

UKAD

Whistleblower Policy

Policy & Procedure for reporting misconduct

Version Number 1.0
July 2020

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Whistleblower Policy

The key points you need to know

Any single piece of information, no matter how small or seemingly insignificant, could be the key that unlocks and exposes doping activity.

Information is crucial to the work of UKAD, let us make an assessment of the information that you wish to disclose. You will be taken seriously.

If you are unsure whether or not to make contact, do it!

A Whistleblower can make a disclosure of alleged Misconduct at any time.

UKAD actively encourages a Disclosure by anybody that detects, identifies, witnesses, knows of, or has reasonable grounds to suspect any Misconduct.

Whistleblowers can seek advice from the Intelligence and Investigations team at UKAD before making a formal Disclosure of information.

Maintaining the confidentiality of information and the anonymity of a Whistleblower is of the utmost importance to UKAD. Making a Disclosure does not necessarily mean you will have to give evidence or that you will be identified as a Whistleblower.

UKAD will work to ensure that no act of retaliation against a Whistleblower will go unchallenged. Perpetrators will be held to account.

Whistleblowers enter into an agreement with UKAD and may engage closely with the Intelligence and Investigation team whilst the information and Disclosure of alleged Misconduct is reviewed and investigated.

Protect Your Sport

UKAD can be contacted in confidence at:

Email: protectyoursport@reportdoping.com

WhatsApp: +44(0)7587 634711

Protect Your Sport online reporting form or call the 24-hour hotline number.

www.protectyoursport.co.uk / 08000 32 23 32

1. Introduction and Scope

UKAD is committed to protecting clean athletes and will work relentlessly to remove from sport those who break the rules. It is the responsibility of everyone involved in sport to come together to create a level playing field and to nurture an altruistic culture, where everyone can be empowered and encouraged, without fear or trepidation to come forward and disclose any information about doping in sport.

UKAD recognises the significant role that whistleblowing plays in creating a level playing field by preventing and detecting anti-doping rule violations. UKAD will work alongside athletes and those who work with athletes to gain an insight into what the best tools are to make this happen.

Any single piece of information, no matter how small or seemingly insignificant, could be the key that unlocks and exposes doping activity. This Policy seeks to encourage and enable people to come forward with information and to raise their concerns about potential doping violations.

The Policy sets out how information can be passed to the Intelligence and Investigations team in the strictest of confidence, the rights and responsibilities of Informants and Whistleblowers and the responsibilities of the Intelligence and Investigations team in receipt of whistleblowing information.

This Policy does not replace the existing reporting mechanisms of WADA¹, other national anti-doping organisations or law enforcement agencies who deal with doping violations and criminal offences respectively. UKAD strives to work with all relevant stakeholders to continually evolve our practices within the sporting landscape, in order to develop increasingly robust and effective whistleblowing networks.

¹ WADA whistleblowing and confidential reporting mechanisms can be found at <https://speakup.wada-ama.org/WebPages/Public/FrontPages/Default.aspx>

1.1 Key definitions

For the purpose of this Policy and its provisions:

1.1.1 Informant

An Informant is a person/entity making a disclosure of alleged Misconduct, or of information related to a potential Misconduct, to UKAD.

1.1.2 Whistleblower

An Informant is given Whistleblower status by UKAD, this requires the Informant and UKAD to agree and sign a Whistleblower Agreement (see section 3).

1.1.3 Respondent

A Respondent is the person/entity against whom/which alleged Misconduct has been reported.

1.1.4 Misconduct

Misconduct includes any alleged anti-doping rule violation (ADRV), any alleged non-compliance violation, or any act or omission that could undermine the fight against doping including unethical behaviour, bribery and corruption.

1.1.5 Disclosure

A Disclosure is an Informant's / Whistleblower's formal act of reporting any alleged Misconduct to UKAD.

1.1.6 UK Anti-Doping (UKAD)

UKAD is the organisation responsible for protecting sport in the United Kingdom from doping.²

1.1.7 World Anti-Doping Agency (WADA)

WADA is the global organisation that coordinates, promotes and monitors the fight against doping in sport³.

² <https://www.ukad.org.uk/about>

³ <https://www.wada-ama.org/en/who-we-are>

2. Making a Disclosure to UKAD

2.1 Informant or Whistleblower?

An **Informant** can make a disclosure of alleged Misconduct to UKAD anonymously and in confidence at any time. Informants are not subject to the additional rights and protections afforded to a Whistleblower.

A **Whistleblower** can make a disclosure of alleged Misconduct at any time and enters into a signed agreement with UKAD. This agreement provides added rights and protections. Whistleblowers will engage with the Intelligence and Investigation team over any relevant period of time whilst the information and Disclosure of alleged Misconduct is reviewed and investigated.

