



**Whistleblowing Policy**

**and**

**Operating Procedure**

**for**

**St Margaret's Durham PCC**

**Staff and Volunteers**

# Whistleblowing Policy

## 1. Introduction

- 1.1. St Margaret's Parochial Church Council ('PCC') is committed to the highest possible standards of working practice and to full accountability. To this end, employees and volunteers are fully encouraged to voice any concerns they may have about PCC work.
- 1.2. Whistleblowing is when a PCC employee or volunteer, that is an individual who is undertaking unpaid activities on behalf of the PCC, knows, or suspects, that there is some wrongdoing occurring within the PCC and alerts the PCC or the relevant authority accordingly.
- 1.3. An employee or volunteer may suspect that something is wrong but may not express his/her concerns because s/he believes speaking up would be disloyal to his/her colleagues or to the PCC. S/he may also fear victimisation, harassment or other reprisals. In such situations, an employee or volunteer may be inclined to ignore the concern rather than report what could be a suspicion of malpractice.
- 1.4. An employee or a volunteer (who is undertaking activities on behalf of the PCC) who raises a concern under this policy will be fully supported by the PCC and should be aware that they can raise concerns without fear of reprisals. It is recognised that some cases will proceed on a confidential basis owing to their sensitive nature. Where concerns cannot be satisfactorily resolved within the parish, the 'whistleblower' should contact the Archdeacon of Durham.
- 1.5. The main purpose of this policy is to pro-actively encourage PCC employees and volunteers to raise concerns within the PCC rather than ignoring the problem or 'blowing the whistle' outside the PCC.

## 2. Public Interest Disclosure Act 1998

- 2.1 Employees who 'whistleblow' are protected by the Public Disclosure Act 1998. This Act does not offer any protection for volunteers, .
- 2.2 The Public Interest Disclosure Act protects workers who 'blow the whistle' about an alleged malpractice in the work place. The Act describes the sorts of disclosures that may be protected and the people who may be protected.
- 2.3 The provisions of the Act protect most workers from being subjected to any form of detriment by their employer. Detriment can take many forms including: denial of

promotion, facilities, or training opportunities that the employer may otherwise have offered.

2.4 Employees may make a claim for unfair dismissal if they are dismissed for making a protected disclosure.

### **3. Aim and Scope of Policy**

3.1. This policy aims to:

3.1.1. Provide routes for staff and volunteers to raise concerns and receive feedback on any action taken.

3.1.2. Allow staff and volunteers to take the matter further if they are dissatisfied with the PCC's response to the concerns that have been expressed.

3.1.3. Reassure staff and volunteers they will be protected from possible reprisals or victimisation.

3.2. The PCC has in place procedures and processes for complaints; discipline; grievance; and capability matters. This policy does not replace these procedures or processes but provides a way to raise concerns that fall outside their scope.

3.3. It is intended that any concern arising regarding a suspicion of malpractice in any aspect of the PCC's operations and working practices, or the conduct of staff or volunteers within the PCC, or others acting on behalf of the PCC, can and should be reported under this policy.

3.4. Employees who knowingly or deliberately fail to report malpractice or wrongdoing may be liable to disciplinary proceedings if they knowingly and deliberately do not disclose information relating to malpractice in the PCC or the conduct of staff or volunteers or others acting on behalf of the PCC.

3.5 Contractors and/or suppliers of goods and services to the PCC who, know or suspect, that there is some wrongdoing occurring within the PCC should alert the PCC through their service contract manager in the first instance or the relevant authority accordingly.

### **4. Possible Whistleblowing Situations**

4.1. Although this list is not exhaustive, examples of situations in which it might be appropriate for an employee to report a wrongdoing include:

4.1.1. a breach, or potential breach, of health and safety legislation

- 4.1.2. financial irregularities
- 4.1.3. harassment of a colleague, pupil, visitor, customer or other individual
- 4.1.4. damage to the environment
- 4.1.5. failure to comply with any legal obligation
- 4.1.6 the committing of a criminal offence

## **5. Safeguards**

### 5.1. Harassment or Victimisation

- 5.1.1 The PCC recognises that the decision to report a concern can be difficult, not least because of fear of reprisal from those responsible for the malpractice. The PCC will not tolerate any such harassment or victimisation and will take appropriate action in order to protect staff or volunteers who raise a concern in good faith. In addition, employees are protected in law by the Public Interest Disclosure Act as described in Section 2.
- 5.1.2 Employees who are subject to disciplinary action or other procedure against them may not have the procedure halted as a result of raising a concern under this policy. Each case will be considered on its merits and the employee will be advised accordingly.

### 5.2 Confidentiality

Complaints or allegations are easier to follow up if the person making the allegation is willing to give their name. However, where possible the PCC will protect those who do not wish their identity to be disclosed. It must be understood by all employees and volunteers that any investigation may reveal the source of information and a statement from complainants may be required as part of the evidence.

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### 5.3 Anonymous Allegations

Concerns expressed anonymously will be treated with caution and will be considered at the discretion of the PCC. In exercising this discretion the PCC will take into consideration:

- 5.3.1 the seriousness of the issues raised
- 5.3.2 the credibility of the concern
- 5.3.3 the likelihood of obtaining the necessary information and confirmation of the allegation.

