

NClS' Whistleblowing Policy

Whistleblowing

Aim – The National Institutions of the Church of England (NICs) seek to act with probity in their professional behaviour, and so aim to help the staff to follow, and be seen to follow, the highest ethical and moral standards. Should there be any failure in this, the policy seeks to enable staff to alert the organisation to any potential problem or wrongdoing reasonably believed to exist, without fear of any negative reprisal in response to the revelation (such as fear of dismissal, denial of promotion or pay prospects, any other detrimental treatment).

Summary – Staff must consider the reasonableness of suspicion and whether informal action is appropriate. S/he may involve a senior colleague and should alert a supervising member (“SM”, designated member of the Audit Committee). The SM will undertake an investigation with the assistance of Internal Audit (in serious cases others, such as forensic accountants or the police, may be involved). The procedure is confidential. Any disciplinary action that needs to be taken, will normally take place after the investigation. It is possible to appeal the decision. Malicious, vexatious or frivolous use of the process will result in disciplinary action. Management has a duty to follow up the case to ensure appropriate controls are brought in to mitigate further, similar problems.

[Policy](#)

[Procedure](#)

[Scope and Purpose](#)

[Objectives](#)

[Principles](#)

[Process](#)

Stage 1: [Potential whistleblower considers reasonableness of suspicion](#)

Stage 2: [Raising the suspicion and initial investigation](#)

Stage 3: [Detailed investigation](#)

Stage 4: [Follow up to investigation](#)

[Guidance and Frequently Asked Questions](#)

[What is whistleblowing?](#)

[What is the difference between a complaint and whistleblowing?](#)

[Isn't whistleblowing tittle-tattle/grassing up/being a sneak?](#)

[To whom do I blow the whistle?](#)

[What should I do in the first instance if I suspect wrongdoing?](#)

[What legal protection do I have when I whistle blow?](#)

[Will I be legally liable if I do not blow the whistle?](#)

[Why would an organisation encourage whistleblowing?](#)

[May I make an anonymous disclosure?](#)

[What will be the consequence for me?](#)

[What if I don't trust the organisation/people to whom I might blow the whistle? \(either personally or because the malpractice may be at management level\)](#)

[Policy Info](#)

[Supervising Members Contact Details](#)

[Flowchart](#)

WHISTLEBLOWING POLICY

As part of their duty to conduct affairs in a responsible and transparent way, the NCIs aim to achieve best practice in corporate governance. It is generally accepted that part of good governance and risk management involves having an appropriate fraud response procedure, which may involve a whistleblowing policy.

Whistleblowing is the disclosure by an employee to either his/her employer or an appropriate regulatory body of suspected wrongdoing by anyone within the workplace. Wrongdoing may include (but is not limited to):

- a criminal offence
- a breach of a legal obligation
- a miscarriage of justice
- a risk to the health and/or safety of an individual or individuals (be that another employee, a customer, a member of the public or any other person)
- damage to the environment
- deliberate concealment of any of the above
- a failure to comply with an element of stated corporate governance policy or other compliance matter
- deliberate non-compliance, to the detriment of the organisation, with that organisation's stated policies/procedures or underhand dealings or practices

In line with the Public Interest Disclosure Act 1998 ('PIDA') the NCIs wish to encourage any employee in their management to alert them to any potential problems reasonably believed to exist, without fear of any negative reprisal in response to his/her revelation, be that fear of dismissal, denial of promotion or pay prospects, or any other detrimental treatment.

Accordingly, the NCIs have put in place a system for the making of such disclosures with the appropriate degree of discretion, ensuring the confidence of all parties involved. It should be noted that this is one stage less formal than the most serious step of making a formal representation directly to the Audit Committee¹.

The procedure also is an alternative to a variety of less formal mechanisms:

- discussion with your line manager;
- discussion with a senior manager;
- discussion with an internal auditor, HR manager or other relevant professional.

¹ This right only applies to the three NCIs that have audit committees (the Church Commissioners (CC), the Archbishops' Council (AC) and the Pensions Board (PB)). These audit committees can in turn whistleblow to their governing bodies, and General Synod in the case of the Archbishops' Council's audit committee, and the state office holders in the case of the Church Commissioners' audit committee.

Whistleblowing may be to an outside regulatory body, or even the police, in some circumstances, though such action is clearly not covered by this policy. However, this procedure may involve such bodies, where appropriate, further down the line of inquiry and investigation.

A whistleblowing policy is different from disciplinary and/or grievance and/or complaints (under equal opportunities) procedures. Advice on distinguishing such matters is included in the guidance notes to this policy.

