

# CLUB POOR PRACTICE AND WHISTLEBLOWING POLICY AND PROCEDURE



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Mountaineering Ireland Version Control			
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**NGB: Mountaineering Ireland**

**Club Name:**

### **Mountaineering Ireland Policy Statement**

Mountaineering Ireland is the National Governing Body (NGB) for mountaineering, hillwalking, and climbing on the island of Ireland. Mountaineering Ireland is committed to achieving the highest standards and promoting a culture, of transparency, honesty, and accountability so persons may report Disclosures in confidence. Mountaineering Ireland is committed to prioritising Disclosures so that they are managed with the proper degree of seriousness required and within appropriate time frames, such appropriate period will depend on the circumstances of each case. Putting in place a Whistleblowing Policy will serve to protect both the organisation and the individuals within the organisation and will lay out the process and steps involved in the event of a disclosure being made within the organisation. It is particularly important to note that the Policy does not replace any legal reporting or disclosure requirements where statutory reporting requirements and procedures already exist.

This policy is designed to provide guidance to all those who work with or within Mountaineering Ireland who may, from time to time, feel they need to raise certain issues relating to Mountaineering Ireland with someone in confidence.









### What is Poor Practice?

Poor practices occur where there is a lack of understanding, awareness and/or education about what is considered a child-centred environment. Poor practice is not necessarily abuse; however, it is a breach of the codes of conduct which infringes on an individual's rights. Poor practice relates to the behaviour of a coach or other person causing distress to a child, young person, or vulnerable adult.



If necessary poor practice can be dealt with through Mountaineering Irelands Complaints and Disciplinary process. Any individual who demonstrates poor practice can be referred for training and up-skilling and/or can be referred directly to a complaints and disciplinary committee.

Where poor practice becomes a concern, advice should be taken from the Club Children's Officer (CCO) or from the National Children's Officer (NCO). In extreme cases the Designated Liaison Person may consider taking an informal consultation with the local Duty Social Worker to consider the extent and risk of harm to young people of the poor practice. Persistent poor practice is concerning behaviour and may be considered abusive in nature. Concerns of abuse should be reported using the reporting procedures (see [Recognising and Reporting Child Abuse Policy](#)).

### Examples of poor practice

-  Rough, physical and /or sexually provocative games.
-  Not giving young people the opportunity to contribute and make decisions.
-  Inappropriate touching.
-  Children use inappropriate language without being challenged.
-  Shouting continuously.
-  The use of sexually suggestive comments, even in jest.
-  Failing to respond to allegations made by a child.
-  Training is too demanding for the developmental age of a child.

### Avoid poor practice by:

-  Putting the welfare of your participants first.
-  Treating everyone fairly.

- ✚ Maintaining a safe distance from participants.
- ✚ Avoiding spending time alone with children
- ✚ Being a role model.
- ✚ Involving parents or carers.
- ✚ Giving enthusiastic feedback and avoiding negative criticism.
- ✚ Taking part in ongoing coach education.
- ✚ Listening, watching, and evaluating.

**Procedure for dealing with poor practice:**

1. Once an incident has been reported to the Mountaineering Ireland National Children’s Officer or CEO they will, in turn, pass it onto the Case Management Group to decide if the incident relates to abuse or bad practice. If the incident is identified as abuse, then it will immediately be handed over to the statutory bodies.
2. If it is decided that the incident relates to poor practice, then after consultation with the Case Management Group, a decision will be made whether or not to suspend temporarily the person accused.
3. A disciplinary hearing will be called by the Case Management Group, or Disciplinary Committee and may consist of:
  - a. An independent person
  - b. A senior officer of Mountaineering Ireland
  - c. The CEO/NCO/Member of the Board
4. The accused will be advised of receipt of the report.
5. The accused will be invited to a hearing which will be held at a convenient time for them.
6. The accused must be given sufficient advanced warning of the hearing.
7. The accused must be given the opportunity to offer their explanation of the incident.
8. Once the panel has made its decision it must communicate this to the accused in writing as soon as possible.
9. A copy of the finding should be held by Mountaineering Ireland.

