



**DURHAM
CATHEDRAL**
THE SHRINE OF ST CUTHBERT

Whistleblowing Policy and Procedure

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Whistleblowing policy

1. Introduction

1.1. Whistleblowing is when the employee knows, or suspects, that there is some wrongdoing occurring within the organisation and alerts the employer or the relevant authority accordingly.

1.2. Often the employee may suspect that something is wrong but may not express their concerns because they believe speaking up would be disloyal to their colleagues or to the Cathedral. They may also fear victimisation, harassment or other reprisals. In these situations, employees may think it is easier to ignore their concerns rather than report what could be a suspicion of malpractice.

1.3. The Cathedral and Chorister School are committed to the highest possible standards of working practice and to full accountability. To this end, employees and volunteers are fully encouraged to voice any concerns they may have about Cathedral or School work. It is recognised that some cases will proceed on a confidential basis owing to their sensitive nature.

1.4. Employees or volunteers raising a concern under this policy will be fully supported by the Cathedral or School and should be aware that they can raise concerns without fear of reprisals. The main purpose of this policy is to pro-actively encourage employees and volunteers to raise concerns within the Cathedral or School rather than ignoring the problem or 'blowing the whistle' outside the organisation.

2. Public Interest Disclosure Act 1998

2.1. Employees who whistleblow are protected by the Public Disclosure Act 1998. This Act does not offer any protection for volunteers.

2.2. The Public Interest Disclosure Act protects workers who 'blow the whistle' about an alleged malpractice in the work place. The Act describes the sorts of disclosures that may be protected and the people who may be protected.

2.3. The provisions of the Act protect most workers from being subjected to any form of detriment by their employer. Detriment can take many forms including: denial of promotion, facilities or training opportunities that the employer may otherwise have offered.

2.4. Employees may make a claim for unfair dismissal if they are dismissed for making a protected disclosure.

3. Aim and Scope of Policy

3.1. This policy aims to:

3.1.1. Provide routes for staff and volunteers to raise concerns and receive feedback on any action taken;

3.1.2. Allow staff and volunteers to take the matter further if they are dissatisfied with the Cathedral's or School's response to the concerns that have been expressed;

3.1.3. Reassure staff and volunteers they will be protected from possible reprisals or victimisation.

3.2. The Cathedral and School have in place a complaints procedure and policies and procedures for discipline, grievance and capability matters. This policy does not replace these policies or their procedures but provides a way to raise concerns that fall outside their scope.

3.3. It is intended that any concern arising regarding a suspicion of malpractice in any aspect of the Cathedral's or School's operations and working practices, or the conduct of staff or volunteers within the Cathedral or School, or others acting on behalf of the Cathedral or School, can and should be reported under this policy.

3.4. Employees who knowingly or deliberately fail to report malpractice or wrongdoing may be liable to disciplinary action if they knowingly and deliberately do not disclose information relating to malpractice in the Cathedral or School or the conduct of staff or volunteers or others acting on behalf of the Cathedral or School.

4. Possible Whistleblowing Situations

4.1. Although this list is not exhaustive, examples of situations in which it might be appropriate for an employee to report a wrongdoing include:

4.1.1. a breach, or potential breach, of health and safety legislation

- 4.1.2. financial irregularities
- 4.1.3. harassment of a colleague, pupil, visitor, customer or other individual
- 4.1.4. damage to the environment
- 4.1.5. the committing of a criminal offence.

5. **Safeguards**

5.1. **Harassment or Victimisation**

5.1.1 The Cathedral and School recognise that the decision to report a concern can be difficult, not least because of fear of reprisal from those responsible for the malpractice. The Cathedral and School will not tolerate any such harassment or victimisation and will take appropriate action in order to protect staff or volunteers who raise a concern in good faith. In addition, employees are protected in law by the Public Interest Disclosure Act as described in Section 2.

5.1.2 Employees who are subject to disciplinary action or other procedure against them may not have the procedure halted as a result of raising a concern under this policy. Each case will be considered on its merits and the employee will be advised accordingly.

5.2 **Confidentiality**

Complaints or allegations are easier to follow up if the person making the allegation is willing to give their name. However, where possible the Cathedral and School will protect those who do not wish their identity to be disclosed. It must be understood by all employees and volunteers that any investigation may reveal the source of information and a statement from complainants may be required as part of the evidence.

5.3 **Anonymous Allegations**

Concerns expressed anonymously will be treated with caution and will be considered at the discretion of the Cathedral or School. In exercising this discretion the Cathedral and School will take into consideration:

- 5.3.1 the seriousness of the issues raised
- 5.3.2 the credibility of the concern

5.3.3 the likelihood of obtaining the necessary information and confirmation of the allegation.