PROCEDURE

Scope and Purpose

The whistleblowing procedure applies to all employees in the direct management of the NCIs including those on probationary service and employees on secondment from other organisations. (Other procedures and duties of care may dictate how members, staff from temporary employment businesses and contractors should act in similar circumstances).

The procedure:

- provides a means of addressing conduct or behaviour or activities which fall within the definition in the policy and on which an employee may feel compelled to blow the whistle
- defines what may be done under the policy and by whom and sets out important employee rights and obligations
- ensures that within each set of circumstances all employees are treated consistently, fairly and equitably
- ensures that any disciplinary action in relation to disclosure of matters in the policy is fair and reasonable in all the circumstances and is applied equitably in every case
- may lead to further action, for example, of a disciplinary nature or an internal review of procedures and controls.

Objectives

The objectives of the procedure are:

- for employees to be able to disclose without fear of reprisal any suspicion of an activity that might be illegal or fraudulent or dangerous to or of risk to the reputation of either an individual person or persons or to the organisation as a whole. Once a reasonable suspicion has been identified, it will be suitably investigated and, where necessary, action taken
- to improve the control environment by providing a generic preventative and detective control
- to ensure that instances of irregularity are dealt with

- to prevent allegations (especially false ones) from being publicised and damaging the reputation of any of the NCIs.

Principles

- Staff should have a process available to them under which they may alert the organisation to potential problems and raise any serious concerns they may have.
- There may be circumstances where the employee is legally liable if he/she does not blow the whistle these are in the case of certain serious frauds or instances of professional malpractice (see FAQs).
- Once a disclosure is made, speed may be of the essence and all those involved in the procedure should act without delay.
- Confidentiality is essential in the first instance, both to ensure confidence in the fairness and probity of the process and so as not to alert any potential wrong-doer to the suspicion, as this may lead to him or her destroying evidence. Later on, confidentiality may be lifted (if appropriate) to rectify the situation and to put in place processes to minimise the risk of it recurring.
- Disciplinary action will not usually be taken against an employee suspected of an activity falling within the procedure until the case has been investigated and reasonable belief of the activity having taken place has been established; however, there may be exceptions when dismissal for gross misconduct or suspension is necessary prior to the final result of an investigation and other ensuing procedures.
- Malicious, vexatious or frivolous use of the process will result in disciplinary action against the employee invoking or seeking to invoke the procedure.
- All proceedings, witness statements and records will be kept confidential as far as is possible (see comments on disciplinary process above).
- Management has a duty to ensure that all matters raised under the policy are taken seriously.
- A policy is in place to provide a secure atmosphere in which staff feel they may raise concerns without fear of reprisal.

Process

Stage 1: Potential whistleblower considers reasonableness of suspicion

1. An employee becoming aware of a situation which s/he suspects is an activity about which he/she might blow the whistle under the policy, should in the first instance consider if his/her grounds for suspicion are reasonable. S/he should also consider whether he/she wishes to follow up the suspicion with one of the more informal methods of investigation or the most formal, representation directly to the Audit Committee.

2. If the employee chooses the whistleblowing policy as the most appropriate mechanism for his/her concern (or the more informal procedures have been tried and the result has proved unsatisfactory in the eyes of the employee) before proceeding with approaching the Supervising Member (see paragraph 5 below) the employee may, if he/she wishes, raise the matter in confidence with his/her line manager in the first instance. If, for whatever reason, he/she does not wish to consult his/her line manager but nonetheless wants a second opinion, a member of the relevant senior management team may be consulted in confidence.
3. If the line manager or member of the relevant senior management team ('Senior Colleague') is alerted under the policy, that Senior Colleague should advise the employee in question in no more than five working days whether he/she also considers the suspicion reasonable and, also, that the use of the policy is appropriate in the circumstances. The employee may still alert the Supervising Member even if his/her Senior Colleague does not concur with his/her suspicion and/or feels that invoking the policy will be inappropriate, provided he/she still believes there are reasonable grounds for suspicion.
4. Whether or not the employee informs a Senior Colleague, a person considering blowing the whistle must not prevaricate, make obvious investigations or set any traps. It may prove detrimental to any further investigations if the person believed to be involved in the wrongful activity is approached.

