

Please do take the time to read through this policy and procedure before proceeding with your concern.

1.0 Background

Workers are often the first to realise that there may be organisational problems within MACCA Sports Academies. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to MACCA Sports Academies. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than to report what may just be a suspicion of malpractice.

This policy document makes it clear that a worker can express their concerns without fear of victimisation, subsequent discrimination or disadvantage. This policy is intended to encourage and enable Workers to raise serious concerns within MACCA Sports Academies rather than overlooking a problem or “blowing the whistle” outside and gives clear instruction on how to do this.

2.0 Aims and Scope of Policy

This policy aims to:

- give confidence to Workers about raising concerns about conduct or practice which is potentially illegal, corrupt, improper, unsafe or unethical or which amounts to malpractice or is inconsistent with standards and policies so that they are encouraged to act on those concerns;
- provide workers with avenues to raise concerns internally as a matter of course;
- ensure that Workers receive a response to the concerns they have raised and feedback on any action taken;
- offer assurance that Workers are protected from reprisals or victimisation for whistleblowing action undertaken in good faith;
- signpost Workers to the relevant support and information to take matters further if they are dissatisfied with the MACCA Sports Academies’s response.
- This policy will operate in accordance with the duties to promote equality, to eliminate discrimination and to promote good relations between staff with protected characteristics as required under the Equality Act 2010

3.0 Legislation and Statutory protection

The Public Interest Disclosure Act 1998 (“PIDA”) sets out the full statutory rights and obligations of Workers wishing to whistle blow. The PIDA protects Workers against victimisation if they make protected disclosure within the meaning of the PIDA, and speak out about concerns, conduct or practice within MACCA Sports Academies which is potentially illegal, corrupt, improper, unsafe or unethical or which amounts to malpractice. For full information regarding the PIDA please use this [link](#).

For the worker to be covered under the PIDA, the worker needs to ensure the disclosure has been made using the correct procedure as set out by MACCA Sports Academies.

This policy builds on the provision of PIDA.

4.0 Safeguard against Reprisal, Harassment and Victimisation

As well as the above statutory whistleblowing protection, MACCA Sports Academies welcomes a culture of openness and will not tolerate harassment or victimisation of Workers when matters are raised in accordance with the PIDA provisions. Any worker who victimises or harasses a member of staff as a result of having raised a concern in accordance with the Whistleblowing policy will be managed under the MACCA Sports Academies Ltd Disciplinary policy.

MACCA Sports Academies:

- is committed to good practice and high standards and wants to be supportive of all Workers.
- recognises that the decision to report a concern can be a difficult one to make and that support will need to be provided to the worker, at the time the allegation is raised, during the investigation itself and following the outcome of the investigation. The nature and type of support offered will need to be discussed and agreed with the individual worker.
- will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action when a concern is raised.
- Will ensure any investigation into allegations of potential malpractice will not influence or be influenced by any management process such as disciplinary, capability or redundancy procedures etc that already affect the worker.

5.0 Qualifying Disclosures

There are a series of qualifying disclosures which are explicitly stated in the PIDA and in the reasonable belief of the worker, is made in the public interest and tends to show that the below is occurring, has occurred or is likely to occur:

- that a criminal offence has been committed, is being committed or is likely to be committed,
- that a person has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject,
- that a miscarriage of justice has occurred, is occurring or is likely to occur,
- that sexual harassment has occurred, is occurring or is likely to occur,
- that the health or safety of any individual has been, is being or is likely to be endangered,
- that the environment has been, is being or is likely to be damaged, or
- that information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed.

MACCA Sports Academies views whistleblowing more widely than this and enables Workers to report on a wider scale which includes but is not exhaustive the following:

- Bribery
- Financial Fraud or mismanagement
- Negligence
- Breach of the MACCA Sports Academies's internal policies and procedures
- Conduct likely to damage the MACCA Sports Academies's reputation
- Unauthorised disclosure of confidential information. Reference should be made to MACCA Sports Academies's Data Protection Policy for the purpose of clarification of unauthorised disclosure under the MACCA Sports Academies Whistleblowing Policy.

The worker will be advised if the Whistleblowing policy is not the correct avenue to raise their concerns and they will be advised and supported on the appropriate policy.

