

## INTRODUCTION

This policy applies to all employees and volunteers of LDBF.

It is important to LDBF that any fraud, misconduct or wrongdoing by employees or volunteers and trustees of LDBF is reported and properly dealt with. The LDBF therefore encourages all individuals to raise any concerns that they may have about the conduct of others in the organisation or the way in which the organisation is run. This policy sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.

## BACKGROUND

The law provides protection for employees who raise legitimate concerns about specified matters. These are called "qualifying disclosures." A qualifying disclosure is one made in the public interest by an employee who has a reasonable belief that:

- A criminal offence;
- A miscarriage of justice;
- An act creating risk to health and safety;
- An act causing damage to the environment;
- A breach of any other legal obligation; or
- Concealment of any of the above;

is being, has been, or is likely to be, committed. It is not necessary for the employee to have proof that such an act is being, has been or is likely to be committed – a reasonable belief is sufficient. The employee has no responsibility for investigating the matter – it is the responsibility of LDBF to ensure that an investigation takes place.

An employee who makes such a protected disclosure has the right not to be dismissed, subjected to any other detriment, or victimised, because he/she has made a disclosure.

LDBF encourages its employees to raise their concerns under this procedure in the first instance. If an employee is not sure whether or not to raise a concern, he/she should discuss the issue with his/her line manager or HR Advisor.

## PRINCIPLES UNDERLYING THE POLICY

- Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Employees should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of.
- Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially and the outcome of the investigation reported back to the employee who raised the issue.
- No employee will be victimised for raising a matter under this procedure. This means that the continued employment and opportunities for the employee including training will not be prejudiced because he/she has raised a legitimate concern.

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- Victimisation of an employee for raising a qualified disclosure will be treated as a disciplinary offence and dealt with under LDBF's disciplinary procedures.
- If misconduct is discovered as a result of any investigation under this procedure LDBF's disciplinary procedure will be used, in addition to any appropriate external measures.
- Maliciously making a false allegation will not be tolerated by the LDBF and will be treated as a disciplinary offence.
- An instruction to cover up wrongdoing is itself a disciplinary offence, if told not to raise or pursue any concern, even by a person in authority such as your manager; employees should not agree to remain silent. They should report the matter to the Diocesan Secretary.

This procedure is for disclosures about matters other than a breach of an employee's own contract of employment. If an employee is concerned that his/her own contract has been, or is likely to be, broken, he/she should use the LDBF grievance procedure.

## **PROCEDURE**

### **Stage one**

- In the first instance, and unless you reasonably believe your line manager to be involved in the wrongdoing, or if for any other reason you do not wish to approach your line manager, any concerns should be raised with them.
- If you believe your line manager is involved, or for any reason you don't wish to approach your line manager, you should proceed straight to stage 3.

### **Stage two**

- Your line manager will arrange an investigation into the matter. They will do this either by investigating the issue themselves or immediately passing the issue to someone of an equal level (another member of SMT) or more senior (Diocesan Secretary). The investigation may involve the employee and other individuals involved and require giving a written statement.
- Any investigation will be carried out in accordance with the principles set out above.
- Your statement will be taken into account, and you will be asked to comment on any additional evidence obtained. Your line manager (or person who carried out the investigation) will then report to the Diocesan Secretary, who will take any necessary action, including reporting the matter to any appropriate government department or regulatory agency.
- If disciplinary action is required, your line manager (or the person who carried out the investigation) will report the matter to the HR Advisor who will start the disciplinary procedure. On conclusion of any investigation, you will be told the outcome of the investigation and what LDBF has done, or proposes to do about it. If no action is to be taken, the reason for this will be explained.

### **Stage three**

- If you are concerned that your line manager is involved in the wrongdoing, has failed to make a proper investigation or has failed to report the outcome of the investigations to the Diocesan Secretary you should inform the Diocesan Secretary directly and they will arrange for another manager to review the investigation carried out, make any necessary enquires and make their own report to the DS as in stage 2 above.
- If for any other reason you do not wish to approach your line manager you in the first instance contact the Diocesan Secretary. Any approach to the Diocesan Secretary will be treated with the strictest confidence and your identity will not be disclosed without your prior consent.
- If you are concerned that a member of SMT or the Diocesan Secretary is involved in the wrong doing or you just feel that you can't raise the matter internally you can take up the issue with the Chair of the Audit Committee. If you do not know who the current Chair is and would like details please ask your HR Adviser.

If on conclusion of stages, 1, 2 and 3 you reasonably believe that appropriate action has not been taken, you should report the matter to the proper authority. The legislation sets out a number of bodies to which qualifying disclosure may be made. These include:

- HM Revenue & Customs
- Financial Services Authority
- Office of Fair Trading
- Health & Safety Executive
- Environment Agency
- Director of Public Prosecution
- Serious Fraud Office.

If you are concerned about any malpractice and unsure whether to blow the whistle or to stay silent, or are unclear about how to go about blowing the whistle you may obtain free expert help from the Independent charity 'Public Concern at Work – Whistleblowing Commission' via the following link:

<http://www.pcaw.org.uk/whistleblowing-commission>