

Whistleblowing Policy

Introduction

This policy applies to all employees and Board members of the Society. Other individuals performing functions in relation to the Society, such as Evangelists who are not employees, trainees, agency workers and contractors, are encouraged to use it.

It is important to the Society that any fraud, misconduct or wrongdoing by workers or officers of the Society is reported and properly dealt with. The Society therefore encourages all individuals to raise any concerns that they may have about the conduct of others in the business or the way in which the business 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.

Background

The Public Interest Disclosure Act 1998 amended the Employment Rights Act 1996 to provide protection for workers who raise legitimate concerns about specified matters. These are called 'qualifying disclosures'. A qualifying disclosure is one made in good faith by an employee 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 organisation's responsibility to ensure that an investigation takes place.

A worker who makes such a protected disclosure has the right not to be dismissed, or subjected to victimisation, because they have made the disclosure.

The Society encourages workers to raise their concerns under this procedure in the first instance. If a worker is not sure whether to raise a concern, they should discuss the issue with their line manager or a member of the HR department.

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 ensure that instances of irregularity are dealt with

- to prevent allegations (especially false ones) from being publicised and damaging Church Army's reputation.

Principles

- 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.
- Once a disclosure is made, speed may be of the essence and all those involved in the procedure should act without delay.
- 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 it.
- 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 they have raised a legitimate concern.
- Victimisation of a worker for raising a qualified disclosure will be a disciplinary offence.
- If misconduct is discovered as a result of any investigation under this procedure, the Society's disciplinary procedure will be used, in addition to any appropriate external measures.
- Maliciously making a false allegation is a disciplinary offence.
- 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 a member of the Executive Leadership Team.
- There may be circumstances where the employee is legally liable if they do not blow the whistle. These are in the case of certain serious frauds or instances of professional malpractice.

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 their own contract has been, or is likely to be, broken, they should use the Society's grievance procedure.

(1) In the first instance, and unless the worker reasonably believes their line manager to be involved in the wrongdoing, or if for any other reason the worker does not wish to approach their line manager, any concerns should be raised with the worker's line manager. If they believe the line manager to be involved, or for any reason does not wish to approach the line manager, then the worker should proceed straight to stage 3.

(2) The line manager will arrange an investigation of the matter (either by investigating the matter themselves 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 above. The worker's statement will be taken into account, and they may be asked to comment on any additional evidence obtained. The line manager (or the person who carried out the investigation) will then report to a member of the Executive Leadership Team, who 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 person who carried out the investigation) will report the matter to the HR Manager and start the disciplinary procedure. On conclusion of any investigation, the worker will be told the outcome of the investigation and what the Society has done, or proposes to do, about it. If no action is to be taken, the reason for this will be explained.

(3) If the worker is concerned that their line manager is involved in the wrongdoing, has failed to make a proper investigation or has failed to report the outcome of the investigations to a member of the Executive Leadership Team, they should inform a member of the Executive Leadership Team, who will arrange for a review of the investigation carried out, making any necessary enquiries and their own report as in stage 2 above. If for any other reason the worker does not wish to approach their line manager, they should also in the first instance contact a member of the Executive Leadership Team. Any approach to the members of the Executive Leadership Team will be treated with the strictest confidence and the worker's identity will not be disclosed without their prior consent.

(4) If on conclusion of stages 1, 2 and 3 the worker reasonably believes that the appropriate action has not been taken, they should report the matter to the Chair of the Board, The Rt Revd Stephen Cottrell, Bishopscourt, Margaretting, Ingatestone, Essex, CM4 0HD, who will arrange for a review of the investigation. On conclusion of the review, the worker will be told the outcome of the review and what the Chair of the Board has done, or proposes to do, about it. If no action is to be taken, the reason for this will be explained.

(5) If on conclusion of stage 4 the worker reasonably believes that the appropriate action has not been taken, they should report the matter to the proper authority. The legislation sets out a number of bodies to which qualifying disclosures may be made. These include:

- HM Revenue & Customs;
- the Financial Services Authority;
- the Office of Fair Trading;
- the Health and Safety Executive;
- the Environment Agency.

For ease of use, further guidance and Frequently Asked Questions are attached as an Appendix.

APPENDIX: 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, he/she 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 Society has separate procedures for grievances, discipline and complaints as set out on the intranet.

If an employee is unsure as to which route to follow, the concern should initially be raised with a senior colleague.

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?

Follow the "procedure" section of the policy, starting with sub-paragraph (1). Your line manager will be the initial person unless there is a reason not to.

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

- Stay calm
- 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 them 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 – but do not become a private detective. You do not need to prove anything it is for others to investigate.
- Recognise that 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 blow the whistle?

The Public Interest Disclosure Act 1998 ('PIDA') (<http://www.legislation.hmso.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 Chief Executive or Chairman of the Board.

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, you may choose the more formal process of direct representation to the Chairman of the Board.

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