5.1 Safeguarding and Child Protection

Workers should also know and understand they have responsibility to ensure that they, their colleagues and others working for MACCA Sports Academies, follow safeguarding working practices so that children and young people are always kept safe. Workers must also understand that they have a duty to report unsafe practices that could lead to a child or young person being harmed or put at risk of harm. MACCA Sports Academies has a comprehensive Safeguarding and Child Protection policy which can be found in the training and standards folder.

Failure to report such practices may lead to disciplinary action being taken against them if as a result of the failure to report, a child is harmed or put at risk of harm. For more information on MACCA Sports Academies Ltd Disciplinary Policy please access the training and standards folder.

5.2 Allegations Concerning Child Protection Issues

If a concern is raised relating to a child protection issue, MACCA Sports Academies's Operational Lead (Director if the concern is about Operational Lead) or the Designated Safeguarding Officer must deal with the matter in accordance with the MACCA Sports Academies's Safeguarding and Child Protection Policy. Details of external agencies to raise child protection issues can be found in the MACCA Sports Academies Safeguarding and Child Protection Policy.

An individual may use the Whistleblowing policy if they believe that a child protection /safeguarding issue they have raised, is not being dealt with in a timely way.

6.0 Other Policies within the MACCA Sports Academies

The Whistleblowing Policy is intended to cover major concerns that fall outside the scope of other procedures for example there are existing procedures in place to enable Workers to lodge a grievance relating to their own terms of employment which is the MACCA Sports Academies Ltd Grievance Policy which can be found in the Standards and Training folder.

Personal grievances (for example bullying, harassment, discrimination) are not covered by whistleblowing law, unless the case is in the public interest. These grievances would be covered by the MACCA Sports Academies Ltd Dignity at Work Policy which can be found in the Standards and Training folder

Grievances relating to sexual harassment are the exception. Such concerns are generally considered to meet the public interest threshold and therefore qualify as protected disclosures under whistleblowing legislation, attracting the relevant legal protections.

7.0 Confidentiality

MACCA Sports Academies recognises that Workers may want to raise concerns in confidence and will do its utmost to protect the identity of Workers who raise a concern and do not want their name disclosed but this cannot be guaranteed in all cases. The investigation into the concern could reveal the source of the information; and statements may be required from the worker as part of the evidence, which would be seen by all parties involved. Failure to provide statements may mean that MACCA Sports Academies cannot move forward with its investigation. Disclosure of a worker's identity may be required by law, if for example, the investigation leads to prosecution, the whistle blower may be called in to give evidence in court.

All documents that are relevant to the concerns, any subsequent investigation, notes of meetings and letters will be dealt with in the strictest confidence.

8.0 Anonymous Allegations

Workers should put their name to allegations whenever possible - anonymous concerns are much less powerful. Nonetheless MACCA Sports Academies Ltd will make the commitment to investigate all anonymous allegations as long as the points below are met. This particularly will be the case where the concerns raised are relating to the welfare of children. In relation to determining whether an anonymous allegation will be taken forward the MACCA Sports Academies will take the following factors into account:

- the seriousness of the issue raised
- the credibility of the concern
- the likelihood of confirming the allegation from attributable sources, and obtaining information provided

9.0 Untrue and Malicious/Vexatious Allegations

If an allegation is made in good faith but it is not confirmed by further inquiry the matter will be closed and no further action taken. If, however, the inquiry shows that untrue allegations were malicious and/or vexatious or made for personal gain then MACCA Sports Academies will consider taking disciplinary action against the member of staff. In the most serious of cases, this may include dismissal.

10.0 Keeping a Record

MACCA Sports Academies will keep a record of all whistleblowing cases. All information relating to the disclosure of information will be securely held. Accurate information relating to any subsequent investigation will be retained securely and where allegations have been proven to be unfounded this will be clearly recorded. The information that generally needs to be kept is as follows:

- the date on which the concern was raised;
- the part of MACCA Sports Academies to which the concern relates;
- the nature of the concern and its key elements; any action that MACCA Sports Academies has taken;
- any feedback that has been provided to the Worker; and
- whether or not the Worker has any wishes with regards to confidentiality.

MACCA Sports Academies must ensure that it complies with its data protection obligations in relation to these records. Access to the records will be strictly limited to staff for whom it is necessary, and the records should be kept for no longer than is necessary.

11.0 Monitoring and review of policy

The policy will be reviewed every three years but will be reported on annually to reflect changes in the law, demographics and internal business requirements.

