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## **SWIM WALES WHISTLE BLOWING POLICY**

### **Introduction**

Swim Wales is committed to setting and upholding the highest possible standards with regard to our governance, service to members and the general public and in all our working practices. Swim Wales encourages you to bring to its attention alleged wrong doing and ethical or legal concerns which may impact on the work that we do and anyone involved.

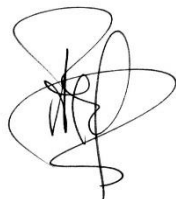
### **Purpose**

This policy has been developed to provide a framework for standards expected across the organisation. The Board of Swim Wales is committed to high standards of ethical conduct and accordingly places great importance on evidencing their commitment for clear policies that are representative of a forward thinking National Governing Body.

### **Policy**

The Policy provides guidance on required steps when anyone is considering 'whistle blowing' to Swim Wales. The policy highlights and explains how it works in conjunction with other important areas Swim Wales evidences as important including 'Codes of Conduct'

### **Authorisation**



Chairperson - Swim Wales

## SWIM WALES WHISTLE BLOWING POLICY

Swim Wales encourage you to disclose information which tends to show one or more of the following where such disclosures relates in some way to Swim Wales.

This policy has a procedure that should be followed when reporting such concerns (or 'blowing the whistle on concerns'). This policy is not contractual, but is intended as a statement of Swim Wales policy which can be amended from time to time. Swim Wales does not tolerate unfair treatment, harassment or victimisation of a whistle-blower and will consider such conduct by a member as gross misconduct which (if proven, may) result in disciplinary procedures for a member.

- Swim Wales encourages members who have genuine concerns about malpractice to raise them at the earliest opportunity. Malpractice within the organisation is taken very seriously and might include:
- 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 he or she is subject.
- that a miscarriage of justice has occurred, is occurring or is likely to occur.
- that the health and 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.
- that information tending to show any of the above has been, is being or is likely to be deliberately concealed.

Such disclosures are referred to in this policy as "Disclosures".

When considering whether a matter falls into any of the above categories, you should bear in mind the rules and regulations to which Swim Wales members are subject to. If you make a Disclosure, you must have a reasonable belief that the information you are disclosing is true and you must make the Disclosure in good faith.

Members can often be the first to realise that there may be something wrong within Swim Wales practices being exercised appropriately; however, individuals may be very reluctant to express their concerns for fear of appearing disloyal or for fear of subsequent harassment or victimisation. Swim Wales's whistle-blowing policy and procedures are intended to provide a safety net to enable individuals raise their concerns. The policy aims to provide a rapid mechanism under which genuine concerns can be raised without fear of repercussions or the need to pursue external disclosure (although the latter cannot be prevented by this policy). Swim Wales seeks to balance; the need to provide safeguards for individuals who raise genuine concerns about malpractice; the need to protect other members and/or key volunteers, and Swim Wales; with potential uninformed or vexatious allegations which could cause serious difficulties for innocent parties.

### **Procedure for a disclosure**

Any member may raise a malpractice concern under the "whistle-blowing policy". This person shall be identified in this procedure as "the whistle-blower"

1. Any malpractice concern should be raised as soon as practicable with The Chief Executive Officer of Swim Wales
2. The raised concern must not be made for purposes of personal gain and malicious or false allegations will be regarded as a serious disciplinary offence.
3. Following the raising of a malpractice concern a full investigation will be carried out by the person who received the complaint or by another individual appointed by the Chief Executive Officer. This person shall be considered "the investigating officer" as far as this procedure is concerned and wherever possible should complete the investigation within 30 days.
4. A full written record must be kept at each stage of these procedures securely. At the end of the process the record shall be retained by Swim Wales for 5 years in line with Swim Wales data management process.
5. The investigating officer shall carry out an initial investigation which shall, in the first instance, include a meeting with the person or persons who raised the malpractice concern.
6. Usually the identity of the "the whistle-blower" shall be kept confidential unless they confirm in writing otherwise, or if any of the following apply:
  - a. it is a legal obligation to advise their name;
  - b. the information is already in the public domain;
  - c. identification is to a qualified lawyer for the purposes of obtaining legal advice, or
  - d. where it is necessary as part of the proper investigation
7. Legal advice may be taken by "the whistle-blower" at their own expense at any time prior or during the process.
8. Individuals raising a concern, may do so anonymously but it is preferable that the individual puts their name to any disclosure. Their identity will be kept confidential, if so requested, for as long as possible provided that this is compatible with a proper investigation.
9. Anonymous complaints cannot be covered by this procedure but may be reported, investigated or acted upon as the person receiving the complaint decides.
10. Sometimes despite all the necessary steps being followed the identity of the "the whistle-blower" might be realised due to the nature of the malpractice, therefore although unfortunate confidentiality cannot be guaranteed.
11. If, despite Swim Wales policy stating that unfair treatment or harassment is not tolerated, you feel that you have suffered adverse treatment as a result of making a malpractice disclosure, you should submit a formal complaint under the Swim Wales Grievance Procedure.\*

12. Once the investigation has taken place if the investigating officer has found that there is likely to be some form of malpractice concerned they will confirm the action to be taken to the "the whistle-blower". this might include:
  - a. the matter is to be reported to the Police
  - b. the matter is to be investigated further internally or by external auditors or other specialised investigators appointed by Swim Wales
  
13. Following investigation the investigating officer may find that there is no further action required if they are:
  - satisfied that malpractice has not occurred or is not likely to occur;
  - aware that the matter is already subject to legal proceedings, or has already been referred to the police or to the relevant "Prescribed Persons", i.e. someone identified by the Secretary of State as prescribed regulators;
  - aware that the matter is already, or has already been, the subject of proceedings, under one of Swim Wales other procedures;
  - satisfied that "the whistle-blower" does not have reasonable belief that malpractice within the meaning of the policy/procedure has taken place, is taking place or is likely to occur; or is raising a personal grievance or similar.
  
14. Depending on the circumstances of the malpractice the person(s) against whom allegations have been made, may be suspended during the investigation and/or may be supported in an appropriate manner.
15. The "the whistle-blower" will be advised of the outcome of the investigation and subsequent action or no action to be taken.
16. If the "the whistle-blower" if having followed this procedure is not satisfied with the action taken, they may raise the matter confidentially with the Police or a relevant prescribed regulator. The relevant prescribed regulator will depend on the nature of the concern but may include the Environment Agency, the Health & Safety Executive and the Information Commissioner.
17. If the prescribed regulator or similar becomes involved at any stage of the process then Swim Wales will comply with their requests; at this stage Swim Wales shall normally take legal advice on the matter.
18. Depending on the outcome of the investigation at 12b recommendations might arise for a change or changes to the way that Swim Wales works and/or manages the processes that gave rise to the malpractice concern. These recommended changes must be implemented as soon as possible unless the changes themselves might cause future concerns.

Whistle Blowers must treat the Disclosure with the utmost confidentiality. You must not discuss the Disclosure with any third party other than the Appointed Person, the Investigator and, if you have one and consider it appropriate to consult him or her, your legal advisor. You should not attempt to carry out your own investigation.