Stage 2: Raising the suspicion and initial investigation

5. Once the employee (and any Senior Colleague consulted) believes there are reasonable grounds for suspecting an activity falling within the policy and that the use of the policy is appropriate, the employee should alert one of the Supervising Members ('SMs'). A number of members of the NCI audit committees are available to be a Supervising Member in a case of whistleblowing (details in the FAQs). They can be contacted about an issue in any NCI (not just about the NCI on whose audit committee they serve). The SM will take the basic details of the concern and the whistleblower's contact details. The SM will then decide how the initial evaluation should be conducted (usually by commissioning relevant staff or professional assistance), consider the outcome and recommendations, and be briefed on the progress of any subsequent investigation (challenging where necessary its adequacy and conclusions). Usually at this point the relevant Chief Officer and director / head of department will be informed that a whistleblowing issue has arisen, but their involvement in the investigation may be limited to being informed (this reflects the delicacy of the nature of a whistleblowing investigation. More information will later be provided to enable the introduction of new, stricter controls).

6. In most cases the SM will have an initial conversation with the whistleblower for a basic assessment of the case, then request an internal auditor to undertake any further interviewing of the whistleblower, assessing the evidence and making a recommendation on further action. These first steps should normally take place within a few working days and those staff responsible will ensure that the matter is considered as quickly as possible without affecting the quality and depth of the investigations required. The whistleblower will be informed of the result of the investigation, though there may be some aspects which will remain confidential, for instance, certain aspects of any resulting disciplinary proceedings.
7. If the SM decides that the matter should not be taken further but the whistleblower is unhappy with the decision a desk review of the documentation by the Chair, or some other member, of the Audit Committee² followed by a one-to-one interview between him/her and the whistleblower may take place.
8. If the case is still dismissed and the whistleblower is still dissatisfied, he/she may use the most formal procedure of direct representation to the whole Audit Committee³. In the light of having already had the suspicion discounted after investigation, taking such a step should be recognised as a serious allegation and spurious or vexatious claims may result in disciplinary action.

Stage 3: Detailed investigation

9. If after the initial investigations there appear to be grounds for the suspicion further work will take place. The police might be involved, or in particularly complex cases experts, for example forensic accountants, may be brought in if necessary. The investigations will still be as swift as possible, as this will increase the chances of revealing the wrongdoing.
10. As the result of finding any wrongdoing being perpetrated, the appropriate disciplinary or other procedures will be brought into play as and when necessary.
11. If the suspicion is ultimately found not to have grounds the whistleblower may appeal as in paragraphs 7 and 8 above.

² Only three of the NCIs have audit committees (,so the chair of the CCs' audit committee will cover appeals relating to Lambeth and Bishopthorpe Palaces and ABRC, the chair of the AC's audit committee will cover appeals relating to the National Society and Lambeth Palace Library.

³ In those NCIs that have audit committees.

Stage 4: Follow up to investigation

12. After the investigations have taken place any necessary changes to rectify errors resulting from the wrongdoing should be implemented if possible.
13. If not already involved, the wrongdoer's director / head of department (and any other relevant staff) will, in consultation with Internal Audit and other appropriate advisors, review the risks the situation has revealed, and create new controls to combat these.
14. When appropriate thereafter, the (rest of the) Audit Committee, the governing body and any other body responsible for the area of work involved in the situation, will be alerted. Any other relevant reporting body will also be informed. The Audit Committee's annual report will refer to the policy and may record whether or not it has been used in the year.

GUIDANCE & FREQUENTLY ASKED QUESTIONS

What is whistleblowing?

Whistleblowing is the act of reporting officially and formally any suspected wrongdoing or malpractice in the work environment.

What is the difference between a complaint and whistleblowing?

Essentially when someone blows the whistle, s/he is raising a disinterested concern about something that affects the interests of others or of the employer. Whistleblowing is an alert, and the whistleblower is not expected to investigate further or prove the activity is taking place.

A complaint, conversely, normally relates to the person raising the issue directly. It is usually due to poor treatment in breach of the person's rights, or bullying, and seeks to make redress. The person therefore has a vested interest in the outcome of the complaint and will need to give evidence and sometimes even prove his/her case.

The NCIs have separate procedures for grievances, discipline and complaints (under equal opportunities criteria):

<http://intranet/personel/policies/Grievance%20Procedure.doc>

<http://intranet/personel/policies/NCIs%27%20Disciplinary%20Procedure.doc>

http://proxy_server/personel/policies/equal%20opps%20policy%20final.doc

If an employee is unsure as to which route to follow, the concern should initially be raised with a Senior Colleague (see paragraphs 2 and 3 under the heading 'Process' in the whistleblowing policy).

Isn't whistleblowing tittle-tattle/grassing up/being a sneak?

No. Whistleblowing is an early warning system, and usually initiated by the most loyal or public-spirited employees. Whistleblowing may save lives, jobs, money and reputations. Whistleblowing might have prevented, or stopped earlier, the Alder Hey Hospital scandal or the Enron collapse.

