



SPÓRT ÉIREANN
SPORT IRELAND

Sport Ireland
Policy on Third Party Disclosures

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For external publication

Important Notice: This Policy is not intended for use by employees of Sport Ireland or by individuals wishing to make a protected disclosure regarding Sport Ireland’s anti-doping function pursuant to the Protected Disclosure Act 2014. A disclosure made by an individual pursuant to this policy is not a protected disclosure for the purposes of the Protected Disclosure Act 2014. Any person wishing to make a disclosure to Sport Ireland in relation to any matter covered by this policy does so without any of the protections that are provided to protected disclosures under the Protected Disclosure Act 2014.

Introduction

Sport Ireland is committed to the highest standards of accountability, openness and transparency. Sport Ireland works in partnership, and invests in, over 100 sporting bodies. In this regard, Sport Ireland has an extensive range of controls and mechanisms to safeguard the investment of public funds and ensure that the public money we invest is expended for the purposes intended. Sport Ireland recognise that receiving disclosures from individuals relating to Sport Ireland funding can enhance the mechanisms already in place to safeguard our investments and the reputation of the sports sector. The sector is comprised of professional and voluntary organisations who contribute to delivering on national objectives in respect of sport and physical activity across all levels from participation to high performance

Sport Ireland was established in 2015 as the development agency for sport and physical activity. Sport Ireland works in partnership with funded bodies and other state agencies to advance national policy goals. The functions and statutory remit of Sport Ireland are prescribed in Section 8 of the Sport Ireland Act 2015. The Sport Ireland Act does not prescribe regulatory or investigatory authority to Sport Ireland notwithstanding our commitment to the safeguarding of public funds.

Sport Ireland currently invests millions annually in the sector and our vision as per our Statement of Strategy 2018-2022 is *“a world-class sports sector operating to the highest standards of governance and accountability and contributing towards the National Policy objectives for sport”*.

Purpose

This policy is intended for use by individuals who have evidence of a wrong-doing that relates directly to the material misuse of Sport Ireland funding. This policy is intended to set out the steps necessary to make such a disclosure to Sport Ireland and aims to provide clarity on what is within the scope of Sport Ireland’s legal authority.

The Board and staff of Sport Ireland are committed to ensuring that the control mechanisms that exist around the expenditure of public funds are robust. Sport Ireland recognise that the maladministration of public funds can have a significant impact on our effectiveness, reputation and of the reputation of the wider sports sector.

How we deal with Disclosures

Sport Ireland is committed to the principle of fostering an appropriate environment for supporting external persons in ‘speaking-up’ in relation to potential misuse/misappropriation of public funds in line with this policy. It is important to note that this policy does not replace any legal reporting or disclosure requirements. Where statutory reporting requirements and procedures exist these must be complied with fully.

Sport Ireland is not a regulatory or investigatory body. We have no statutory powers of investigation or enforcement and for this reason we are only able to consider disclosures about sporting bodies and other funded bodies in very specific and defined circumstances. Sport Ireland’s minimum requirements for considering any disclosure are set out below:

The disclosure must be:

- ❖ Made in writing.
- ❖ As detailed as possible and include all relevant information such as evidence, timelines etc.
- ❖ Related to the expenditure of public funds¹ invested by Sport Ireland.
- ❖ Supported by evidence.

Disclosures that do not relate to the funding provided by Sport Ireland and pertain to a sporting body cannot be addressed by Sport Ireland and should be made to that sporting body or such other statutory or regulatory authority as may be appropriate in the particular circumstances. Where a complainant reasonably believes that a criminal offence has occurred it may be appropriate for the complainant to refer the matter to the Gardai. Where there are matters relating to Child Safeguarding the appropriate reporting channels are further outlined in Appendix 2.

