

# SPORT NORTHERN IRELAND

## Raising a Concern Framework

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RESPONSIBLE OWNER	Chief Operating Officer
LINKED DOCS	Data Protection Act 2018 / UK GDPR NICS Code of Ethics Anti-Fraud Policy
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## Document Control

Version	Date	Reason for Update
V1.0	October 2023	Policy Review and response to Raising A Concern (Whistleblowing) Policies / Launch of the NI Civil Service (NICS) Policy Framework

## **POLICY STATEMENT**

This Raising a Concern Framework provides guidance for members of the public and members of staff on how to raise concerns about potential wrongdoing which might be taking place within Sport Northern Ireland (Sport NI). This Framework also outlines the procedures for reporting, recording and investigating allegations and reported concerns.

This Framework demonstrates Sport NI's commitment to an ethical culture and behaviours which reflect the Seven Principles of Public Life (Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership) which apply to all those employed by or appointed to office in the Public Sector. Sport NI has a zero-tolerance attitude towards any form of wrongdoing.

In addressing concerns, this Framework will ensure the most appropriate action is taken, especially in cases that are complex and cover a range of fraud, governance, staffing or service-related issues. It will also ensure action is taken as swiftly as possible following the concern being received.

Sport NI is committed to compliance with the requirements of employment law and mitigation of the risk of unlawful detriment to a worker due to having made protected disclosures. Sport NI will ensure access to potentially sensitive information/issues is restricted, as far as possible, to preserve confidentiality and protect both the party raising the concern and any parties named in the concern.

In summary, Sport NI welcomes the raising of concerns as an opportunity to learn and to put things right. It is hoped that this Framework will assure staff, other workers, and members of the public that they are encouraged to raise concerns where they believe that this is in the Public Interest and assure them that their concerns will be taken seriously. The individual raising a concern does not have to have proof of the concerns but should have a "reasonable belief" that the information they are disclosing is correct and that raising the concern is in the Public Interest.

## 1.0 INTRODUCTION

- 1.1 Sport Northern Ireland (Sport NI) is committed to the highest possible standards in the delivery of its functions and services. When concerns arise, it is important that Sport NI responds appropriately, correcting failures and learning lessons.
- 1.2 Raising a concern, often referred to as “whistleblowing”, refers to someone notifying Sport NI, Sport NI Board, or Department for Communities about risk, danger, malpractice, wrongdoing or illegality in the operations and activities of Sport NI<sup>1</sup>.
- 1.3 The purpose of this Framework is to explain how Sport NI will handle any concerns raised, and to encourage and provide reassurance to members of the public and Sport NI staff who want to raise concerns.

