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**Whistleblowing Policy**

**1 Introduction**

The Diocese of London is committed to serving the people of London with honesty and integrity and we expect all those working for the diocese to maintain high standards of conduct. Like other organisations, we recognise that there is the risk that from time to time we may fall short of these high standards, that things may go wrong and/or that we may unknowingly be harbouring either illegal or unethical conduct. A culture of openness and accountability is essential both to prevent such situations occurring and to address them when they do.

It is important that any fraud, misconduct or wrongdoing by workers or officers is reported and properly dealt with. This policy sets out who is covered by this policy, the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.

**2 Background**

The Public Interest Disclosure Act 1998 (the ‘Act’) 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 either:

* 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, subjected to any other detriment, or victimised, because he/she has made a disclosure.

**3 Who does this policy apply to?**

This policy applies to all employees, officer holders and volunteers of the London Diocesan Fund (LDF). Other individuals performing functions in relation to the LDF, such as agency workers and contractors, are also encouraged to use it.

Whilst the Act does not provide the same protection for office holders and volunteers, the Diocese of London is committed to offering whistle-blowing protection for its clergy and volunteers who may also use this policy and procedure.

Employed parish staff will come under the PCC whistleblowing policy for employees. The Diocese encourages PCCs to make similar provision to extend whistle-blowing protection for those who are not workers.

**4 What type of disclosures are covered by this policy?**

Section 2 defines the types of concerns that are considered to be ***‘qualifying disclosures’*** and therefore covered by this policy. Where applicable, the diocese encourages workers to raise any ‘qualifying disclosures’ under this procedure in the first instance.

If a worker is not sure whether or not to raise a concern using this policy, he/she should discuss the issue with his/her line manager or the HR department although the following signposting may be helpful:

Any ***safeguarding concerns*** regarding a child or vulnerable adult should be reported to the Diocesan Safeguarding Adviser on 020 7932 1224 or [safeguarding@london.anglican.org](mailto:safeguarding@london.anglican.org) within 24 hours. Concerns are dealt with in line with House of Bishops Practice Guidance. Any complaints regarding how a safeguarding concern has been dealt with should be made using the Diocesan Safeguarding Complaints Policy which can be found at <https://www.london.anglican.org/kb/safeguarding-complaints-policy-and-procedure/>

If concerns relate to ***allegations of bullying and harassment,*** these should be dealt with by using the Diocese of London Harassment and Bullying Policy <https://www.london.anglican.org/kb/clergy-terms-of-service-information/> or for LDF employees, in the [Employee Handbook](https://londondiocesanfund.sharepoint.com/HR/SitePages/Home.aspx?RootFolder=%2FHR%2FShared%20Documents%2FEmployee%20Handbook&FolderCTID=0x012000BB45F4F1363A66448895978B3A3FAFDD&View=%7B52B686A3%2D7A0C%2D42BD%2DAC11%2D0FB383DA2F88%7D) which can be found on Sharepoint.

For those with a ‘proper interest’, it may be more appropriate to bring a specific ***complaint about clergy conduct*** through the Clergy Discipline Measure 2003.

Where an employee is concerned about ***a breach of their own contract of employment,*** then LDF employee’s should use the [LDF Grievance Procedure](https://londondiocesanfund.sharepoint.com/HR/SitePages/Home.aspx?RootFolder=%2FHR%2FShared%20Documents%2FEmployee%20Handbook&FolderCTID=0x012000BB45F4F1363A66448895978B3A3FAFDD&View=%7B52B686A3%2D7A0C%2D42BD%2DAC11%2D0FB383DA2F88%7D). Parish employee’s should use the Grievance Procedure of the relevant PCC.

1. **Principles**
   1. Everyone should be aware of the importance of preventing and eliminating wrongdoing as part of their work and service within the diocese. Workers should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of.
   2. All office holders, lay employees and volunteers have the right to raise concerns about perceived unacceptable practice or behaviour.
   3. 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.
   4. Reasonable steps will be taken to ensure that the whistle blower is provided with appropriate pastoral support.
   5. No worker will be victimised for raising a matter under this procedure. This means that the continued employment/office-holding and future opportunities for promotion or training of the worker will not be prejudiced because he/she has raised a legitimate concern.
   6. Victimisation of a worker for raising a qualified disclosure will be a disciplinary offence.
   7. If misconduct is discovered as a result of any investigation under this procedure, the matter will be dealt with either through the LDF Disciplinary Procedure, the Clergy Disciplinary Measure 2003 or other appropriate process and will be reported to other external bodies as appropriate.
   8. Maliciously making a false allegation is a disciplinary offence and will also be dealt with under the relevant disciplinary procedure.
   9. An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any such concern, even by a person in authority such as a manager, Archdeacon or Bishop, workers should not agree to remain silent. They should report the matter to either the Bishop of London, the General Secretary, the Director of HR and Safeguarding or the Chair of the Audit and Risk Committee.
2. **Who should a qualifying disclosure be reported to?**