Regular monitoring and review of MACCA Sports Academies's whistleblowing arrangements will help to ensure that they are working effectively. For whistleblowing arrangements to be effective, all Workers across MACCA Sports Academies will receive training on the key elements of the statutory regime for making a protected disclosure and the MACCA Sports Academies's whistleblowing policy and procedure.

Training should enable Workers to understand the aims and objectives of the policy and procedure, the steps that they should take to make a disclosure and the safeguards that the MACCA Sports Academies provides. Where leaders attend training with their team, this can encourage Workers to make disclosures, because they will appreciate that their manager has been trained in the importance of raising concerns about wrongdoing. The training should also make clear to leaders and Workers that individuals may wish to make a report to someone who is not their manager.

Additional training will be provided to individuals whom the MACCA Sports Academies appoint as recipients and investigators of concerns.

Effective publication of the whistleblowing policy and procedure is essential in ensuring that the workforce is aware of the MACCA Sports Academies's arrangements and where to access information.

12.0 General Data Protection Regulations (GDPR)

Unless stated elsewhere in this policy, the data gathered within this process is processed in line with our Data Protection policy. Any data gathered within this process will be retained in line with our records retention policy which can be found in the Standards and Training folder.

If you have any questions about the way your data has been gathered and contained, please contact the MACCA Sports Academies Ltd Data Protection Office (DPO) at admin@maccasportsacademies.com

Whistleblowing Procedure

1.0 Procedure for Making a Whistleblowing Allegation

Before making an allegation, Workers should use team briefings and direct communication with their Head of Programme or Operational Lead alongside other opportunities to raise questions and seek clarification on issues on that are of a day-to-day concern.

2.0 First point of contact

As the initial first step, concerns should be raised with the MACCA Sports Academies's Operational Lead.

If it is believed that the Operational Lead for MACCA Sports Academies is the not the appropriate contact due to the sensitivity of the concern, the worker can contact the Director.

The Operational Lead for MACCA Sports Academies Director should advise the following people and alerted them to the fact that a whistleblowing complaint has been made (unless they are deemed to be involved in the whistleblowing complaint):

- Director

3.0 Exceptional point of contact

If the worker feels they cannot express their concerns within MACCA Sports Academies, it is open to them to raise their concerns with someone outside the MACCA Sports Academies setting from the list of organisations in the section of this procedure section 9.0: Raising concerns outside MACCA Sports Academies. However, it would usually be expected that this is the exception rather than the norm.

4.0 Communication of concern

The worker should put their concern in writing for the avoidance of doubt, however it is more important that the Worker is able to raise the concern therefore verbal communication is acceptable in the first instance.

To help and support the worker with this, there is a Whistleblowing Disclosure form (Appendix B) attached to this policy which should make information gathering easier. The concern should set out the background and history of the concern, giving names, dates and places where possible, explaining the reason for their concerns and demonstrating sufficient grounds for the concern. The earlier a concern can be raised, the easier it is to act. If the worker feels unable to put the matter in writing or complete the Whistleblowing Disclosure form, the concern can still be raised verbally either by telephone or by arranging to meet the appropriate person. However, the concern is communicated, it is important that it is clear the issue is being raised via the Whistleblowing Policy.

5.0 Trade Union representation

Trade unions have an important role to play in ensuring and supporting MACCA Sports Academies with having appropriate whistleblowing arrangements, applying the arrangements effectively and reviewing them. A trade union's endorsement of what amounts to wrongdoing, and how concerns should be raised and handled, is critical in encouraging MACCA Sports Academies Ltd Workers to raise concerns.

Workers can ask their trade union or professional association to raise the matter on their behalf and/or to support them in raising the concern. Any disclosure by a trade union representative on behalf of a worker will be treated as if it were a disclosure to the employer from the worker.

At each meeting, under this policy the worker may bring a colleague or trade union representative, but these attendees must respect the confidentiality of the disclosure and any subsequent investigations. Should a trade union representative not be able to attend a planned meeting, the worker can request a 5-day extension to each meeting date.

6.0 Timescale for Response

The Operational Lead for MACCA Sports Academies should acknowledge the concern as soon as possible and no later than 5 working days after the initial concern is raised to arrange to meet the worker to discuss the concern(s).

7.0 Stage One – receiving the concern raised

The Operational Lead for MACCA Sports Academies will initially invite the Worker to a fact-finding meeting. During this meeting it should be established that there is a genuine cause and sufficient grounds for the concern and the concern has been appropriately raised via the Whistleblowing Policy.

The Worker may be accompanied by their Trade Union representative or workplace colleague.