## 2.0 DEALING WITH CONCERNS

### *What are ‘concerns?’*

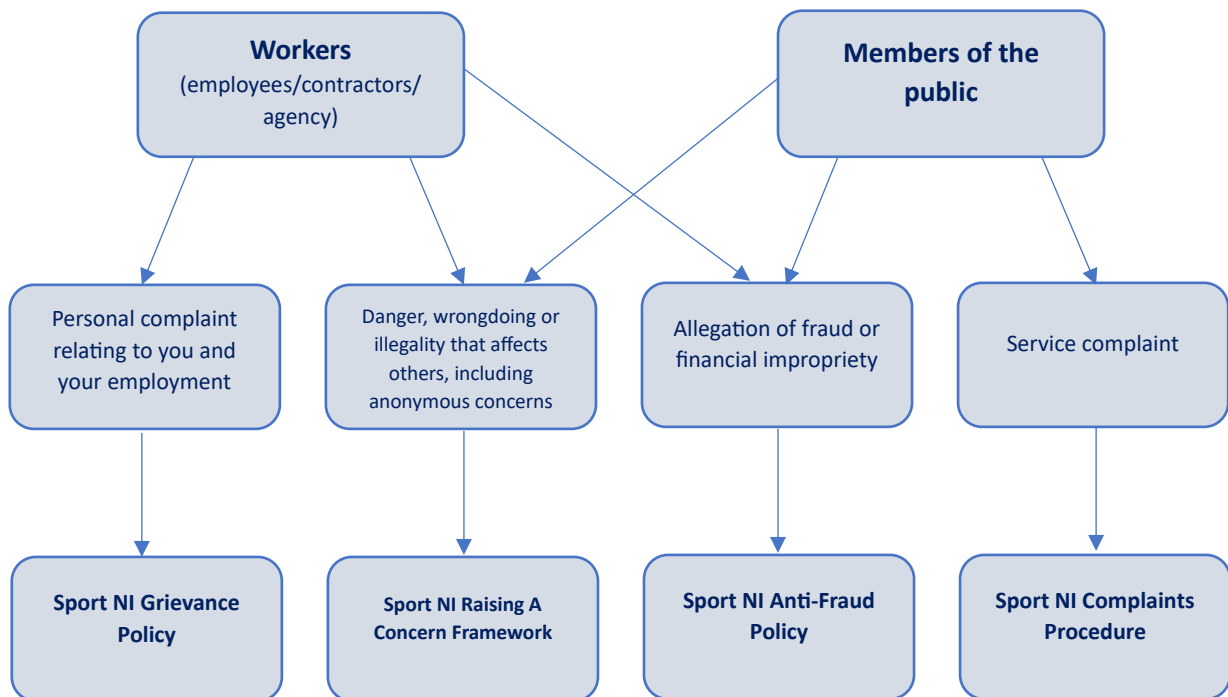
- 2.1 Raising a concern is drawing attention to suspected risk, danger, malpractice, wrongdoing or illegality in the operations of Sport NI. This might include issues such as:
  - a. Health and safety risks, either to the public or other employees;
  - b. Any unlawful act (*e.g.*, theft);
  - c. The unauthorised use of public funds (*e.g.*, expenditure for improper purpose);
  - d. Maladministration (*e.g.*, not adhering to procedures, negligence);
  - e. Failing to safeguard personal and/or sensitive information (data protection);
  - f. Damage to the environment (*e.g.*, pollution);
  - g. Fraud and corruption (*e.g.*, to give or receive any gift/reward as a bribe);
  - h. The abuse of children and /or vulnerable adults (physical or psychological);
  - i. Any deliberate concealment of information tending to show any of the above.
- 2.2 This is not an exhaustive list but is intended to illustrate the sort of issues that may be raised and dealt with under respective Sport NI policies.

### *What is not a ‘concern’ under this framework?*

- 2.3 Not every criticism of the operations of Sport NI will be treated as a concern, and it will need to be determined whether an issue raised should be addressed as such. See section 6.0 for further details.
- 2.4 Separate arrangements exist to deal with complaints about standards of service. These are set out in the [Sport NI Complaints Procedure](#).
- 2.5 A concern is also distinct from a grievance, which is when an employee raises issues about an employment-related matter.
- 2.6 The diagram summarises the types of issues that may be raised and the relevant policies which should apply:

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<sup>1</sup> For clarity, Sport NI includes the operations and activities of Tollymore National Outdoor Centre and Sport NI’s Sports Institute



### 3.0 ASSURANCES FOR THOSE WISHING TO RAISE CONCERNS

- 3.1 Sport NI does not condone the harassment or victimisation of anyone who raises a genuine concern and will not tolerate such behaviour towards anyone who does so within Sport NI. Workers who raise a concern about their employer are protected by law. With these assurances, it is hoped that individuals will raise their concerns openly.
- 3.2 If someone wishes to raise concerns confidentially, either from the outset or at any stage during the process, Sport NI will do all it can to ensure that is possible. There may be circumstances where an individual's identity cannot be kept confidential (for instance, if Sport NI is required to disclose it by law, to the police for example, or if the nature of the concern makes it apparent who has raised it).
- 3.3 Individuals can choose to raise their concern anonymously, without giving anyone their name. Concerns raised anonymously will be considered in the same way as any other concern. Detailed investigations may, however, be more difficult, or even impossible if the person who originally raised the concern cannot be contacted for further information, and this must be made clear to those raising concerns. There is also a chance the documents or information provided might, unknown to Sport NI, reveal the identity of the person raising a concern, making it more difficult to protect their anonymity.
- 3.4 Access to information and documentation relating to the concern will be restricted in order to protect the identity of all those involved, including those against whom allegations are made. All personal information must be handled in line with the UK-GDPR requirements.

### 4.0 RAISING CONCERNS – MEMBERS OF THE PUBLIC

- 4.1 Sport NI wants it to be easy for members of the public to raise a concern.

