

CLERGY DIGNITY IN MINISTRY

Disclosure of Public Interest Matters Policy (Whistleblowing)

Policy Approver(s)	Acting Bishop of Exeter and her Senior Team
Policy Owner(s)	Bishop's Chaplain Bishop of Exeter Diocesan Director of People Services and Safeguarding
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Revised By	Bishop of Exeter Diocesan Director of People Services and Safeguarding
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Related Documents	Diocese of Exeter: Clergy Bullying and Harassment Policy Diocese of Exeter: Clergy Handbook - Grievance Procedure
Scope	This Policy applies to all persons beneficed, licensed or otherwise authorised by the Bishop for ministry in the Diocese of Exeter. This includes all clergy holding office under Common Tenure, Qualified Common Tenure and Freehold and applies equally to a Cathedral Clergy, Archdeacons and Bishops. The Diocese of Exeter reserves the right to amend this policy at its discretion at any time.
Extensions	Individuals identified in Paragraph 2.
Exclusions	Individuals identified in Paragraph 2.

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1. Policy Statement

The Diocese of Exeter is committed to conducting the work of serving the people of Devon with honesty and integrity, and we expect all office holders to maintain high standards; however, all organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring or to address them when they do occur.

In addition, as an organisation that is involved with the provision of services for, and works with, children and/or vulnerable adults, we are required to have appropriate whistleblowing procedures that fulfil our commitment to safeguard and promote the welfare of children and vulnerable adults. As such we are committed to maintaining a culture that enables issues about safeguarding and promoting the welfare of children and vulnerable adults to be addressed.

Whistleblowing therefore applies to situations such as those covered by this document; namely unacceptable practice, performance or behaviour in situations which may or may not be related to children or vulnerable adults. In all cases the same principles can be applied.

The Public Interest Disclosure Act 1998 gives workers legal protection against being dismissed or penalised as a result of publicly disclosing certain serious concerns. Although it was not previously thought that statutory protection under the Act extended to office holders or volunteers, in a recent judgment,¹ the Supreme Court decided that judicial officers can seek the protection of whistleblowing legislation. The position regarding clergy has not been tested but, taking a cautious approach, this policy assumes that the courts would afford the same protection to clergy office holders.

In addition, as it is considered best practice for charities to choose to extend similar protections to volunteers, the diocese has chosen to extend the same protection to volunteers in so far as is possible and to treat all individuals making a disclosure in the spirit of the Act.

All office holders are encouraged to acknowledge their individual responsibility to bring matters of unacceptable practice, performance or behaviour to the attention of their Archdeacon/Bishop.

Members of a congregation are encouraged to acknowledge their individual responsibility to bring matters of unacceptable practice, performance or behaviour to the attention of the incumbent, churchwarden, named person for safeguarding, Archdeacon or any other person holding the bishop's licence.

It is often the case that a co-worker or co-voluntary worker may be the first to recognise that something is wrong but may not feel able to express concerns, feeling that this would be disloyal. They may also fear harassment or victimisation. These feelings, however,

¹ *Gilham v Ministry of Justice* [2019]



natural, must never result in a child or adult who may be vulnerable continuing to be unnecessarily at risk.

The aims of this policy are:

- To ensure all office holders are encouraged to acknowledge their individual responsibility to bring matters of unacceptable practice, performance or behaviour to the attention of their incumbent, Rural Dean, Archdeacon, Bishop, People Team or Diocesan Secretary as appropriate.
- To encourage office holders to report suspected wrongdoing as soon as possible, in the expectation that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected.
- To provide office holders with guidance as to how to raise those concerns.
- To reassure office holders they are able to raise genuine concerns in good faith without fear of reprisals, even if they turn out to be mistaken.

In the event that this policy and the law conflict, the law shall take precedence. If office holders are in any doubt as to what their rights are, they are to discuss matters with their incumbent, Rural Dean, Archdeacon or Bishop as appropriate. If this policy changes as a result of amendments in the law, the changes will be notified to the office holder through the appropriate channel; such as the Bishop's Office, the Diocesan People Services Team, the Church of England National Team, or the Diocesan Communications and Engagement Team amongst others.

Any concern about a practice, performance or behaviour which relates to the safeguarding of children or adults who may be vulnerable should be reported to the Diocesan Safeguarding Adviser and it will be dealt with according to Diocesan Safeguarding Policies and procedures. [Diocesan Safeguarding Adviser](#) Costa Nassaris, Telephone: 01392 294929 Email Costa Nassaris safeguardingenquiry@exeter.anglican.org

This policy is not to be used for raising complaints relating to an individual's own personal circumstances. In those cases you should consult the Responding to Issues and Concerns Section 11 of the Clergy Handbook and use the Grievance Procedure or the Bullying and Harassment Policy as appropriate.

If an individual is uncertain whether something is within the scope of this policy they can seek advice from the relevant Archdeacon first, or the Diocesan Director of People & Safeguarding.

No one will be subjected to any detriment for reporting or raising a formal matter of public interest (whistleblowing) in accordance with this policy where the concern is genuine (even if it turns out to be a mistake).

All matters relating to an office holder's concern whether informal or formal, will be treated as confidential.

The office holder and anyone accompanying an office holder (including witnesses) to any meetings or hearings conducted in accordance with this policy must not make electronic recordings of any such meetings or hearings.



