



WHISTLEBLOWING POLICY

CONTENTS

1	PURPOSE AND SCOPE
2	DEFINITION
3	GENERAL PRINCIPLES
4	ROLES AND RESPONSIBILITIES
5	PROCEDURE AND PROCESS
6	ALERTING OUTSIDE BODIES TO A POTENTIAL WRONGDOING
7	CONTACTING THE MEDIA
8	PROTECTION AGAINST DETRIMENT
9	REVIEW

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1	July 2019	Karen Smith, HR Manager	New Policy
2	July 2023	Karen Smith, HR Manager	Sections 3.4,4.1.2,5.1,5.4,5.6&9 – updated with staffing structure and national office terminology



1. Purpose and Scope

- 1.1. Ministries Council (MC) is committed to the highest possible standards of openness, probity and accountability in its work, wherever that work might be based. In line with that commitment it expects employees who have serious concerns about any aspect of the MC's work to voice those concerns in good faith and in line with the following procedure without fear of victimisation, subsequent discrimination or disadvantage.
- 1.2. For the purpose of this policy MC's work covers the work and people of department of the Ministries Council at the national offices and Priority Areas office, and other employees directly employed by Ministries Council e.g. Ministries Development Staff.
- 1.3. MDS who have reasonable grounds for believing that there is serious malpractice occurring at a congregational or presbytery level should following the Presbytery Complaints Procedure. Employees should inform Human Resources if they take this action in order that support can be given through the process.
- 1.4. The MC encourages staff to raise matters of concern responsibly through the procedures and guidance as detailed in this policy.

2. Definition

- 2.1. Whistleblowing is when the employee knows, or suspects, that there is some wrongdoing involving illegal and/or underhand practices occurring within the organisation and alerts the employer or the relevant authority accordingly.
- 2.2. Employees who engage in whistleblowing, in certain circumstances, are protected by the Public Interest Disclosure Act 1998.

3. General Principles

- 3.1. The policy is designed to deal with concerns as detailed in 3.3 below and which fall outside the scope of other MC policies and procedures.
- 3.2. The policy does not apply to personal grievances concerning an employee's terms and conditions of employment, or other aspects of the working relationship, complaints of bullying or harassment, or disciplinary matters relating to the employee. Such complaints will be dealt with under existing procedures on grievance, bullying and harassment and discipline and misconduct. Details of these procedures can be found on the Extranet or from the Human Resources Department.
- 3.3. The policy deals with specific concerns which are in the public interest in circumstances where an employee has the reasonable belief:
 - that a criminal offence has been committed, is being committed, or is likely to be committed (including financial malpractice or acts of bribery);
 - that a person has failed, is failing, or is likely to fail to comply with a legal obligation to which they are subject;
 - that the health and safety of any individual has been, is being, or is likely to be endangered;
 - that the environment has been, is being or is likely to be damaged;
 - that a miscarriage of justice has occurred, is occurring, or is likely to occur;
 - improper conduct or unethical behaviour has occurred, is occurring, or is likely to occur;or



- that the employer is attempting to suppress or conceal any information relating to any of the above.
- 3.4. If, in the course of investigation, any concern raised in relation to the above matters appears to the Ministries Development Manager, Head of Faith Action Programme or, in their absence, the Head of Human Resources, to relate more appropriately to grievance, bullying or harassment, or discipline, those procedures will be invoked. If the matter relates to matters outwith the remit of Ministries Council, the matter will be referred appropriately, eg to the Department of the General Assembly.
- 3.5. If the matter is of a less serious nature the employee should always talk to his or her line manager or the HR department in the first instance.

4. Roles and Responsibilities

4.1. Employee

- 4.1.1. Concerns must be raised without malice and in good faith, and the individual must reasonably believe that the information disclosed, and any allegations contained in it, are substantially true. The disclosure must not be made for purposes of personal gain, and in all the circumstances it must be reasonable to make the disclosure.
- 4.1.2. If an employee knows, or suspects, that some wrongdoing is occurring within the organisation, he or she should raise the matter immediately with the Ministries Development Manager. If the wrongdoing or suspected wrongdoing involves the Ministries Development Manager the employee should approach the Head of Faith Action Programme or, in their absence, the Head of Human Resources.
- 4.1.3. They will take immediate action to investigate the situation advising the Human Resources at the outset. In doing so, every possible step will be taken to maintain the anonymity of the employee who has made the allegation of wrongdoing.

