Sunderland Minster Whistleblowing Policy

The PCC of Sunderland Minster is committed to being open, honest and accountable. It encourages a free and open culture in its dealings between the members of PCC, office holders, employees, workers and volunteers in the Minster. Tackling problems is vitally important in continuing to foster a culture where the highest moral and ethical standards are upheld, maintaining the PCC's financial health and achieving its charitable aims. This policy aims to help office holders, employees, workers and volunteers in the Minster to raise any serious concerns they may have about colleagues or anything taking place in the Minster with confidence, and without having to worry about being victimised, discriminated against or disadvantaged in any way as a result.

To fulfil their commitment to safeguard and promote the welfare of children, all organisations that provide services for, or work with, children are required to have appropriate whistleblowing procedures, and a culture that enables issues about safeguarding and promoting the welfare of children to be addressed. Whistleblowing may also apply to situations of unacceptable practice, performance or behaviour in situations unrelated to children or adults who may be vulnerable, and these same principles can be applied.

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. Although it was not previously thought that statutory protection under the Act extended to office holders or volunteers, in a recent judgement,1 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. In addition, as it is considered best practice for charities to choose to extend similar protections to volunteers, the PCC has chosen to extend the same protection to volunteers in so far as is possible and to treat all individuals making a disclosure in the spirit of the Act. The policy of the PCC is to safeguard the interests of any employees, workers, officeholders and volunteers when they act as alerters regarding any neglect or abuse, mental, physical, emotional, sexual, racial/ethnic or financial, of service users or any similar abuse of colleagues.

1. Who does this policy apply to? The policy applies to everyone who works for and volunteers in the Minster. This means employees, workers, office-holders, volunteers, interns and contractors.

2. What is whistleblowing?

'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. 1 Gilham v Ministry of Justice (2019)

3. The expectation and commitment of the PCC

The PCC are committed to ensuring that employees and volunteers have:

• Knowledge and understanding of protection procedures

• Are committed to emphasising that harassment is unacceptable

• Are enabled to identify oppressive abuse when it occurs

• Are informed regarding their individual duty to act to protect service users

• Are made aware of measures to safeguard their interests if they act as whistleblowers

• Are made aware of their rights under the Public Interest Disclosure Act 1998.

4. What types of concerns are covered by this policy?

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

b. A miscarriage of justice

c. An act creating risk to health and safety

d. An act causing damage to the environment

e. A breach of any other legal obligation, or

f. Concealment of any of the above

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. 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.

Anybody who is concerned about any malpractice but unsure whether to blow the whistle or to stay silent, or are unclear about how to go about blowing the whistle may obtain free expert help from the independent charity: Protect The Green House, 244-254 Cambridge, Heath Road, London, E2 9DA Whistleblowing

Advice Line: 020 3117 2520

Whistleblowing Advice Email: info@protect-advice.org.uk

Website: protect-advice.org.uk

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

This whistleblowing policy does not apply to:

Complaints

If you want to make a complaint (that is, an expression of your dissatisfaction which calls for a response) about the Minster you should use our Complaints Policy.

Safeguarding concerns

For safeguarding concerns please contact Graeme Jobes at gaj@hardings-solictitors.co.uk or 0191 565 8194.

Concerns about other organisations

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 Minster's Grievance Procedure.

6. How to raise a concern

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. 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:

a. Provide any relevant context and background, including relevant dates, venues, names etc

b. State clearly the reason why the situation causes for concern. 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. Non-anonymous disclosures are preferred, as anonymity often makes it difficult to properly investigate concerns, protect employees or

give feedback on outcomes. Graeme Jobes is designated to handle whistleblowing concerns in the Minster as the Whistleblowing Officer

You should report your concern in the first instance to your line manager/volunteer co-ordinator where appropriate, or to the Whistleblowing Officer. If the matter concerns the Whistleblowing Officer, it should be raised with the Canon Provost. 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 Protect, as above).

7. Protecting the individual raising the concern If you raise a concern which you believe to be true, the PCC 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. The matter will be treated confidentially but if the concern cannot be resolved without revealing your identity, the Whistleblowing Officer will discuss with you whether and how to proceed. You should note that they will not be protected from the consequences of making a disclosure if, by doing so, you commit a criminal offence.

8. How will the PCC deal with the concern?

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 Whistleblowing Officer, 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.

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

a. No action required

b. Action being taken under another policy or procedure, or other person managing the process, where the complaint involves the Whistleblowing Officer, or other person managing the process, where the complaint involves the Whistleblowing Officer.

c. An internal investigation under this policy

d. A referral to the police or other relevant statutory body

e. Referral to the Church Commissioners

f. A referral to the Minster's external auditors

g. A Serious Incident Report being made to the Charity Commission

h. An independent enquiry. It may be necessary for you to give evidence in criminal or disciplinary proceedings. The Whistleblowing Officer will give you feedback on the progress and outcome of any investigation, wherever possible.

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

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 PCC will take appropriate action in accordance with the appropriate policy. 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.

10. Responsibility for this Policy Overall

Responsibility for this policy and its implementation is with the PCC of Sunderland Minster.

End of Policy