



Speaking Out (Whistleblowing) Policy and Procedure

Status of Policy: Non-Contractual

Policy applies to: Employees of the Diocesan Board of Finance (DBF)

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1. Introduction

The Diocesan Board of Finance (DBF) recognises that there may be times where you personally feel that there is something seriously wrong within the organisation. It is important that you feel empowered to come forward and raise concerns without fear of intimidation and that a culture of openness is fostered.

The DBF is committed to developing a culture of openness and accountability and takes all forms of alleged malpractice, fraud, corruption or abuse very seriously. We are very concerned about the potential effect of these matters on the services we provide.

It is important, therefore, that you feel comfortable raising issues which concern you either about something that has already happened or which you think is at risk of happening – for example, concerns about possible criminal offences being committed; the health and safety of any individual; failures to comply with legal obligations; harm to the environment; or the concealment of information about any of these. You may be worried that by reporting issues of concern, you are exposing yourself to possible victimisation, disciplinary action or putting your job at risk. The DBF understands these concerns, and this policy has been implemented to reassure you that this is not the case.

Please note that making a safeguarding disclosure is different to Speaking Out.

Safeguarding concerns relate to the possibility of abuse, harm or neglect of a child or of an adult at risk. If you have such a concern, then you should raise your /suspicion/allegation to the Diocesan Safeguarding Adviser (0117 906100) or, out of hours to the Churches' Child Protection Advisory Services (0845 1204550) or to the Police or Local Authority.

2. Purpose and Scope

2.1 Purpose of the policy

The purpose of this policy is to provide a safe mechanism for anyone who works for the DBF to come forward and raise any concerns they have without fear of detriment or reprisal. The policy aims to:

- Encourage you to feel confident in raising concerns and to question and act upon concerns about practice
- Provide avenues for you to raise concerns and receive timely feedback on any actions taken
- Ensure you receive a response to your concerns and that you are aware how to pursue them if you are not satisfied
- Provide reassurance that you will be protected from possible reprisals or victimisation

2.2 Scope of the policy

This policy applies to all employees of DBF. This policy also applies to staff who have left the DBF within a three month period i.e. three months from the last working day at the DBF; to agency staff; staff seconded to work in the DBF; students on placement; other learners; volunteers and sub-contracted staff.

3. Key principles

The DBF positively encourages anybody who has a concern to speak out. If you have serious concerns you are entitled to - and should - raise them. You need to reasonably believe that such a disclosure is **true**, and is made **in the public interest** (“in the public interest” has a number of definitions but broadly means anything affecting the health, the rights or the finances of the public at large - for example public safety or suspected fraud).

3.1 Disclosures “in the public interest”

Examples of concerns “in the public interest” which you might speak out about include:

- **Public/staff safety** – for example, malpractice, or ill treatment of a parishioner/member of the public/staff member by any member of staff, or repeated ill treatment despite a complaint having been made. NB if you are concerned about **abuse, harm or neglect of a child** or of an **adult at risk** then you should Immediately raise your concern/suspicion/allegation to the Diocesan Safeguarding Adviser (0117 906100) or, out of hours to the Churches’ Child Protection Advisory Services (0845 1204550) or to the Police or Local Authority.
- **Health and safety issues** e.g. that the health or safety of any person (member of the public or member of staff) has been, is being or is likely to be endangered or disregard for legislation – particularly in respect of health and safety at work.
- **Financial matters** including fraud, corruption or abuse of position or a breach of standing financial instructions or standing orders.
- **Unlawful conduct** – e.g. that a criminal offence has been committed, is being committed or is likely to be committed.
- **Breaches of legal obligations** e.g. that a person has failed, is failing or is likely to fail to comply with a legal obligation which s/he is subject to.
- **Damage to the environment** - e.g. that the environment has been, is being or is likely to be damaged.
- That information relating to any of the above has been, is being or is likely to be **deliberately concealed**.

You do not need to have firm evidence before raising a concern, but please explain, as fully as you can, the information or circumstances which have given rise to your concern.