The powers of the Case Management Group/Disciplinary Committee include:

1. Temporary suspension.
2. Person may only work with young people when supervised.
3. Person may undergo some form of training.

### Case Management Thresholds

It can be helpful to think of all safeguarding concerns as existing on a scale. At one end of this scale are what are sometimes referred to as lower-level concerns – this is when small rules are broken. At the opposite end of the scale is persistent poor practice or serious breaches of the code of conduct, and abuse. Remember that a situation may initially sit at one point on the scale of concern but can move when further investigation or action is taken, or additional information is received.

Level of Safeguarding Concerns		
Lower-Level Concerns		Child-Protection Concerns
Level 1	Level 2	Level 3
Child safeguarding or more general welfare concern, or minor breach of code of conduct.	Breach of a code of conduct, other behaviour, or other information that may identify a safeguarding issue or concern.	Breach of code of conduct, other behaviour, or other information that raises concerns about the safety of a child or the suitability of a person to be involved in the sport. OR Child protection concerns that meet the statutory threshold for referral to Tusla/social care or the police/Gardaí.

## Level 1 safeguarding concerns

### Characteristics:

- ✚ Child safeguarding or more general welfare concern, or minor breach of code of conduct – if in doubt, consult with the National Children’s Officer.
- ✚ May require notification to Mountaineering Ireland’s National Children’s Officer.
- ✚ More likely to be managed locally, even if raised with the NCO.
- ✚ Unlikely to be overseen by Mountaineering Ireland’s case management group.

### Examples of safeguarding issues – inside sport:

Inside-sport concerns include those relating to a coach, official, participant, spectator, or another volunteer. They may include individuals working or volunteering within other sports organisations. This list is not exhaustive:

- ✚ complaint from parent about a coach or another parent about minor behaviour concerns.
- ✚ disagreement between adults that can be resolved through mediation.
- ✚ peer-on-peer quarrel that can be resolved through mediation.
- ✚ a single incident of bad language.
- ✚ minor breaches of the code of conduct by coach, volunteer, or participant.
- ✚ low-level bullying of a child by a peer, such as an incident of name-calling.

### Examples of safeguarding issues – outside sport:

Outside-sport concerns include those relating to issues arising at home, in school, in the wider community or online.

- ✚ child attending session when unwell.
- ✚ parent late collecting child after session.
- ✚ minor well-being concerns that require a conversation with the parent or carer.
- ✚ child lacks social skills and has few friends.
- ✚ disagreement between adults that can be resolved through mediation.
- ✚ peer-on-peer quarrel that can be resolved through mediation.

## Possible Actions

There are several actions that will be considered including:

- ✓ notify NCO for monitoring and collation of information.
- ✓ discussion with national safeguarding team and agree that there will be local management.
- ✓ decision made for local enquiries to be conducted and outcome decisions taken.
- ✓ results and decisions to be passed back to NCO.
- ✓ ascertain if it is a safeguarding issue or matter that affects the running of the club, or a child is at risk of harm.
- ✓ make a written record of concern and decisions made.
- ✓ offer mediation.
- ✓ consider training.
- ✓ after finding out more information, if child is at risk of harm or has been harmed then consider escalation to level 2 or 3.
- ✓ conversations with the young person and/or the parent.

## Level 2 safeguarding concerns:

### Characteristics:

- ✚ moderate breach of a code of conduct, other behaviour, or other information that may identify a safeguarding issue or concern – if in doubt, consult with the NCO.
- ✚ requires referral to, and management or oversight by the NCO.
- ✚ may be managed locally under the guidance of NCO.
- ✚ may be overseen by Mountaineering Ireland's case management group.

### Examples of safeguarding issues – inside sport:

Inside-sport concerns include those relating to a coach, official, participant, spectator, or another volunteer. They may include individuals working or volunteering within other sports organisations. This list is not exhaustive:

- ✚ consumption of alcohol whilst coaching.
- ✚ coaching whilst under the influence of drugs or alcohol.