Sport Ireland has formal and informal procedures in place for dealing with disclosures that relate to matters covered under this policy in relation to sporting bodies. Our informal approach is in line with our Customer Charter and is based on these principles:

¹ Sport Ireland takes its responsibility for investment of public funds very seriously and has extensive control mechanisms for the expenditure of Sport Ireland investment in funded bodies. Notwithstanding this, some funded bodies have additional revenue streams i.e. Support from international federations, gate receipts and commercial partnerships. The expenditure of these funds is a matter solely for the leadership of those bodies

- ❖ Timely engagement with the individual making the disclosure.
- ❖ Treated with confidence
- ❖ Reasonable and Proportionate
- ❖ Honesty & Fairness

Our informal approach may involve simply clarifying certain matters, seeking to clear up any misunderstandings or resolving the matter by agreed action without the need for a formal process. Staff within Sport Ireland will always endeavour to resolve a matter informally, in the first instance, in line with the principles above. The individual Sport Ireland departments are responsible for managing this informal process.

Please Note: In general, it will be exceptionally difficult for anonymous disclosures to be progressed due to an absence of a mechanism for clarification to be sought or further information to be provided. It is most likely that the nature of these disclosures will necessitate the need to seek further information. All information provided will be treated in the strictest confidence.

Individuals should be aware of the other channels available where a disclosure does not relate to the funding of Sport Ireland. These are detailed below:

| <u>If your disclosure relates to...</u> | <u>You should be aware that...</u> | <u>You should....</u> |
|---|--|--|
| Athlete Welfare | Sport Ireland High Performance Unit has an athlete welfare policy in place. National Governing Bodies are tasked with developing policies and procedures to deal with athlete welfare issues | Contact the relevant National Governing Body of Sport in the first instance. |
| Sport Ireland's Anti-Doping Function (as described in Section 8 of the Sport Ireland Act 2015) ² | Intelligence is a central component of our approach to upholding the ethical integrity of Irish sport. Our intelligence programme seeks to collect information that will assist in the detection, deterrence, enforcement or prevention of an Anti-Doping Rule violation. The Anti-Doping Unit currently have their own whistleblowing policy under development. | Provide the information via the Report Doping form <insert link> |
| Details of alleged wrong-doing in the course of employment with Sport Ireland | Sport Ireland has Protected Disclosure Procedures and an Anti-Fraud & Corruption Policy in place. | Consult the relevant policy and utilise the procedures outlined in those documents |
| Details of alleged wrong-doing in the course of employment | Employers are obliged to have policies and procedures in place for dealing with these types of disclosures. The provisions of the | Consult the relevant policy within your organisation and utilise the |

² The CEO of Sport Ireland is to become a prescribed person for the purposes of the Protected Disclosure Act 2014. This means that disclosures in all matters relating to doping in sport pursuant to the Irish Anti-Doping Rules or World Anti-Doping can be made to Sport Ireland.

| | | |
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| with a body in receipt of funding from Sport Ireland | Protected Disclosures Act 2014 applies to all employees. | procedures outlined in those documents |
| Child Safeguarding | Sport Ireland does not have an investigatory or enforcement role in this regard. More detailed guidance is available in Appendix 2 | Refer to Appendix 2 for more details on the appropriate reporting channels. |

Members of the general public and volunteers within sports are welcome to make disclosures to Sport Ireland that relate to allegations of the misuse or inappropriate expenditure of public funds allocated by Sport Ireland. For Sport Ireland to progress any disclosure of maladministration of public funds invested by Sport Ireland there needs to be evidence supplied. Sport Ireland cannot progress disclosures based on rumour, conjecture or hearsay. All information supplied will be treated in confidence and every effort will be made to protect your identity. Disclosures should be made in good faith with the reasonable expectation that they are true. However, it is very important to be clear that such disclosures are not protected disclosures under the Protected Disclosure Act, 2014 and any person making such a disclosure needs to be cognisant of this fact.

What doesn't fall within the scope of this document?

Sport Ireland does not and cannot act as an arbitrator for the sports sector. Sport Ireland has no legal authority to investigate the type of matters detailed below. Sport Ireland will only be able to accept disclosures that relate to a credible allegations that there has been a misuse or misappropriation by a sporting body of the funding provided to it by Sport Ireland. To investigate any of the type of matters outlined below would result in Sport Ireland acting outside the limits of our statutory powers. Examples of the type of matters that do not fall within the scope of the policy are included below:

- ❖ internal disputes
- ❖ employment matters including salary levels within a funded body
- ❖ selection processes and outcomes
- ❖ perceived breaches of the ethos of a funded body
- ❖ grievances between club members
- ❖ governance matters relating to affiliated bodies or clubs
- ❖ disagreement with wider government policy in the area of sport and physical activity
- ❖ disagreement with the strategic priorities of a funded body; and
- ❖ disputes, disagreements or grievances within a sports club or affiliated body, National Governing Body or LSP

Sport Ireland recognise funded bodies as independent, autonomous organisations responsible for their own internal governance including having effective methods for addressing and resolving the type of issues as

outlined above. It is a condition of grant funding by Sport Ireland that National Governing Bodies of Sport have an independent mechanism for the resolution of disputes. Sport Ireland intervening in the matters outlined above would be ultra vires and therefore outside of the authority of Sport Ireland.

A disclosure relating to a Sport Ireland funded body that falls within the statutory remit of another state agency/body should be reported to that body i.e. if an individual is aware of a serious breach of Data Protection law they should consult with the Data Protection Commission on the appropriate course of action. A non-exhaustive list of some of these bodies is provided in Appendix 1.

A complaint related to Sport Ireland’s conduct or conduct of Sport Ireland employee should be made in accordance with the process detailed in our Customer Charter. **<insert link>**

Approach

The approach to addressing relevant matters brought to Sport Ireland’s attention under this policy is outlined below. As outlined previously Sport Ireland endeavours to resolve all matters in an informal manner in the first instance through the provision of guidance, information and by seeking or issuing clarifications. Sport Ireland recognises this this approach is generally beneficial to all parties.

| Informal Process | An informal approach will be adopted prior to progressing to below. | | | | |
|---|---|---|----------------|--|----------------|
| Disclosure that relates to | Stage 1 | | Stage 2 | | Stage 3 |
| (a) A Sport Ireland funded body; and (b) Sport Ireland funding | Initial assessment | Decision to progress or otherwise based on initial assessment | Formal Review | Communication of outcome to Audit & Risk Committee | Conclusion |

Where disclosures do not relate to Sport Ireland funding our general advice is for a discloser to liaise with the funded body or the appropriate statutory authority to progress matters.

A more detailed overview of the process is included below. The timelines below are indicative and will vary depending on the complexity and sensitivity of each case. Sport Ireland’s approach on these matters is to ensure we are fully informed of all relevant issues prior to progressing to the next stage. A formal process will only be initiated on the request of the discloser, where Sport Ireland’s assessment of the gravity of the situation dictates it, or where the informal process has not been successful in resolving the matter to the satisfaction of all parties. All of the steps outlined below are conducted using objective and fair principles with regard to the principles of natural justice. Sport Ireland would anticipate communicating with the

individual who made a disclosure throughout the process. Sport Ireland has appointed a responsible person to progress disclosures through the initial assessment stage.

When a matter is closed or concluded Sport Ireland is unlikely to consider reopening the matter except for in the most exceptional of circumstances. What constitutes an exceptional circumstance shall be determined by Sport Ireland (at its sole and exclusive discretion).

Formal Process – Detailed Overview

| Stage 1: Initial Assessment | Indicative Timeline to progress: 30 working days |
|--|---|
| <ul style="list-style-type: none"> • An initial assessment of the disclosure is conducted by the responsible person within Sport Ireland to see whether the matters raised fall within the scope of this policy and is material in nature. If, at this point it doesn't, the matter is considered closed from a Sport Ireland perspective. If appropriate Sport Ireland may provide a suggestion at this point as to how they feel the matter could be progressed independent of Sport Ireland. • Further information or clarification may be sought at this point. Notwithstanding the principle of confidentiality Sport Ireland may also engage with the body to whom the matters pertains if that would be deemed useful. • When the initial assessment concludes, a decision is made by the responsible person on whether the matter warrants progression. If at this point, it is decided the matter doesn't warrant progression, it is considered closed from a Sport Ireland perspective. If it is decided the matter does warrant progression it will be referred to the Head of Internal Audit³ • The Chair of the Audit & Risk Committee will be briefed if the decision is made to progress the matter. • The body to whom the matter pertains will also be updated on the next steps. | |
| Stage 2: Review by Head of Internal Audit | Indicative Timeline to progress: 3-6 months |
| <ul style="list-style-type: none"> • The matter will be referred to Sport Ireland's Head of Internal Audit for analysis and to progress. The approach and process taken will differ dependent on the complexity and sensitivity of the matter. • The Head of Internal Audit will be provided with appropriate supports to progress their analysis • The outcome of this process will be reported to the Audit & Risk Committee | |
| Stage 3: Conclusion | |
| <ul style="list-style-type: none"> • Any follow up actions will be communicated to all parties concerned | |