2.2 Who can make a Disclosure to UKAD?

UKAD actively encourages Disclosure by **any person/s or entity** that detects, identifies, witnesses, knows of or has reasonable grounds to suspect any alleged Misconduct as defined in 1.1.4.

2.3 What can be the subject of a Disclosure?

Any Misconduct as defined in 1.1.4 can be the subject of a Disclosure. It does not matter whether or not the alleged Misconduct relates to a Respondents past, present or planned future behaviour.

2.4 Who can Misconduct be committed by?

Misconduct can be committed by, but is not strictly limited to the following Respondents:

- Anti-Doping Organization (ADO) staff
- Athlete
- Athlete Support Personnel (ASP)
- Doping Control Officer(s) (DCO)
- National Governing Body (NGB) staff
- WADA – accredited Laboratory staff
- WADA staff
- Others (i.e. Funding bodies, Home country sports councils and medical staff)

UKAD encourages potential Whistleblowers/Informants who may be unsure if their Disclosure relates to a category of Respondent listed above, to make contact via the

reporting methods set out in 2.5 with the Intelligence and Investigations team, who will make an assessment of the proposed Disclosure.

2.5 Contacting UKAD to make a Disclosure?

UKAD recognises the importance of maintaining the security of informant and Whistleblower information. To protect the identity of Informants and Whistleblowers, the following contact methods are monitored by intelligence and investigation professionals:

- **Email: protectyoursport@reportdoping.com**
- **WhatsApp: +44(0)7587 634711**
- **Protect your sport online reporting portal and a 24 hour hotline number**

This service is operated by Crimestoppers and provides an encrypted reporting method where Informants can make anonymous disclosures. If an Informant wants to pursue Whistleblower status they can provide contact details which will result in contact from the Intelligence and Investigations team or alternatively they can make contact directly via the email address or WhatsApp.

Protect your sport can be found online at: **www.protectyoursport.co.uk**
Protect your sport hotline number: **08000 32 23 32**

2.6 Obtaining advice before making a Disclosure

Before making a Disclosure, it is advisable for Informants to carefully review this Policy to understand their rights and responsibilities. Any individual/entity can seek advice from the Intelligence and Investigations team prior to making a Disclosure. This can be arranged by contacting the Intelligence and Investigations team via:

- **Email: protectyoursport@reportdoping.com**
- **WhatsApp: +44(0)7587 634711**

Further information about the Intelligence and Investigations team can be found at: <https://www.ukad.org.uk/violations/intelligence-and-investigations>

3. The Whistleblower

No Informant will be obliged to accept Whistleblower status. However, Whistleblower status does afford the Informant additional rights should they wish to co-operate further with the Intelligence and Investigations team at UKAD.

3.1 Granting of Whistleblower status

The granting of Whistleblower status will be at the discretion of the Director of Operations at UKAD or in his/her absence the Deputy Director of Operations (Testing). The decision will be based upon an assessment of the Disclosure made by the Informant. The assessment will consider, but is not strictly limited to, the following factors:

- a) Whether the Disclosure has been made in good faith, on reasonable grounds, based upon an honestly held belief by the Informant.
- b) If the alleged Misconduct is subject to the rules and regulations contained within the World Anti-Doping Code (the Code) or related to the Code.
- c) If the date of the alleged Misconduct remains within the Code's statute of limitations.⁴
- d) If the information provided is relevant to or assists in the fight against doping in sport.
- e) If the information provided is precise enough.
- f) The likelihood that additional evidence can be obtained to corroborate the allegation of Misconduct and/or there is a reasonable prospect of a resulting ADRV.
- g) The risk that anonymity cannot be maintained and that any resultant investigation and/or hearing/tribunal processes requires the revelation of the identity of the Whistleblower/Informant.
- h) Whether the significance of the information provided by the Informant is proportionate to the potential risks to the safety and wellbeing of the Informant and/or his/her family.

3.2 Whistleblower Agreement

A Whistleblower agreement between UKAD and the Informant must be signed before Whistleblower status is granted.

The Whistleblower agreement will set out:

⁴ Article 17 the World Anti-Doping Code states:
No anti-doping rule violation proceeding may be commenced against an *Athlete* or other *Person* unless he or she has been notified of the anti-doping rule violation as provided in Article 7, or notification has been reasonably attempted, within ten years from the date the violation is asserted to have occurred.

- a) the rights and responsibilities of the Whistleblower and
- b) the Whistleblower protection measures.

3.3 Whistleblower Protection Measures

3.3.1 Protection of Identity and Confidentiality

Maintaining the confidentiality of information and the anonymity of a Whistleblower is of the utmost importance to UKAD. Staff within the Intelligence and Investigations team who are involved in processing Whistleblower information are trained and experienced in handling this type of work.