Should the concern relate to another organisation, the manager hearing the concern will raise this with the Diocesan Secretary/a DBF Board member who will contact an appropriate senior manager at the other organisation to request that the matter is investigated, where this is necessary and appropriate.

You will not be discriminated against or victimised for raising concerns which you reasonably believe to be in the public interest under this policy.

Both the person raising concerns and those who are potentially the focus of a concern will be treated with fairness and openness.

You have the right to be accompanied by a trade union representative, or a colleague at any time during the process. Consideration will also be given to allowing you, as an alternative to be accompanied by a friend, not acting in a legal capacity. This consideration will be subject to the nature and sensitivities of the case.

3.2 Concerns which are not disclosures “in the public interest”

As explained above, when someone speaks out “in the public interest” they are raising a concern about a risk, wrongdoing or malpractice or an illegal act that affects others (e.g. members of the public, other staff or the DBF). The person speaking out is usually not directly, personally affected - they are simply trying to alert others.

This is very different from a complaint or a grievance. When someone complains, or raises a grievance, they are saying that they have personally been poorly treated. This poor treatment could involve a breach of their individual employment rights or bullying and the complainant is seeking redress or justice for themselves (or sometimes for a colleague when, for example, they have seen someone else being bullied). The person making the complaint therefore, has a vested interest in the outcome of the complaint.

For these reasons, it is not in anyone's interests if the DBF Speaking Out policy is used to pursue a personal grievance. Instead, people should seek advice from their manager or the Human Resources team about using the DBF Grievance Policy, or Dignity at Work Policy to address their concerns.

4. Duties, roles and responsibilities

4.1 Managers

All managers are responsible for ensuring that staff are aware of the policy and its application, and for creating an environment in which staff are able to express concerns freely and without fear of reprisal.

4.2 DBF Staff

Every member of DBF staff has a responsibility to raise concerns providing s/he has a reasonable belief that malpractice and/or wrongdoing has occurred.

4.3 DBF Board

The DBF Board has the responsibility to:

- Ensure confidentiality clauses in employment contracts do not restrict, forbid or penalise speaking out.
- Ensure that a person who speaks out receives support and that all reasonable steps are being taken to ensure that the individual raising the concerns is not subject to victimisation.
- Treat victimisation of whistleblowers as a serious matter by fully investigating and taking appropriate disciplinary action, against any members of staff who it is found have victimised or tried to victimise a person raising a legitimate concern.
- Not attempt to conceal evidence of poor or unacceptable practice.
- Take disciplinary action if an employee destroys or conceals evidence of poor or unacceptable practice or misconduct.

4.4 Leads for the Speaking Out Policy

The DBF's leads for the Speaking Out Policy are the Diocesan Secretary, the Chair and the Vice Chair of DBF and the Human Resources Manager who will ensure that concerns are investigated effectively and are in line with the formal procedure described within this Policy. They will have the responsibility to ensure that there is adequate communication and support for those individuals against whom allegations have been made.

On behalf of The DBF Board, the Remuneration Committee will receive an annual report of all Speaking Out cases raised within the DBF, via the Diocesan Secretary and the Human Resources Manager, in order to monitor progress of investigations and summary outcomes of individual cases on a regular basis.

5. Confidentiality

If you wish to keep your identity confidential then, as far as is possible, it will not be disclosed without your consent.

If the situation arises where the concern cannot be resolved without revealing your identity, then whether and how to proceed will be discussed with you. Confidentiality cannot be maintained if the manager or person to whom the concerns are expressed considers that there is an immediate risk to safety and that, therefore, the matter must be addressed immediately or if the DBF is required by law to break that confidentiality. In such circumstances you would be informed of this course of action and a support plan would be mutually agreed.

6. Other relevant policies and procedures

The Speaking Out Policy should be read in conjunction with other relevant DBF policies and procedures, which in certain circumstances may be more appropriate. These include:

- Safeguarding Policy and Procedure
- Dignity at Work Policy and Procedure
- Disciplinary Policy and Procedure
- Grievance Policy and Procedure

It should also be considered alongside the Public Interest Disclosure Act and any relevant professional or ethical guidelines and codes of conduct.

