



**England  
Rugby**

**SCHOOLS**

## **ENGLAND RUGBY FOOTBALL SCHOOLS UNION (ERFSU)**

### **WHISTLEBLOWING POLICY**

## Contents

Section		Page
1	Introduction	2
2	Definition of Whistleblowing	3
3	Aims and Scope of this Policy	3
4	Who does this Policy Cover	4
5	Supporting the individual raising a concern	4
6	How to raise a concern	5
7	How ERFSU will respond	6
8	How the matter can be taken further	7
9	Review and Approval of this Policy	7

## WHISTLEBLOWING POLICY

### A confidential reporting policy for all its members

This procedure applies to all members of England Rugby Football Schools Union (ERFSU) including members of affiliated schools unions and partners.

Throughout, “members” includes employees and volunteers.

#### 1 Introduction

- 1.1 ERFSU operates within legal requirements and regulations and expects its members to co-operate in this by adhering to all laws, regulations, policies and procedures. It recognises that members are often the first to realise that there may be something seriously wrong within the organisation. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the schools union, whether ERFSU or a CSU. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.
- 1.2 The Public Interest Disclosure Act 1998 (the 1998 Act) contains measures which help to promote greater openness between employers and employees in the workplace and supports a structure for whistleblowing. The 1998 Act:
  - a) is designed to give statutory protection to employees who “blow the whistle” on their employer’s malpractice;
  - b) although not requiring voluntary bodies to set up an appropriate mechanism for dealing with whistleblowing, makes clear the important role that such a mechanism can play in helping one comply with the law.

- 1.3 ERFSU is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect and support members, and others that we deal with, who have serious concerns about any aspect of our work to come forward and voice those concerns. This policy is intended to encourage and enable individuals to raise concerns within ERFSU, without fear of reprisals, rather than overlooking a problem or “blowing the whistle” outside. The policy does, however, recognise that individuals must be able to take matters further if they are dissatisfied with ERFSU’s response.
- 1.4 This policy has been discussed with ERFSU Committee and has its support.

## **2 Definition of Whistleblowing**

- 2.1 ‘Whistleblowing’ means the disclosure of malpractice or wrongdoing within an organisation.

## **3 Aims and Scope of this Policy**

- 3.1 The Whistleblowing Policy aims to:
- encourage and enable individuals to feel confident in raising concerns and to question and act upon any concerns;
  - provide avenues for individuals to raise concerns and receive feedback on any action taken;
  - ensure that individuals receive a response to their concerns and that they are aware of how to pursue them if they are not satisfied; and
  - reassure individuals that they will be protected from reprisals or victimisation for raising concerns in good faith.
- 3.2 The Whistleblowing Policy is intended to cover concerns that fall outside the scope of ERFSU’s Grievance Procedure. These may include:
- Conduct which is an offence or a breach of law
  - Disclosures related to miscarriages of justice
  - The unauthorised use of ERFSU funds
  - Action that is contrary to ERFSU’s financial procedures or contract regulations
  - Possible fraud, corruption or financial irregularity
  - Practice which falls below established standards or practice
  - Sexual or physical abuse
  - Other unethical conduct

## 4 Who does this Policy cover

4.1 This policy applies to disclosures made in relation to or by:

- a) any employee of the RFU or ERFSU;
- b) any volunteer within ERFSU or a CSU;
- c) staff working as an employee or volunteer in an organisation working with or for ERFSU or a CSU, for example, staging an event;
- d) any organisation working in partnership with ERFSU or a CSU.

## 5 Supporting the individual to raise a concern

5.1 **Harassment or Victimisation:** ERFSU is committed to good practice and high standards. It also recognises that the decision to report a concern can be a difficult one to make. It will not tolerate harassment or victimisation of whistleblowers and will take action to protect individuals who raise concerns in good faith.

Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that may already affect the individual. However, this does not mean that if the individual is already the subject of disciplinary or redundancy procedures, that those procedures will be halted as a result of raising a concern under this policy.

5.2 **Confidentiality:** Individuals are encouraged to put their name to any allegation; concerns expressed anonymously are much less powerful but will be considered at the discretion of the Officers, taking into account:

- the seriousness of the issues raised;
- the credibility of the concern, and
- the likelihood of confirming the allegation from attributable sources.

All concerns will be treated in confidence and ERFSU will do its best to protect the individual's identity when they do not want their name to be disclosed. It must be appreciated that the investigation process may reveal the source of the information and a statement by the individual raising the concern may be required as part of the evidence. If the situation arises where ERFSU is not able to resolve the concern without revealing the individual's identity, this will be discussed with the individual in an attempt to identify how the matter can be progressed.

