

<b>Responsible Person</b>	<b>Chapter</b>
Function	Governance
Date Agreed	February 2022
Review Date	February 2025
Version No.	2
Supporting documents	<ol style="list-style-type: none"> <li>1. Public Interest Disclosure Act 1998</li> <li>2. Employee Handbook – Grievance Policy</li> <li>3. Complaints Policy</li> <li>4. Whistle blowing procedure</li> <li>5. Serious incident Reporting procedure</li> </ol>

## Whistleblowing Policy

### 1. Introduction

- 1.1. Chapter is committed to being open, honest and accountable. It encourages a free and open culture in its dealings between the members of Chapter, office holders, clergy, employees, workers, volunteers and contractors working for the cathedral. Tackling problems is vitally important to maintaining the Chapter’s financial health and achieving its charitable aims.
- 1.2. This policy is written in the context of the Public Interest Disclosure Act 1998 (the “Act”) and other legislation which protects employees and workers who ‘blow the whistle’ on malpractices within their organisation.
- 1.3. Although it was not previously thought that statutory protection under the Act extended to office holders or volunteers, in a recent judgment,<sup>1</sup> the Supreme Court decided that judicial officers can seek the protection of whistleblowing legislation. The position regarding clergy has not been tested but, taking a cautious approach, this policy assumes that the courts would afford the same protection to clergy office holders.
- 1.4. In addition, as it is considered best practice for charities to choose to extend similar protections to volunteers, the Chapter has chosen to extend the same protection to

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<sup>1</sup> Gilham v Ministry of Justice [2019]

volunteers in so far as is possible and to treat all individuals making a disclosure in the spirit of the Act

## **2. Aims**

2.1. This policy aims to help office holders, employees, Clergy, workers, volunteers and contractors working for the cathedral to raise any serious concerns they may have about colleagues or anything taking place in the cathedral with confidence and without having to worry about being victimised, discriminated against or disadvantaged in any way as a result. Therefore, the overall aim of the policy is:

- a) To encourage a culture of openness and accountability, promoted at all levels
- b) To encourage people to report suspected wrongdoing as soon as possible in the knowledge that their concerns will be taken seriously and investigated promptly and as appropriate and that, where possible, their confidentiality will be respected
- c) To provide employees, workers, office holders and volunteers with guidance as to how to raise those concerns
- d) To reassure people that they should be able to raise genuine concerns without fear of reprisal.

## **3. Accessibility and Publication**

3.1. It is important that this policy is accessible by all and publicised widely to make sure it is properly understood. This policy will therefore be electronically circulated to everyone and copies will be placed on the Shared Drive within the Intranet folder and it will be on the Cathedral's website.

## **4. Who does this policy apply to?**

4.1. This policy applies to everyone who works for in the Cathedral. This means employees, workers, office holders, clergy, volunteers, and contractors.

## **5. What is Whistleblowing?**

5.1. 'Whistleblowing' refers to the internal or external disclosure of malpractice and serious suspected wrongdoing as well as illegal acts, or omissions, at work. It covers, for example, how we raise funds, how we commission work or make payments and where there has been a breach of a legal, statutory or regulatory requirement or unethical behaviour.

## **6. What types of concerns are covered by this Policy?**

6.1. To use this whistleblowing policy and be legally protected under the Act, you must make a disclosure about a serious concern. This is known under the Act as a 'qualifying disclosure'. This means you have information and reasonably believe that one or more of the following matters is happening, has taken place, or is likely to happen in the future:

- a criminal offence (including fraudulent and corrupt behaviour, e.g., theft, fraud or malpractice)
- 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

6.2. You do not need to have proof that such an act is being, has been, or is likely to be, committed. You do, however, need to hold a reasonable belief of such an action having been, being or likely to be carried out.

6.3. If you feel unable to whistleblow internally, the matter may be reported directly to the relevant regulator, such as the Charity Commission or Church Commissioners.

## 7. What concerns cannot be raised as whistleblowing under this policy?

7.1. This whistleblowing policy does not apply to:

- **Complaints:** A complaint that is an expression of your dissatisfaction which calls for a response. If you want to make a complaint about the cathedral you should use the Cathedral Complaints policy.
- **Safeguarding concerns:** For safeguarding concerns please contact the Cathedral Safeguarding Officer or the Chief Operating Officer (COO).
- **Concerns about other organisation:** If you have concerns about the behaviour of another Church of England organisation, you should raise them through that organisation, following any whistleblowing procedures it has.
- **Employment related concerns:** This policy does not deal with any complaints employees may have about their own employment position, which should be addressed through the Cathedral's Grievance Policy and Procedure within the Employees Handbook.

## 8. How to raise a concern

8.1. You should raise your whistleblowing concern as soon as possible. This will make it easier to act and to enable any problems to be resolved or reported quickly.

