



## **Stantonbury Ecumenical Partnership Whistleblowing Policy**

### Scope

This policy gives information about whistleblowing as follows:

- Introduction
- Background information
- Protection under the whistleblowing legislation
- Procedures for making a disclosure
- Timescales
- Investigating procedure
- Final recourse

This policy was adopted from Churches Together in Milton Keynes.

### Who it applies to

The protection of this whistleblowing policy applies to anyone directly employed by the SEP and to volunteers.

### Date of approval

By Trustees

Date April 2025

Review date April 2025

# **Stantonbury Ecumenical Partnership (SEP) Whistleblowing Policy**

## **1. Introduction**

Under certain circumstances, employees have legal protection if they make disclosures about organisations for whom they work.

The Public Interest Disclosure Act 1998 prevents employees from suffering a detriment or having their contract terminated for 'whistleblowing' and the SEP take very seriously any concerns which employees may raise under this legislation.

We therefore encourage employees to be alert to wrongdoing and to inform the Trustees of any concerns. Employees should raise an issue when they first become concerned rather than wait for proof or investigate the matter themselves.

This policy gives some information about whistleblowing to assist employees in deciding whether any proposed action would be protected under the whistleblowing legislation and sets out the procedure to follow if employees reasonably believe that they have identified such malpractice.

It should be emphasized, however, that this policy is intended to assist individuals who believe they have discovered malpractice or impropriety. It is not designed to question financial or business decisions taken by SEP, nor should it be used to reconsider any matters which have already been addressed under other procedures, such as harassment, complaint or disciplinary.

Once the "whistleblowing" procedures are in place, it is reasonable to expect staff to use them rather than air their complaints outside SEP.

## **2. Background information**

The legislation applies to employees who follow the procedures laid down in the legislation (see below) in disclosing specific categories of malpractice relating to one or more of the following actions:

- Financial malpractice or impropriety or fraud
- A criminal offence
- A failure to comply with a legal obligation
- A miscarriage of justice
- The endangering of an individual's health and safety
- Damage to the environment
- Deliberate concealment of information relating to any of the above.

## **3. Protection under the whistle blowing legislation**

- Disclosure to the *Trustees* will be protected, provided that it is made in good faith and the whistleblower has a reasonable suspicion that the alleged malpractice has occurred, is occurring, or is likely to occur.
- Disclosure to a *regulator* (e.g., Health and Safety Executive, Environment Agency, Charity Commission) will be protected where, in addition, the whistleblower honestly and reasonably believes that the information and any allegation in it are substantially true.
- Disclosure to *other bodies* is protected if, in addition to the tests for regulatory disclosures, it is reasonable in all the circumstances and is not made for personal gain.

#### **4. Procedure for making a disclosure**

Employees are encouraged to use the following procedure if they are concerned about any wrongdoing at work.

Employees should inform their line manager immediately if they become aware that any of the actions specified in section 2 are happening (or has happened or is likely to happen). They will not be penalised for informing management about any of the specified actions and will be protected from reprisals.

If the allegation is about the actions of the line manager, the employee should raise the issue with the Chair of Trustees, or another Trustee if the Chair of Trustees is their line manager.

The staff member or Trustee to whom the disclosure is made will normally act as the Investigating Officer, unless the Trustees decide to nominate a more senior individual to act on their behalf. Nonetheless, it is important that there should be effective communication throughout the whole process between the staff member to whom the disclosure is made and the Chair or other trustee.

If the employee is not satisfied that their concern is being properly dealt with by the investigating officer, they have the right to raise it in confidence directly with the Chair or other Trustee.

However, the Chair or other Trustee has the right to refer the complaint back to an office holder if they feel that the office holder can more appropriately investigate the complaint without any conflict of interest.

If there is evidence of criminal activity, then the investigating officer should inform the police. SEP will ensure that any internal investigation does not hinder a formal police investigation.

Whistleblowers can ask for their concerns to be treated in confidence, and this will be respected so long as it does not hinder or frustrate any investigation. However, it should be borne in mind that the investigation process may reveal the source of the information, and the individual making the disclosure may need to provide a statement as part of the evidence required.

In making a disclosure, they should exercise due care to ensure the accuracy of the information. If an allegation is made in good faith, which is not confirmed by subsequent investigation, no action will be taken against the employee. However, if the procedure has not been invoked in good faith (e.g. for malicious reasons or in pursuit of a personal

grudge), then an employee will be liable to face disciplinary action, up to and including dismissal, as may be appropriate in the circumstances.

This policy encourages individuals to put their name to any disclosures they make. Concerns expressed anonymously are much less credible, but they may be considered at the discretion of the organisation. In exercising this discretion, the factors to be taken into account will include:

- The seriousness of the issues raised
- The credibility of the concern
- The likelihood of confirming the allegation from attributable sources

## **5. Timescales**

Due to the varied nature of this type of complaint, it is not possible to lay down precise timescales for an outcome to be reached. However, the investigating officer should ensure that the investigations are undertaken as quickly as possible without affecting the quality and depth of those investigations.

All communication with the complainant should be in writing and sent to their home address. Therefore, the investigating officer should send a written acknowledgement of the concern to the complainant as soon as practically possible. If the investigation is a prolonged one, the investigating officer should keep the complainant informed of progress and an estimate of when it is likely to be concluded.

## **6. Investigating procedure**

The investigating officer should follow these steps:

- a. Obtain full details and clarification of the complaint.
- b. Consult with the Chair of Trustees or other Trustee and decide whether involving the Police is warranted at this stage. If there is evidence of criminal activity then the investigating officer should inform the police, but only after consultation with the Chair or other Trustee.
- c. SEP will ensure that any internal investigation does not hinder a formal police investigation.
- d. Inform the member of staff against whom the complaint is made as soon as is practically possible, and also inform them of their right to be accompanied by a trade union or other representative at any future interview or hearing held under the provision of these procedures.
- e. Fully investigate the allegations with the assistance, where appropriate, of other individuals/bodies.
- f. Make a judgement about the complaint and its validity.
- g. Make a written report containing the full findings of the investigation, the reasons for the judgement, and any actions which CTMKT proposes taking following the investigation.

h. Send a copy of the written report to the complainant and to the Chair or other Trustee.

Action by Others:

i. The Chair or other Trustee will decide what action to take. If the complaint is shown to be justified, then they will invoke the disciplinary or other appropriate SEP procedures against the person about whom the allegation is made.

j. If appropriate, a copy of the outcome will be passed to the Trustees by the Chair or other Trustee, to enable a review of the procedures.

## **7. Final Recourse**

If the investigation finds the allegations unsubstantiated and all internal procedures have been exhausted, but the complainant remains dissatisfied with the outcome, SEP recognizes the lawful rights of employees and ex-employees to make disclosures to the Charity Commission, or other body (such as the Health and Safety Executive, the Police) or where justified, elsewhere.

If concerns are not reported to the SEP Trustees, they may be taken directly to the Charity Commission or other regulator as above.

**This policy is to be read in conjunction with the following policies:**

- Conflict of Interests
- Complaints
- Confidentiality