Whistleblowing Policy of MENSTRIE PARISH CHURCH

Purpose and Scope

1. The congregation is committed to the principles of openness, probity and accountability. In line with that commitment we expect anyone who has a serious concern about any aspect of our congregational life to voice those concerns in good faith and in line with the following procedure without fear of victimisation, subsequent discrimination or disadvantage.

2. The purpose of this policy is to provide a procedure which enables concerns to be raised if there are reasonable grounds for believing there is serious malpractice occurring or likely to occur. It applies to all employees, contractors, consultants, temporary casual and agency workers within the congregation and the word "employee" is used in this policy to cover all such individuals. It also applies to members and adherents of the congregation. Matters of concern should be raised responsibly through the procedures and guidance as detailed in this policy.

Definition

3. Whistleblowing is when someone knows, or suspects, that there is some wrongdoing involving illegal and/or underhand practices occurring within the congregation and alerts the right person within the congregation, or the relevant authority, accordingly.

4. Employees who engage in whistleblowing are, in certain circumstances, protected by the Public Interest Disclosure Act 1998.

General Principles

5. This policy is designed to deal with concerns raised in relation to the specific issues which are in the public interest and are detailed below), and which fall outside the scope of other procedures (such as a grievance procedure).

6. 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. Such complaints will be dealt with under existing procedures on grievance, bullying and harassment and discipline and misconduct.

7. The policy deals with specific concerns which are in the public interest in circumstances where an employee or a member/adherent 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 congregation is attempting to suppress or conceal any information relating to any of the above.

If, in the course of investigation, any concern raised in relation to the above matters appears to relate more appropriately to grievance, bullying or harassment, or discipline, those procedures will be invoked. If the matter is of a less serious nature the employee should always talk to his or her line manager in the first instance.

Roles and Responsibilities

8. 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.

9. If an employee knows, or suspects, that some wrongdoing is occurring, he or she should raise the matter immediately with their line manager. If the wrongdoing or suspected wrongdoing involves the employee's line manager, or if the concern is raised by a member/adherent, the concern should be referred to the Session Clerk of the congregation (or to the minister or Interim Moderator if the disclosure relates to the Session Clerk in any respect). Anyone who is informed of potential wrongdoing must take immediate action to ensure the situation is investigated and dealt with as quickly as possible.

10. Efforts must be made to maintain the anonymity of the individual who has made the allegation of wrongdoing.

Procedure and Process

11. Concerns may be raised verbally or in writing and whilst individuals 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.

12. It is suggested that individuals making a disclosure should set out (One) the background and history of the concern (including relevant dates); and (Two) the reason they are particularly concerned about the situation.

13. Wherever possible, within ten working days the person to whom the disclosure is made should write to the employee or to the member/adherent 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 individual 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.

14. If an investigation is deemed to be required, the Session Clerk (or minister/Interim Moderator if appropriate) shall nominate an individual or individuals to consider the concern and take any steps they deem necessary to investigate the matter. This individual or individuals will conduct a full and thorough investigation. The form the investigation takes will be determined by the nature of the concern.

15. The findings of the investigation will be shared with the Congregational Board or Kirk Session which will then decide if there is a case to answer and what procedure to follow. This may include taking steps with a competent 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.

16. If it is determined that it would not be appropriate to proceed with an investigation or, following an investigation it is determined not to do so, the decision will be explained as fully as possible to the individual who raised the concern, giving the reasons not to take it further. If not satisfied with the decision, it is then open to the individual to make the disclosure to the Presbytery Clerk who may take action if appropriate. This may include appointing an investigator, taking action under Church legislation and/or referring the matter on to another authority, such as the police or local authority.

17. It is recommended that the Church's Law Department is also contacted so that guidance can be provided if required.

18. If urgent action is required, this may be taken prior to an investigation being undertaken.

19. The employee or member/adherent 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 may be accompanied by a work colleague or certified trade union representative during any such meetings; a member/adherent may be accompanied by a companion of their choosing.

20. Any other employees that are invited to provide statements should abide by the same principles as the employee or the member/adherent raising the concern.

21. 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 will be provided with an opportunity to respond during the investigation.

22. Employees and members/adherents raising concerns under this policy need to be assured that the matter has been properly addressed and so they 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.

Alerting outside bodies to a potential wrongdoing

23. Employees and members/adherents should always, in the first instance, follow this internal procedure about a potential wrongdoing. If they are not satisfied with the response, they are entitled to contact a **relevant external body** to express the concerns. In doing this they 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. A relevant body is likely to be a regulatory body, and 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

24. Disclosures to OSCR should be made via the Church's Law Department. If an employee or a member/adherent is dissatisfied with the congregation's response under this policy and considers that any matter should be reported to OSCR he or she should contact the Law Department at lawdept@churchofscotland.org.uk in order to take this forward.

Contacting the media

25. The media is not a relevant external body. Employees and members/adherents should never contact the media with allegations. Employees should be mindful that they must maintain the confidentiality of the employer so far as possible.

Protection against detriment

26. Any employee who makes a protected disclosure in terms of the Public Interest Disclosure Act 1998 will be protected from any detriment in relation to any allegations that are made. 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.

27. 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 up to and including dismissal being taken against the employee.

Review

28. This policy will be kept under review by the congregation. Any questions regarding its operation should be directed to the Session Clerk in the first instance.