

Whistleblowing Policy

Policy Info

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Policy Monitoring	Internal Audit
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WHISTLEBLOWING POLICY

Whistleblowing is where an individual raises concerns with an organisation or regulatory body of suspected wrongdoing at work. Officially this is called 'making a disclosure in the public interest'.

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 Diocese of Derby wish to encourage any employee /office holder or volunteer 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.

This policy is in place to ensure that an internal process is available to encourage and enable workers and volunteers to raise serious concerns which would not meet the criteria for a complaint, in confidence and without fear of reprisals, to ensure the Diocese of Derby continues to provide the highest standards of integrity and accountability.

The policy is not designed to question business or financial decisions taken by its Boards nor to reconsider any matters which have already been addressed under disciplinary, grievance, complaint or other procedures. It specifically includes concerns about safeguarding and promoting the welfare of children and vulnerable adults. However, if a child or vulnerable adult may be at risk of harm the Diocesan Safeguarding Adviser should be contacted at the Parish Support Office, Full Street Derby, DE1 3GR email safeguarding@derby.anglican.org
In an emergency, if a child or vulnerable adult is considered to be at risk of *immediate* harm the police should be called on 999.

PROCEDURE

Scope and Purpose

The whistleblowing procedure applies to all employees, office holders and volunteers in the direct management of the Diocese of Derby, the Diocesan Board of Finance Limited and, the Board of Education including those on probationary service, and employees on secondment from other organisations

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, officer holder or volunteer may feel compelled to blow the whistle
- defines what may be done under the policy and by whom and sets out important employee /office holder rights and obligations
- ensures that within each set of circumstances all employees / office holders 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.

The principles:

- those covered by the policy 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 those covered by the policy 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.
- 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 / officer holder 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.

PROCESS

Stage 1: Potential whistle-blower considers reasonableness of suspicion

1. An employee /office holder 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 Business Committee.

2. If the employee/officer holder 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) the employee / office holder 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 / office holder 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 / officer holder may still alert their line manager 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 / officer holder 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 the Diocesan Secretary. The Diocesan Secretary

will take the basic details of the concern and the whistleblower's contact details. The Diocesan Secretary 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 director / head of department, Archdeacon 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 Diocesan Secretary 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 Diocesan Secretary 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, of the Business Committee or some other member of the Business Committee, 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 Business Committee. 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.

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 Business Committee 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) Business 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 Business Committee's annual report will refer to the policy and may record whether or not it has been used in the year.

To Whom should I blow the whistle?

- Diocesan Secretary
- HR Manager