

Paper T2

URC Whistleblowing Policy

Safeguarding Committee

Basic information

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|---------------------------------------|---|
| Contact name and email address | Roger Jones, Convenor, rjones@urcsouthern.org.uk Sharon Barr, Secretary sharon.barr@urc.org.uk |
| Action required | Adoption. |
| Draft resolution(s) | Resolution 70 General Assembly adopts the Whistleblowing Policy outlined in paper T2 of General Assembly 2023 and commends it to church meetings, Elders' meetings and Synods for consideration, implementation and dissemination. |

Summary of content

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| Subject and aim(s) | <p>The URC Whistleblowing Policy aims to give all areas of the Church a basis for supporting whistleblowers and guidance on managing complaints that are raised through this route.</p> <p>The review of Good Practice 4 identified a need for a Whistleblowing Policy that covered all areas of the Church, which was endorsed by the General Secretariat at the time. Mary Fallah, the URC's Compliance Officer, has now produced the Whistleblowing Policy.</p> |
| Main points | <p>This policy aims to encourage whistleblowers to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously, investigated as appropriate and their confidentiality respected.</p> <p>It aims to provide whistleblowers with guidance as to how to raise their concerns.</p> <p>This policy aims to reassure whistleblowers that they can raise concerns without fears of reprisals, even if their concern turns out to be mistaken.</p> |
| Previous relevant documents | |
| Consultation has taken place with... | The General Secretariat Church House Connective Team Synod Moderators Synod Clerks |

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| | The Law and Polity Advisory Group Synod Safeguarding Practice Group (consisting of Synod Safeguarding Officers). |
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Summary of impact

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| Financial | None. |
| External (eg ecumenical) | N/A. |

United Reformed Church Whistleblowing Policy

1. Introduction

1.1 The United Reformed Church and its associated bodies ('the URC', 'we' 'us', 'our') are committed to openness, accountability, and integrity. In line with this commitment, we expect employees, office holders, church members, volunteers, third parties or those contracted to provide services to the URC who have serious concerns about any aspect of our work, to come forward and voice those concerns with the knowledge that, if made in good faith, their action will be viewed positively. This will assist us in addressing the concerns and thereby avoid more serious regulatory breaches or reputational damage.

1.2 About this policy:

- This policy does not form part of any employee's contract of employment, and it may be amended at any time, subject to agreement with the General Assembly or the Assembly Executive, acting on behalf of the General Assembly.
- It sits alongside other policies within the URC. It is not a part of a hierarchy of policies to be used to raise any type of complaint. This policy applies only to issues pertaining to whistleblowing.
- This policy aims to encourage whistleblowers to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously, investigated as appropriate and their confidentiality respected.
- It aims to provide whistleblowers with guidance as to how to raise their concerns.
- This policy aims to reassure whistleblowers that they can raise concerns without fears of reprisals, even if their concern turns out to be mistaken.

2. What is whistleblowing?

2.1 Whistleblowing is the term used regarding the internal or external disclosure of suspected wrongdoing or dangers in relation to our activities, in the interest of the public. This includes bribery, fraud or other criminal activity; facilitation of tax evasion; miscarriages of justice; health and safety risks; damage to the environment; any breach of legal or professional obligations; negligence; and the deliberate concealment of any of the above-mentioned matters. Safeguarding matters concerning vulnerable people in the URC are also included in the definition of whistleblowing.

2.2 **Untrue or malicious disclosures**

If a whistleblower raises a concern in good faith or in the public interest, but it is not confirmed by the investigation, or it is proven to be untrue, then no action will be taken against the whistleblower. However, if it is found that the whistleblower has maliciously raised a matter which they know to be untrue, or they are involved in any way in the malpractice, wrongdoing, or illegal act or omission, their behaviour may be addressed through other appropriate policies/procedures, including disciplinary depending on their status within the URC.

2.3 **When should this policy be used?**

This policy should be used where the whistleblower witnesses wrongdoing, malpractice, or a risk towards others. The whistleblower's concerns must be in the public interest and, unlike grievances, they may not affect the whistleblower at all, but will have wider implications on the public.

2.4 **Grievance complaints**

Complaints about how the whistleblower has been treated are commonly identified as grievances. These are typically issues about how the whistleblower exclusively is being treated and not the treatment of others. Grievances can be about things they have been asked to do in their role, any breaches of their employment rights or their contract of employment, or the way they are personally being treated at work, to name a few. Such complaints do not fall under this Whistleblowing Policy. If the whistleblower is an employee, grievances should be raised through the Grievance Policy pertaining to their employment. If they are not an employee, please see The Complaints Procedure (Section Q), within The Manual on the United Reformed Church's website for guidance on how to raise a complaint.

