

Whistleblowing Policy (Making a Disclosure in the Public Interest)

1. Introduction

Glenwood Faith Community is committed to the highest standards of openness, probity and accountability.

An important aspect of accountability and transparency is a mechanism to enable staff and other members of the Glenwood Faith Community to raise concerns in a responsible and effective manner. It is a fundamental term of every contract of employment that an employee will faithfully serve his or her employer and not disclose confidential information about the employer's affairs. Nevertheless, where an individual discovers information which they believe shows serious malpractice or wrongdoing within the Glenwood Faith Community then this information should be disclosed internally without fear of reprisal, and there should be arrangements to enable this to be done independently of direct line management (although in relatively minor instances the line manager would be the appropriate person to be told). Such concerns will be treated seriously and handled promptly and appropriately in the interests of managing risk and good governance.

It should be emphasised that this policy is intended to assist individuals who believe they have discovered malpractice or impropriety within the organisation. It is not designed to question financial or business decisions taken by the Leadership Team/Trustees nor should it be used to reconsider any matters which have already been addressed under harassment, disclosure, disciplinary or other procedures, nor to address a personal grievance such as bullying, harassment or discrimination which would be dealt with under the Grievance Policy.

2. Scope of Policy

This policy is designed to enable employees, trainees, volunteers and agency workers to raise concerns internally in the first instance and at a high level and to disclose information which the individual believes shows that malpractice or impropriety has taken place, is happening or is likely to happen in the near future. They are not responsible for proving the alleged wrongdoing. This policy is intended to cover concerns about danger or illegality that affect others, which are in the public interest and may at least initially be investigated separately but might then lead to the invocation of other procedures e.g. disciplinary. These concerns could include:

- ✓ Financial malpractice or impropriety or fraud
- ✓ Failure to comply with a legal obligation or Statutes
- ✓ Dangers to Health and Safety of an individual(s)
- ✓ Risk or damage to the environment
- ✓ Criminal activity
- ✓ Improper conduct or unethical behaviour
- ✓ Miscarriage of justice
- ✓ Deliberate attempt to conceal any of these

3. Protection

The Public Interest Disclosure Act 1998, gives legal protection to employees against being dismissed, being victimised or suffering detriment by their employers as a result of disclosing certain serious concerns. Action will be taken to protect the individual from harassment or bullying and it will not influence any unrelated disciplinary action or redundancy decisions. Glenwood Faith Community has

endorsed the provisions set out below to ensure that no members of staff should feel at a disadvantage in raising legitimate concerns.

This policy is designed to offer protection to those employees of Glenwood Faith Community who disclose such concerns provided the disclosure is made:

- ☐ in good faith
- ☐ in the reasonable belief of the individual making the disclosure that it could show malpractice or impropriety
- ☐ in the public interest - it must affect others e.g. the public
- ☐ to an appropriate person (see below).

If an employee was to be dismissed because of Whistleblowing they may have a claim for Unfair Dismissal through an employment tribunal (within 3 months of employment ending).

It is important to note that no protection from internal disciplinary procedures is offered to those who choose not to use the procedure. In an extreme case, malicious or wild allegations could give rise to legal action on the part of the persons complained about.

If concerns are reported to the media, in most cases, whistleblowing law rights of protection will be lost.

4. Confidentiality

Glenwood Faith Community will treat all such disclosures in a confidential and sensitive manner. An employee can provide their name but request confidentiality and Glenwood Faith Community will make every effort to protect their identity so long as it does not hinder or frustrate any investigation. However, the investigation process may reveal the source of the information and the individual making the disclosure may need to provide a statement as part of the evidence required.

5. Anonymous Allegations

This policy encourages individuals to put their name to any disclosures they make. Concerns expressed anonymously are much less credible and may not contain sufficient information but they may be considered at the discretion of the Glenwood Faith Community. In exercising this discretion, the factors to be taken into account will include:

- The seriousness of the issues raised
- The credibility of the concern
- Whether an investigation can be carried out based on the information available
- The likelihood of confirming the allegation from attributable sources

6. Untrue Allegations

If an individual makes an allegation in good faith, which is not confirmed by subsequent investigation, no action will be taken against that individual. In making a disclosure the individual should exercise due care to ensure the accuracy of the information.

If, however, an individual makes malicious or vexatious allegations, and particularly if he or she persists with making them, disciplinary action may be taken against that individual.

7. Procedures for Making a Disclosure

On receipt of a disclosure of malpractice or other issue covered by this Policy, the member of staff who receives and takes note of the disclosure, must pass this information as soon as is reasonably possible, to the Senior Church Leader/Pastor (unless the disclosure concerns them). Either they will investigate it themselves or an appropriate designated senior investigating officer will be appointed.

