



Whistleblowing Policy

(Making a disclosure in the public interest)

This document sets out policies and processes for making and handling a whistleblowing disclosure at King's Church Birmingham.

This document has been agreed by the Trustee team.

Last revised 31.07.24

1. Introduction

King's Church Birmingham (KCB) is committed to openness and accountability. It is important that any fraud, misconduct or wrongdoing by staff, volunteers or others working on behalf of the charity, is reported and properly dealt with. This will assist us in addressing the concerns and thereby avoid more serious regulatory breaches or reputational damage.

We therefore require all individuals to raise any concerns that they may have about the conduct of others in the charity or the way in which the organisation is run. This policy sets out the way in which individuals may raise any concerns they may have and how those concerns will be dealt with.

2. Aims of the Policy

- To encourage you to report suspected wrongdoing as soon as possible - knowing that your concerns will be taken seriously, investigated as appropriate and that confidentiality will be respected.
- To provide you with guidance on how to raise concerns.
- To reassure you that you should be able to raise genuinely held concerns in good faith without fear of reprisal.

3. Definitions

Public Interest Disclosure: *The Public Disclosure Act of 1998 applies to individuals raising genuine concerns relating to some actual or potential danger, fraud, illegal or unethical conduct. The Act provides legal protection to prevent individuals being penalised as a result of making a qualifying disclosure.*

Qualifying Disclosure: *A Qualifying Disclosure is one in which the reasonable belief of the person making the disclosure, is that it is in the public interest to disclose.*

Whistleblower: An individual who raises a qualifying disclosure under this policy.

Whistleblowing: An incident where an individual discloses an alleged wrongdoing under this policy.

Wrongdoing: This includes improper, illegal, or negligent behaviour and should be the underlying consideration when investigating allegations raised.

4. Scope of this policy

The Whistleblowing Policy and Procedure gives staff, volunteers and third parties a clear procedure on how to raise any concerns which do not fall under the remit of the KCB Complaints or Grievance policies and procedures. Whistleblowing is not the same as a complaint. It is about raising concerns regarding malpractice or wrongdoing within KCB.

The Whistleblowing Policy is not intended to replace these existing procedures:

- If an employee's concern relates to their own treatment as an employee, they should raise it under the existing grievance procedures found in the staff employee handbook.
- If someone receiving support from KCB has a concern about services provided, they should raise those concerns with KCB as a complaint.
- Allegations of a safeguarding nature must be dealt with through the safeguarding policies and procedures found on MyChurchSuite.

The Whistleblowing Policy and Procedure may not be used to re-open or review a matter already decided under other policies and procedures.

The concerns covered by the Whistleblowing Policy and Procedure are protected disclosures and might include:

- Actual or suspected criminal offences
- Failure to comply with legal obligations
- Serious health and safety risks
- Damage to the environment
- Financial malpractice, impropriety, or fraud
- Professional malpractice
- Deliberate suppression, aiding, abetting or concealment of any of the above
- Breach of KCB's policies
- Other illegal behaviour or serious malpractice which cannot be raised under an alternative policy

5. How to raise a concern

All whistleblowing concerns will be treated as confidential and should be reported to The Chair of Trustees: zoes@kingschurchbirmingham.org In the event that your concern relates to the Chair of Trustees, please report to another member of the Trustee team. You should make it clear that you are making your disclosure within the terms of the whistleblowing policy. This will ensure that the recipient of the disclosure realises this and takes the necessary action to investigate the disclosure and to protect the whistleblower's identity.

Whistleblowers 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.

Employees and other individuals are encouraged to put their names to allegations because appropriate follow-up questions and investigation may not be possible unless the source of the information is identified.

Anonymous allegations will be investigated. However, in these instances a full and proper conclusion may not be reached due to the inability to perform a full and complete investigation. Furthermore, no report will be given as to conclusions or actions taken following anonymous allegations.

The disclosure will be forwarded to the Leader of KCB and the Chair of Trustees, unless your disclosure relates to one of these people when a different representative from the Leadership or Trustee Team will be chosen as appropriate. You will receive acknowledgement when the disclosure has been received by the Chair of Trustees.