If the disclosure is in relation to another work colleague / individual, that person may also be accompanied by their Trade Union representative or a workplace colleague at any subsequent meetings / interviews.

The Operational Lead for MACCA Sports Academies may be supported by a MACCA Sports Academies HR Manager.

The worker will be advised if the Whistleblowing policy is not the correct avenue to raise their concerns and they will be advised and supported on the appropriate policy.

The Operational Lead for MACCA Sports Academies should ask the worker, to put their concern(s) in writing, if this has not been already done so. If the worker is unable to do this the Operational Lead for MACCA Sports Academies will take down a written summary of the concern/s using the Record of Meeting Notes providing a copy, within 5 working days, to the worker after the meeting. The Operational Lead for MACCA Sports Academies should make notes of the discussions with the Workers. All documentation should be agreed and make it clear that the concern is being raised via the whistle-blowing procedure and provide:

- The background and history of the concerns; and
- Names, dates and places (where possible); and
- The reasons why the Workers is particularly concerned about the situation.

The worker should be asked to date and sign their letter and/or the notes of any discussion.

The Operational Lead for MACCA Sports Academies should advise the following to the worker in writing:

- What steps are going to be taken to address the concern
- That the matter will be taken seriously and investigated immediately if necessary;
- How they will communicate with the worker during and at the end of the process
- That their identity will be protected as far as possible, but should the investigation into the concern require the worker to be named as the source of the information, that this will be discussed with the worker before their name is disclosed;
- That MACCA Sports Academies will do all that it can to protect the worker from discrimination and/or victimisation;
- That if the worker's concern, though raised in good faith, is not confirmed by an investigation, no punitive action will be taken against them.
- An investigation may confirm their allegations to be unfounded in which case MACCA Sports Academies will deem the matter to be concluded and the Workers will be expected not to raise the concern again unless new evidence becomes available.
- If the investigation deems that further action is required, this will be under the relevant MACCA Sports Academies' Policies.
- Where appropriate , the matter may be referred to external agencies (such as police; Ofsted) the person raising the complaint will be made aware of this.

7.1 Stage Two – Next Steps

Following the initial fact-finding meeting with the Worker, the Academy Head/Core MACCA Sports Academies Director should determine whether an investigation is appropriate and, if so, what form it should take. A record should be made of the decisions and/or agreed actions on the Record of Meeting Notes. Advice should be sought from Assistant Director of HR.

It may be necessary at this stage, with anonymous allegations, to consider whether it is possible to take any further action. When making this decision, Academy Head/Core MACCA Sports Academies Directors should take the following factors into account:

- The seriousness of the issue(s) raised;
- The credibility of the concern(s); and
- The likelihood of confirming the allegation(s) from attributable sources.

In some cases, it may be possible to resolve the concern(s) simply, by agreed action or an explanation regarding the concern(s), without the need for further investigation. However, depending on the nature of the concern(s) it may be necessary for the concern(s) to:

- Be investigated internally;
- Be investigated by an external source outside of the MACCA Sports Academies
- Be referred to the police if concern relates to alleged criminal activity
- Be referred to the MACCA Sports Academies's internal auditor if there are concerns about financial management or financial propriety in schools.
- Form the subject of an independent inquiry.

The investigating officer will be suitably trained and competent to undertake such an investigation and will not be connected to the whistle blowing concerns or the case. The Investigator will have no prior knowledge of the case.

There is an expectation that if an investigation is to be undertaken, this will be completed within 15 working days. Any delays will be notified to the Workers.

At this stage concerns/allegations are neither accepted nor rejected.

Academy Head/Core MACCA Sports Academies Directors should have a working knowledge and understanding of the MACCA Sports Academies' policies and procedures, e.g. disciplinary, harassment, child protection procedures, to ensure that concerns raised by Workers are addressed via the appropriate procedure/process. Advice should be sought from the Assistant Director of HR if needed and as necessary.

7.2 Stage three - findings and Outcome

Following an investigation into the concern, a report will be produced, and recommendations made by the investigating officer. Should further action be necessary, the Operational Lead for MACCA Sports Academies will refer to the relevant MACCA Sports Academies Ltd Policies. MACCA Sports Academies aims to give comprehensive feedback to the discloser, but that it may not be able to provide all the details, for example where there are data protection or other sensitive issues.