- 4.2 Members of the public wishing to raise a concern should contact one of the Designated Officers listed in Annex B, all of whom are based in the House of Sport, 2a Upper Malone Road, Belfast BT9 5LA. The concern can be raised verbally or in writing using the contact information provided.
- 4.3 Members of the public wanting to raise the matter in confidence should say so at the outset so that appropriate arrangements can be made. The framework of legal protection does not apply to those who are not workers.
- 4.4 If members of the public feel that the matter is so serious that it cannot be raised or discussed with any of the Sport NI contacts listed, or if the concern potentially involves any of the individuals or roles named in this Framework, it can be raised directly with the Department for Communities (DfC). The email address is: [raising.concerns@communities-ni.gov.uk](mailto:raising.concerns@communities-ni.gov.uk). Concerns may also be raised with Internal and External Audit.

## **5.0 RAISING CONCERNS – MEMBERS OF STAFF**

### *Staff who wish to raise a concern*

- 5.1 Different arrangements must be made for the handling of concerns raised internally and for those raised externally, although the same high-level principles must apply. This is because ‘workers’ within Sport NI (namely any members of staff, contractors, trainees, agency workers, volunteers and independent consultants working for or providing advice to the Sport NI) enjoy some protection under the Employment Rights (NI) Order 1996 (as inserted by the Public Interest Disclosure (NI) Order 1998 and amended by the Employment Act (Northern Ireland) 2016).
- 5.2 Members of staff (including agency workers) should raise their concerns first with their line manager or another manager they feel comfortable talking to. Contractors, volunteers or independent consultants should raise concerns with their key Sport NI contact. This may be done verbally or in writing.
- 5.3 Personal grievances, or dissatisfaction in respect of employment issues (an employment matter affecting one individual with no wider Public Interest), or complaints are not considered to be whistleblowing. These matters should be dealt with through other Sport NI Policies e.g., [Complaints Procedure](#) and the Sport NI Grievance Policy available from Sport NI Human Resources.
- 5.4 If members of staff deems they are unable to raise the matter with their line manager, for whatever reason, they should raise the matter directly with the Chief Operating Officer. If members of staff cannot raise the concern with the Chief Operating Officer they should contact one of the other Designated Officers listed in Annex B. Designated Officers will be given special responsibility and training in dealing with concerns raised under this framework.
- 5.5 Members of staff wanting to raise the matter in confidence should say so at the outset so that appropriate arrangements can be made.

### *Protections for workers*

- 5.6 The law protects workers who raise concerns about their own organisation. A disclosure of information about a concern may be protected if it meets certain criteria. Not all concerns will be ‘protected disclosures’ under this legislation, but Sport NI must be alert to the possibility.

- 5.7 The Department for the Economy has produced a short guide to the provisions of the [Public Interest Disclosure \(NI\) Order 1998](#), which applies to Sport NI as it does to other employers. This provides protection for an individual who makes a qualifying disclosure (also referred to as whistle blowing) in good faith to their employer or other third party against dismissal or detriment for making the disclosure. This includes protecting the identity of the whistleblower when and where necessary.
- 5.8 Members of staff should refer to the [NICS Staff Handbook Chapter 6.01 Standards of Conduct](#) which sets out in more detail the HR policy in relation to disclosures under the public interest disclosure legislation.
- 5.9 If a member of staff raises a genuine concern under these arrangements, they will not be at risk of losing their job or suffering any form of detriment by Sport NI as a result of doing so. They are not required to have firm evidence before raising a concern and it does not matter if they are mistaken. Where detriment occurs due to a qualifying disclosure being made, the Employment Rights (Northern Ireland) Order 1996 provides a right for a worker to bring a claim to an Employment Tribunal. In effect the legislation therefore provides a remedy as opposed to protection. However, should they raise a matter that they know to be untrue with malicious intent, then this will be regarded as a serious matter, potentially misconduct, which could result in disciplinary action.
- 5.10 Sport NI will not tolerate victimisation or harassment of a staff member / worker due to the fact they have raised a concern. Such treatment would be likely to be classed as detriment in the case of Protected Disclosures. If a member of staff expresses concerns that they are being victimised by other members of staff as a result of the issues they have raised, Sport NI will take this seriously and ensure that appropriate action is taken.

