

Introduction

This policy applies to anyone employed by, engaged under a contract for services to, or volunteering directly for the RYA, and also includes sailors and coaches on the World Class Programme and Youth and Junior Programmes (or their parents/guardians if the sailor is aged under 18).

Anyone not covered by this policy, who feels they have a legitimate complaint or concern about the conduct of a person or persons acting for the RYA, should refer to the RYA Complaints Procedure.

This policy sets out the procedure that a whistle-blower should follow to raise concerns (or 'blow the whistle') if they believe that there is serious malpractice within any part of the RYA. The policy takes into account the provisions of the Public Interest Disclosure Act 1998 which protects 'whistle-blowers' from detrimental treatment, such as victimisation or dismissal, if they raise concerns.

The RYA reserves the right to amend the policy and procedure as necessary to meet any change in requirements or legislation.

Policy

The RYA is committed to achieving and maintaining the highest possible standards in all its working practices. To achieve this aim, it encourages anyone with genuine concerns about suspected malpractice, illegal acts or failures to comply with recognised codes or standards of work to report their concerns, without fear of reprisals or victimisation.

The RYA will not tolerate harassment or victimisation of a genuine whistle-blower (including informal pressures). Such conduct will be treated as gross misconduct which, if proven, may (depending on the circumstances) result in dismissal without notice or payment in lieu of notice, or termination of contract/participant agreement.

A report or disclosure must not be made for purposes of personal gain. Concerns must be raised without malice and in good faith, and the individual must reasonably believe that the information disclosed, and any allegations contained in it, are substantially true. Malicious allegations will be also regarded as a serious disciplinary offence.

Scope

Whistle-blowing means a disclosure of information made by an individual to the RYA or an external person or body, where that individual reasonably believes that one or more of the following matters is happening now, took place in the past or is likely to happen in the future:

- a criminal offence
- failure to comply with legal obligations

- failure to comply with the policies of the RYA, including those relating to: Equality, Safeguarding Children, Safeguarding Adults at Risk, Safety Management and Anti-Doping
- financial or non-financial maladministration or malpractice or impropriety or fraud
- professional malpractice
- a risk to the health or safety of an individual
- environmental damage
- a miscarriage of justice
- improper conduct or unethical behaviour, including a breach of the RYA Coach Code of Ethics and Conduct
- attempts to suppress or conceal any information relating to any of the above.

The procedure will not apply to personal grievances concerning an individual's contractual terms, or other aspects of the working relationship, complaints of bullying or harassment, or disciplinary matters. Such complaints will be dealt with under the relevant RYA Grievance, Complaints, Disciplinary, or Bullying and Harassment Procedures.

Confidentiality

In view of the protection afforded to a whistle-blower, it is preferable that the individual puts his/her name to any disclosure. The identity of the whistle-blower will be kept confidential, if so requested, for as long as possible provided that this is compatible with a proper investigation. Anonymous complaints are not covered by this policy but may be reported, investigated or acted upon as the person receiving the complaint sees fit.

Procedure

You have the right to be accompanied by another employee, contractor, sailor or volunteer, if you wish, at any stage of the procedure.

Concerns should be raised in the first instance with the following:

Type of concern	Who to raise it with	Contact details
Breach of Safeguarding Children or Adults at Risk policies	Safeguarding and Equality Manager	safeguarding@rya.org.uk 023 8060 4104
Breach of Anti-doping policy	Anti-doping Officer	james.tilley@rya.org.uk 023 8060 4156
All other concerns (for RYA employees)	HR Advisor or Finance Director	ryahr@compliancegroup.co.uk 01256 384720 dave.strain@rya.org.uk 023 8060 4110
All other concerns (for contractors, sailors and volunteers)	Finance Director	dave.strain@rya.org.uk 023 8060 4110
Concern about the Finance Director	Chief Executive	ceo@rya.org.uk
Concern about the Chief Executive	Chairman of the RYA	chairman@rya.org.uk

An initial investigation will be conducted within 10 working days of receiving the initial complaint, either by the person receiving the complaint or by another individual authorised by them ('the Investigating Officer'). The Investigating Officer will then decide, on the basis of the information provided or the findings of the initial investigation:

- Whether there is enough evidence for there to be a case to answer.
- Whether the matter should be dealt with under this Whistle Blowing procedure, or under a different RYA procedure, in which case the person making the disclosure will be advised as to the appropriate steps to take.
- Whether a full investigation should be conducted and what form it should take: an internal investigation, referral to the external Auditors, or an independent enquiry. Some matters, following investigation, will need to be referred to the relevant outside body, eg. the Police, Social Care Services (for safeguarding concerns), a funding body such as UK Sport or Sport England, UK Anti-Doping.

Depending on the circumstances the person(s) against whom allegations have been made may be suspended during the investigation.

If the person to whom the disclosure is made decides not to proceed with a full investigation, the reasons for that decision will be explained as fully as possible to the individual who raised the concern. It is then open to that individual to make the disclosure again to another of the persons specified above.

Investigation

If it is decided that there is a case to answer, any investigation will be conducted by the Investigating Officer as sensitively and speedily as possible. The individual making the disclosure will be informed of what action is to be taken. The person or persons against whom a disclosure is made will be told of it, and of the evidence supporting it, at an early stage and will be allowed to respond. A written record will be kept of each stage of the procedure.

Should an investigation or referral lead to the conclusion that there has been a breach of RYA discipline, the individual or individuals responsible will, in addition to any civil or criminal proceedings, be subject to the relevant RYA Disciplinary Procedure. The nature of any disciplinary action taken will remain confidential.

Reporting of outcomes

Feedback with regard to the outcome will be given within 5 working days of the completion of the investigation by the person deciding on the issues. This record should be signed by the Investigating Officer and the person who made the disclosure, and dated. Where appropriate the formal record need not identify the person making the disclosure, but in such a case that person will be required to sign a separate document confirming that the complaint has been investigated. Such reports will normally be retained by the Finance Director for at least five years. In all cases a report of the outcome will be made to the RYA Board, who will refer the report on appropriately if they judge it necessary.

Advice for a whistle-blower raising a concern

The RYA acknowledges the difficult choice an individual may have to make in raising a concern. The following advice is recommended if you wish to make a disclosure:

- make any objections promptly so as to avoid any misinterpretation of the motives for doing so
- focus on the issues and proceed in a tactful manner to avoid unnecessary personal antagonism
- be accurate in your claims and keep formal records of relevant events.

You may also wish to seek independent legal advice. Alternatively, RYA employees may wish to discuss their concerns, in confidence, with Public Concerns at Work (tel. 0207 404 6609). PCW is an independent body that seeks to ensure that concerns about malpractice are properly raised and addressed in the workplace.

If, having exhausted the above procedure, you are not satisfied with the RYA's response and reasonably believe that the information disclosed is substantially true, you are free to take the matter further by raising it with external bodies such as: a legal adviser, the Police, a relevant funding body.

Complaints of retaliation

The RYA accepts that it has an obligation to protect whistle-blowers who make a disclosure without malice and in good faith from reprisal or victimisation as a result of the complaint. If, however, you feel that you have suffered adverse treatment as a result of making a disclosure, you should submit a formal complaint under the relevant RYA Grievance or Complaints Procedure. If it is determined that a whistle-blower has suffered adverse treatment, harassment or victimisation as a result of his or her disclosure, action will normally be taken against the perpetrator in accordance with the relevant RYA Disciplinary Procedure.