Misuse of Policy

It is expected that individuals making disclosures will be making them based upon the reasonable belief that they are true. Sport Ireland will not progress or consider a disclosure that is malicious or vexatious. Sport Ireland will endeavour to offer a reasonable and fair response and expect the same standards from individuals making the request. Illustrative examples of what we consider fair and reasonable behaviour when interacting with us are below:

- ❖ Providing additional details when requested.

³ The Head of Internal Audit is an outsourced position and is not a Sport Ireland employee.

- ❖ Recognising that there is a defined procedures in place to address matters
- ❖ Recognising that a matter is not within the scope of this policy
- ❖ Recognising that there are limits to Sport Ireland’s powers under the Sport Ireland Act (2015)
- ❖ Recognising that Sport Ireland cannot continue to address matters that have been dealt with comprehensively through previous engagements.

However, Sport Ireland shall, at its sole and exclusive discretion determine what constitutes an exceptional circumstance shall be determined by Sport Ireland (at its sole and exclusive discretion).

Communication, Monitoring & Review

This policy will be circulated to all staff within Sport Ireland and will also be published on the Sport Ireland website with any associated guidance. The Corporate Services department in Sport Ireland is responsible for the monitoring of the policy. It is anticipated that individual departments would still respond to requests for queries or clarifications from the general public in line with our Customer Charter. General or common types of correspondence should not be escalated within the scope of this policy. Sport Ireland will review this policy after an initial 12 month period to reflect on learnings and experience from the initial period. The policy will be reviewed every two years thereafter. The aims, purpose and scope of the document will be communicated to the sports sector via the various units.

Appendix 1: State Bodies

Below is a non-exhaustive list of State Bodies with a regulatory or investigative function

| Body | Website |
|---|--|
| Data Protection Commission | www.dataprotection.ie |
| Office of the Director of Corporate Enforcement | www.odce.ie |
| Tusla | www.tusla.ie |
| Revenue Commissioners | www.revenue.ie |
| Health & Safety Authority | www.hsa.ie |
| An Garda Síochána | www.garda.ie |
| Environmental Protection Agency | www.epa.ie |
| Irish Auditing and Accounting Supervisory Authority | www.iaasa.ie/ |
| Workplace Relations Commission | www.workplacerelations.ie |
| Private Security Authority | www.psa.gov.ie |
| Office of Children's Ombudsman | www.oco.ie |

Appendix 2: Safeguarding in Sport

In the area of Safeguarding, Sport Ireland have developed a document called “Safeguarding Guidance for Children & Young People in Sport” which has been adopted by all recognised and funded National Governing Bodies.(NGBs) The recommendations and best practice principles of Sport Ireland’s Safeguarding Guidance are not a statutory or mandatory requirement.

Sport Ireland requires NGBs to submit bi-annual paperwork in the form of Mid-Year and Core Grant Compliance returns. The completion of these returns allows Sport Ireland to ensure that all recognised and funded NGBs are compliant with all of Sport Ireland Safeguarding requirements e.g. Child Safeguarding Statement, Evidence of Safeguarding Training, and compliance with the National Vetting Bureau Act 2012-2016. Each NGB is also required to appoint a National Children’s Officer to oversee the implementation of Safeguarding best practice and legal requirements within their sport.

If anyone involved in sport have reasonable grounds for concern that a child may have been, is being, or is at risk of being abused or neglected they should contact Tusla Social Work department through the Dedicated Contact Points. Never leave a child in danger. If you think a child is in immediate danger and cannot contact Tusla, you should contact An Garda Síochána without delay. It is not necessary for an individual to prove or to investigate that abuse has occurred to report a concern to Tusla. All that is required is that reasonable grounds for concern exists. It is Tusla’s role to assess concerns that are reported to it.