All concerns will be acknowledged, recorded, reviewed and, where appropriate, investigated.

The Chair of Trustees or their appointed person will seek to keep you informed of the investigation as appropriate. However, the need for confidentiality may prohibit us from giving specific details of the investigation or action taken.

You should treat any information you are given about the investigation as confidential.

The individual designated to investigate ('designated person') will respond to concerns as quickly as possible. An initial enquiry may be carried out to decide whether a full investigation is appropriate and, if so, what form it should take.

6. What will happen next?

A meeting will be arranged to discuss your concerns and you may bring someone with you to this meeting, as long as that person is willing to maintain the confidentiality of your disclosure and any subsequent investigation.

Feedback will then be given as to whether the concern falls within the scope of this policy and how we plan to deal with the matter.

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 his/her behalf.

Where there are existing procedures or policies in place for the investigation of certain allegations, for example those covered by our Fraud and Anti-Corruption Policy, the matter will be dealt with in line with that policy.

Alternatively, where appropriate, the matters raised may be:

- investigated by management or through the disciplinary grievance process
- referred to the police
- referred to the external auditor
- referred and put through established child protection procedures
- subject of an independent inquiry.

7. Process

Once a disclosure has been made, KCB will:

- Make a record of its receipt
- Carry out a preliminary review as to whether the disclosure falls under the scope of this policy and whether there is initial evidence to suggest that it should be investigated and, if so, appoint a designated person to investigate
- Following the preliminary review, the designated person will make a preliminary decision and notify the Whistleblower, where it is possible and appropriate to do so, whether:
 - 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, or
 - The disclosure has been dismissed as there are no grounds for investigation.

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

- An investigation will be carried out by someone with relevant experience and as speedily as possible, depending on the complexity of the investigation.
- The person(s) identified in 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 five years in accordance with KCB's Data Protection policies and procedures.
- Consideration will be given as to whether the incident should be reported to the Charity Commission.
- 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 staff or a volunteer.

8. If the Whistleblower is not satisfied

- KCB will deal with all concerns raised fairly and in an appropriate manner.
- The Whistleblower may not ask for a review of any decision but if they have concerns about the ways in which their concern has been handled, they may contact an independent Whistleblowing charity, using the details at the end of this Policy.

9. External Disclosures

This policy is designed to provide an internal mechanism for reporting any concerns of wrongdoing at KCB. In most cases contacting anyone externally is likely to be unnecessary.

Nothing in this policy precludes an individual from reporting a suspected crime to the police nor is it intended to remove any rights under the Public Disclosure Act of 1998.

10. Confidentiality

Where possible, the identity of the Whistleblower will be protected. There may be circumstances, however, where it will 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 will have the opportunity to withdraw the disclosure if by continuing with the investigation their identity would be revealed to the subject of the disclosure.

Note that the need for confidentiality may prevent the designated person from providing the specific details of the investigation or actions taken, to the Whistleblower.

The Whistleblower should treat any information about the investigation as confidential.

Concerns raised anonymously will be dealt with at the discretion of the charity.

11. Protection of Whistleblowers

Individuals who raise genuinely held concerns in good faith under this procedure will not be dismissed or subjected to any detriment as a result of such action, even if they turn out to be mistaken. Detriment includes unwarranted disciplinary action or victimisation.

If a Whistleblower believes that he/she has suffered any such treatment because they have raised concerns under this policy, he/she should raise the matter with the Trustees in the first instance who will work with the interest of all parties to seek resolution, and this may include mediation and following the grievance procedure.

Any staff member/volunteer who victimises or retaliates against those who have raised concerns under this policy will be subject to disciplinary action.

12. Support and Advice

If anyone reading this policy needs independent advice about a whistleblowing issue, they can contact Public Concern at Work, the independent whistleblowing charity, who offer a confidential helpline (020 7404 6609) or helpline@pcaw.co.uk. Please see www.pcaw.co.uk for more information.