- ✚ a single incident of unnecessary physical contact during training session contravening Mountaineering Ireland’s guidance (may move to level 3 depending on severity and impact on child).
- ✚ a coach or other person working with a child using inappropriate or intimidating language.
- ✚ coach, volunteer, or participant subject to criminal investigation that is not a safeguarding matter but is a risk to the organisation’s reputation, such as theft or fraud.
- ✚ severe or persistent bullying of a child by a peer.

**Examples of safeguarding issues – outside sport:**

Outside-sport concerns include those relating to issues arising at home, in school, in the wider community or online.

- ✚ sudden change in child’s behaviour, such as becoming quiet and withdrawn.
- ✚ sudden weight loss.
- ✚ wellbeing concerns remain after already raising minor concerns with parents or carers.

**Possible actions:**

There are several actions that will be considered including:

- ✓ refer to NCO and agree whether local or national management is required.
- ✓ apply medical attention or call an ambulance if required.
- ✓ make a written record of concern and decision made.
- ✓ consider (once full history is known) a referral to statutory agencies and escalation to level 3.
- ✓ plus several of the possible actions from level 1.

**Level 3 safeguarding concerns:**

**Characteristics:**

- ✚ serious breach of code of conduct, other behaviour, or other information that raises concerns about the safety of a child or the suitability of a person to be involved in the sport.



- ✚ child-protection concerns that meet the statutory threshold for referral to Tusla/social care or the Gardaí/police.
- ✚ requires referral to, and management or oversight by, the NCO.
- ✚ likely to be overseen by Mountaineering Ireland’s case management group.
- ✚ discussion or decision at national safeguarding lead level to establish if consultation with, or referral to, a statutory agency is required.
- ✚ **in emergency situations** – club-level staff may need to seek urgent medical support or report to statutory agencies immediately – and then contact NCO at first opportunity.

### Examples of safeguarding issues – inside sport:

Inside-sport concerns include those relating to a coach, official, participant, spectator, or another volunteer. They may include individuals working or volunteering within other sports organisations. This list is not exhaustive:

- ✚ persistent or serious emotional abuse by coaches or other adults.
- ✚ information accessed through the National Vetting Bureau (NVB) or criminal records check (e.g., DBS) indicates a relevant offence that requires risk assessment.
- ✚ any allegation of assault on a child or young person by a coach, volunteer, parent, or spectator.
- ✚ coach is alleged to be in an intimate relationship with a child or young person who is aged between 16 and 17.
- ✚ information comes to light that a coach, volunteer, or participant involved in sport is subject to an allegation, investigation or prosecution for criminal activity involving potential offences of a sexual, violent, or drug-related nature, whether these arise within or outside the sport.
- ✚ report from another sports organisation indicating that an individual is subject to a safeguarding investigation or sanction.
- ✚ young person displays violent or sexualised behaviour towards other children.
- ✚ sexual abuse, physical abuse, emotional abuse, neglect.

**Examples of safeguarding issues – outside sport:**

- ✚ child indicates abuse at home.
- ✚ concerns about radicalisation, child sexual exploitation, child criminal exploitation, female genital mutilation, forced marriage.
- ✚ mention (by the child or others) of being left home alone or with strangers.
- ✚ signs of neglect or any other forms of abuse that raise concerns about welfare and wellbeing.
- ✚ indicators of possible abuse enough to be concerned about the welfare of a child.
- ✚ repeated minor concerns for the well-being of a child that are not being addressed by a parent or carer.

**Possible actions:**

There are several actions that will be considered including:

- ✓ consult with statutory agency.
- ✓ ascertain which agency and sport will take the primary lead and agree initial actions.
- ✓ case management group to proceed with decisions around investigation and risk assessment in line with the above discussions.
- ✓ make a written record of concern and decisions made.
- ✓ apply medical attention or call an ambulance if required and inform medical practitioner that it is a child-protection concern.