5.3 **Untrue Allegations:** Any individual who makes an allegation in good faith, but which is not subsequently confirmed by the investigation, will have no action taken against them. If, however, an individual makes malicious or vexatious allegations or an allegation for personal gain, disciplinary action may be taken against them.

## 6 How to raise a concern

- 6.1 When an individual wishes to raise a concern, he or she will need to identify the issues carefully. An individual must be clear about the standards against which he or she is judging practice. They should consider the following:
- Is it illegal?
  - Does it contravene professional codes of practice?
  - Is it against RFU Regulations?
  - Is it against ERFUSU policies and procedures?
  - Is it about one individual's behaviour or is it about general working practices?
  - Does it contradict what the employee or volunteer has been taught?
  - Has the employee or volunteer witnessed the incident?
  - Did anyone else witness the incident at the same time?
- 6.2 Employees and volunteers should raise concerns in the first instance with ERFUSU's Secretary or another ERFUSU Officer. Similarly, non-ERFSU personnel (e.g. partners) should raise a concern in the first instance with their contact within ERFUSU or, if applicable, RFU.
- 6.3 Individuals may also contact an ERFUSU Officer for advice/guidance on how to pursue matters of concern or if, having raised the concern with the ERFUSU Secretary, they feel there has not been an appropriate response.
- 6.4 In the event of a concern being of an extreme and potentially serious nature, individuals may raise the matter directly with ERFUSU Executive Chairman.
- 6.5 Once an employee or volunteer is certain that the concern should be raised, the following action should be considered:
- Concerns may be raised verbally or in writing. Members who wish to make a written report should give the background and history of the concern and the reason why they are particularly concerned about the situation. The earlier concerns are expressed the easier it is to take action.
  - If the member wishes, they may ask for a private meeting with the person to whom they wish to make the complaint. A member may take a colleague with them as a witness or for support. The member should take to the meeting, if possible, dated and signed written supporting statements from anyone who can also confirm the allegations.
  - When making the complaint verbally, the member should write down any relevant information and date it, and should keep copies of all correspondence and relevant information.

- The member should ask the person to whom he or she is making the complaint what the next steps will be and if anything more is expected of them.

6.7 Although the individual raising the concern is not expected to prove the truth of an allegation, they will need to demonstrate to the person contacted that there are sufficient grounds for the concern.

## **7 How ERFSU will respond**

7.1 Once a concern is raised ERFSU appointed an Officer or Executive Committee member to make initial enquiries, taking advice, if appropriate, from appropriate RFU personnel to help decide if an investigation is appropriate and if so, what form it should take. In determining the action to be taken, ERFSU will take into consideration public interest and whether the concerns or allegations fall within the scope of and may be dealt with under other specific procedures such as its Grievance Procedure.

7.2 Concerns raised may:

- be resolved by agreed action without the need for investigation;
- be investigated by Officers;
- be investigated by RFU personnel;
- be referred to the Police;
- be referred to the Auditor;
- form the subject of an independent enquiry.

7.3 As soon as possible, and in any case within 10 working days of a concern being raised, the person handling the matter will write to the individual raising the concern acknowledging that it has been raised and indicating how, as far as possible, it will be dealt with. The individual will be kept informed of progress and will receive a full and final response, subject to any legal constraints.

7.4 The amount of contact between the persons considering the issues and the individual(s) raising the concern will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary to pursue investigation activity, ERFSU will seek further information from the individual. Where any meeting is arranged, the individual may be accompanied by a friend or colleague.

7.5 The council will take steps to minimise any difficulties which an individual may experience as a result of raising a concern. For instance, if they are required to give evidence in criminal or disciplinary proceedings, ERFSU will arrange for them to receive advice and support in doing this.

## **8 How the matter can be taken further**

8.1 This policy is intended to provide individuals with an avenue to raise concerns within ERFSU. ERFSU hopes that those using this process will be satisfied with the way their concerns are treated and any investigations that may be carried out. However, if they are not satisfied, or feel it is right to take the matter outside ERFSU, the following are possible contact points:

- One of ERFSU's RFU Council members
- ERFSU's Auditor
- Citizens Advice Bureau
- Relevant professional bodies, e.g. Trade Unions
- The Police
- A solicitor

8.2 If individuals do feel it is their right to take the matter outside ERFSU, they will need to ensure that confidential information is not disclosed. Advice and guidance on this issue may be sought from the ERFSU Secretary.

## **9 Review and approval of this Policy**

9.1 The Governance Sub Committee has overall responsibility for the maintenance and operation of this policy and for ensuring it is regularly reviewed. A record of all concerns raised and the outcomes (in a form which respects the individual's confidentiality) will be kept.

9.2 The Whistleblowing Policy will be reviewed at least biennially, with any material amendment subject to approval of the Executive Committee.