To whom do I blow the whistle?

One of the Supervising Members from the Audit Committees. Their contact details are:

George Lynn (Church Commissioners' Audit Committee)

Crown House
12 High Street
Bassingbourn
Royston
SG8 5NE

E: georgelynn12@aol.com

T: 01763 247523 (home)

M: 07594131063

Jane Bisson (Church of England Pensions Board Audit & Risk Committee)
Glenhaven
La Rocque
Grouville
Jersey JE3 9BB

E: jane.bisson@googlemail.com

T: 01534 853162

M: 07797750896

Keith Malcouronne (Archbishops' Council Audit Committee)
20 Riverside Road
STAINES
Middlesex
TW18 2LE

E: keith@bc-group.co.uk

T: 01784 455501

M: 07990511905

Please note these are home details so please only contact members at a reasonable hour.

What should I do in the first instance if I suspect wrongdoing?

Remember you are a witness not a complainant

Don't use the process to pursue a personal grievance

Consider the possible risks and outcomes of any action you take

Do not approach the person involved (this may lead to him/her destroying evidence)

Make sure your suspicion is supported by facts, don't just allege

Remember that you may be mistaken or there may be an innocent or good explanation – whistleblowing alerts, you do not need to prove anything, though you will need reasonable grounds, and the alert is to the error, not the reason for it (i.e. accidental or purposeful)

Do not become a private detective

Recognise the process may be complex and you may not be thanked immediately and the situation may lead to a period of disquiet or distrust in the organisation despite your having acted in good faith.

What legal protection do I have when I whistle blow?

The Public Interest Disclosure Act 1998 ('PIDA')

(<http://www.legislation.hms.gov.uk/acts/acts1998/19980023.htm>) protects workers who blow the whistle in good faith. PIDA protects any employee with reasonable grounds when alerting management to any potential problems from negative reprisal in response to his/her revelation, be that dismissal, denial of promotion or pay prospects, or any other detrimental treatment.

Will I be legally liable if I do not blow the whistle?

In some specific cases yes, for example, in some areas of serious fraud or in other cases of professional malpractice (in-house solicitors, accountants, auditors etc. should already know their legal responsibilities and for what acts or omissions they can be held legally liable).

Why would an organisation encourage whistleblowing?

It detects and deters wrongdoing

It helps control risk

It demonstrates to stakeholders, customers and regulators that an organisation is serious about good governance

It reduces the chance of anonymous or malicious leaks

It reduces the chance of a legal claim against the organisation (by 'nipping things in the bud').

May I make an anonymous disclosure?

Yes, but it is much harder to investigate suspicions if reported anonymously and sometimes impossible. It is best to declare your identity if you feel able to do so. Staff should note:

Being anonymous does not stop others from successfully guessing who raised the concern

It is harder to investigate the concern if people cannot ask follow-up questions

It is easier to get protection under the UK Public Interest Disclosure Act if the concerns are raised openly

It can lead people to focus on the whistleblower, maybe suspecting that he or she is raising the concern maliciously.

Staff are encouraged to put their names to any disclosures they make since concerns expressed anonymously inevitably appear much less credible. For this reason, anonymous disclosures under the whistleblowing policy will be considered only at the discretion of the SM.

What will be the consequence for me?

You will not be blamed for speaking up or for any failure to speak up earlier. You may have taken time to form your suspicions, or to build up the courage to act on them. However, those who have been actively involved in wrong doing will not have automatic immunity from disciplinary or criminal proceedings.

If you make an allegation in good faith which is subsequently not confirmed by an investigation, no action will be taken against you. In making a disclosure, staff are expected to exercise due care in ensuring the accuracy and validity of the information. If a member of staff makes malicious or vexatious allegations, and particularly if these are persistently made, then further action (including disciplinary action) may be taken.

What if I don't trust the organisation/people to whom I might blow the whistle? (either personally or because the malpractice may be at management level)

Depending upon the activity you suspect there may be an appropriate ombudsman, regulator or authority to report to. Or you may consult an independent lawyer (which would be at your own expense), your trade union/staff representative or the police. If the suspected wrongdoers are senior management or the Chief Officer, you may choose the more formal process of direct representation to the Audit Committee .