**What is a Protected Disclosure?**

According to Sport Irelands Governance Code for Sport, a protected disclosure occurs when an employee provides certain types of information, usually to the employer (or an auditor or possibly An Garda Siochana), which has come to their attention through work. The ‘whistle blower’ is usually not directly or personally affected by the danger or illegality but may be in fear of possible repercussions.

Protected disclosure is there to support staff or volunteers who believe someone inside the organisation is involved in improper activities or practices, but who feel apprehensive about

speaking up. This apprehension may stem from fear of disloyalty, bullying, group thinking, intimidation, or fear of dismissal. It is intended to assist individuals who believe they have discovered malpractice or impropriety, but not designed to question business decisions taken by the organisation, or to challenge disciplinary or grievance matters already under investigation.

### Legislation

The Protected Disclosures (Amendment) Act 2022 (the Act) commenced in its entirety on the 1<sup>st</sup> of January 2023, available to view [here](#). It transforms the legal landscape of protected disclosures, often referred to as 'whistleblowing'. The Act significantly expands the scope of the protections for those who make protected disclosures and places new and enhanced obligations on organisations with more than 50 employees to have processes in place to facilitate persons in making protected disclosures.

The Public Interest Disclosure (Northern Ireland) Order 1998 (amended February 2023) protects persons (workers) who 'blow the whistle' about wrongdoing. The Order amends the Employment Rights (Northern Ireland) Order 1962 and makes provision about the kinds of disclosures which may be protected; the circumstances in which such disclosures are protected; and the persons who may be protected, available to view [here](#).

Mountaineering Ireland takes direction and guidance for best practice in relation to protected disclosures from these legislations.

You can make a protected disclosure if you are a "worker," and you disclose relevant information in a particular way. Information is relevant if it came to your attention in connection with your work and you reasonably believe that it shows "relevant wrongdoing."

### What can I Report? /Relevant Wrongdoings

Relevant wrongdoings **might** be any of the following:

- ✚ Criminal offences.
- ✚ Failure to comply with a legal obligation (other than your contract of employment).

- ✚ Miscarriage of justice.
- ✚ Endangerment of health and safety.
- ✚ Damage to the environment.
- ✚ Unlawful or improper use of public funds.
- ✚ Oppressive, discriminatory or behaviour or behaviour that constitutes gross mismanagement by a public body.
- ✚ Breaches of EU law.
- ✚ Concealing or destroying evidence of wrongdoing.

Mountaineering Ireland wishes to ensure that any such wrongdoings are reported and dealt with. If you become aware of any wrongdoings, then please follow the procedure below without delay.

Relevant wrongdoings are usually **not** any of the following:

- ✚ Exclusively personal workplace grievances.
- ✚ Disputes with your employers in relation to your contracts.
- ✚ When it is your job to uncover the wrongdoing, for example a police officer investigating a crime or an environmental officer inspecting an oil spill.
- ✚ When the information is disclosed in a legally privileged setting.

### Who is protected under the Act?

Withing the Act the word “worker” includes:

- ✚ Employees
- ✚ Agency Workers
- ✚ Contractors
- ✚ Trainees
- ✚ Volunteers
- ✚ Board Members
- ✚ Shareholders
- ✚ Job Applicants

### Untrue Allegations

No disciplinary or other action will be taken against a whistleblower who makes an allegation in the reasonable belief that it is in the interest of the welfare and wellbeing of the general public to do so, even if the allegation is not substantiated by an investigation. However, disciplinary action may be taken against a whistleblower who makes an allegation frivolously, carelessly, maliciously or for personal gain.