5.4 Deliberately False or Malicious Allegations

5.4.1 Allegations made that are deliberately false or malicious will be taken very seriously. If such allegations are made by employee they will be regarded as a serious disciplinary offence which could result in dismissal. If the allegation is made by a volunteer they will be asked to leave their volunteering role.

5.4.2 If an allegation is made in good faith but the investigation fails to find a case to answer, no action will be taken against the person making the allegation.

6. How Should a Concern be Raised?

6.1. Actions to be taken by the employee or volunteer

6.1.1 If an employee or volunteer knows, or suspects, that some wrongdoing is occurring within the organisation, he or she should raise the matter immediately with the relevant line manager. Alternatively, the employee or volunteer can raise the matter with the Chapter Clerk, the Headmistress or the HR Manager.

6.1.2 Concerns can be raised orally but employees and volunteers are strongly advised to put their concerns in writing setting out the background and history of the concern and providing relevant dates, names and the reason why the situation is a concern.

6.1.3 No employee or volunteer should approach or accuse individuals directly. Neither should the employee or volunteer attempt to undertake their own investigation. Under no circumstances should the employee or volunteer with suspicions convey those suspicions to anyone other than those with the proper authority to investigate the concern.

6.2 Action to be taken by the manager

6.2.1 The action to be taken will depend on the nature of the concern. Where appropriate, matters raised may:

a) be investigated by management, auditors or through the disciplinary procedure,

- b) be referred to the Police
- c) be referred to the Safeguarding Team
- d) form the subject of an independent enquiry

6.2.2 To protect individuals and the Cathedral or School, initial enquiries will be made to decide whether an investigation is appropriate and, if so what form it should take. Concerns or allegations which fall within the scope of specific procedures will normally be referred for consideration under those procedures.

6.2.3 Some concerns may be resolved by agreed action without the need for a detailed investigation.

6.2.4 The Investigating Officer will write to the complainant within 10 working days of an allegation being made under this procedure to :

- a) Acknowledge receipt of the concern
- b) Indicating how it is proposed to deal with the matter
- c) Giving an estimate of how long it may take to provide a final response (this may not always be possible at the early stages of an investigation).
- d) Advise whether any initial enquiries have already been made
- e) Advise whether further investigations will take place and if not, why not.

6.2.5 It may be necessary to seek further information from the complainant. If so, the Investigating Officer will write to the complainant identifying the requirements or clarification required.

6.2.6 It may be necessary to meet with the complainant to discuss the investigation or other information being sought. If this is the case, the complainant has the right to be accompanied by a trade union representative or work colleague who is not involved in the area of work to which the concern relates.

6.3 Cathedral or School Support

The Cathedral or School will take appropriate steps to minimise any difficulties the complainant may experience as a result of raising a concern. For example the

complainant may be required to provide evidence in criminal or disciplinary proceedings.

The individual who has raised the issue of a wrongdoing will be kept informed of any investigation that is taking place. The individual will also be informed of the outcome of the investigation. It might not always be appropriate to tell the individual the detail of any action that is taken, but the individual will be informed if action is taken.

6.4 Alerting outside bodies to a potential wrongdoing

6.4.1 An individual should always, in the first instance, talk to a manager in the organisation about a potential wrongdoing. If the individual is not satisfied with the response, he or she is entitled to contact a relevant external body to express the concerns. In doing this the employee should:

- have a reasonable belief that the allegation is based on facts
- not be making any personal gain from the revelations
- make the disclosure to a relevant body.

6.4.2 A “relevant body” is likely to be a regulatory body (eg the Health and Safety Executive, or the Financial Services Authority).

6.4.3 If the matter is raised outside the Cathedral or School, confidential information must not be disclosed. In addition, to secure the protections afforded by the Public Interest Disclosure Act, the Disclosure must be protected within the meaning of the Act and comply with a specific set of conditions that vary according to whom the disclosure is made. If necessary, advice may be sought from the HR Manager, Trade Unions or Professional Associations.

7 Protection Against Detriment

7.1 If the employee does not follow the procedure set out, which encompasses the requirements of the Public Disclosure Act 1998, the protection against detriment will not apply. Disclosing information in an inappropriate way (eg contacting the media) could result in disciplinary action being taken against the employee, which could include dismissal. If a volunteer discloses information in an inappropriate way they may be asked to relinquish their volunteering role at the Cathedral or School.

8 **Policy Review**

8.1 This policy will be kept under regular review and updated in the light of experience or new or amended legislative provisions.