

WHISTLEBLOWING POLICY

Approved: 17 June, 2021

This document is partly based on a model complaints policy provided by Christian Safeguarding Services.

## CONTENTS

<b>1.</b>	<b>Purpose</b>	<b>3</b>
	1.1. Scope	3
	1.2. Definitions	3
<b>2.</b>	<b>Responsibilities and Commitments</b>	<b>4</b>
	2.1. Governance and Oversight	4
	2.2. Pastoral Care	4
	2.3. Confidentiality	4
	2.4. Protection for Whistle-blowers	4
<b>3.</b>	<b>Procedures</b>	<b>5</b>
	3.1. Immediate Concern	5
	3.2. Making a Disclosure	5
	3.3. Responding to Disclosures	6
	3.4. Vexatious Disclosures	6
	3.5. Reflect and Improve	6
<b>4.</b>	<b>Renewal</b>	<b>6</b>
	<b>Appendix A – Sample Whistleblowing Form</b>	<b>7</b>
	<b>Appendix B – Qualifying Disclosures</b>	<b>9</b>

## 1. PURPOSE

The purpose of this policy is to provide an internal process for reporting, investigating and remedying wrongdoing by Trinity West Church.

Trinity West Church is committed to openness to receiving whistleblowing disclosures, with the aim of upholding accountability and maintaining prudent, safe and sensible practices and procedures.

Staff and volunteers are encouraged to raise genuine concerns under this policy and can do so without fear of detrimental treatment.

Disclosures will be handled carefully, with consistency, and wrongdoing will be remedied speedily. The Church will use disclosures to reflect on and improve its practices and procedures for the future.

### 1.1. Scope

This policy applies to everyone acting on behalf of Trinity West Church.

This policy does not cover safeguarding concerns or allegations about staff or volunteers, which are addressed in the Trinity West Church Safeguarding Policy. If a concern does not fall under the specific parameters of this policy, it should be addressed under the Trinity West Complaints Policy. Complaints by staff or volunteers in relation to their employment or role should be addressed through the Trinity West Church Grievance Procedure.

### 1.2. Definitions

**Whistleblowing:** Raising a concern about wrongdoing relating to a practice or procedure in the Church.

Examples include, but are not limited to:

- Criminal offences, such as fraud or corruption
- Immoral or unethical conduct
- Non-compliance with legal or statutory requirements
- Attempts to cover up the above, or other wrongdoing in the public interest

Whistleblowing disclosures must be about an issue that is in the public interest.

Whistleblowing disclosures may be about a current issue, an issue that happened in the past, or that may happen in the future.

**Whistle-blower:** A person or group making a whistleblowing disclosure. Whistle-blowers may be anyone acting on behalf of the Church, such as staff and volunteers.

**Elder:** Someone appointed by the Church to that office to provide spiritual leadership. The Elders of the Church are the Trustees of the charity, with legal responsibility for management and administration.

## 2. RESPONSIBILITIES AND COMMITMENTS

### 2.1. Governance and Oversight

The Elders are responsible for oversight of this policy and its implementation. The Elders commit to:

- Providing a fair whistleblowing procedure which is clear and easy to use for anyone wishing to report a concern.
- Publicising the existence of our whistleblowing procedure so that people know how to contact us to make a disclosure.
- Ensuring all concerns are investigated fairly and in a timely way, following due process as laid out below.
- Ensuring that employees and volunteers will not be subject to detrimental treatment for raising a legitimate concern using the process laid out in this policy, even if they turn out to be mistaken (vexatious disclosures may be considered a disciplinary issue).
- Reflecting on the experiences to help improve Church life.

### 2.2. Pastoral Care

Following a disclosure, the Elders will offer counsel and pastoral care for the whistle-blower and any implicated parties.

### 2.3. Confidentiality

Every attempt will be made to ensure that confidentiality is maintained by the Church and the whistle-blower. Ordinarily, information relating to the disclosure will only be shared with those involved in resolving the issue. However, circumstances giving rise to the disclosure may be such that it may not be possible to maintain confidentiality. Should this be the case, the situation will be explained to the whistle-blower. The Church will adhere to its Data Protection Policy, including in the handling of sensitive information.