### 5.4 Deliberately False or Malicious Allegations

- 5.4.1 Employees and volunteers who attempt to abuse this policy may face action in accordance with the PCC's appropriate policies and procedures. The PCC takes deliberately false or malicious allegations very seriously which may result in further action taken through the relevant policy and/or procedure, such as the disciplinary procedure for employees. This will not include ill-founded allegations that were made in good faith.
- 5.4.2 Provided that the person reasonably believed that that the alleged malpractice is or was going to occur, no action will be taken against the person making the allegation if the investigation fails to find a case to answer.

## **6. How Should a Concern be Raised?**

### 6.1. Actions to be taken by the employee or volunteer

- 6.1.1 If an employee or volunteer knows, or suspects, that some wrongdoing is occurring within the PCC, he or she should raise the matter immediately with the relevant manager. Alternatively, the employee or volunteer can raise the matter with the Archdeacon of Durham at Cuthbert House, Stonebridge, Durham DH1 3RY marked 'Private & Confidential'.
- 6.1.2 Concerns can be raised orally but employees and volunteers are strongly advised to put their concerns in writing setting out the background and history of the concern and providing relevant dates, names and the reason why the situation is a concern.
- 6.1.3 No employee or volunteer should approach or accuse individuals directly. Neither should the employee or volunteer attempt to undertake their own investigation. Under no circumstances should the employee or volunteer

with suspicions convey those suspicions to anyone other than those with the proper authority to investigate the concern.

## 6.2 Action to be taken by the manager

- 6.2.1 The action to be taken will depend on the nature of the concern. Where appropriate, matters raised may:
- a) be investigated by management or through the disciplinary procedure,
  - b) be referred to the Police
  - c) be referred to the Diocesan Safeguarding Advisor
  - d) form the subject of an independent enquiry
- 6.2.2 To protect individuals and the PCC, initial enquiries will be made to decide whether an investigation is appropriate and, if so what form it should take. Concerns or allegations which fall within the scope of specific procedures will normally be referred for consideration under those procedures.
- 6.2.3 Some concerns may be resolved by agreed action without the need for a detailed investigation.
- 6.2.4 The Investigating Officer will write to the complainant within 10 working days of an allegation being made under this procedure to :
- a) Acknowledge receipt of the concern.
  - b) Indicating how it is proposed to deal with the matter.
  - c) Giving an estimate of how long it may take to provide a final response (this may not always be possible at the early stages of an investigation).
  - d) Advise whether any initial enquiries have already been made.
  - e) Advise whether further investigations will take place and if not, why not.
- 6.2.5 It may be necessary to seek further information from the complainant. If so, the Investigating Officer will write to the complainant identifying the requirements or clarification required.

6.2.6 It may be necessary to meet with the complainant to discuss the investigation or other information being sought. If this is the case, the complainant may, if they wish, be accompanied by a trade union representative or work colleague who is not involved in the area of work to which the concern relates.

### 6.3 Further Support

6.3.1 The PCC will take appropriate steps to minimise any difficulties the complainant may experience as a result of raising a concern. For example, the complainant may be required to provide evidence in criminal or disciplinary proceedings

6.3.2 The individual who has raised the issue of a wrongdoing will be kept informed of any investigation that is taking place. The individual will also be informed of the outcome of the investigation. It might not always be appropriate to tell the individual the detail of any action that is taken, but the individual will be informed if action is taken.

### 6.4 Alerting outside bodies to potential wrongdoing

6.4.1 An individual should always, in the first instance, talk to a manager in the organisation about a potential wrongdoing. If the individual is not satisfied with the response from the manager then the matter should be raised with a senior manager, as appropriate. If the individual is dissatisfied with how the PCC has dealt with the complaint or that the complaint was not taken seriously, or that the wrongdoing is still going on, then he or she is entitled to contact an external 'prescribed person' or 'relevant body' [www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2](http://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2) to express his or her concerns. In doing this the employee should:

- have a reasonable belief that the allegation is based on facts
- not be making any personal gain from the revelations
- make the disclosure to a relevant body.

6.4.2 A "relevant body" is likely to be a regulatory body (e.g. ACAS [www.acas.org.uk](http://www.acas.org.uk); the Health and Safety Executive [www.hse.gov.uk](http://www.hse.gov.uk), or the Charities Commission [www.gov.uk/government/organisations/charity-commission](http://www.gov.uk/government/organisations/charity-commission)). The independent whistleblowing charity, Protect, operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern. Their contact details are as follows: Helpline: 0203 117 2520; website: [www.protect-advice.org.uk](http://www.protect-advice.org.uk).

6.4.3 If the matter is raised outside the PCC, confidential information must not be disclosed. In addition, to secure the protections afforded by the Public Interest Disclosure Act, the Disclosure must be protected within the meaning of the Act and comply with a specific set of conditions that vary according to whom the disclosure is made. If necessary, advice may be sought from [human.resources@durham.anglican.org](mailto:human.resources@durham.anglican.org), which acts on behalf of the Diocese; Trade Unions; or Professional Associations.

**7. Protection Against Detriment**

7.1 If the employee does not follow the procedure set out, which encompasses the requirements of the Public Disclosure Act 1998, the protection against detriment will not apply. Disclosing information in an inappropriate way (e.g. contacting the media) could result in disciplinary action being taken against the employee, which could include dismissal. If a volunteer discloses information in an inappropriate way they may be asked to relinquish their volunteering role at the PCC.

**8. Review**

8.1 The PCC will review this policy and operating procedure in line with its Policy Schedule and also when there are any relevant changes in employment law that may affect the current content of this policy.

**Signed (on behalf of St Margaret’s PCC): .....**

**Date: .....**

*This policy document is based on a template provided by Durham Diocesan Board of Finance, 2022.*