3. **How to raise a whistleblowing concern**

| Concern about | Inform (designated person) |
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| Matter in a local church | Church Secretary or Elder or Minister |
| Safeguarding matter in a Church or Synod | Synod Safeguarding Officer |
| Matter relating to activities in a Synod | Synod Clerk or Moderator |
| Matter relating to activities of Synod Trust | Convenor/Chair of Board of Trustees |
| Matter relating to activities of the 'central' URC, i.e., General Assembly, Assembly Executive, Assembly Committees, and advisory groups. | Clerk to General Assembly or General Secretary |
| Safeguarding matter relating to 'central' URC | Designated Safeguarding Lead |
| Matters relating to United Reformed Church Trust | Chair of Trustees or Secretary to Trustees |
| Retired Ministers Housing Society (RMHS) | Secretary to RMHS or Chair of RMHS board |
| Ministers Pension Trust | Chair of Board of Trustees |
| Any actions to be taken beyond the above, would require you to consider external disclosures. | |

If it is not possible to disclose to the designated person, as the concern may involve them, please speak to the next appropriate designated person.

- 3.1 Whistleblowers can provide oral disclosures, but written disclosures are preferable, as these will make the process more efficient and effective. In the whistleblower's disclosure, they should provide a description of the concerns, including where possible, precise information such as dates, names of those involved, meetings or correspondence which have taken place and reference to relevant documents or policies. They should also mention that they are raising their concerns using the United Reformed Church Whistleblowing Policy.
- 3.2 All concerns will be acknowledged, recorded, and reviewed by the person to whom the disclosure is made and where appropriate investigated.

4. Confidentiality

- 4.1 Where possible, the identity of the whistleblower will be protected. There may be circumstances, however, where it may not be possible to proceed without revealing the whistleblower's identity, for example if the whistleblower's evidence is needed in the investigatory process, at a disciplinary or court hearing. Should this be the case, the matter will be discussed with the whistleblower at the earliest opportunity, and they may have the opportunity to withdraw the disclosure if, by continuing with the investigation, their identity would be revealed to the subject of the disclosure. The whistleblower must understand, however, that where a potentially serious disclosure is made, a designated person, on behalf of the URC must investigate to ensure that the URC is taking due care of its people, property, funds, moral and legal obligations. Where necessary, this may continue without the cooperation of the whistleblower.
- 4.2 The need for confidentiality may prevent the designated person from providing the specific details of the investigation or actions taken, to the whistleblower.
- 4.3 The whistleblower should treat any information about the investigation as confidential.
- 4.4 Concerns raised anonymously will be dealt with at the discretion of a designated person, on behalf of the URC.

5. Investigation and outcome

- 5.1 Once the whistleblower has raised a concern, a meeting will be arranged to discuss their concern. They may bring someone with them to this meeting, if that person is willing to maintain the confidentiality of their disclosure and any subsequent investigation.
- 5.2 Feedback will then be given as to whether the concern falls within the scope of this policy and how the designated person, on behalf of the URC plans to deal with the matter.
- 5.3 If there is a cause for concern, the designated person will arrange for an investigation. The designated person may appoint another person to undertake the investigation on their behalf.
- 5.4 Where there are existing procedures or policies in place for the investigation of certain allegations, for example those covered by The Manual concerning complaints and discipline, the matter will be dealt with in line with that policy.

5.5 The process

Once a disclosure has been made, the designated person will:

5.5.1 Make a record of its receipt.

5.5.2 Conduct a preliminary review as to whether the disclosure falls under the scope of this policy and whether there is sufficient evidence to suggest that it should be investigated and if so, appoint a person to investigate.

5.5.3 Following the preliminary review, the investigating officer will make a preliminary decision and notify the whistleblower, where it is possible and appropriate to do so that:

- The disclosure will be investigated formally.
- The disclosure has been investigated and relevant action taken.
- The disclosure has been drawn to the attention of the person who has the authority to act on the matter.
- The disclosure has been dismissed as there are no ground for investigation.

5.5.4 Where the initial investigation identifies that a formal investigation is required then:

- An investigation will be carried out by someone with relevant experience appointed by the designated person and as speedily as possible, depending on the complexity of the investigation.
- The person(s) subject of the disclosure will be informed and advised of any supporting evidence and will have the right to respond during interview.
- After the interview, the investigator will report their findings with recommendations of further steps to be taken. All reports will be retained for a period of two years.
- Consideration will be given as to whether the incident should be reported to the Charity Commission or other appropriate bodies.
- The whistleblower will be informed of the progress and timescales of the investigation, where it is appropriate. All information must be kept confidential by the whistleblower.
- If the disclosure is deemed to be malicious or made for personal gain, disciplinary action may be taken against the individual concerned if they are a minister or employed staff. Where the individual concerned is a volunteer, such behaviour may result to a dismissal/termination of volunteer agreement (if applicable).

5.6 Time frame

Under UK law, there is no legal timeframe for a response to a whistleblowing concern. There is also no legal requirement to feedback an outcome regarding action envisaged or taken. However, whistleblowing charity Protect, encourages following the EU Whistleblowing Directive guidelines as best practice:

- Acknowledgment receipt of the disclosure should be sent to the whistleblower within seven days.
- Investigation and feedback of outcome should be within a reasonable period, not exceeding three months from acknowledgment of receipt of the disclosure.
- Where more time is required to investigate a concern raised, the whistleblower should be informed.