### 2.4. Protection for Whistle-blowers

The Church encourages staff and volunteers to raise their concerns and will support whistle-blowers making genuine disclosures under this policy, even if they turn out to be mistaken.

Whistle-blowers should not suffer any detrimental treatment as a result of raising a genuine concern. If you believe that you have suffered any such treatment, you should inform an appropriate Church representative. If the matter is not remedied it should be raised through the Trinity West Grievance Procedure.

Protection for employee whistle-blowers is provided under the Public Interest Disclosure Act 1998 (PIDA) for qualifying disclosures. Please see [Appendix B](#) for a detailed list of criteria for qualifying disclosures.

## 3. PROCEDURES

### 3.1. Immediate Concern

Where a whistleblowing disclosure relates to an issue that poses an immediate risk, the Elders will seek to resolve it as soon as possible.

### 3.2. Making a Disclosure

If you are not sure whether it is appropriate to raise a concern under this policy, please speak to your line manager, a Deacon, or the Elders, depending on the nature of the concern.

#### **Informal Disclosures**

Staff and volunteers are encouraged to raise their concerns informally with an appropriate Church representative. For staff, this will normally be your line manager.

Informal disclosures will be taken seriously and if legitimate, the issue will be resolved as soon as practicable.

#### **Formal Disclosures**

If it is not possible or not appropriate to make an informal disclosure, or if a concern raised informally has not been resolved, a formal disclosure should be made.

Formal disclosures should be put in writing and submitted to an Elder. Formal disclosures should contain a brief description of the nature of the concern, including the relevant practice or procedure, dates, and the names of any individuals involved. See [Appendix A](#) for a sample formal disclosure form.

This policy aims to provide an internal mechanism for addressing whistleblowing disclosures and ordinarily it will not be necessary to make an external disclosure.

However, in some circumstances it may be appropriate to make a formal whistleblowing disclosure to an external body, such a regulator. When considering such action, whistle-blowers should seek advice from:

Christian Safeguarding Services

Helpline 7 days a week from 7am to 10pm: 0116 218 4420  
or email: [contact@thecss.co.uk](mailto:contact@thecss.co.uk)

### **3.3. Responding to Disclosures**

Upon receiving a formal disclosure, the Elders will assign a person to investigate and address the concern. Ordinarily, this will be an internal investigation, but the Elders have the discretion to refer the investigation to an external, independent person or organisation.

Whistle-blowers will receive an acknowledgement of their formal disclosure within a week of receipt by the Church, explaining when a full reply can be expected and providing a copy of this policy.

The investigation will establish the facts of the matter, evaluate the concern, and make recommendations accordingly. Notes of interviews must be recorded in writing and held securely.

#### **Written Response**

The Elders will seek to complete the investigation and provide whistle-blowers with a written response to the formal disclosure within four weeks from the date of receipt.

If the investigation is still ongoing after four weeks, the investigator will share a progress report, including a target date for a full response. Throughout the process, the Elders will seek to keep whistle-blowers informed of the timescales, progress and completion date.

The written response will describe:

- the investigation process
- conclusions from the investigation
- any actions that have been, or will be taken as a result of the formal disclosure

### **3.4. Vexatious Disclosures**

If the Elders conclude that a disclosure is vexatious (i.e. unreasonable and repeated, once the above processes have been completed), disciplinary action may be taken against the person/s making the disclosure. Disciplinary action will be in line with the Trinity West Disciplinary Procedure. The Elders may also recommend exercising Church discipline.

### **3.5. Reflect and Improve**

After a formal whistleblowing disclosure has been resolved, the Church will reflect on the matter, with the aim of learning from the process and improving practices and procedures.

## **4. RENEWAL**

The Elders will review the Whistleblowing Policy at appropriate intervals. They will monitor the effectiveness of the policy, amending it as necessary.

