



Whistleblowing Policy

Applicability Statement

This policy applies equally to all those undertaking work on behalf of both Sussex Cricket Limited and the wholly owned subsidiaries, the Sussex Cricket Foundation and Sussex Cricket Estates Limited, hereafter jointly referred to as the 'Organisation'.

Policy Statement

The Organisation is committed to the highest standards of openness, probity, and accountability.

An important aspect of accountability and transparency is a mechanism to enable staff and other members of the Organisation to voice concerns (that are in the public interest) in a responsible and effective manner. It is a fundamental term of every contract of employment that an employee will faithfully serve his or her employer and not disclose confidential information about the employer's affairs.

Nevertheless, where an individual discovers information which they believe shows serious malpractice or wrongdoing within the organisation then this information should be disclosed internally without fear of reprisal, and there should be arrangements to enable this to be done independently of line management (although in relatively minor instances the Line Manager would be the appropriate person to be told).

The Public Interest Disclosure Act, which came into effect in 1999, gives legal protection to employees against being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns. The Organisation has endorsed the provisions set out below so as to ensure that no members of staff should feel at a disadvantage in raising legitimate concerns.

It should be emphasised that this policy is intended to assist individuals who believe they have discovered malpractice or impropriety. It is not designed to question financial or business decisions taken by the Organisation nor should it be used to reconsider any matters which have already been addressed under a bullying or harassment complaint, grievance, disciplinary or other procedures. Once the Whistleblowing procedures are in place, it is reasonable to expect staff to use them rather than air their complaints outside the Organisation.

Purpose and Scope

This policy applies to all employees and officers of the Organisation. Other individuals performing functions in relation to the Organisation, such as agency workers and contractors, are encouraged to use it. This policy is designed to enable employees to raise concerns internally and at a high level and to disclose information which the individual believes shows malpractice or impropriety. The law provides protection for workers who raise legitimate concerns about specified matters. These

are called 'qualifying disclosures'. A qualifying disclosure is one made in the public interest by a worker who has a reasonable belief that the following have occurred:

- Financial malpractice, impropriety, fraud and/or bribery;
- Failure to comply with a legal obligation or Statutes;
- Dangers to Health & Safety or the environment;
- Criminal activity;
- Improper conduct or unethical behaviour;
- Attempts to conceal any of the above.

Policy details

A worker who makes such a qualifying disclosure has the right not to be dismissed, subjected to any other detriment, or victimised, because he/she has made a disclosure.

Principles

- Everyone should be aware of the importance of preventing and eliminating wrongdoing at work;
- Workers should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of;
- Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the worker who raised the issue;
- No worker will be victimised for raising a matter under this procedure. This means that the continued employment and opportunities for future promotion or training of the worker will not be prejudiced because he/she has raised a legitimate concern;
- Victimisation of a worker for raising a qualified disclosure will be a disciplinary offence;
- If misconduct is discovered as a result of any investigation under this procedure the organisation's disciplinary procedure will be used, in addition to any appropriate external measures;
- Maliciously making a false allegation is a disciplinary offence;
- An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, workers should not agree to remain silent. They should report the matter to a director;
- This procedure is for disclosures about matters other than a breach of an employee's own contract of employment. If an employee is concerned that his/her own contract has been, or is likely to be, broken, he/she should use the Organisation's grievance procedure.

Confidentiality

The Organisation will treat all such disclosures in a confidential and sensitive manner. The identity of the individual making the allegation may be kept confidential so long as it does not hinder or frustrate any investigation. However, the investigation process may reveal the source of the information and the individual making the disclosure may need to provide a statement as part of the evidence required.

Anonymous Allegations

This policy encourages individuals to put their name to any disclosures they make. Concerns expressed anonymously are much less credible, but they may be

considered at the discretion of the Organisation.

In exercising this discretion, the factors to be taken into account will include:

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

Untrue Allegations

If an individual makes an allegation in the public interest, which is not confirmed by subsequent investigation, no action will be taken against that individual. In making a disclosure, the individual should exercise due care to ensure the accuracy of the information. If, however, an individual makes malicious or vexatious allegations, and particularly if he or she persists with making them, disciplinary action may be taken against that individual.

Procedures for Making a Disclosure

On receipt of a complaint of malpractice, the member of staff who receives and takes note of the complaint, must pass this information as soon as is reasonably practicable, to the appropriate designated investigating officer as follows:

- Complaints of malpractice will be investigated by the Chief Executive unless the complaint is against the Chief Executive or is in any way related to the actions of the Chief Executive. In such cases, the complaint should be passed to the Chair for referral.
- In the case of a complaint, which is any way connected with but not against the Chief Executive, the Chief Executive will nominate a Board Member to act as the alternative investigating officer.
- The complainant has the right to bypass the line management structure and take their complaint direct to the Chair of the Sussex Cricket Board of Directors. The Chair of the Sussex Cricket Board of Directors has the right to refer the complaint back to management if he feels that the management, without any conflict of interest, can more appropriately investigate the complaint.

Should none of the above routes be suitable or acceptable to the complainant, then the complainant may approach one of the following individuals who have been designated and trained as independent points of contact under this procedure. They can advise the complainant on the implications of the legislation and the possible internal and external avenues of complaint open to them:

John Abbott
Chair of SCL Nominations and Elections Committee
john.abbott@sussexcricket.co.uk
07792 191144

Mandy Bridson
Member of the SCL Nominations and Elections Committee
mandy.bridson@sussexcricket.co.uk
07803179515

If there is evidence of criminal activity, then the investigating officer should inform the police. The Organisation will ensure that any internal investigation does not hinder a formal police investigation.

Timescales

Due to the varied nature of these sorts of complaints, which may involve internal investigators and / or the police, it is not possible to lay down precise timescales for such investigations. The investigating officer should ensure that the investigations are undertaken as quickly as possible without affecting the quality and depth of those investigations.

The investigating officer, should as soon as practicable, send a written acknowledgement of the concern to the complainant and thereafter report back to them in writing the outcome of the investigation and on the action that is proposed. If the investigation is a prolonged one, the investigating officer should keep the complainant informed, in writing, as to the progress of the investigation and as to when it is likely to be concluded.

All responses to the complainant should be in writing and sent to their home address. If the complainant is not satisfied that their concern is being properly dealt with by the investigating officer, they have the right to raise it in confidence with the Chief Executive / Chair of the Sussex Board of Directors, or one of the designated persons described above.

The Organisation recognises the lawful rights of employees and ex-employees to make disclosures to prescribed persons (such as the Health and Safety Executive, the Audit Committee), or, where justified, elsewhere.