MACCA Sports Academies accepts that the worker needs to be assured that the matter has been properly addressed. Thus, the worker will be informed when an investigation has been concluded. The workers will be advised in writing as follows:

- The outcome of the investigation
- If the concern has been proven
- If proven, the actions that will now be taken – unless this breaches GDPR
- If the concern has not been proven, to be advised that the case is now closed.
- Of the appeal process.

8.0 Appeal

MACCA Sports Academies will provide the means for the Worker to appeal to a more senior manager if they are unhappy with the way with which their concern has been dealt. This will allow for every opportunity for the concern to be investigated and rectified at the earliest opportunity.

In order to appeal, the Worker needs to contact the Director for MACCA Sports Academies in writing within 10 working days of the outcome letter.

The Director will arrange for the appeal to be heard by a panel. MACCA Sports Academies aims for all appeals to be heard within 10 working days of receipt of letter by the Assistant Director of HR. Any delays will be communicated to the Worker. The Worker will be entitled to be accompanied by a trade union representative or workplace colleague at any meeting.

The outcome of the appeal heard by the panel will be final. The outcome of the appeal will be provided to the worker in writing.

A worker has redress to an Employment Tribunal if they feel they suffer unfavourable treatment for whistleblowing or dismissal. Trade Union representative will be able to advise on this

9.0 Raising Concerns outside the MACCA Sports Academies

MACCA Sports Academies would like to encourage their Workers to raise concerns internally in the first instance but appreciate that Workers may make an external disclosure which should be made as a last resort but is preferable to silence.

Workers have the opportunity to raise concerns outside MACCA Sports Academies but to also contact the Advisory, Conciliation and Arbitration Service (ACAS) on their helpline Online or telephone 0300 123 1100.

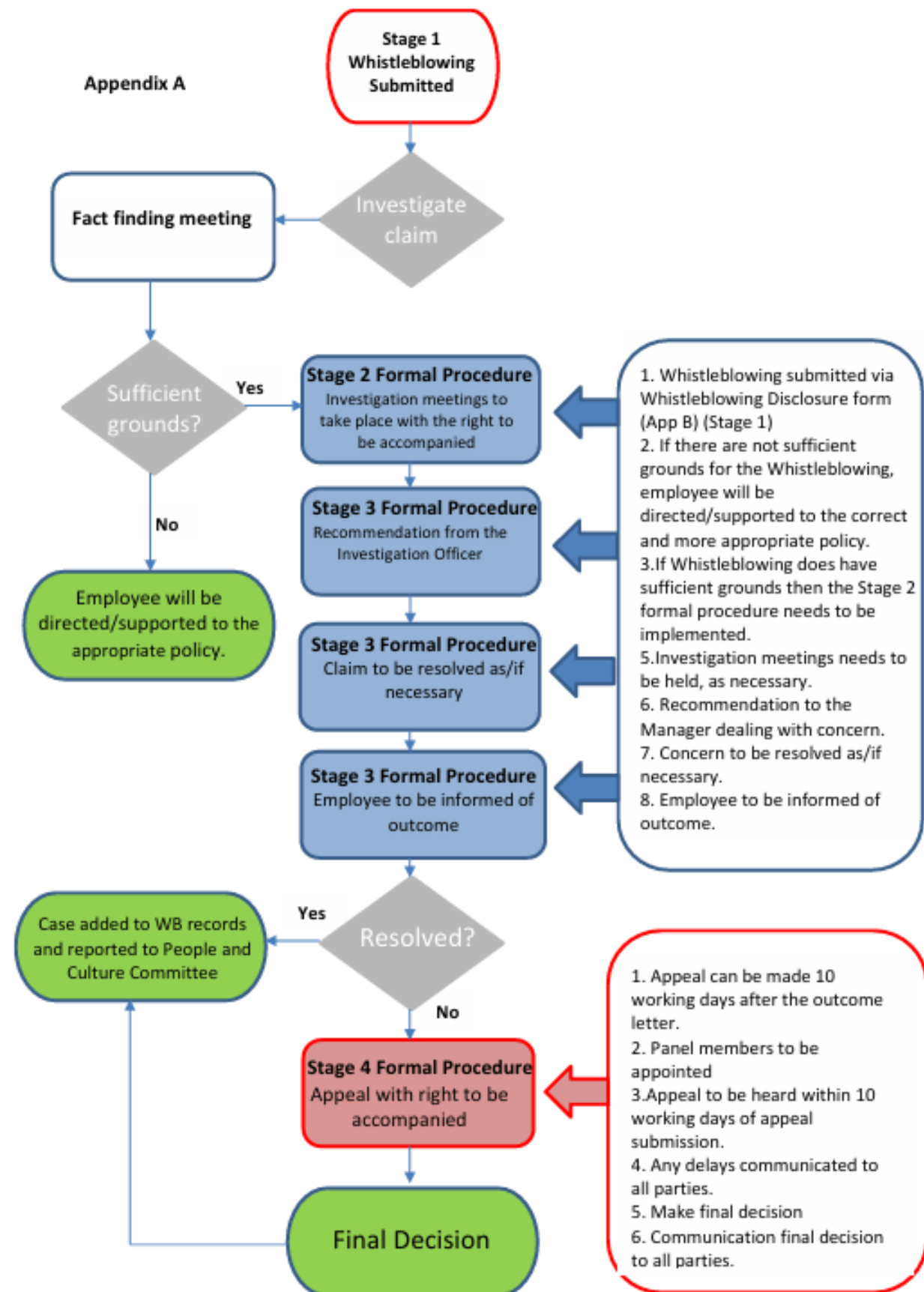
Workers are also able to contact the Whistleblowing Charity Protect or phone for free confidential whistleblowing advice on 020 3117 2520 or contact their trade union representative for more guidance.