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7. Privacy and Data Protection Statement

In accordance with the GDPR (General Data Protection Regulation), employees have a right to access information that the DBF may hold on them. This includes information regarding any HR processes undertaken (e.g. flexible working applications, grievances, disciplinary action etc), or information obtained through monitoring processes (e.g collation of information about number of days sickness absence). The way in which information about an employee will be used is outlined within the DBF Privacy Notice, copies of which are available from the HR Team. The DBF is committed to being transparent about how it collects and uses personal data and to meeting its data protection obligations. To this end, the DBF undertakes that the employee will be made aware of any information regarding them that is gathered as part of a HR process.

As a data subject, each employee has a number of rights (outlined in the Privacy Notice). If you would like to exercise any of these rights, please contact the Diocesan Data Protection Officer.

Speaking Out (Whistleblowing) Procedure

1. Introduction

To support the Speaking Out Policy, this Procedure sets out both informal and formal processes and supporting information. A summary flowchart of the process can be found at Appendix A.

2. Procedure – how to raise concerns

You can raise concerns under the Speaking Out policy either informally or formally. See section 2.1 to 2.2.2 below.

So that your concerns can be assessed and investigated at any informal or formal stage, it would be helpful if you could be as clear as possible with the details. The person you are meeting with will need to understand the following:

- what happened – the nature of the incident(s)
- who was involved
- when it happened – dates and times
- where it happened – locations
- who was present/involved when the incident(s) took place
- why you think it occurred (if possible)
- any effects on you (including those which may have been experienced outside of work)
- the frequency of any incidents
- any steps you have already taken (e.g. whether you have already raised the matter informally or at an earlier formal stage and with whom).
- any other issues relating to the concern.

If you feel comfortable sharing your identity then please provide the person you are approaching, with your name, your work location and contact details.

If possible, explain how you think the matter may be best resolved.

In both informal and formal stages of the procedure, the manager to whom you raise your concerns will discuss with you how feedback can be given (unless you have chosen to raise your concerns anonymously). Some investigations take longer than others, but the manager will give you feedback (wherever possible, within the time frames indicated in the procedure), and will let you know, if the investigation is not yet complete, when you can expect to receive more feedback.

NB If you believe there are strong reasons why you should not approach your Manager (informal stage), or the next line manager or Diocesan Secretary (stage one – formal process) then you can approach the Chair of the Remuneration Committee or the Chair or Vice Chair of DBF directly (stage 2 – formal process) without following the earlier stages of the procedure.

2.1 Raising a concern informally

Informal Process

You can raise your concerns by speaking with/writing to:

- The manager who is responsible for the area of work which you are concerned about.
- Your own manager (if this is somebody different)
- Another manager/senior person in the DBF.

You will need to make it clear that you are raising a concern under the Speaking Out policy.

If you are raising a concern and you don't want anybody other than the person you are telling to know about this yet, it isn't recommended that the concern is raised via email because in some cases staff other than the named recipient have permission to view emails

Make sure that you say if it is important for you to remain anonymous.

If you do not feel strongly that your concern must be raised anonymously but you would like your identity to be kept confidential (not disclosed without discussing it with you first) then explain this, when raising your concern.

You can involve your trade union representative, if you have one, in helping you raise the matter. If you do not have a trade union representative then you may want to be accompanied at a meeting by a colleague or (with the permission of the person you are meeting with) a friend not acting in a legal capacity.

If you speak with a manager in DBF then they will either:

- arrange for the concerns to be looked into/investigated *or*
- direct you to the Grievance or Dignity at Work Policies (if this is more appropriate).

The meeting will be recorded in writing and a copy of the notes will be given to you - within 5 working days where possible. The manager will also discuss with you how you will receive feedback.

Your identity will not be disclosed without your permission unless there is a requirement to do so (for example for safety or legal reasons) In such circumstances you will be informed of this course of action and a support plan will be mutually agreed.

We hope that this will resolve your concerns. If it does not then you should move to **the formal process** – set out below.

2.2 Raising a concern formally

We would like to encourage you to raise your concerns informally, in the first instance. However, if the informal action (however you choose to raise it) does not address your concerns or if you feel strongly that the matter is too serious to be dealt with through an informal process, then you should use the formal steps of the Speaking Out Policy outlined below.