If the disclosure concerns financial impropriety such as fraud, but not at Trustee level, the complaint should be passed to the Trustee responsible for Finance.

If the disclosure is against, or in any way related to the actions of, the Senior Church Leader/Pastor the disclosure should be passed to the Trustees who may nominate an external party to act as the alternative investigating officer.

Disclosures against the Trustees should be passed to our external HR Support Advisor (Currently Helen Phillips FCIPD via email to helen@oysterhr.co.uk - who may nominate an external party to act as the alternative investigating officer.

The whistleblower has the right to bypass the line management structure and take their disclosure direct to the Trustees who have the right to refer the disclosure back to management if they feel that the management can more appropriately investigate the disclosure without any conflict of interest.

Should none of the above routes be suitable or acceptable to the whistleblower, then the whistleblower may seek independent legal advice from a lawyer or approach a relevant prescribed person or body (see below).

If there is evidence of criminal activity then the Senior Church Leader/Pastor or the designated investigating officer should inform the police. The Glenwood Faith Community will ensure that any internal investigation does not hinder a formal police investigation.

Any reasonable adjustments under the Equality Act 2010 which are needed to comply with this Policy, will be addressed.

8. Timescales

Due to the varied nature of these sorts of disclosures, which may involve internal/external investigators, external auditors, Social Services and/or the police, it is not possible to lay down precise timescales for such investigations. The investigating officer should ensure that the investigations are undertaken as quickly as possible without affecting the quality and depth of those investigations.

The investigating officer, should as soon as practically possible, send a written acknowledgement of the concern to the whistleblower with an indication of how it is intended to deal with the matter and thereafter report back to them in writing the outcome of the investigation and on the action that is proposed. This may not be detailed as the confidence of other people involved has to be respected and there may be legal limitations on disclosure of some information. If the investigation is a prolonged one, the investigating officer should keep the whistleblower informed, in writing, as to the progress of the investigation and as to when it is likely to be concluded.

All responses to the whistleblower should be in writing and sent to their home address marked "confidential".

9. Investigation Procedure

The investigating officer should follow these steps:

1. Full details and clarification of the disclosure should be obtained from the whistleblower as a witness.
2. The employee must say immediately if they do not want anyone else to know their identity.
3. The investigating officer should inform the member of staff against whom the disclosure is made as soon as practically possible. The member of staff will be informed of their right to be accompanied by a work colleague at any future interview or hearing held under the provision of these procedures. At the discretion of the investigating officer and dependent on the circumstances of the disclosure an alternative representative may be allowed e.g. the individual's legal representative.
4. The investigating officer should consider the involvement of the Glenwood Faith Community's auditors and the Police at this stage and should consult with the Senior Church Leader/Pastor or the Trustees if appropriate
5. The allegations should be fully investigated by the investigating officer with the assistance where appropriate, of other individuals/bodies.
6. A judgement concerning the disclosure and validity of the disclosure will be made by the investigating officer. This judgement will be detailed in a written report containing the findings of the investigations and reasons for the judgement. The report will be passed to the Senior Church Leader/Pastor or Trustees as appropriate.
7. The Senior Church Leader/Pastor or Trustees will decide what action to take. If the disclosure is shown to be justified, then they will invoke the disciplinary or other appropriate policy/procedures.
8. The whistleblower should be kept informed of the progress of the investigations and, if appropriate, of the final outcome.
9. If appropriate, a copy of the outcomes will be used to enable a review of the Glenwood Faith Community's procedures with lessons learnt, in the spirit of constructive problem solving to tackle an issue before it becomes a crisis.

If the whistleblower is not satisfied that their concern is being properly dealt with by the investigating officer, they have the right to raise it in confidence with the Senior Church Leader/Pastor or Trustees.

If the investigation finds the allegations unsubstantiated and all internal procedures have been exhausted, but the whistleblower is not satisfied with the outcome of the investigation or that it has been properly dealt with or believe that the wrongdoing is continuing, Glenwood Faith Community recognises the lawful rights of employees and ex-employees to make disclosures to the relevant prescribed person or body (regulators such as the Health and Safety Executive, the Charity Commission, The Children's Commissioner, the Auditor General). A full list of prescribed people and bodies can be found on the Government Website (<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies>).

Other sources of advice for employees are the Advisory, Conciliation and Arbitration Service (ACAS) and the whistleblowing charity, Protect (protect-advice.org.uk), formerly known as Public Concern at Work.