The government legislation contains a list of prescribed persons to whom Workers may make a protected disclosure.

The list can be found here <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>.

Whilst employed by MACCA Sports Academies, and due to confidentiality, the Worker may not contact the media and posting concerns on the internet or social media platforms will not be appropriate before, during or after use of this policy and doing so may be considered a disciplinary offence.

Appendix A



Appendix B

Whistleblowing Disclosure Form

Making a public interest disclosure (whistleblowing)

This form is intended for use by any individual working for The MACCA Sports Academies (including contractors, agency workers and volunteers) who wish to raise an issue about wrongdoing.

This form should be used to report suspected wrongdoing within the MACCA Sports Academies, such as child protection concerns, financial irregularities, health and safety risks, or sexual harassment. It should not be used to raise a personal grievance. For example, concerns about a breach of your contract of employment, or allegations of bullying or non-sexual harassment, should be raised through the appropriate grievance procedure.

If you are unsure about whether your concerns are best dealt with under the MACCA Sports Academies's Whistleblowing Policy or Grievance Policy, please read the MACCA Sports Academies's Whistleblowing Policy, which provides an example of the issues that should be reported using this form. If, having read the Whistleblowing Policy, you remain unsure about which procedure to use, please consult your Academy Head/ Core MACCA Sports Academies Director for further advice. If the concern involves your Academy Head/ Core MACCA Sports Academies Director, then you should contact the CEO or Chair of MACCA Sports Academies. At all times, you are also encouraged to undertake advice from your trade union representative.

Once you have submitted this form, the MACCA Sports Academies's Whistleblowing procedure will be invoked. This may involve an investigation, which will not be carried out by anyone you may have mentioned in your concerns.

In certain circumstances, you can request that your concerns be kept anonymous. Where possible, the MACCA Sports Academies will respect a request for anonymity, but cannot guarantee that it will be able to do so.

This form should be completed and delivered to (name of Academy Head/ Core MACCA Sports Academies Director and address of school or to the CEO or Chair of MACCA Sports Academies if you are referencing the Academy Head/ Core MACCA Sports Academies Director) in an envelope marked "confidential" or sent as an email attachment with "confidential" in the subject line.

Formal public interest disclosure (Whistleblowing)

Worker's Name	
Worker's Job Title	
Date	
Does your public interest disclosure relate to your Academy Head/Core MACCA Sports Academies Director?	Yes / No
Summary of disclosure	
<i>Please set out the details of the issue that you wish to raise, providing examples where possible, particularly dates, times, locations and the identities of those involved. You may attach additional sheets if required.</i>	

Individuals involved	
<i>Please provide the names and contact details of any people involved in your concerns, including witnesses.</i>	
Declaration	
<i>I confirm that the above statements are true to the best of my knowledge, information and belief. I understand that, if I knowingly make false allegations, this may result in the MACCA Sports Academies taking disciplinary action against me.</i>	
Form complete by	
Name (Please print)	
Signature	
For completion by the Academy Head/Core MACCA Sports Academies Director or CEO	
Date form received by the Academy Head/Core MACCA Sports Academies Director Or Chair of MACCA Sports Academiesees	
Name of recipient and job role:	
Signature:	