

Mandate Now

Review

of

Crewe Alexandra Football Club Whistle-blowing policy



10 December 2018



## Crewe Alexandra Football Club Whistle-blowing Policy

### Introduction

Crewe Alexandra Football Club, are committed to conducting our business with honesty and integrity and we expect all Staff and volunteers to maintain the same high standards. It is always possible, however, for things to go wrong or for organisations to unknowingly harbour illegal or unethical conduct. This Football Club has a culture of openness and accountability and this policy is intended to encourage staff to report any concerns or suspected wrongdoing as soon as possible, to provide guidance as to how to raise those concerns and to reassure staff that they are able to raise genuine concerns in good faith without fear of reprisals.

Absent of a law that requires an employee/volunteer working at the club to report known or suspected abuse of a child on reasonable grounds, anyone who does make a report is a whistleblower by default and has limited legal protection which is provided by the [Public Interest Disclosure Act 1998](#). To be covered by whistleblowing law an employee who makes a disclosure must reasonably believe two things. The first is that they are acting in the public interest. The second, that an employee must reasonably believe the disclosure tends to show past, present or likely future wrongdoing falling into one or more of the following categories: (i) criminal offences (ii) failure to comply with an obligation set out in law (whilst there is no law to report abuse – child abuse is a crime) (iii) miscarriages of justice (iv) endangering of someone’s health and safety (v) damage to the environment (vi) covering up wrongdoing in the above categories.

Particular interest should be taken of [Part IVA ‘Protected Disclosures’](#) guidance at Para 43A, and to whom a disclosure can be made if not the employer at Para 43B and ‘Disclosure to a prescribed person’ in Para 43F. [The ‘Prescribed Persons’ list](#) is available in the link. For children’s interests the Office of the Children’s Commissioner and the NSPCC are those who

	<p>are prescribed. Unfortunately this important information for a whistleblower is not available in this policy document.</p> <p>No institution can be trusted to investigate its concerns reported by whistleblowers. The strong tendency is to ignore disclosures and discredit the whistler. Occasionally, safeguarding whistleblowers are asked to sign an NDA (Non-Disclosure Agreement). This instrument, if used, is symptomatic of a hostile safeguarding culture. Employees are valuable ears and eyes to the leadership of any organisation and should be treated accordingly even if they wish to make an anonymous disclosure to a 'prescribed person.' (See anonymous allegations below)</p>
<p>Although disclosure may be made to certain public authorities, the Club's policy is that disclosures should be made in the first instance to the Company. We strongly recommend that you seek advice from the Company before reporting a concern to anyone external.</p>	<p>Government whistleblowing <a href="#">guidance</a> suggests disclosures should be made to the company in the first instance.</p>
<p><b>Purpose</b></p>	
<p>This policy sets out how individuals can raise concerns about the safety and welfare of apprentices, children, young people or Adults at Risk who participate or engage in any services and activities conducted under the name of Crewe Alexandra Football Club. It will provide a method of raising concerns and will detail how feedback may be received in relation to any action(s) taken.</p>	<p>This policy confirms that child protection is currently a whistleblowing matter. It cannot be anything else when there is no law to report known or suspected abuse.</p> <p>England Wales and Scotland are jurisdictions which are out of step on MR with the majority of jurisdictions in each of the four continents.</p>
<p>Crewe Alexandra Football Club will aim to ensure that individuals:</p>	<p>These are aspirations – not a guarantee for a safety critical matter.</p>
<ul style="list-style-type: none"> <li>• Get a response to their concerns.</li> </ul>	<p>A timeframe should be provided.</p>
<ul style="list-style-type: none"> <li>• Are made aware of how to pursue the concern further if they are not satisfied with the response.</li> </ul>	<p>A protocol should be stated rather than an unspecified assurance</p>
<ul style="list-style-type: none"> <li>• Are reassured that individuals will be protected from reprisals or victimisation for whistle blowing in good faith.</li> </ul>	<p>Unspecified protection will be provided by the club.</p>
<p><b>Scope</b></p>	
<p>Everyone involved in activity carried out under the jurisdiction of Crewe Alexandra Football Club is covered by this policy.</p>	