### Procedure in making a protected disclosure:

1. The Mountaineering Ireland Protected Disclosure Procedure shall be conducted in a fair and transparent manner supporting the values strategic priorities of the Mountaineering Ireland; Transform, Grow, Support, Protect and Achieve.
2. A whistleblower may make their original report verbally or in writing but should, as soon as possible provide relevant information in writing including:
  - ✚ The name of the person making the allegation and their contact details
  - ✚ The background and history of the allegation (giving relevant dates and names and positions of those who may be in a position to have contributed to the alleged occurrence)
  - ✚ The specific reason for the allegation. Although someone making an allegation will not be expected to prove that it is true, they will need to provide information to establish that there are reasonable grounds for the allegation.

Someone making an allegation may be accompanied by another person of their choosing during any meetings or interviews in connection with the allegation. However, if the matter is subsequently dealt with through another procedure or by an external agency, the right to be accompanied will at that stage be in accordance with the relevant procedure or the rules of the relevant agency.

3. A worker may alternatively contact the Authorised Person at this email address [safeguarding@mountaineering.ie](mailto:safeguarding@mountaineering.ie) to arrange a confidential meeting to make a Protected

Disclosure. Mountaineering Irelands Authorised Person will record details of the allegation gathering as much information as possible, including:

- ✚ The record of the allegation.
- ✚ The acknowledgement of the allegation.
- ✚ Any documents supplied by the whistleblower.

The Authorised Person will ask the whistleblower for their preferred means of communication and contact details and use these for all communications with the whistleblower to preserve confidentiality. It is the workers right to make an anonymous Protected Disclosure, but the workers are encouraged to sign the disclosure to assist with the proper investigation of the Protected Disclosure and so that the Authorised Person can where circumstances allow report back to the worker with updates. In certain circumstances anonymous Protected Disclosures may be impossible to investigate but the Mountaineering Ireland will use best endeavours to investigate all Protected Disclosures.

4. Any disclosures should be factual (to the best of their knowledge and should address the following key points to the extent that such information is known to the individual in relation to an alleged relevant wrongdoing that has occurred, is occurring or is likely to occur: a) What has occurred (or is thought to have occurred)? b) When it occurred? c) Where is occurred? d) Who was involved? e) Has Mountaineering Ireland been put at risk or suffered a loss as a result? f) Has it happened before? g) Has it been raised with anyone else either within Mountaineering Ireland or externally? If so, details of when/whom? h) Are there any other witnesses? i) Is there any supporting information or documentation? j) How did the matter become known? k) Each disclosure shall be considered individually.

5. The Authorised Person will treat Protected Disclosures in a confidential and sensitive manner, in so far as possible and in so far as this does not adversely affect the investigation of an important Protected Disclosure.

6. Workers may make disclosures on an anonymous basis. However, Mountaineering Ireland may not be in a position to pursue any investigation of anonymous disclosures to the fullest extent.

7. If the Worker does not want to report to their employer or reporting to their employer has not worked, they can report to a regulator, known as a “prescribed person.” They can also report to the Protected Disclosures Commissioner who will refer the report usually to the suitable regulator, for acknowledgement, follow-up, and feedback. A list of prescribed persons can be found at [www.gov.ie/prescribed-persons](http://www.gov.ie/prescribed-persons) .

8. Once a disclosure has been made, the Authorised Person should conduct an assessment of the disclosure to determine whether or not it should be treated as a Protected Disclosure, having regard to the provisions of the Legislation. If it is unclear whether the disclosure qualifies as a Protected Disclosure, the Authorised Person should treat the disclosure as a Protected Disclosure (and protect the identity of the Worker in accordance with the Procedure) until satisfied that the information is not a Protected Disclosure.

9. The assessment should consider whether the alleged wrongdoing is something that can or should be investigated or not, and, if so, what steps should be taken as part of such an investigation. If an investigation is required, the Authorised Person should consider the nature and extent of the investigation. This could consist of an informal approach for less serious wrongdoings, a detailed and extensive investigation of serious wrongdoings, or an external investigation by another body.

**Examples of courses of action depending on their nature:**

If the allegation discloses evidence of a criminal offence or financial irregularity it will immediately be reported to the CEO of Mountaineering Ireland, who will liaise with the Chair and Board of Mountaineering Ireland as necessary, and a decision will be made as to whether to inform the Gardaí/PSNI.