8.2. You can make your disclosure orally, but written disclosures are preferable as these will make the process more efficient and effective. In your disclosure, you should:

- provide any relevant context and background, including relevant dates, venues, names etc
- state clearly the reason why the situation causes for concern.

8.3. You must say that you are raising your concern using the whistleblowing policy and whether you wish your identity to be kept confidential. While we will make every effort to deal with your case confidentially, depending on the circumstances of the case this may not always be possible (e.g., if the Police are involved). Where this is the case, you will be informed of this and the reasons why it was not possible. We prefer non-anonymous disclosures, as anonymity often makes it difficult to properly investigate concerns, protect employees or give feedback on outcomes.

8.4. The Chief Operating Officer (COO) is designated to handle whistleblowing concerns in the cathedral and is the Cathedral's Whistleblowing Officer.

8.5. You should report your concern in the first instance to your line manager/volunteer co-ordinator where appropriate, or to the COO. If the matter concerns the Whistleblowing Officer, it should be raised with the Dean or one of the residentiary canons. However, if this is felt to be inappropriate by the individual, they are able to raise their concern directly with any other member of Chapter. Chapter members will be expected to take the details of the concern and any contact detail so that the matter can be investigated.

8.6. If you are unsure whether to use this procedure, or you want independent advice at any stage, you should contact your trade union or an independent organisation such as the

whistleblowing charity 'Protect' at <https://protect-advice.org.uk/advice-line/> or they can be contacted on 02031172520.

## **9. External Disclosures**

- 9.1. However, where a whistleblower finds it necessary to alert anyone externally the whistleblower is able to report concerns directly to the Bishop, Diocesan Secretary, Church Commissioners or the Charity Commission<sup>2</sup>, if appropriate. The Charity Commission are a 'prescribed person' under the Public Interest Disclosure (Prescribed Persons) Order and have a regulatory interest in encouraging people supporting charities to report their serious concerns so that they are best able to detect problems.
- 9.2. Whilst volunteers do not have statutory protections if they report serious concerns to the Charity Commission, the Charity Commission has said that it recognises that such whistleblowers face many of the personal challenges and risks experienced by workers and therefore need the same sort of engagement from them.

## **10. Protecting the individual raising the concern**

- 10.1. If you raise a concern which you believe to be true, the Chapter will take appropriate action to protect you from any harassment, victimisation or bullying. Employees and workers who raise a genuine concern under this policy will not be at risk of losing their job, nor will it influence any unrelated disciplinary action or redundancy procedures.
- 10.2. The matter will be treated confidentially but if the concern cannot be resolved without revealing your identity, the COO, or other person managing the complaint i.e., the Dean, a residentiary canon (if the complaint relates to the COO) will discuss with you whether and how to proceed.
- 10.3. It should be noted that you will not be protected from the consequences of making a disclosure if, by doing so, a criminal offence has been committed.

## **11. How will the Chapter deal with the concern?**

- 11.1. How the concern will be dealt with, will depend on what it involves. It is likely that further enquiries and/or investigation will be necessary. The concern may be investigated by the COO (or the Dean), through the disciplinary process or it may be referred to the police, Diocesan Safeguarding Adviser, a regulator, other agencies, an external auditor or an independent investigator.
- 11.2. Typically, the matters raised may result in one or more of the following:
  - no action required
  - action being taken under another policy or procedure
  - an internal investigation under this policy
  - a referral to the police or other relevant statutory body
  - referral to the Church Commissioners
  - a referral to cathedral's external auditors
  - a Serious Incident Report being made to the Charity Commission
  - an independent enquiry.

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<sup>2</sup> A Serious Incident Report may need to be made.

11.3. It may be necessary for you to give evidence in criminal or disciplinary proceedings. The COO (or the Dean,) will give you feedback on the progress and outcome of any investigation, wherever possible.

**12. Allegations that are malicious or known to the individual making them to be false**

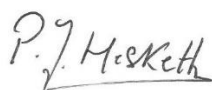
12.1. If it is found that you have knowingly or maliciously makes an untrue allegation or you are involved in any way in the malpractice, wrongdoing or illegal acts or omissions, the Chapter will take appropriate action in accordance with the appropriate policy.

12.2. If the suspicions are not confirmed by an investigation, the matter will be closed and a record retained. Any person raising a concern under this policy will not suffer any detriment for raising the concern unless they are found to have made a malicious allegation.

**13. Review**

13.1. In addition to the formal 3 yearly review the policy will be revisited to determine its effectiveness . This is the responsibility of the COO who will then produce an annual report which will include:

- a record of the number of complaints and types of concerns raised and their outcomes
- feedback from individuals who have used the arrangements;
- any complaints of victimisation;
- any complaints of failures to maintain confidentiality;
- Review of current legislation
- Staff awareness of the policy and procedures
- Any recommendations for updating the policy if appropriate



**Signed** .....

**The Dean**

**Dated:** .....8 February 2022.....