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# WHISTLEBLOWING GUIDANCE (SAFEGUARDING)

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## **Whistleblowing Guidance (Safeguarding)**

The Church in Wales expects all its trustees and staff to uphold the highest level of integrity. Every organisation that works with, children or adults at risk must have a culture that enables safeguarding concerns and allegations to be addressed, and which encourages all its people to report any wrongdoing. The Church in Wales considers whistleblowing a positive act as part of its safeguarding procedures that is in the interest of the Church.

The Church in Wales will treat all safeguarding disclosures seriously, consistently, and fairly and will act promptly to address any wrongdoing that is found. This policy sets out how people should make safeguarding disclosures to ensure their protection under whistleblowing legislation where this applies.

### **Purpose**

This guidance is provided specifically for Safeguarding related matters, its purpose is, but is not limited, to:

- Encourage people to say something if they see something.
- Assure everyone that they will be protected if they report any wrongdoing in good faith.
- Ask people to raise their safeguarding concerns within the Church in Wales in the first place rather than taking the matter outside it.

### **What is whistleblowing**

'Whistleblowing' means the reporting of suspected misconduct, illegal acts, abuse of people or resources, or failure to take necessary action by anyone at the Church in Wales. You're a whistle-blower if you report certain types of wrongdoing. The wrongdoing you disclose must be in the public interest, so it must affect others, for example other employees, members of congregation or the public.

A whistle blower must reasonably believe that the information disclosed, and any allegation contained in it are substantially true.

Whistleblowing does not include such matters as feedback from management, general workplace interactions, complaints that are not actually misconduct, etc.

### **Who does this guidance relate to?**

This guidance applies to all people who work within the Church in Wales, including but not limited to office holders, employees, or volunteers, who have a concern about a matter relating to the safeguarding of a child or adult at risk.

## **Protection**

People may find it difficult to speak out and raise their concerns as they may feel they are being disloyal to their colleagues or to the church. They may also fear harassment or victimisation. Whistle-blowers are protected by law from victimisation, subsequent discrimination or disadvantage provided the matter in question is raised with genuine concern. The Public Interest Disclosure Act 1998 gives workers legal protection against being dismissed or penalised as a result of publicly disclosing certain serious concerns. The safeguarding policy and this guidance extends this protection to volunteers.

A whistleblower does not have to prove or provide evidence of their concern. They must reasonably believe it to be true (even if it later turns out they are mistaken), and believe it is reasonable to make the disclosure in the circumstances. The disclosure must not be for the purposes of personal gain.

## **Confidentiality and anonymity**

Anonymity can play a significant part in a whistle-blower process, and a person (informant) does not need to identify themselves when they make their initial report. This guidance does encourage people to put their name to an allegation wherever possible. This makes it easier for a concern to be investigated and is the best way to be protected under the law. In some cases, an investigation cannot continue without knowing the informant's identity. Provincial Safeguarding Officers always respect the confidentiality of anyone raising a safeguarding concern and every effort will be made not to reveal a whistle-blower's identity unless the whistle-blower otherwise consents. While the Provincial Safeguarding Team will take all reasonable steps to maintain confidentiality, unless required by law to break that confidentiality. The Provisional Safeguarding Team cannot always guarantee anonymity as there may be practical or legal limits where the concern can't be dealt with without revealing the identity of the informant, or others may guess who has raised the concern.

## **Making a report**

If an individual has any concerns that someone within the church is engaged in activities or behaviour that is contrary to any part of the Safeguarding Policy and guidance they should, in the first instance, contact a Provincial Safeguarding Officer. This contact can be done face to face, by phone, via the web-based safeguarding form, submission of an email or even submission through the post.

If the individual feels unable to contact a Provincial Safeguarding Officer, or the allegation involves a Provincial Safeguarding Officer, then advice should be sought from the Director of Safeguarding.

If the concern relates to the Director of Safeguarding, the Head of Legal Services should be informed.

Concerns may be raised verbally in the first instance however this should be followed up in writing detailing the history of the concern and providing as much detail as possible including any supporting evidence. The earlier concerns are raised the easier it is to take action.

If an individual wishes the matter to be dealt with in confidence, they should request this when first raising their concern.

### **Response to a report**

The Church in Wales gives an undertaking to minimise any risk to the individual of making a report in good faith and will support any individual doing so. It will not tolerate victimisation, intimidation, or negative repercussion of anyone raising a concern in good faith and will take action to prevent this. If an individual feels at any time they have been victimized, harassed or subject to a detriment for having made a disclosure they should inform the Safeguarding Officer they raised the disclosure with and/or a member of the People Services team.

The report will be dealt with by the Provincial Safeguarding Team. The Director of Safeguarding will be informed of all reports made by a whistleblower so that this guidance is followed. Initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take.

It is possible that the whistle-blower may be called to give evidence in criminal or disciplinary proceedings. If this is the case, they will receive advice about the procedure and any necessary support that they may need.

Subject to legal constraints, the whistle-blower will be informed of the outcome of the report and investigation.

### **Escalation process**

If an informant is not content that their concern has been addressed or is unhappy with the outcome of their report, they should consult the Head of Legal Services within the Representative Body of the Church in Wales and request a review of the response to the concern.

If an informant feels they were not protected from any retaliation as a result of making a whistleblowing report, they should contact the Director of People Services within the Representative Body of the Church in Wales.

### **Misuse of this policy**

Any misuse of this policy will be dealt with under relevant policies and procedures.

Types of misuse could include:

- Discouraging someone from making a disclosure
- Subjecting an individual to a detriment for having raised a concern
- Breaching confidentiality including revealing a whistleblowers name inappropriately
- Intentionally making a false disclosure
- Unreasonably making a disclosure public or to external parties

## **Governance**

The responsibility for the required response to a report in line with this guidance lies with the Director of Safeguarding.

The Provincial Safeguarding Panel will scrutinise actions taken by the Provincial Safeguarding Team in response to reports.

The Church in Wales Safeguarding Committee has the authority to agree the adoption and any amendments to this whistleblowing guidance. It will also maintain oversight of the effectiveness of this guidance.

The Safeguarding Committee reports directly to the Standing Committee of the Governing Body of the Church in Wales.