<b>Review</b>					
This policy will be reviewed annually from the date of last approval.					
<b>Approved By</b>	<b>Version</b>	<b>Issue date</b>	<b>Review date</b>	<b>Contact person</b>	This paragraph suggests there have been five previous versions of this policy.
Board	6	May 2018	May 2019	Paul Antrobus	
<b>Policy Statement</b>					
Players, coaches, other employees, volunteers, officials, parents and / or team followers are often the first to recognise concerns which potentially compromise the welfare or safety of those engaged in our activities of any age and those employed by the Club including players and apprentices. However, they may not express their concerns because they feel that speaking up would be too difficult to handle. It may also be that they fear harassment or victimisation.					
In these circumstances it may be easier for them to ignore the concern rather than report what may just be a suspicion of poor practice. Crewe Alexandra Football Club would urge anyone to come forward and voice those concerns. If you have safeguarding or welfare concerns, doing nothing is never an option.					If 'doing nothing is never an option,' in relation to safeguarding then why does the club only say: 'Crewe Alexandra Football Club would <u>'urge'</u> anyone to come forward and voice those concerns?' (our underscore) In the safeguarding policy it says a report ' <b>should</b> ' be made. This language is incompatible with functioning safety critical child protection. It is within the Club's ability to exceed the dilute suggestions in safeguarding statutory guidance.
This policy details how individuals can raise a matter of concern without fear of victimisation, subsequent discrimination or disadvantage. The policy is intended to encourage and enable individuals to raise serious concerns <b>within</b> Crewe Alexandra Football Club rather than overlooking a problem or blowing the whistle outside.					This policy details how individuals <u>can</u> raise a matter. (our underscore). The use of the word 'can' indicates a report is discretionary, a choice of the individual, and it's reinforced by the rest of the sentence.  Club wants whistleblowing concerns to remain <b>within</b> the institution.
It is in the interests of all concerned that disclosures of potential abuse or concerns are responded to and managed appropriately and without delay.					A timeframe should be given by the club. Written acknowledgement of the report and subsequent updates by the setting, with a commitment to share findings with the reporter subject to Data Protection Laws, are indicators of a safeguarding engaged setting. In addition "managed

	appropriately” gives no clue as to what the club regards as appropriate and therefore commits the club to no specific course of action.
<b>Safeguarding</b>	
Crewe Alexandra Football Club realise that raising a concern and reporting allegations is often difficult to do through fear of reprisals from those responsible for the alleged poor practice. This policy is designed to offer protection to anyone who raises a concern provided the disclosure is made:	The protection that the club will provide is explained nowhere in the policy.
<ul style="list-style-type: none"> <li>• In good faith</li> <li>• If the individual believes what they say to be true, and are not intending / attempting to be malicious, even if the concerns subsequently are proven unfounded</li> </ul>	Evidence may be true irrespective of the reporter's intention. If the evidence proves untrue and there is evidence of malicious reporting, that is a matter that has to be dealt with at a later date.
In these circumstances, Crewe Alexandra Football Club will fully support the whistle-blower and will not tolerate any bullying, harassment or victimisation whatsoever. If this does occur any perpetrators will be dealt with under Crewe Alexandra Football Club’s disciplinary policy and procedures (and as a result may face expulsion from the Club).	The club ‘fully supporting’ the whistler is an assurance absent of detail. <a href="#">Such assurances should set against the response of John Bowler, the Chair of Crewe, to a question from the BBC at a fans meeting on 26/2/18.</a> Mr Bowler is Chair of the club and therefore has statutory responsibility for safeguarding at CAFC.
<b>Confidentiality</b>	
Crewe Alexandra Football Club will do its utmost best to keep confidential the identity of a whistleblower. Should any allegations be made through whistle-blowing it should be noted that a statement may be needed to form part of the evidence.	
Should the whistle-blower need to be identified for any reason or it becomes apparent that the whistle-blower will be identified because of any subsequent investigation, notice will be given to the whistle-blower, by a representative of Crewe Alexandra Football Club (usually the Club’s Designated Safeguarding Officer) so that an opportunity is provided to discuss any likely consequences and support required.	This no tangible evidence of either protection or support the club will provide to the whistler.
<b>Anonymous Allegations</b>	
This policy encourages individuals to put their name to any disclosures they make. Concerns expressed anonymously are much less credible and	“When dealing with disclosures, it is good practice for managers to have a facility for anonymous reporting”- <a href="#">WHISTLEBLOWING GUIDANCE FOR</a>

more difficult to investigate effectively, but they may be considered at the discretion of the Club. In exercising this discretion, the factors to be taken into account will include:	<a href="#">EMPLOYERS AND CODE OF PRACTICE</a> Page 8. Anonymous allegations are no less credible, but they can be more difficult to investigate. Anonymity is unlikely to last long. It is also difficult for an anonymous whistleblower to be provided with feedback. Use of a Protected Disclosure to a Prescribed Person (see first para) can help. If mandatory reporting existed, whistleblowing is rendered almost redundant because staff are complying with law and are protected by it. The club makes clear that an anonymous allegation may be ignored on the grounds that it is anonymous. This is counter to Government guidance mentioned above.
<ul style="list-style-type: none"> <li>• The seriousness of the issues raised and any potential safeguarding risks indicated</li> </ul>	Within the clubs discretion
<ul style="list-style-type: none"> <li>• The credibility of the concern</li> </ul>	Within the clubs discretion
<ul style="list-style-type: none"> <li>• The likelihood of confirming or clarifying the allegation from attributable sources</li> </ul>	Within the clubs discretion
<ul style="list-style-type: none"> <li>• Statutory agency advice e.g. LADO, Children’s Social Care or the Police</li> </ul>	Within the clubs discretion
If anybody feels unable to disclose their identity this policy seeks to encourage them to report any safeguarding concern in good faith and through external agencies such as the NSPCC Helpline (0808 800 5000) if necessary. Contact details for local statutory agencies and the Local Authority Designated Officer (LADO) are set out in the Club’s Safeguarding and Child Protection Policy.	It would be helpful if this appeared first in this section of the document, with ‘Protected Disclosure’ clearly explained.
The NSPCC Helpline for Whistleblowing can be contacted for support and advice by telephone (T: 0800 028 0285) or email (help@nspcc.org.uk)	
<b>Raising a Concern or Making an Allegation</b>	
Anyone wishing to raise a concern should do so either verbally or in writing to Crewe Alexandra Football Club’s Designated Safeguarding Officer. The concern needs to be as specific as possible including any names, dates and locations (where possible). The Club’s Designated Safeguarding Officer can be contacted either by phone 07788432463 or	