2.2.1 Stage 1 – formal process

If you are dissatisfied with the with the outcome of the Informal Stage or don't think that an informal process is appropriate you can move on to Stage 1 of the formal process.

Stage 1 – formal process

You can raise your concerns formally at stage 1 by writing to the next line manager or the Diocesan Secretary or, if you think it is inappropriate to approach these managers, to the Chair of the Remuneration Committee, explaining your concerns. When writing to raise a concern you should mark the envelope “strictly confidential – for the attention of addressee only”.

If you are raising a concern formally, and you don't want anybody other than the person you are telling to know about this yet, it isn't recommended that the concern is raised via email because in some cases staff other than the named recipient have permission to view emails

You will need to make it clear that you are formally raising a matter of serious concern in the public interest under the Speaking Out Policy and advise of any process you have followed so far (e.g. the informal process stage).

Make sure that you say if it is important for you to remain anonymous.

If you do not feel strongly that your concern must be raised anonymously but you would like your identity to be kept confidential (not disclosed without discussing it with you first) then explain this, when raising your concern.

As with the informal process, you can involve your trade union representative in helping you raise the matter. If you do not have a trade union representative then you may want to be accompanied at a meeting by a colleague or (with the permission of the person you are meeting with) a friend not acting in a legal capacity.

The person you have written to will meet with you within five working days of receipt of your communication. They may request that an independent witness is also present – you can choose whether to agree to this. The matters you raise will be reviewed, fully considered and may be formally investigated.

The contents of the meeting will be recorded in writing and a copy given to you – wherever possible, within five working days of the meeting. The manager will also discuss with you how you will receive feedback.

Your identity will not be disclosed without your permission unless there is a requirement to do so (for example for safety or legal reasons) In such circumstances you will be informed of this course of action and a support plan will be mutually agreed.

We hope that this will resolve your concerns. If it does not then you should move to **the formal process stage 2** – set out below.

2.2.2 Stage 2 – formal process

If you are dissatisfied with the with the response you have received at formal stage 1 you can move on to stage 2 of the formal process. You may also move directly to stage 2 if you believe **that** there are strong reasons why you should not approach your Manager (informal stage), or the next line manager, Diocesan Secretary or Chair of the Remuneration Committee (stage one – formal process) then you can raise your concerns using the stage 2 – formal process without following the earlier stages of the procedure.

Stage 2 – formal process

You can raise your concerns formally at stage 2 by writing to the Chair of the Remuneration Committee, **or** if this is inappropriate, **or** you have already approached this person, to the Chair or the Vice-Chair of DBF, explaining your concerns. When writing to raise a concern you should mark the envelope “strictly confidential – for the attention of addressee only”.

If you are raising a concern formally, and you don’t want anybody other than the person you are telling to know about this yet, isn’t recommended that the concern is raised via email because in some cases staff other than the named recipient have permission to view emails

You will need to make it clear that you are formally raising a matter of serious concern in the public interest under the Speaking Out Policy and advise of any process you have followed so far (e.g. the informal process stage and/or stage 1 of the formal process).

Make sure that you say if it is important for you to remain anonymous.

If you do not feel strongly that your concern must be raised anonymously but you would like your identity to be kept confidential (not disclosed without discussing it with you first) then explain this, when raising your concern.

As with the informal and stage 1 processes, you can involve your trade union representative in helping you raise the matter. If you do not have a trade union representative then you may want to be accompanied at a meeting by a colleague or (with the permission of the person you are meeting with) a friend not acting in a legal capacity.

The person you have written to will arrange to meet with you within ten working days of receipt of your communication. They may request that an independent witness is also present – you can choose whether to agree to this. The concerns you raise will be fully reviewed, and an investigation may be arranged.

The contents of the meeting will be recorded in writing and a copy given to you within five working days of the meeting, wherever possible. There will be a discussion about how you will receive feedback.

Your identity will not be disclosed without your permission unless there is a requirement to do so (for example for safety or legal reasons) In such circumstances you will be informed of this course of action and a support plan will be mutually agreed.