Any safeguarding whistleblowing disclosure that cannot be dealt with using the usual procedure for responding to safeguarding concerns or allegations, should be made to the Diocesan Safeguarding Advisor or Head of Safeguarding in the first instance. Alternatively these should be reported to the National Safeguarding Team if this would otherwise be difficult.

For clergy wishing to make non-safeguarding related public interest disclosures should contact the relevant archdeacon (or another archdeacon if necessary);

For people in lay ministries which are licensed or authorised by the bishop initial contact should be made with the incumbent (or archdeacon if the incumbent is unavailable);

LDF employees or volunteers (eg committee members) should contact the Director of HR and Safeguarding or the General Secretary in the first instance or the Chair of the Risk and Audit Committee if this would otherwise be difficult.

If there is a good reason not to contact the person indicated (ie the disclosure is about them, they are involved somehow, or you are fearful of their reaction) then contact should be to the alternative person.

**7 The procedure for dealing with qualifying disclosures**

**Stage 1:** In the first instance, the person to whom the disclosure is reported will assess whether the disclosure is a ‘qualifying disclosure’ or whether it would be more appropriately dealt with through another relevant policy or process. Having taken relevant advice from either the Director of HR and Safeguarding or the Diocesan Registrar, they will write to the worker to confirm whether it will be dealt with under this policy or whether it will be dealt with under another suitable policy (see section 4).

**Stage 2:** With guidance from the Director of HR and Safeguarding or the Diocesan Registrar, the person to whom the qualifying disclosure has been made 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 above. The worker's statement will be taken into account, and he/she will be asked to comment on any additional evidence obtained.

**Stage 3:** The person carrying out the investigation will produce a report detailing the findings of their investigation and any necessary subsequent actions that need to be taken. The report will be shared with the person to whom the disclosure was made and other relevant role holders. This may include as appropriate: the Director of HR and Safeguarding, the General Secretary, the Bishop of London, the relevant Area Bishop and/or Archdeacon and if required, the Chair of the Risk and Audit Committee.

**Stage 4:** In addition to taking steps to remedy the practice or conduct which may have given rise to the disclosure, the subsequent next steps may include 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 human resources department or the relevant archdeacon so that this can be dealt with by the appropriate body and under the relevant policy.

**Stage 5:** A letter will be sent to the person making the disclosure to confirm what steps have or will be taken to address the findings of the investigation. This will also be shared with the Risk and Audit Committee. If no action is to be taken, the reason for this will be explained.

**Stage 6:** If the worker is concerned that we have failed to:

* undertake a proper investigation; or
* take appropriate action to correct any identified wrongdoing; or
* report the outcome of the investigation to the Risk and Audit Committee,

they should inform either the General Secretary, the Bishop of London or the Chair of the Risk and Audit Committee, who having taken appropriate advice from the Diocesan Registrar may arrange for another suitable person to review the investigation carried out, make any necessary enquiries and make his/her own report to the Risk and Audit Committee as above.

**Stage 7:** If on conclusion of the above stages the worker reasonably believes that the appropriate action has not been taken, he/she should report the matter to the proper authority. The legislation sets out a number of bodies to which qualifying disclosures may be made. An up to date list of prescribed people and bodies can be found using the following link: <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies>

**8 Data protection**

When an individual makes a disclosure, any personal data collected in accordance with the [data protection policy](https://www.xperthr.co.uk/policies-and-documents/data-protection-policy-compliant-with-the-gdpr-/162690/). Details of our varying privacy notices can be found at <https://www.london.anglican.org/kb/data-protection/> Data collected from the point at which the individual makes the report is held securely and accessed by, and disclosed to, individuals only for the purposes of dealing with the disclosure.

**9 Anonymous Allegations**

The Diocese of London encourages staff, office holders and volunteers to identify themselves when reporting a concern. Whilst anonymous concerns will be investigated as far as reasonably possible based upon the information provided, this may limit our ability to carry out a full investigation. Please note it may not be possible to give feedback if information is passed on anonymously.