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APPENDIX A – SAMPLE WHISTLEBLOWING FORM



SAMPLE WHISTLEBLOWING FORM

YOUR DETAILS	
Name:	
Address:	Phone:
	Email:

DISCLOSURE DETAILS
Person(s) involved:
<p><b>Concern: Please describe the nature of your disclosure using the supporting information below:</b></p> <ul style="list-style-type: none"><li>• <i>State the subject of the disclosure</i></li><li>• <i>State what happened, when (dates) and where</i></li><li>• <i>Provide the contact details or statements of any witnesses</i></li><li>• <i>If the disclosure is about a decision, explain what the decision was about, when it was taken, and who made it</i></li><li>• <i>Explain what impact this decision has had, or you may fear will have, and upon whom</i></li><li>• <i>Provide any additional information that you believe would be helpful</i></li></ul>

SAMPLE WHISTLEBLOWING FORM

Have you tried to resolve this issue informally?	YES	NO
<b>If no, please explain why you decided not to try to resolve this issue informally:</b>		
<b>If you did try to raise the issue informally, what happened?</b> <i>State who you dealt with, when and where, what information you provided to them, and what you felt was unsatisfactory about the outcome.</i>		
Signature:  Date:		
<i>Trinity West Church will store the details on this form in accordance with the legal requirements of the EU General Data Protection Regulation (GDPR) (2016/679) and the Data Protection Act. The Church cannot guarantee to keep the details of your complaint confidential if it is necessary and proportionate to share your data in order to review and resolve your complaint.</i>		



## APPENDIX B – QUALIFYING DISCLOSURES

Protection for whistle-blowers in the UK is provided under the Public Interest Disclosure Act 1998 (PIDA), which amends the Employment Rights Act 1996. The PIDA protects employees who report wrongdoing. Employees who make qualifying disclosures under the PIDA can claim unfair dismissal if their contracts are terminated due to the disclosures. Additionally, employees are protected from other detrimental treatment, such as refusal to offer promotion, facilities or training opportunities. Workers who are not employees (for example, independent contractors) cannot make an unfair dismissal claim, but can claim that they have experienced detrimental treatment.

Only some whistleblowing reports meet the criteria for protection under the PIDA. These qualifying disclosures must be made in the public interest and whistle-blowers must have a reasonable belief that their disclosure relates to at least one of the following “relevant failures”:

- A criminal offence
- A breach of a legal obligation
- A miscarriage of justice
- A danger to any individual’s health or safety
- Damage to the environment
- Deliberate covering up of information relating to any of the above

Employees will be protected even if the information relating to a relevant failure is not correct, provided that it was a reasonable belief at the time of the disclosure.

The relevant failure may be current, or in the past, or may be likely to happen in the future. Employees will be protected even if the relevant failure involves conduct that took place outside the UK or where the applicable law is not that of the UK.

Qualifying disclosures must be made to an appropriate party. The PIDA provides protection for whistle-blowers who made disclosures in good faith to:

- Their employer, either directly or through an internal company procedure
- Another person whom they reasonably believe to be solely or mainly responsible for the relevant failure

Further conditions must be fulfilled in order for employees may also be protected if they make a qualifying disclosure to an appropriate “prescribed person” (that is, a party outside the employer prescribed by the Secretary of State, such a regulatory body), or external persons or bodies not specified in the PIDA. Details can be found in the [PIDA Section 43 \(G\)](#).

Employees who have been dismissed or believe they have suffered detrimental treatment can bring a claim before an employment tribunal. There is usually a three-month limitation period for unfair dismissal claims, but this can be extended if the claims are made after following the statutory grievance procedures under the Employment Act 2002, or if the tribunal exercises its discretion to extend the time limit. The employment tribunal assesses whether it was reasonable to make a disclosure by considering:

## APPENDIX B – QUALIFYING DISCLOSURES

- The identity of the party to whom the disclosure was made.
- The seriousness of the relevant failure.
- Whether the relevant failure is continuing or is likely to occur again.
- Whether the disclosure breaches a duty of confidentiality that the employer owes to any other party.
- If the disclosure was first made to the employer or to any other appropriate person, what action the employer took or might reasonably have taken.
- If the disclosure was first made to the employer, whether the individual complied with the employer's internal procedures for disclosure.

An employment tribunal can order re-instatement, re-employment or compensation for a justified complaint of unfair dismissal, or compensation for a well-founded claim of detriment. In the case of unfair dismissal for a disclosure protected under the PIDA, the damages awarded are not subject to the statutory cap that applies in standard unfair dismissal claims.