The identity of a Whistleblower will not be revealed to anyone outside of the Intelligence and Investigations team and the Director of Operations and only if deemed necessary the Chief Executive Officer unless:

- a) The Whistleblower provides their consent in writing or,
- b) In the unlikely event that it is required by law.

All evidence and information obtained by the Intelligence and Investigations team is stored within secure systems and locations in compliance with the World Anti-Doping Code and the International Standard on the Protection of Privacy and Personal Information (ISPPPI). UKAD also adheres strictly to the General Data Protection Regulation (GDPR) and the Data Protection Act 2018 (DPA) as they apply within the United Kingdom and as amended from time to time.

3.3.2 External Legal Assistance

UKAD is unable to provide external legal assistance to Whistleblowers.

3.3.3 Protection against Retaliation

Whistleblowers should be free to assist in the fight against doping in sport without fear of reprisals **of any kind**. Where the identity of a Whistleblower becomes known, UKAD will work to ensure that the perpetrator(s) of any act of retaliation against the Whistleblower/Informant either directly or indirectly will be held to account.

Article 2.11 of the World Anti-Doping Code 2021⁵ provides the new anti-doping rule violation: *‘Acts by an Athlete or Other Person to Discourage or Retaliate Against*

⁵ 2.11 Acts by an Athlete or Other Person to Discourage or Retaliate Against Reporting to Authorities https://www.wada-ama.org/sites/default/files/resources/files/code_2021_october2019.pdf

Reporting to Authorities'. UKAD will use article 2.11 to provide further protection and assurance to Whistleblowers/Informants and to sanction those whose conduct falls within the article.

The laws of the United Kingdom provide a number of protections against behaviours such as harassment and malicious communications. Where appropriate, the Intelligence and Investigations team will assist the Whistleblower in making a report to the Police or other appropriate authority. Reporting to agencies outside of UKAD will necessitate the Whistleblower disclosing their identity to the other agency.

The Public Interest Disclosure Act 1998 (PIDA 1998)⁶ provides employees with protection from retribution by their employer. Where retribution takes place, the employee may bring a case before an employment tribunal, which can award compensation.

3.3.4 Physical Protection

UKAD is unable to provide any form of physical protection to a Whistleblower. Where a risk to the physical safety of the Whistleblower and/or their family becomes known, UKAD will assist the Whistleblower in engaging with the relevant authorities such as the National Crime Agency (NCA) and the Police. A requirement of reporting to other authorities may require, with the consent of the Whistleblower, disclosure of their identity.

3.4 Substantial Assistance

Where an Informant or Whistleblower is charged with an anti-doping rule violation, they may be eligible to seek substantial assistance benefits as set out in Article 10.6.1 of the 2015 World Anti-Doping Code (to be replaced by Article 10.7.1 of the 2021 World Anti-Doping Code)⁷.

4. Rights and Responsibilities

4.1 Informant

4.1.1 Rights

An informant will have the following rights:

⁶ <https://www.legislation.gov.uk/ukpga/1998/23/contents>

⁷ Sets out how the provision of Substantial Assistance can in the correct circumstances lead to the: Elimination, Reduction, or Suspension of Period of Ineligibility or other Consequences for Reasons other than Fault.

- a) The protection measures provided by UKAD (see 3.3)
- b) To seek advice from the Intelligence and Investigations team prior to making a Disclosure of potential Misconduct.
- c) To make a Disclosure or to pass any other relevant information in confidence, knowing that their identity will only be shared outside of the Intelligence and Investigations team as strictly necessary (for example, where it is required by the Legal Team and/or WADA for the purpose of an assessment on Substantial Assistance).
- d) To make a formal Disclosure of Misconduct or to pass any other relevant information via the communication channels made available by UKAD (see 2.5).
- e) To receive an acknowledgement from UKAD upon receipt of the Disclosure, where possible.
- f) Where appropriate, to receive a timely notification as to whether or not Whistleblower status has been granted and, where possible, a justification for that decision.

4.1.2 Responsibilities

The Informant must:

- a) Make a Disclosure of Misconduct in good faith, with an honestly held belief that the Disclosure is accurate and made on reasonable grounds.
- b) Immediately inform the Intelligence and Investigations team if they, or any other person, is in danger or at risk of reprisals resulting from the Informants contact with UKAD.
- c) Provide accurate information to the Intelligence and Investigations team and, where appropriate, clarify information and consider providing further information if required.