<p>through email <a href="mailto:pantrobust@crewealex.net">pantrobust@crewealex.net</a> The Club's safeguarding policy also provides the names and contact details of safeguarding and welfare staff across the Club's sites and for external agencies.</p>	
<p>Should any concerns or allegations be made Crewe Alexandra Football Club would encourage the whistle-blower to put their name to the allegation. Any anonymous concerns / allegations are much less powerful and are therefore much harder to investigate as outlined above but all concerns shared will be taken seriously and investigated where possible.</p>	<p>Anonymous disclosures are no less credible but as stated above, they are harder to assess. The Club should not be 'investigating' anything, it should be assessing. Investigation is for the <a href="#">police and assessment is for the LADO / Children's Services depending on the type of referral</a>. The fear of bullying, ostracisation, marginalisation, and being branded "snitches, troublemakers and backstabbers" is a great concern for whistleblowers. The content and tone of the 'anonymous allegations' clause in this policy are grounds for concern. The suggestion that anonymous allegations "are much less powerful" repeatedly stated in this policy gives an impression that the club is less likely to act on anonymous allegations.</p>
<p>If, after the course of an investigation, it has been found that the concerns or allegations are untrue or have not been substantiated then no action will be taken against the whistle-blower. If, however, it is established that they have made malicious allegations disciplinary action may be taken against them. In such cases, Crewe Alexandra Football Club's disciplinary policy and procedures will apply.</p>	
<p>All investigations will initially be undertaken by the Club's Designated Safeguarding Officer with support where appropriate from another designated safeguarding officer and/or external statutory or safeguarding expertise. However, should you feel that you have not received a satisfactory response to your concern you can approach the following people or organisations:</p>	<p>The actions the club <b>may</b> take are entirely discretionary. With the non-existence of clear procedures that demonstrably support and protect whistleblowers', expect nothing. 'Investigations' are undertaken by the police. Any other party conducting an investigation can all too easily prejudice a criminal case. The Club should be undertaking an initial 'assessment' to discuss with the Local Authority.</p> <p>Continuing with the Club's proposal in this paragraph:</p> <p>"where appropriate" gives unlimited discretion as to what is or is not appropriate and therefore commits the club to no specific course of action. Clearly the wording as it stands enables the club to conduct an</p>

	<p>“investigation” entirely “in-house” without involving any outside agency. Such an arrangement would be poor practice because <b>First</b>, only police conduct investigations, <a href="#">the local authority conducts an assessment</a>, and the club should assess the facts it has with a view to speaking to the LADO / Children’s services for advice or about action to be taken. <b>Second</b>, the training DSOs receive is entirely insufficient to conduct an ‘investigation’. <b>Third</b>, with both the complainant and the suspect in all probability being already known to the club, an unbiased ‘investigation’ free of preconceptions is almost impossible. <b>Fourth</b>, since any abuse perpetrated at the club will very likely result in adverse publicity, there will be a temptation to believe an allegation is unfounded, and for an “investigation” to be run accordingly.</p>
<ul style="list-style-type: none"> <li>Cheshire County Football Association’s Welfare Officer, on 01606 871166</li> </ul>	
<ul style="list-style-type: none"> <li>The FA Child Protection Team on 0207 745 4771 or by writing to The FA Case Manager, The Football Association, Wembley Stadium, Wembley , London , HA9 0WS</li> </ul>	
<ul style="list-style-type: none"> <li><b>EFL Safeguarding Manager:</b> Alexandra Richards Tel: 07792 284740 Email:</li> </ul>	
<a href="mailto:arichards@efl.com">arichards@efl.com</a>	
<ul style="list-style-type: none"> <li>The FA / NSPCC Child Protection 24-Hour Helpline 0808 800 5000.</li> </ul>	
<ul style="list-style-type: none"> <li>Or by going directly to the Police and/or Social Services</li> </ul>	