

Whistleblowing Policy for Clergy, Lay People in Licensed and Authorised Ministries, and DBF Volunteers

1. Introduction

This document sets out the procedure whereby clergy, church officers, and volunteers can raise serious concerns of public interest.

The diocese is committed to developing a culture of openness and honesty, where individuals feel safe and confident to raise concerns under this policy without fear of retribution. Those within the diocese who are responsible as set out below will take all concerns seriously and they will be investigated. Support will be provided to the person raising the concern.

2. Legal Protection

The Public Interest Disclosure Act 1998 provides workers with legal protection against being dismissed or penalized for publicly disclosing certain serious concerns (not limited to safeguarding). According to ACAS, a qualifying disclosure is a disclosure of information

where the worker reasonably believes (and it is in the public interest) that one or more of the following matters is happening, has taken place, or is likely to happen:

- *A criminal offence*
- *The breach of a legal obligation*
- *A miscarriage of justice*
- *A danger to the health and safety of any individual*
- *Damage to the environment*
- *Deliberate attempt to conceal any of the above*

For the avoidance of doubt, undeclared conflicts of interest are relevant matters.

3. Protection for Office Holders and Volunteers

Although it was not previously thought that statutory protection under the Act extended to office holders or volunteers, in a 2019 judgment (*Gilham v Ministry of Justice*), the Supreme Court decided that judicial officers can seek the protection of whistleblowing legislation. The position regarding clergy has not been tested but it is reasonably likely that the courts would afford the same protection to clergy office holders. In line with good practice the Diocese is also committed to offering whistleblowing protection to volunteers. The Diocese encourages PCCs to provide similar whistleblowing provisions for those who are not workers. Employed parish staff fall under the PCC whistleblowing policy for employees.

4. Raising a Reasonable Suspicion

It is not necessary for the person making the disclosure to prove that the breach or failure has occurred or is likely to occur; a reasonable suspicion is sufficient. No action will be taken against a whistle-blower if the concern proves unfounded in a

situation where there was a reasonable belief that raising the matter was in the public interest. However, anybody making a disclosure based on suspicion should note that they will not be protected from the consequences of making such a disclosure if, by doing so, they commit a criminal offence.

5. Whistleblowing Procedure

If you believe that any of the practices covered in 2 above are occurring in the Diocese, follow this procedure:

5.1 Initial Contact

5.1.1 For safeguarding matters: Contact the Diocesan Safeguarding Officer (or your archdeacon if the DSO is unavailable).

5.1.2 For clergy making non-safeguarding public interest disclosures: Contact your archdeacon (or the other archdeacon if your archdeacon is unavailable).

5.1.3 For people in lay ministries who are licensed or authorised by the bishop: Contact your incumbent (or your archdeacon if the incumbent is unavailable).

5.1.4 For DBF volunteers (e.g., committee members): Contact the Chief Executive and Diocesan Secretary (or the Chair of DBF if the Chief Executive is unavailable).

5.1.5 If there is a good reason not to contact the indicated person (e.g., the disclosure involves them, or you fear their reaction), contact the alternative person indicated in brackets.

5.1.6 Safeguarding matters which are the subject of a whistleblowing disclosure can also be disclosed to the National Safeguarding Team.

5.2 What to say

When making contact you should indicate that you believe that the matter you are raising is a public interest disclosure covered by this Whistleblowing Policy. You do not have to make your disclosure in writing (eg email) but it helps to create a record if you do so.

5.3 Alternative Contacts

If it is not appropriate to raise the issue with the indicated person, escalate the issue to a more senior manager or office holder, or another person at the same level (e.g., the other archdeacon).

5.4 Investigation

An investigation may be necessary, and you might be required to attend an investigatory meeting and/or a disciplinary hearing as a witness.

5.5 Meeting Details

During the investigation meeting, explain the nature and extent of the issue. You may bring a colleague to help you explain the situation more clearly.

5.6 Outcome and Follow-Up

The concerns will be investigated promptly, and you will be informed of the outcome as soon as possible.

5.7 Protection from Harassment, Victimisation or Bullying

Steps will be taken to ensure your working environment and relationships are not prejudiced by the disclosure.

5.8 Appeal Process

If dissatisfied with the outcome, raise the matter with the Diocesan Bishop. If still dissatisfied, you have the right to express concerns to the relevant Prescribed Person¹ designated by the Public Interest Disclosure (Prescribed Persons) Order 1999 or subsequent legislation.

5.9 Disclosures Involving Third Parties

If the disclosure pertains wholly or mainly to someone outside the Diocese, make the disclosure to the responsible party.

5.10 External Authorities

You may disclose to Public Concern at Work if you believe internal disclosure is inappropriate or unsuccessful. Disclosures made to legal advisors in the course of obtaining legal advice are protected.

6. Disclosure Involving Clergy

6.1 If the concern relates to safeguarding children or vulnerable adults, it will follow safeguarding disclosure procedures.

6.2 For other issues, a meeting will be arranged with the relevant archdeacon promptly, maintaining confidentiality.

6.3 The archdeacon may involve other experts and ensure a note-taker is present.

6.4 The archdeacon or a nominated person will investigate the concern and seek resolution.

6.5 The whistle-blower will be informed of the investigation progress within confidentiality limits.

¹ Prescribed persons are people and bodies you can blow the whistle to rather than your employer. An up to date list as at May 2024 is available here:

<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies-2/whistleblowing-list-of-prescribed-people-and-bodies>

6.6 Steps will be taken to prevent harassment or victimization of the whistle-blower, which may include alternative pastoral care or church attendance arrangements.

7. Outcomes

Typically, the matters raised may result in one or more of the following:

- No action taken
- Action being taken under another policy or procedure
- A referral to the police or other statutory body
- Referral to the Church Commissioners
- Referral to external auditors
- A Serious Incident Report to the Charity Commission
- An independent inquiry.

It may be necessary for the whistleblower to give evidence in criminal or disciplinary proceedings.

8. Support for Whistleblowers

The Diocese is committed to providing emotional and practical support for whistleblowers, including access to counselling and other support services.

9. Training and Awareness

Training will be provided to staff and volunteers to ensure they understand the whistleblowing policies and procedures.

10. Monitoring and Review

The whistleblowing policy will be regularly reviewed to ensure its effectiveness and to incorporate any changes in legislation or best practices.

11. Record-Keeping

Proper documentation and record-keeping of all disclosures and investigations will be maintained to ensure transparency and accountability.

12. False or Malicious Disclosures

If it is found that the person making the disclosure has knowingly or maliciously made an untrue allegation or is involved in any way in the malpractice, wrongdoing or illegal acts or omissions, the Diocese will take appropriate action in accordance with the appropriate policy.

13. Anonymous Disclosures

Whistle-blowers are encouraged to identify themselves; however, anonymous concerns may be investigated based on their seriousness, credibility, and the likelihood of obtaining corroborating information.