4.2 Whistleblower

4.2.1 Rights

In addition to those rights afforded to an Informant (see 4.1.1), a Whistleblower has the additional, following rights:

- a) To maintain contact with and seek advice from a designated person within the Intelligence and Investigations team.
- b) Where appropriate, to receive updates on how any investigation arising from the Whistleblower Disclosure is progressing. This will be at the discretion of the Head of the Intelligence and Investigations team.
- c) At the discretion of the Head of Intelligence and Investigations team, to be notified of the final outcome and findings of any investigation related to the Whistleblowers Disclosure of alleged Misconduct.
- d) To maintain contact with the designated person in the Intelligence and Investigations team after an investigation has concluded, specifically in relation to matters concerning the maintenance of their anonymity.

4.2.2 Responsibilities

It shall be the responsibility of the Whistleblower to:

- a) Assume the same responsibilities of the Informant (see 4.1.2)
- b) Comply with any terms and conditions set out in the Whistleblower agreement.
- c) Not commit any anti-doping rule violations or any other act or omission which could undermine any ongoing or future investigation.
- d) Seek approval from the Intelligence and Investigations team before doing any act that is in any way related to an ongoing investigation.
- e) Maintain strict confidentiality at all times and to take all reasonable steps to protect their anonymity in accordance with the Whistleblower agreement. This responsibility remains applicable even after an investigation has concluded. Any breach of confidentiality by the Whistleblower will terminate the Whistleblower agreement and result in a loss of Whistleblower rights as set out in 4.2.1.

4.3 UKAD

4.3.1 Rights

UKAD may, without limitation:

- a) Pass any information received from a Whistleblower/Informant to other Anti-Doping organisations, regulatory bodies and Law Enforcement Agencies. UKAD will ensure the anonymity of the Whistleblower/Informant is maintained as per the requirements of this Policy.
- b) Where a Disclosure of alleged Misconduct concerns the revelation of criminal activity, UKAD may refer the information and any evidence to a relevant national/international Law Enforcement Agency where appropriate.
- c) Seek further information from Whistleblowers when required during the investigation as per the signed Whistleblower agreement.
- d) Conduct investigations without interference from any third party as directed by the Head of the Intelligence & Investigations team.
- e) Conclude an investigation and, where appropriate, terminate the Whistleblower Agreement at any time.

4.3.2 Responsibilities

UKAD shall:

- a) Ensure that sufficient resources are in place to facilitate the implementation of this Policy in full.
- b) Protect the rights of individuals/entities to make a Disclosure of alleged Misconduct in confidence and to implement the protection measures set out in this Policy.
- c) Provide information to athletes and other relevant stakeholders, to educate them about this Whistleblower Policy.
- d) Make this Policy document publicly available on its website.
- e) Regularly conduct a review of this Policy in collaboration with relevant stakeholders.
- f) Where possible, publish data reflecting the number of Disclosures of alleged Misconduct and the outcomes.

1. Procedures and Sanctions

A Disclosure of alleged Misconduct will be received and reviewed by the Intelligence and Investigations team at UKAD. All Disclosures will be thoroughly reviewed and wherever possible acted upon. Where Whistleblower status is sought or considered desirable, the Disclosure of alleged Misconduct will be reviewed against the parameters set out in 3.1 above.

4.1 Sanctions arising from a confirmed case of Misconduct

Sanctions resulting from a proven breach of the World Anti-Doping Code will be in accordance with article 10 of the Code. Sanctions can include, but are not limited to:

- a) Disqualification of results in competition
- b) Periods of ineligibility (banned from sport)
- c) Fines and other financial consequences such as forfeiture of prize money

Where appropriate, UKAD may refer cases and allegations of alleged Misconduct to law enforcement agencies and other professional bodies. Such referrals can result in further sanctions being issued against the Respondent, in accordance with the rule of law and with the policies of professional bodies.

4.2 Sanctions arising from knowingly false Disclosures of alleged Misconduct

Where it becomes known that a Whistleblower has made a Disclosure, knowing it to be false, contravening the responsibilities set out in 4.1.2 (a) above, the Whistleblower agreement will be terminated immediately. Where appropriate, UKAD may commence proceedings against the Whistleblower pursuant to article 2.5 of the World Anti-Doping Code and the “Tampering” violation.

5. Privacy and Security

UKAD is committed to protecting the privacy rights of Whistleblowers, Informants and Respondents. UKAD will process data that it receives pursuant to this Policy in accordance with the ISPPPI and applicable law.

For more information about privacy please visit the privacy notice on the UKAD website⁸. If you have any concerns about how your data is processed by UKAD, you can get in touch with UKAD’s Data Protection Officer at ukad@ukad.org.uk or by writing to UKAD, Fleetbank House, 2-6 Salisbury Square, London, EC4Y 8AE.

⁸ <https://www.ukad.org.uk/privacy-notice>

Approval and Review

Author: Pat Myhill
Approver: Directors Team
Approval Date: July 2020
Review Date: July 2024