#### *Raising concerns externally*

- 5.11 If a member of staff considers they are unable to raise a concern internally or has done so but feels that the matter has not been adequately addressed, they have the option of approaching an external organisation.
- 5.12 There are a number of 'prescribed persons', bodies to whom staff may report a serious concern on relevant matters with protection afforded by public interest disclosure legislation. The list can be accessed at the [Public Interest Disclosure \(Prescribed Persons\) \(Amendment\) Order \(Northern Ireland\) 2022](#).
- 5.13 *Protect* (the charitable organisation) will also be able to provide independent and confidential advice to members of staff on making external disclosures and on the circumstances in which they may be able to contact an outside body. For more information, you can visit their website: [protect-advice.org.uk/](https://protect-advice.org.uk/)

## **6.0 PROCEDURES FOLLOWING NOTIFICATION OF A CONCERN**

- 6.1 All concerns raised will be taken seriously when they are received and must be dealt with appropriately. The same principles apply to both concerns raised by members of the public and those raised by Sport NI staff and other workers.

### *Reporting concerns*

- 6.2 When a concern is raised by a member of staff, or a member of the public, the Nominated Officer (Chief Operating Officer) must be informed using the Record and Referral Form (Annex A).
- 6.3 If contact is made over the phone or in person, the person receiving the concern must:
- Record details of the concern, as fully as possible,;
  - Explain the concern will be handled in accordance with Sport NI's Raising A Concern Framework;
  - Ask those raising a concern if they wish to leave contact details and if they consent to being contacted to discuss their concerns further. Record contact details if provided and whether the caller consents to be contacted;
  - Immediately complete the Record and Referral Form (Annex A) with details of the concern; and
  - Immediately inform the Nominated Officer (Chief Operating Officer) of the nature and detail of the concern. Provide the written record of the call and the Record and Referral Form and advise if the person consented to be contacted or agreed to submit further correspondence.
- 6.4 If contact is made via email or letter:
- Immediately on receipt, complete the Record and Referral Form (Annex A) with the date and your name as the officer who received the correspondence; and
  - Immediately forward the email or letter, with the Record and Referral Form, to the Nominated Officer (Chief Operating Officer).
- 6.5 When concerns are raised directly with the Chief Operating Officer (COO), the COO should complete the Record and Referral Form (Annex A).

### *Role of Nominated Officer*

- 6.6 The Nominated Officer will determine whether the disclosure qualifies for protection under the Public Interest Disclosure (NI) Order 1998 and based on preliminary enquiries determine what further action is required. Further action may involve an informal review, an internal inquiry, or a more formal investigation.
- 6.7 The Nominated Officer will complete the Reporting Register (**Annex C**) and advise where appropriate the CEO, Audit Chair, NIAO, and Department in a manner that safeguards the anonymity of those who raised the concern.
- 6.8 If the concern is considered to fall more properly within the Sport NI Complaints Procedure, the Sport NI Grievance Policy, Sport NI Dignity at Work Policy, or other Sport NI/NICS HR Policy; or is considered to be normal Sport NI business / correspondence, the Nominated Officer will ensure that the individual who raised the concern is advised of this, and the issue will be passed to the appropriate team.
- 6.9 The Nominated Officer will assess the concern to determine what action is appropriate, for example:
- a) Explaining the context of the issue may be enough to alleviate the concerns of the person raising them;
  - b) Minor concerns might be dealt with straightaway by line management;
  - c) A review by internal audit as part of planned audit work might be sufficient to address the issue;



- d) There may be a role for external audit in addressing the concerns raised and either providing assurance or recommending changes to working practices;
- e) There may be a need for a formal investigation.

6.10 A concern may include an allegation against an individual, or an allegation against an individual may come to light in any investigation. Such an allegation may need to be treated as a disciplinary matter, so the handling of any concerns will take into account the possibility that the allegations could lead to disciplinary action against an individual.

#### *Procedures for investigating concerns*

6.11 Where a formal investigation is considered necessary, the Nominated Officer will draft Terms of Reference (ToR). All ToR will be clear, focussed and state the remit of the investigation; these will also include a timetable for completion. If the concern raised implicates the Chief Executive Officer, then the Terms of Reference must be approved by the Chair of the Sport NI Board. Depending on the nature and seriousness of the concern (as identified from preliminary enquiries), the investigation may be referred to the Department's Central Investigations Unit or other independent reviewer.

6.12 Where an external investigator is deemed to be necessary, all independent investigators appointed will be professionally qualified with the necessary experience to undertake such sensitive work.

