

Hoci Cymru

Ethics and Integrity (Whistleblowing) Policy



Name of Author
Approved by
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Who or what in general terms is a “Whistle-blower” or “Whistleblowing”

The term whistle-blower comes from “blowing the whistle” about something that you have seen in the past, are seeing now, or believe is likely to happen, usually but not always related to your employment. You can whistleblow on Hoci Cymru Members, Hoci Cymru clubs, Hoci Cymru volunteers and staff, and the organisation itself. The wrongdoing that you expose, to be classed as a whistle-blower must be in the public interest, i.e. it affects others not just yourself. It cannot be a personal grievance, such as bullying, discrimination, or harassment unless the particular circumstances would be **in the public interest**. For personal grievances and any other matter not covered in this policy, please refer to the Hoci Cymru Complaints policy.

Background to Whistleblowing

The Public Interest Disclosure Act 1998 protects workers but does not apply to self-employed contractors. Sections 17-20 of the Enterprise and Regulatory Reform Act 2013 have introduced a series of changes to the Public Interest Disclosure Act 1998: -

Section 17 narrows the definition of 'protected disclosure' to those that are made in the 'public interest'.

Section 18 removes the requirement that a worker or employee must make a protected disclosure 'in good faith'. Instead, tribunals will have the power to reduce compensation by up to 25% for detriment or dismissal relating to a protected disclosure that was not made in good faith.

Section 19 introduces protection for whistle-blowers from bullying or harassment by co-workers.

Section 20 enables the Secretary of State to extend the meaning of 'worker' for the purpose of defining who comes within the remit of the whistleblowing provisions.

Complaints that count as whistleblowing

You're protected by law if you report any of the following:

- a criminal offence, e.g. fraud
- someone's health and safety is in danger
- risk or actual damage to the environment
- a miscarriage of justice
- the company is breaking the law, e.g. doesn't have the right insurance
- you believe someone is covering up wrongdoing

1. Policy

1. Hoci Cymru is committed to setting and upholding the highest possible standards with regard to our governance, behaviour at work, service to members and the general public and in all our working practices. To ensure this, Hoci Cymru encourages employees and members to report their concerns about poor or dishonest practice, illegal acts or failures to comply with our required standards of work, without fear of reprisals or victimisation.
2. 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 policy which can be amended from time to time. Hoci Cymru does not tolerate unfair treatment, harassment, or victimisation of a whistle-blower and will consider such conduct by an employee or member as gross misconduct which (if proven, may) result in dismissal without notice or payment in lieu of notice or disciplinary procedures for a member.
3. Hoci Cymru encourages employees and members who have genuine concerns about malpractice to raise them at the earliest opportunity.

Employees or key volunteers can often be the first to realise that there may be something wrong within Hoci Cymru practices; however, individuals may be very reluctant to express their concerns for fear of appearing disloyal or for fear of subsequent harassment or victimisation. Hoci Cymru Ethics and Integrity (Whistleblowing) policy is intended to provide a safety net to enable individuals to 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). Hoci Cymru seeks to balance; the need to provide safeguards for individuals who raise genuine concerns about malpractice; the need to protect other members of staff and/or key volunteers, and Hoci Cymru; with potential uninformed or vexatious allegations that could cause serious difficulties for innocent parties.

2. Procedure

1. Any employee, key volunteer, or member may raise a malpractice concern under the Ethics and Integrity (Whistleblowing policy). This person shall be identified in this procedure as the discloser (i.e. whistle-blower)
2. Any malpractice concern should be raised as soon as practicable with the Chief Executive Officer or the Chair of the Board of Directors, via the [Reporting Form](#)
3. The raised concern must not be made for purposes of personal gain and malicious or false allegations by the whistleblower, if this is proven to be the case, it will be regarded as serious misconduct in line with the Hoci Cymru disciplinary policy.
4. 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 or the Chair of the Board of Directors. This person

shall be considered “the investigating officer” as far as this procedure is concerned and wherever possible should complete the investigation within 14 days.

5. 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 Hoci Cymru on MyConcern in line with the Hoci Cymru Privacy Policy.
6. 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. If an employee has raised the concern, then they shall be entitled to be accompanied by a work colleague (co-worker) at the meeting.
7. Usually, the identity of the discloser 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
8. Legal advice may be taken by the discloser at their own expense at any time prior to or during the process.
9. Individuals raising a concern, may do so anonymously but it is preferable that the individual puts their name to any disclosure, having a named point of contact for complaints will allow Hoci Cymru to collate all the required information for an equitable, fair and thorough review. When an individual puts their name to the disclosure they will also be updated with the progress of their complaint. The discloser’s identity will be kept confidential, if so requested, for as long as possible provided that this is compatible with a proper investigation. The investigating officer will notify the discloser should their name be disclosed.
10. Anonymous complaints cannot be covered by this policy but will be referred to MyConcern and dealt with appropriately under the disciplinary policy and procedures.
11. Sometimes despite all the necessary steps being followed the identity of the discloser might be realised due to the nature of the malpractice, therefore although unfortunate confidentiality cannot be guaranteed.
12. If, despite the Hoci Cymru 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 Hoci Cymru Complaints and Procedure Policy.
13. 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 discloser this might include:
 - a. the matter is to be reported to the Police
 - b. the matter is to be investigated further internally by Hoci Cymru, or by external auditors or other specialised investigators appointed by Hoci Cymru.

14. 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 Hoci Cymru’ other procedures.
 - satisfied that the discloser does not have reasonable belief that malpractice within the meaning of the policy has taken place, is taking place or is likely to occur; or is raising a personal grievance or similar.
15. Depending on the circumstances of the malpractice the person(s) against whom allegations have been made, if an employee, may be suspended during the investigation and/or may be supported in an appropriate manner.
16. The discloser will be advised of the outcome of the investigation and subsequent action or no action to be taken.
17. If the discloser having followed this policy 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.
18. If the prescribed regulator or similar becomes involved at any stage of the process, then Hoci Cymru will comply with their requests; at this stage Hoci Cymru shall normally take legal advice on the matter.
19. Depending on the outcome of the investigation at 13b recommendations might arise for a change or changes to the way that Hoci Cymru 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.

Further Information

For further information about any aspect of the HC Ethics and Integrity (Whistleblowing) Policy, please contact:

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