

WHISTLEBLOWING POLICY AND PROCEDURE

1. POLICY STATEMENT

It is important to the Diocese that any fraud, misconduct or wrongdoing by workers of the Diocese is reported and dealt with in an appropriate manner.

The Public Interest Disclosure Act 1998 gives workers legal protection against being dismissed or penalised as a result of publicly disclosing certain serious concerns. Whilst the Act does not give the same protection for volunteers, the Diocese adopts the same approach to their protection.

The Diocese encourages all individuals to raise any concerns that they may have about the conduct of others in the operation of the Diocese or the way it is run. This policy sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.

2. SCOPE OF POLICY

This policy applies to all workers of the Diocese. Other individuals performing functions in relation to the Diocese, such as volunteers, agency workers and contractors, are encouraged to use it when appropriate.

3. PURPOSE

It is the aim of the Diocese of Sheffield to help the workers to act with probity in their behaviour, and 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 workers 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, or any other detrimental treatment).

4. APPLICABLE LEGISLATION

The law provides protection for workers who raise legitimate concerns about specified matters. These are called "qualifying disclosures". A qualifying disclosure is one made in the public interest by a worker who has a reasonable belief that:

- a criminal offence;
- a miscarriage of justice;
- an act creating risk to health and safety;
- an act causing damage to the environment;
- a breach of any other legal obligation; or
- concealment of any of the above;

is being, has been, or is likely to be, committed. It is not necessary for the worker to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient. The worker has no responsibility for investigating the matter - it is the Diocese's responsibility to ensure that an investigation takes place.

A worker who makes such a protected disclosure has the right not to be dismissed, subjected to any other detriment, or victimised, because he/she has made a disclosure.

The Diocese encourages workers to raise their concerns under this procedure in the first instance. If a worker is not sure whether or not to raise a concern, he/she should discuss the issue with his/her line manager, the Diocesan Secretary (or other person in a senior position) or the HR Manager.

5. GENERAL PRINCIPLES

- 5.1 Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Workers should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of.
- 5.2 Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the worker who raised the issue.
- 5.3 No worker will be victimised for raising a matter under this procedure. This means that the continued employment and opportunities for future promotion or training of the worker will not be prejudiced because he/she has raised a legitimate concern.
- 5.4 Victimisation of a worker for raising a qualified disclosure will be a disciplinary offence.
- 5.5 If misconduct is discovered as a result of any investigation under this procedure the Diocese's disciplinary procedure will be used, in addition to any appropriate external measures.
- 5.6 Maliciously making a false allegation is a disciplinary offence.
- 5.7 An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, workers should not agree to remain silent. They should report the matter to someone in a more senior position.

6. PROCEDURE

This procedure is for disclosures about matters other than a breach of an employee's own contract of employment. If an employee is concerned that his/her own contract has been, or is likely to be, broken, he/she should use the Diocese's grievance procedure.

Similarly if the disclosure is related to safeguarding, it will be dealt with using the Safeguarding Procedures and it should be brought to the attention of the Diocesan Safeguarding Adviser as soon as possible.

Accurate notes should be taken at each stage of the procedure and appropriate records kept.

Stage 1

In the first instance, any concerns should be raised with the worker's line manager. If he/she believes the line manager to be involved, or for any reason does not wish to approach the line manager, then the worker should raise the matter with the Diocesan Secretary or the HR Manager.

If the matter is in connection with Safeguarding it should be raised with the Diocesan Safeguarding Adviser unless the disclosure concerns the Diocesan Safeguarding Adviser when it should be raised with the Diocesan Secretary.

Stage 2

The person receiving the disclosure will arrange an investigation into the matter (either by investigating the matter him/herself or immediately passing the issue to someone in a more senior position). The investigation may involve the worker and other individuals involved giving a written statement. Any investigation will be carried out in accordance with the principles set out in section 5. The worker's statement will be taken into account, and he/she will be asked to comment on any additional evidence obtained. The results of the investigation will then be reported to the Sheffield Diocesan Board of Finance (SDBF), which will take any necessary action, including reporting the matter to any appropriate government department or regulatory agency. If disciplinary action is required, the line manager (or the senior person who carried out the investigation) will report the matter to the Diocesan Secretary (if not already involved) and the HR Manager to start the disciplinary procedure. On conclusion of any investigation, the worker will be told the outcome of the investigation and what the SDBF has done, or proposes to do, about it. If no action is to be taken, the reason for this will be explained.

Stage 3

If the worker is concerned that his/her line manager or the senior person carrying out the investigation is involved in the wrongdoing, has failed to make a proper investigation or has failed to report the outcome of the investigations to the SDBF, he/she should inform the Diocesan Secretary or the Chair of the SDBF¹ if the Diocesan Secretary is already involved, who will arrange for another manager to review the investigation carried out, make any necessary enquiries and make his/her own report to the SDBF as in stage 2 above. Any approach to the Diocesan Secretary or Chair will be treated with the strictest confidence and the worker's identity will not be disclosed without his/her prior consent.

Stage 4

If on conclusion of stages 1, 2 and 3 the worker reasonably believes that the appropriate action has not been taken, he/she should report the matter to the proper authority. The Department for Business Skills and Innovation has set out a number of bodies to which qualifying disclosures may be made. (Please click on the link: [List of prescribed people and bodies](#)) These include:

- HM Revenue & Customs;
- the Financial Conduct Authority (formerly the Financial Services Authority);
- the Competition and Markets Authority;
- the Health and Safety Executive;
- the Environment Agency;
- the Independent Police Complaints Commission;
- the Serious Fraud Office; and
- the Education Funding Agency

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Agreed:

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¹ Contact details of the Chair of the DBF are available from the diocesan website or reception at Diocesan Church House, 01709 309100