6.13 If the concern is about possible fraud the investigation will be conducted in line with the Sport NI's Anti-Fraud and Corruption Policy.

#### *Informing those who raise concerns*

6.14 Where contact details have been provided Sport NI will acknowledge all concerns promptly upon receipt. The person raising the concern should be informed of who is dealing with the matter and how they can be contacted. If specifically requested, a summary of the concern and proposals to investigate can be provided. This will include any Terms of Reference (if relevant).

6.15 The person raising the concern may be asked for proposals on how the matter might best be resolved. Any person raising a concern should inform Sport NI if they have a personal interest in the matter. If the concern is considered to fall more properly within other procedures, e.g. the Sport NI Grievance Policy or Sport NI Complaints Procedures, the person raising the concern will be advised.

6.16 Sport NI will provide feedback to any person raising a concern at the end of the process. However, please be aware that due to the confidentiality owed to all parties and the Data Protection Act 2018 / UK-GDPR restrictions, it may not be possible to disclose the precise action taken where this may infringe a duty of confidence owed to other parties. For example, it may only be possible to advise an individual that a review has been completed in relation to the concerns and to thank the individual for raising them. This is a case-by-case judgement, and the decision should be documented.

#### *Records of concerns*

6.17 Records of serious concerns raised by staff, including the outcomes, will be retained by Sport NI in a confidential and secure environment and at a readily identifiable location which will facilitate any required overview of complaints/concerns. Records of raising concerns should generally be treated in the same manner / sensitivity as Human Resources records as the outcome may in some cases result in HR policies being applied.

- 6.18 Sport NI should document the decisions that are made in relation to each case clearly and appropriately.

## **7.0 RESPONSIBILITIES OF THE ACCOUNTING OFFICER, BOARD, AUDIT & RISK COMMITTEE**

### *Accounting Officer, Board and ARAC*

- 7.1 The Accounting Officer is responsible for ensuring that appropriate governance arrangements are in place within the organisation. Raising A Concern (Whistleblowing) Policies are a key part of good governance arrangements and help to support an ethical culture as well as compliance with employment law.
- 7.2 The Sport NI Board must be clear on their responsibilities in relation to an ethical culture in the organisation including Raising Concerns (Whistleblowing) and embedding of the Seven Principles of Public Life (the Nolan Principles). As the employer the Board should also be clear on their responsibilities under employment law and what assurances they have available to them in relation to these matters.
- 7.3 The Audit and Risk Assurance Committee should receive appropriate reporting and assurance on the effectiveness of the Raising a Concern Framework.

### *Notifying the Department*

- 7.4 Under existing arrangements, Arm's Length Bodies should ensure that all concerns raised with them are notified to the Department on receipt. The initial notification should be very brief and should be done without inclusion of Personal Data which would identify any individuals.
- 7.5 This arrangement does not replace any departmental reporting arrangements which may already be in place for example safeguarding incidents, data breaches, health and safety incidents.

### *Notifying Internal and External Audit*

- 7.6 Sport NI will ensure that Internal Auditors and External Auditors are made aware of any concerns (without infringing on the confidentiality of any actual or potential employment process or Data Protection Act 2018 / UK-GDPR considerations) or weaknesses in internal control / lessons learnt which would impact on audit work or consideration of the risk environment.

## **8.0 RAISING CONCERNS ABOUT ORGANISATIONS FUNDED BY SPORT NI**

- 8.1 This framework relates to drawing attention to concerns about the operations of Sport NI only. However, it is noted that members of the public may have concerns about the activities of organisations that are funded by Sport NI. This Framework does not apply in those circumstances but the procedures in Paragraphs 8.2-8.6 apply.
- 8.2 Sport NI is not a regulator or an arbitrator for the sports sector and has no powers of investigation or enforcement and for this reason can only consider complaints or concerns about sports and other organisations in very limited circumstances, where:
- There is a reasonable suggestion that an organisation has breached the terms of an award

agreement with us.

- There is a reasonable suggestion that a 'Recognised' NGB or *regional branch* no longer meets the minimum criteria for recognition.
- There is evidence that a concern or complaint has been raised directly with the organisation in question and has not been resolved satisfactorily.