5. Procedure and Process

- 5.1. Concerns may be raised verbally or in writing to the Ministries Development Manager, Head of Faith Action Programme or Head of Human Resources and whilst employees are not expected to prove beyond doubt the truth of an allegation, they will be required to demonstrate that there are reasonable grounds for their concern.
- 5.2. It is suggested that employees consider the following format for explaining their concern:
 - the background and history of the concern (including relevant dates); and
 - the reason the employee is particularly concerned about the situation.
- 5.3. Wherever possible, within ten working days the Ministries Council will write to the employee with the following information:
 - an acknowledgment that the concern has been raised;
 - an indication of the anticipated method of investigation and resolution if applicable;
 - an estimation of how long it will take for the employee to be provided with a final response noting that all investigations shall be completed as quickly as may be practicable in the circumstances;
 - advice as to what, if any, initial enquires have been made and what anticipated further investigations will take place.



- 5.4. If an investigation is deemed to be required, the Ministries Development Manager or Head of Faith Action Programme supported by the Human Resources Department, will conduct a full and thorough investigation. The form the investigation takes will be determined by the nature of the concern.
- 5.5. The investigator will report his or her findings to the person to whom the disclosure was made, who will then decide if there is a case to answer and what procedure to follow. This may include taking steps with a competent authority to set up a special internal independent investigation or reference to some external authority, such as the police, for further investigation. The decision may also be that the matter would be more appropriately handled under existing procedures for grievance, bullying and harassment, or discipline.
- 5.6. If the Ministries Development Manager (or the person to whom the disclosure is made) decides not to proceed with an investigation or following an investigation decides to proceed without further action, their decision will be explained as fully as possible to the employee who raised the concern, giving the reasons not to take it further. If not satisfied with the decision, it is then open to the employee to make the disclosure again to the Head of Faith Action Programme and, in their absence, the Head of HR.
- 5.7. If urgent action is required, this may be taken prior to an investigation being undertaken.
- 5.8. The employee may be invited to one or more meetings during the investigation depending on: the nature of the matter raised, the potential difficulties involved and the clarity of the information provided. The employee can be accompanied by a work colleague or certified trade union representative during any such meetings.
- 5.9. Any other employees that are invited to provide statements should abide by the same principles as the employee raising the concern.
- 5.10. If the concern involves an employee or employees the employee(s) will be told at an early stage of the investigation and of the evidence supporting it, and they will be provided with an opportunity to respond during the investigation.
- 5.11. The MC accepts that the employee raising the concern needs to be assured that the matter has been properly addressed and so the employee will be kept informed of procedural progress and the outcome of the investigation. It may not always be appropriate to disclose full detail of any action that is taken, but the employee will be informed if action is taken.

6. Alerting outside bodies to a potential wrongdoing

- 6.1. An employee should always, in the first instance, follow the internal procedure as detailed about a potential wrongdoing. If the employee is not satisfied with the response, they are 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 correct facts;
- not be making any personal gain from the revelations; and
- make the disclosure to a relevant body

6.2. A “relevant body” is likely to be a regulatory body (e.g. the Health and Safety Executive, or the Office of the Scottish Charity Regulator). A list of prescribed relevant bodies is available at: <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>

6.3. Employees should maintain the confidentiality clause contained within their terms and conditions of employment.

7. Contacting the media

The media is not a relevant external body. Employees should never contact the media with allegations about the organisation.

8. Protection against detriment

8.1. Any employee who takes action under the Public Interest Disclosure Act 1998 will be protected from any detriment in relation to any allegations that are made.

8.2. If the employee does not follow the procedure set out above, which encompasses the requirements of the Public Interest Disclosure Act 1998, the protection against detriment may not apply.

8.3. Disclosing information in an inappropriate way (e.g. contacting the media or contacting a regulatory body without first raising the matter with the employer as set out in this policy) will constitute gross misconduct and could result in disciplinary action being taken against the employee up to and including dismissal.

9. Review

This policy will be reviewed on a regular basis by HR, The Hub and Faith Action senior managers to ensure adherence to best practice, and any related legislation. If necessary, the policy will be taken to the Faith Action Programme Leadership Team (Ministries Council is the employing body of FAPLT) as part of a consultation process.