



## PUBLIC INTEREST DISCLOSURE (WHISTLE-BLOWING) POLICY

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### 1. Introduction

The Diocese of York seeks to conduct its affairs in a responsible way and is committed to high standards of honesty, integrity and accountability. An important component of this is to enable people who have concerns about any possible malpractice or impropriety to voice these without fear of reprisal.

This policy is designed to allow employees, other workers and clergy on Common Tenure to raise concerns or disclose information, internally and at a high level, which the individual reasonably believes show malpractice, impropriety or fraud. It sets out the means by which any concerns about possible wrongdoing can be raised, how such concerns will be dealt with, and the protections associated with raising such concerns.

### 2. Scope

This policy has been developed in line with the Public Interest Disclosure Act 1998, also known as the 'whistle-blowers act'. The Act provides general protection to workers, such that an individual can't be dismissed, victimised or penalised for making a 'qualifying disclosure' in the public interest.

The term 'worker' is broader than 'employee', and includes agency staff and self-employed workers. In the context of the Diocese of York, the policy also applies to clergy engaged on Common Tenure who may wish to make a disclosure in relation to the Diocese.

A 'qualifying disclosure' is one which, in the reasonable belief of the individual, shows:

- A criminal offence, eg fraud
- Someone's health and safety is in danger
- Risk or actual damage to the environment
- A miscarriage of justice
- The company is breaking the law, eg doesn't have the right insurance
- You believe someone is covering up wrongdoing

The individual making the disclosure will need to show reasonable grounds for his or her belief. The disclosure will be protected if it is made in good faith in line with this policy. It will not be protected if an offence is committed in making the disclosure.

This policy does not replace other policies, and should not be used where other procedures would be more appropriate, for example the Grievance procedure or the Positive Work Environment policy.

This policy is not intended to cover safeguarding concerns. If you are concerned that you or someone you know may be the subject of abuse, you can contact the Diocesan Safeguarding Adviser by email to [safeguarding@yorkdiocese.org](mailto:safeguarding@yorkdiocese.org), or by phone on 07551 124951

### **3. Making a Disclosure**

A disclosure can be made to any of the following people, depending on whom it is felt would be most appropriate:

- Head of Department
- The Diocesan Secretary and Chief Executive
- The Chair of the Board of Finance

If it doesn't feel appropriate to raise the concern with any of these individuals, there are external bodies it may be appropriate to make a disclosure to. More information is available on the government's website: [www.gov.uk/whistleblowing](http://www.gov.uk/whistleblowing)

Workers are encouraged to put a name to their disclosure, but it may not be possible to take action in the cases of anonymous disclosures. A name can be given but with a request for confidentiality, in which case every effort will be made to protect the identity of the person making the disclosure.

In any event, the Diocese will treat all disclosure in a confidence and sensitive manner, but in turn expects those making the disclosure to do the same.

### **4. Investigating a Disclosure**

The person to whom the disclosure is made will listen carefully to the issues raised, and decide what to do. This is likely to involve some discussion between the Diocesan Secretary, the Chair of the Board of Finance, and relevant senior managers, but only so long as none of those is implicated in the disclosure.

A decision will be made to either:

- Investigate the matter internally
- Involve the police (this must happen if a criminal act may have occurred)
- Call for an independent inquiry

If the matter is to be investigated internally a decision will be made as to who should conduct the investigation, the procedure to be followed, and the scope of the final report. This will take account of the nature of the allegation, the seriousness of the alleged malpractice, and who is likely to be involved.

The worker making the disclosure will not have a say in how it is dealt with, but can be asked to be kept informed. Naturally, the information which can be provided might be limited due to confidentiality.

An investigation will be carried out as swiftly and sensitively as possible, allowing proper time to give matters full consideration. In general, the Diocese will aim to complete such investigations within about six weeks. If this is not possible, parties to the disclosure will be kept informed.

Any employee who is to be subject to investigation as part of the process will be advised as soon as a reasonably practicable. They will have the right to be accompanied by a trade union official, staff representative or work colleague in any meeting held as part of the investigation.

In exceptional circumstances, it may be necessary for a member of staff to be suspended whilst an investigation takes place. This does not imply that any judgement has been made, the period will be kept as short as possible, and suspension will be on full pay.

## **5. Outcome of an Investigation**

The findings of an investigation, inquiry or police action and any recommendations will be considered by the Diocesan Secretary, or other designated person if more appropriate. A decision will be taken, in consultation with relevant advisers, as to any further action that may be required. This could include:

- Invoking the disciplinary procedure
- Invoking the grievance procedure
- Further investigation, either internally or externally
- Specific action such as reviewing policies or procedures

The worker who made the disclosure will be advised of the outcome in writing and, if no action taken, the reasons for that. Where a disclosure or investigation involves a named person, they will also be informed of the outcome in writing.

## **6. Further Points to Note**

### *If the matter is not satisfactorily resolved*

If the person making the disclosure feels that the matter has not been taken seriously, believes that wrong-doing is continuing, or remains dissatisfied with the procedure followed, it is possible to raise the matter with an appropriate external body, for example the National Audit Office or the Charity Commission.

When consider such action, it might be helpful to discuss the situation first - for example with a solicitor, or the whistle blowing charity Public Concern at Work. More information is available on the government's website: [www.gov.uk/whistleblowing](http://www.gov.uk/whistleblowing)

### *Retraction of an allegation*

Once a disclosure has been made, it may be retracted at any time, although the Diocese reserves the right to proceed with an investigation if deemed appropriate, even where the worker who made the disclosure no longer wishes to proceed.

### *Malicious allegations*

If a disclosure is found to have been made with deliberately malicious or vexatious intent, disciplinary action may be taken.