6. External disclosures

- 6.1 While we hope that the whistleblower will be able to resolve any concerns by using the internal mechanisms detailed above, we understand that this will not always be possible or appropriate. If they need independent advice, Protect operates a confidential helpline for employees, workers, and volunteers. It is an independent charity staffed by lawyers, who offer confidential free legal and practical advice on how people can raise concerns about malpractice at work. Its details are at the end of this policy, along with a list of some of our external regulators.

Disclosure made to the press will not be considered reasonable and may constitute misconduct.

7. Protection and support for whistleblowers

7.1 Protection for employees of the URC

The Public Interest Disclosure Act 1998 (PIDA) only provides legal protection for employed staff, who raise legitimate concerns in certain situations, outlined in section 2.1 of this policy. These are known as protected disclosures, and they enable employees to share information which would otherwise be considered confidential or private.

PIDA will only consider a whistleblowing disclosure “protected” if it relates to matters that “qualify” for protection under the Act. Qualifying disclosures are disclosures which the employee reasonably believes to be true and tend to show that one or more of the listed matters in section 2.1 is either happening now, took place in the past, or is likely to happen in the future.

A qualifying disclosure will be a ‘protected’ disclosure provided the employee:

- makes the disclosure in good faith
- reasonably believes that the relevant failure relates to ‘proper administration of charities and funds given, or held, for charitable purposes;’ and
- reasonably believes that the information disclosed and any allegation contained in it are true.

If a whistleblower believes they have been unfairly treated because they have blown the whistle, they may decide to raise a grievance or take their case to an employment tribunal. The process for this would involve attempted resolution through the Advisory, Conciliation and Arbitration Service (ACAS) early conciliation service. Information can be found at the end of this document.

7.2 Protection for volunteers of the URC

Currently, there is no UK legislation that provides protection for volunteers who blow the whistle. It is the policy of the URC that anyone who reports wrongdoing should be protected as a recognition of the importance of reporting poor or dangerous practice.

- 7.21 Volunteers are encouraged to follow this procedure. They should be able to report their concerns in the same way as employees; however, as there is no legal protection afforded, volunteers may feel anxious about raising concerns and could fear being treated unfavourably or harassed. Volunteers are therefore advised that they can use the advice of the **Charity Commission** or **Protect**, to ensure they are adequately protected.

7.22 An atmosphere of openness is encouraged, and support provided to whistleblowers who raise genuine concerns under this policy, even if they turn out to be mistaken.

Whistleblowers must not suffer any detrimental treatment because of raising a genuine concern.

Detrimental treatment includes dismissal, disciplinary action, threats, or other unfavourable treatment connected with raising a concern.

If a whistleblower believes that they have suffered any such treatment, they should inform the relevant designated person.

A whistleblower should not face any threats or retaliation, for raising a concern from anyone working in the URC. Any such behaviour towards a whistleblower could result in disciplinary action. In some cases, the whistleblower could have a right to sue personally for compensation.

8. Important contacts

Key internal and external contacts are in the tables below.

Internal Contacts [to be completed by the local Church if the policy is displayed or made available to local Churches]

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| Your Church Secretary | [NAME] [TELEPHONE] [E-MAIL] |
| Church Safeguarding Officer | [NAME] [TELEPHONE] [EMAIL] |
| Synod Clerk | [NAME] [TELEPHONE] [E-MAIL] |
| Synod Moderator | [NAME] [TELEPHONE] [E-MAIL] |
| Secretary to the Synod Trust | [NAME] [E-MAIL] |
| Synod Safeguarding Officer | [NAME] [TELEPHONE] [EMAIL] |

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| General Secretary | The Revd Dr John Bradbury john.bradbury@urc.org.uk |
| Secretary to the URC Trust | Sandi Hallam-Jones s.hallam-jones@urc.org.uk |

External Contacts: not an exhaustive list. Please contact **Protect** for more.

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| Charity Commission | Email: whistleblowing@charitycommission.gov.uk Website: www.gov.uk/guidance/report-serious-wrongdoing-at-a-charity-as-a-worker-or-volunteer |
| Protect | Helpline: 0203 117 2520 E-mail: info@protect-advice.org.uk Website: www.protect-advice.org.uk |
| HM Revenue and Customs | Helpline: 0800 788 887 Website: www.gov.uk/government/organisations/hm-revenue-customs/contact/reporting-tax-evasion |
| Health and Safety Executive | Helpline: 0300 003 1647 Website: www.hse.gov.uk/contact/concerns.htm |
| The Environment Agency | Helpline: 03708 506 506 |
| NSPCC | Helpline: 0800 028 0285 Email: help@nspcc.org.uk |
| ACAS | Helpline: 0300 123 1100 |
| Information Commissioner's Office | Helpline: 0303 123 113 Email: icocasework@ico.org.uk |
| Fundraising Regulator | Helpline: 0300 999 3407 Email: admin@fundraisingregulator.org.uk |