8.3 Complaints or concerns received about organisations funded by Sport NI will be dealt with as follows:

8.4 The Nominated Officer (Chief Operating Officer) will carry out an initial review to determine whether:

- Sport NI should consider the complaint based on the criteria set out in paragraph 8.2 above; or
- The complaint should be referred to another public sector body for further consideration (for example the police or Child Protection Services); or
- Sport NI has no basis to intervene, and the matter should be referred to the sport or other organisation in question.

8.5 At the end of the initial review the Nominated Officer (Chief Operating Officer) will explain the outcome in writing, usually within ten working days.

8.6 In exceptional circumstances the initial review will result in Sport NI deciding to consider the concerns raised about a sports organisation more fully. The Nominated Officer (Chief Operating Officer) will co-ordinate a review to look at the facts and consider any information that has been provided.

8.7 Individuals can choose to raise concerns about organisations funded by Sport NI anonymously, without giving anyone their name. Concerns raised anonymously will be considered in the same way as any other concern.

## 9.0 DISSEMINATION OF RAISING CONCERNS FRAMEWORK

9.1 The Raising a Concern Framework will be publicised internally and easy to locate on the [Sport NI website](#) with periodic reminders issued to all staff in order that awareness is maintained on an ongoing basis.

9.2 Appropriate training must be carried out within Sport NI to ensure that staff awareness is maintained, and that concerns / Personal Data are appropriately managed.

## 10.0 CONCLUSION

10.1 Sport NI cannot guarantee that the consideration and investigation of a concern will conclude in the way that the person who originally raised it may wish. Raising a concern is a public service and it is for Sport NI to determine the appropriate response. However, Sport NI is committed to ensuring that all cases are handled fairly, properly and consistently.

## Raising Concerns - Record & Referral Form

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Please e-mail the completed form to the Sport NI Chief Operating Officer

[????@sportni.net](mailto:????@sportni.net)

1.	Date concern received:
2.	Concern received by:
3.	Date referred to Nominated Officer:
4.	Name and contact details of the person raising the concern, if known and provided (state if the person raising the concerns wishes to remain anonymous):
5.	Brief outline of the nature of the concern:
6.	Details of any documents (electronic or hard copy) received with concern:

To be completed by the Nominated Officer:

**Does the disclosure qualify for protection under the Public Interest Disclosure**

**(NI) Order 1998;    YES    NO**

**If yes explain what has occurred, is occurring or is likely to occur**

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**Further action required**

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Date

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Signature

## Designated Officers

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Contact	Details
Chief Executive  <b>Antoinette McKeown</b>	Sport Northern Ireland  2a Upper Malone Road, Belfast, BT9 5LA  Email: <a href="mailto:antoinettemckeown@sportni.net">antoinettemckeown@sportni.net</a>
Chief Operating Officer (Nominated Officer)  <b>?????</b>	Sport Northern Ireland  2a Upper Malone Road, Belfast, BT9 5LA  Email: <b>?????</b>
Chair of Audit & Risk Management Committee  <b>Gavin Boyd</b>	Sport Northern Ireland  2a Upper Malone Road, Belfast, BT9 5LA  Email: <a href="mailto:gavinboyd@sportni.net">gavinboyd@sportni.net</a>
Board Chair  <b>George Lucas</b>	Sport Northern Ireland  2a Upper Malone Road, Belfast, BT9 5LA  Email: <a href="mailto:georgelucas@sportni.net">georgelucas@sportni.net</a>
Prescribed Persons Contact	
DfC Head of Governance  <b>Andrea Orr</b>	Tel: 02890819257  <a href="mailto:andrea.orr@communities-ni.gov.uk">andrea.orr@communities-ni.gov.uk</a>
DfC Head of Corporate Investigations  <b>Jacqueline McLaughlin</b>	Tel: 02890819257  <a href="mailto:jacqueline.mclaughlin@communities-ni.gov.uk">jacqueline.mclaughlin@communities-ni.gov.uk</a>
Northern Ireland Audit Office	Tel: 028 9025 1000

## Reporting Register

Date Whistle - blowing Policy approved by ARAC /Board/Issued to staff	Date Policy entered on Internet	Date Training Provided to staff	Whistleblower Anonymous or Named	Internal or External Concern	Who has been informed	Date informed	Brief Summary	Ref (If Any)	Type of Concern/allegation	Position/update
By: ARAC Board  Issued to staff					e.g Management; FIOG, Board, ARAC, IA, DfC				(e.g. Fraud, Disciplinary etc)	