



## LUTHERAN CHURCH IN GREAT BRITAIN (LCiGB) WHISTLEBLOWING POLICY

### 1. INTRODUCTION

#### 1.1 What is whistleblowing?

Whistleblowing is the term used when an individual reports suspected wrongdoing in a workplace or in an organisation. Officially, it is called '*making a disclosure in the public interest*'. A worker may report illegal practices or malpractice.

#### 1.2 When does it occur?

Normally, whistleblowing occurs when:

- health and safety issues put people in danger;
- damage is being caused to the environment;
- a criminal offence is occurring;
- an organisation is disregarding legal requirements; or
- an organisation is covering up wrongdoing.

#### 1.3 Legal safeguards - The Public Interest Disclosure Act 1998

The Public Interest Disclosure Act 1998 which came into effect in July 1999 gives legal protection to employees against being dismissed or penalised by employers as a result of publicly disclosing certain serious concerns. Individuals who report wrongdoing are protected if specific criteria are met, e.g. employees cannot be dismissed or suffer detrimental treatment as a result of whistleblowing, as long as they disclose in good faith, i.e. not as a result of malicious intent or spurious allegations. The legal protection does not cover any and all circumstances, however, e.g. where official secrecy is required, special criteria apply. The LCiGB endorses the provisions set out in the act and through its policies and procedures the LCiGB seeks to ensure that no members of staff or members of the church should feel at a disadvantage in raising legitimate concerns.

#### 1.4 Consequences of whistleblowing

Despite legal protection, individuals sometimes remain worried about whistleblowing, in particular where they must act against powerful organisational management, authoritative individuals or in an organisational setting that has a culture of wrongdoing or malpractice.

#### 1.5 Why have a policy?

Organisations are encouraged to have a whistleblowing policy in place, not only to reassure employees and members, but to encourage employees or members to report wrongdoing, thus establishing a responsible organisational culture committed formally to legal compliance, fairness and best practice.

#### 1.6 The LCiGB commitment

The LCiGB is committed to enabling its staff and members to voice concerns in a responsible manner. Whilst it is a term and condition of every employee not to disclose confidential information, where an individual discovers information that reveals or might reveal, serious malpractice or wrongdoing within the church and its congregations, then the LCiGB actively encourages disclosure of that information through its appropriate procedures without fear of reprisal.

### 2. PURPOSE AND SCOPE OF THE POLICY

**2.1** The purpose of the LCiGB policy on whistleblowing is to assist and support individuals who believe they have discovered malpractice or impropriety. It is not designed to question decisions taken by the LCiGB nor should it be used to consider any complaint that has been addressed already under harassment, grievance and disciplinary or other procedures.

**2.2** The policy is designed to enable employees of the LCiGB or members of the church and its congregations to raise concerns internally at a high level, and to disclose information which an



# Lutheran Church in Great Britain

individual believes shows impropriety or malpractice. This policy is intended to cover concerns which are in the public interest and which may be investigated internally, but which might lead to external investigation or to the implementation of other procedures, such as a disciplinary procedure. These concerns might include matters such as:

1. Financial malpractice, impropriety or fraud
2. Failure to comply with a legal obligations or government statutes
3. Dangers to health & safety or the environment
4. Criminal activity
5. Improper conduct or unethical behaviour
6. Attempts to conceal any of these

## 3. SAFEGUARDS

### 3.1 Protection

This policy is designed to offer protection to employees of the LCiGB who disclose such concerns provided the disclosure is made:

- in good faith
- in the reasonable belief of the individual making the disclosure that malpractice or impropriety has occurred and
- in accordance with the LCiGB procedures and
- to an appropriate person.

It is important to note that no protection from internal disciplinary procedures is offered to those who do not use the appropriate procedures. Furthermore, if an allegation is made for malicious reasons, a wrongly accused person could exercise his/her right to take legal action against the whistle-blower.

### 3.2 Confidentiality

The LCiGB will treat all disclosures in a confidential and sensitive manner. The identity of the individual making the disclosure may be kept confidential so long as it does not hinder or frustrate any investigation. However, an 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.

### 3.3 Anonymous Allegations

This policy encourages individuals to put their name to any disclosure they make. Concerns expressed anonymously are much less credible, but may be considered at the discretion of the LCiGB. 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.

### 3.4 Untrue Allegations

If an individual makes an allegation in good faith, which is not confirmed by subsequent investigation, no action will be taken against that individual. In making a disclosure the individual should exercise due care to ensure the accuracy of the information. If, however, an individual makes malicious or vexatious allegations, and particularly if he or she persists with making them, disciplinary or other action may be taken against that individual.