In the UK, there is also Public Concern at Work, an independent charity which has played a leading role in putting whistleblowing on the governance agenda and in influencing the content of legislation in the UK and abroad. Its representatives can advise as to how to proceed (but are not an alternative process as they are purely advisory): <http://www.pcaw.co.uk/>

Public Concern at Work, Suite 306, 16 Baldwins Gardens, London EC1N 7RJ

Telephone (general enquiries and helpline): 020 7404 6609

Fax: 020 7404 6576

Email: UK enquiries: whistle@pcaw.co.uk

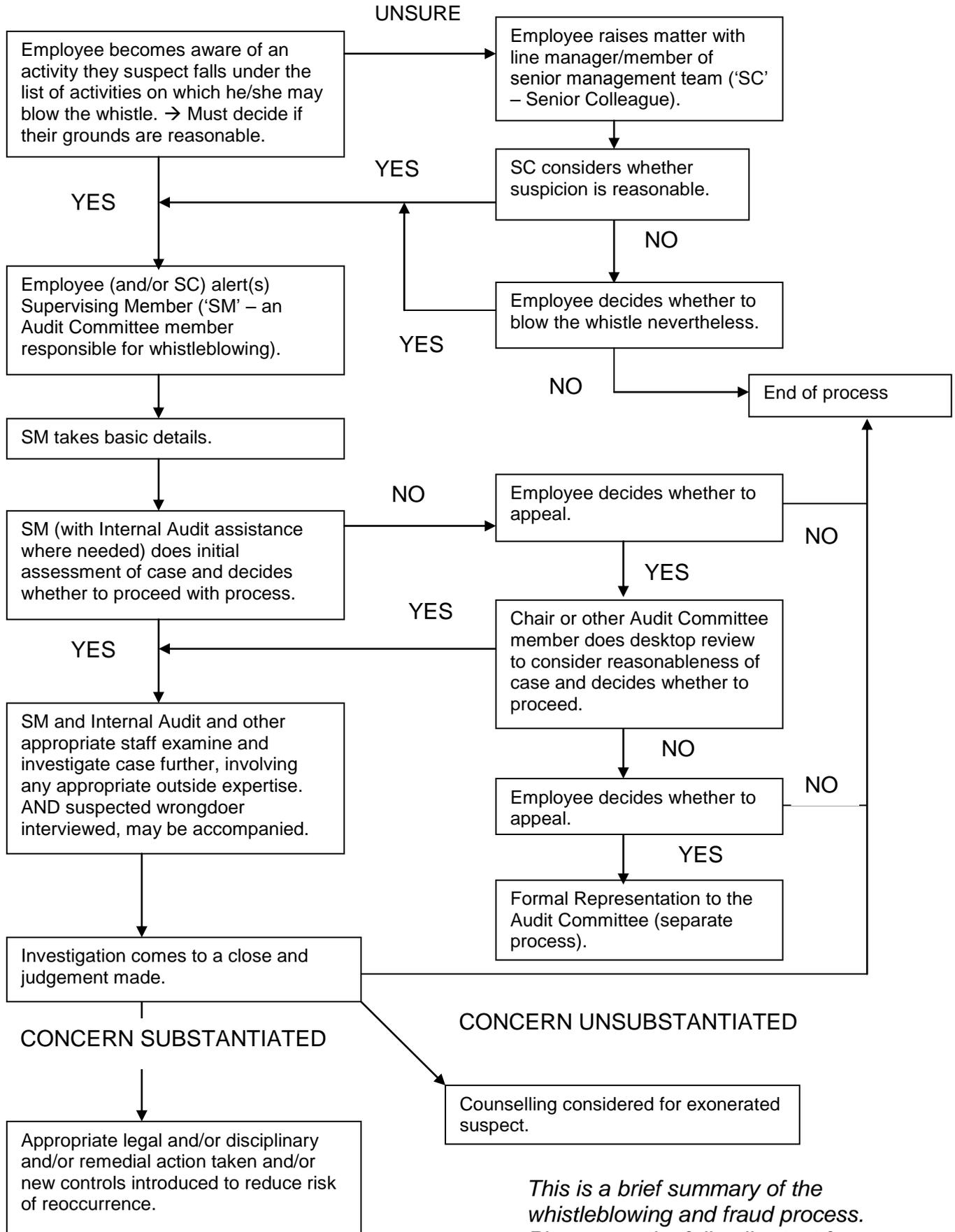
UK helpline: helpline@pcaw.co.uk

UK services: services@pcaw.co.uk

Policy Info

Policy Owner	Corporate Governance Group
Policy Monitoring	Internal Audit
Review Dates	Created ~2006 Updated August 2008 JWS August 2009 MC August 2012 July 2013

Whistleblowing Policy Process Flowchart



This is a brief summary of the whistleblowing and fraud process. Please see the full policy text for details.