If the allegation concerns suspected harm to children, the matter will immediately be referred to the National Children's Officer who will deal with the matter in accordance with the Mountaineering Ireland Child Safeguarding Framework including informing the appropriate authorities in line with that policy and the matter will proceed in accordance with that policy.

If the allegation concerns a member of the Mountaineering Ireland Staff, the matter will be referred to the CEO and will be dealt with in accordance with Staff Disciplinary procedures.

If the allegation concerns suspected harm to adults at risk, the matter will immediately be referred to the National Children's Officer who will deal with the matter in accordance with Mountaineering Irelands Safeguarding Adults Policy including informing the appropriate authorities in line with that policy and the matter will proceed in accordance with that policy.

If the allegation concerns a suspected anti-doping rule violation, the information will be reported to Ireland/NI Anti-Doping's investigators and the relevant need to know persons will be notified.



### Reporting timetable

The whistleblower will receive an acknowledgement of the allegation in writing from Mountaineering Ireland within five (5) working days with:

- ✚ An indication of how Mountaineering Ireland propose to deal with the matter.
- ✚ An estimate of how long it will take to provide a final response.
- ✚ An indication of whether any initial enquiries have been made.
- ✚ Information on whistleblower support mechanisms.
- ✚ Indication whether further investigations will take place and if not, why not.

Where the allegation has been made anonymously, Mountaineering Ireland will be unable to communicate what action has been taken.

### Disclosure to the Office of the Protected Disclosures Commissioner

You can make a protected disclosure to the new Office of the Protected Disclosures Commissioner. This office was set up under the 2022 Act and will be part of the Office of the Ombudsman.

The Office of the Protected Disclosures Commissioner will identify a prescribed person or another suitable person competent to take appropriate action to follow up on your disclosure.

Where no other suitable person with the required competence can be identified by the Office of the Protected Disclosures Commissioner, the Commissioner will follow up directly on the report.

If you want to submit a report to the Office of the Protected Disclosures Commissioner, you must [download the application form \(pdf\)](#) and submit the report.

### **Review**

Where an Authorised Person has made an assessment that further action or investigation is not warranted, the worker has the right to ask the Authorised Person that that assessment be reviewed. In such an event, the Authorised Person shall communicate to the Chairperson of the Board that a review has been asked for. The Chairperson of the Board shall appoint a reviewer to evaluate the assessment. The Authorised Person will send the disclosure file to the person assigned by the Chairperson of the Board to carry out the review. Once the Reviewer has completed their review, they shall inform the Chairperson of the Board as to whether or not they feel an investigation is warranted. The review process should ensure that there is no entitlement to two reviews in respect of the same issue.

### **Support for whistleblowers**

Mountaineering Ireland will take steps to minimise any difficulties which may be experienced as a result of making an allegation. For instance, if a whistleblower is required to give evidence in criminal or disciplinary proceedings Mountaineering Ireland will arrange for them to receive advice about the procedure and advise on the available support mechanisms.

The Speak Up Helpline supports whistleblowers who call their advice line or complete their online form. More details about this service can be found at <https://transparency.ie/helpline> .

Mountaineering Ireland accepts that whistleblowers need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform those making allegations of the outcome of any investigation.

### **Responsibility for the procedure**

The CEO and Board of Mountaineering Ireland have overall responsibility for the operation of this policy and for determining the administrative processes to be followed and the format of the records to be kept.

## Monitoring

A confidential Register kept by the CEO will record the following details:

- ✚ The name and status (e.g., employee/coach/provider) of the whistleblower.
- ✚ The date on which the allegation was received.
- ✚ The nature of the allegation.
- ✚ Details of the person who received the allegation.
- ✚ Whether the allegation is to be investigated and, if yes, by whom?
- ✚ The outcome of the investigation.
- ✚ Any other relevant details.

The Register will only be available for inspection by the Governance department, the CEO, and the Board of Mountaineering Ireland.