## 4. PROCEDURE FOR MAKING A DISCLOSURE

### 4.1 Record the Disclosure

On receipt of a complaint, the person receiving the information should make a note about the complaint, and pass this information as soon as possible to the appropriate responsible person.

### 4.2 Responsible person(s)

In the LCiGB, persons who are authorised to receive complaints include:

- The Bishop and the Dean of the LCiGB who may act as investigators in cases of complaints or allegations;



# Lutheran Church in Great Britain

- If the complaint is in any way connected with one of the responsible persons, that person will not act as the investigator and the other responsible person may act as investigator or may nominate an alternative appropriate investigator. For example, if the complaint is against the Bishop, the Dean may investigate or may appoint an appropriate other investigator. Likewise, if the complaint is against the Dean, then the Bishop may investigate or may elect to appoint an appropriate investigator.
- The complainant has the right to bypass his/her appointed line manager and take the complaint directly to the Dean or the Bishop. Both the Dean and the Bishop have the right to refer the complaint back to the line manager if it is felt that the line manager, without any conflict of interest, can investigate the complaint.
- If the allegation relates to a disclosure involving a safeguarding matter, then the LCiGB Safeguarding Policy and Procedure and/or the Congregational Safeguarding Policy and Procedure shall be implemented.
- Should none of the above routes be suitable or acceptable to the complainant, the complainant may approach the Chair of the Council of the LCiGB or any one of the trustees of the LCiGB.

## 4.3 Criminal Activity

If there is evidence of criminal activity and the police need to be informed, then the LCiGB shall do so as soon as practically possible, and shall ensure that any internal investigation does not hinder a formal external or police investigation and the LCiGB will cooperate fully with any formal external investigation.

## 4.4 Timeframe

Complaints and allegations vary, and while some might involve a simple internal investigation, others might require external ones, e.g. police or other authorities, which could affect a timescale for action. However, an investigation should be undertaken as quickly as possible, but without allowing the need for urgency to affect adversely the quality and depth of an investigation.

The appointed investigator should send a written acknowledgement of the concern to the complainant as soon as possible, but in any case within seven days, and thereafter report in writing to the complainant the outcome of the investigation and about actions that are proposed or are being taken. If the investigation is prolonged, the investigator should keep the complainant informed in writing about the progress of the investigation and a likely date when it will be concluded.

All reports to the complainant should be in writing and sent to the complainant's home address or to his/her email address.

## 4.5 Investigating Procedure

The investigator should follow the following steps:

- i. Full details, including any clarifications, of the complaint should be obtained and noted in writing;
- ii. The investigator should inform the member of staff or church member against whom the complaint is made as soon as is practically possible. An employee will be informed of their right to be accompanied by a trade union or other representative at any interview or hearing held under the provision of these procedures.
- iii. If the complaint refers to financial impropriety, e.g. fraud or theft, then the investigator should consider at this stage the involvement of the accountant examiner or auditor and the Police, and should consult with the Bishop, the Dean and the Chair of the Council;
- iv. Any allegation that warrants expert advice should be fully investigated with appropriate assistance, e.g. from other expert individuals or bodies;
- v. The investigator will make a judgment on the validity of the complaint and will provide a written report detailing the findings of the investigations and listing the reasons for the judgment and this report will be passed to the Dean, the Bishop, or the Chair of the Council, as appropriate;
- vi. The Dean or Bishop acting as the responsible person will decide what action to take but the decision-making process might include responsible others where appropriate, e.g.



## Lutheran Church in Great Britain

- trustees of the church. If the complaint is shown to be justified, then the disciplinary or other appropriate LCIGB procedures may be implemented;
- vii. The complainant should be kept informed about the progress of the investigation and about the final outcome where appropriate;
  - viii. If appropriate or required, the incident and the outcome will be reported in the annual report and to the relevant regulatory authority, e.g. the appointed auditor/examiner of accounts, the Charity Commission (e.g. in the case of a serious incident) or Companies House;
  - ix. If a risk assessment review is required, it will be undertaken to evaluate future risk, and to reassess and review the effectiveness of the church's policies and procedures, taking action to propose revision where appropriate.

### **4.6 Complainant satisfaction**

If the complainant is not satisfied that the allegation is being properly handled by the investigator, then s/he is encouraged to raise the concern in confidence with either the Chair of the LCIGB Council, or with any responsible trustee in the church.

If the investigator finds the allegation to be unsubstantiated and all internal procedures have been exhausted, but the complainant is not satisfied with the outcome of the investigation, the LCIGB recognises the lawful right of employees, ex-employees and members to make a disclosure to prescribed persons or authorities, such as the Health and Safety Executive, the Audit Commission, or the appropriate regulatory body, e.g. the Charities Commission or Companies House.

*Document Date: 11 November 2013*