2. Who is Covered by the Policy?

This policy applies to all individuals who are beneficed, licensed or otherwise authorised by the Bishop for ministry in the diocese. This includes all office holders (stipendiary and non-stipendiary) under Common Tenure, Qualified Tenure and Freehold and it applies equally to cathedral office holders, archdeacons and bishops.

Employees of the Exeter Diocesan Board of Finance, the Cathedral and National Church Institutions should refer to their own employee handbook or policy document on the Disclosure of Public Interest Matters (Whistleblowing).

All clergy employed by the Exeter Diocesan Board of Finance (EDBF) are subject to the EDBF Disclosure of Public Interest Matters (Whistleblowing). This policy and the EDBF policy are closely aligned and aim to uphold the same standards of professional conduct for all clergy whether employed or holding office across the diocese.

Any member of a congregation, PCC member, parish employee, parish volunteer or any other person who has grounds for concern about a behaviour or activity occurring within or connected to their local parish church should in the first instance refer to the local PCC policies for dealing with issues and complaints. They should inform the relevant incumbent, church warden or designated safeguarding representative. If none of these individuals are appropriate in the circumstances then office holders should refer the matter to the Rural Dean or Archdeacon who will give further advice.

If the complaint, in the opinion of the complainant has not been dealt with in a satisfactory manner the complainant should follow the local appeals process first.

3. What is Whistleblowing?

Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. This may include:

- Criminal activity.
- Miscarriages of justice.
- Danger to health and safety.
- Damage to the environment.
- Failure to comply with any legal or professional obligation or regulatory requirements.
- Negligence.
- The deliberate concealment of any of the above matters.

A whistleblower is a person who raises a genuine concern relating to any of the above. If an individual has any genuine concerns related to suspected wrongdoing or danger affecting any of our activities or to the conduct of any beneficed, licensed or otherwise authorised by the Bishop for ministry person in the Diocese of Exeter it should be reported under this policy.



Some of the reasons for whistleblowing are to prevent the problem worsening or widening, to protect or reduce risks to others, or to prevent the whistleblower themselves from becoming implicated.

However, taking the decision to blow the whistle on an individual or an organisation can be a difficult one. People may feel unwilling to take the first step of reporting an issue because of a fear of starting a chain of events which spiral out of control, disrupting the work of the parish/diocese, or causing friction in the wider community. They may also fear getting it wrong or fear the repercussions or damaging careers and/or reputations of others or fear not being believed.

4. Raising a Whistleblowing Concern

The diocese hopes that in many cases an office holder will be able to raise any concerns with their incumbent, Rural Dean, Archdeacon or Bishop as appropriate. The person raising concerns may tell them in person or put the matter in writing if they prefer. The individual reported to may then be able to agree a way of resolving the concern quickly and effectively. In some cases they may refer the matter to the Bishop.

If the matter concerns one or both of the Suffragan Bishops the individual should contact the Bishop in the first instance.

If the matter concerns the Bishop the individual should contact the relevant Archbishop, as would be the case for a Clergy Disciplinary Measure.

We encourage office holders or individuals to:

- Voice any concerns, suspicions or uneasiness about the practice or behaviour of an individual as soon as possible.
- Be specific about what practice is concerning, what has been heard or what has been observed.
- Inform the incumbent, churchwarden, named person for safeguarding or another person holding the Bishop's license.
- If the concern is about an office holder contact the Archdeacon or the Bishop's Safeguarding Adviser.
- Ideally put concerns in writing, outlining the background and history, and providing dates and times.
- Provide as many facts as possible; do not rely on rumour or opinion.

However if an individual feels their concern has not been addressed or they prefer not to raise it with the designated person, they are to contact one of the following:

- The Bishop's Chaplain
- One of the Suffragan Bishops or the Bishop.
- Diocesan Director of People and Safeguarding.
- The relevant Archbishop for matters relating to the Bishop.



Anyone raising a concern is strongly encouraged to put their name to any disclosure. However, any concern raised anonymously will be considered at the discretion of the person to whom the disclosure is made, taking into account the seriousness of the issue raised, the credibility of the concern and the likelihood of confirming the allegation from attributable sources.

What Happens After a Concern is Raised

If the concern does not relate to a safeguarding matter it will be investigated according to the Diocesan Protocol.

The whistleblower is not expected to prove the truth of a concern or to investigate it.

The process the Archdeacon will follow is:

- A meeting will be arranged with the whistleblower as soon as possible to discuss their concern. The Archdeacon will check whether the concern has been discussed with the person of concern. The whistleblower may bring a colleague or union representative to any meetings under this policy. The companion must respect the confidentiality of the disclosure and any subsequent investigation. (The role of a companion can be found at Appendix 1).
- A written summary of the concerns will be taken and a copy provided to the whistleblower after the meeting. The diocese will also aim to give an indication of how it proposes to deal with the matter.
- Within the bounds of confidentiality, the whistleblower will be given as much information as possible on the nature and progress of any enquiries.
- The whistleblower will be provided with appropriate support to ensure they are not harassed or victimised.
- No action will be taken against the whistleblower if the concern was raised in good faith and yet proves to be unfounded.
- Malicious allegations will be taken very seriously and depending upon the circumstances of the individual may result in some form of disciplinary action being taken against the individual if they are an EDBF employee. In the case of an office holder they would be subject to a Clergy Disciplinary Measure.

5. Confidentiality

The diocese hopes that any concerned person will feel able to voice whistleblowing concerns openly under this policy. However, if an individual wants to raise a concern confidentially, every effort will be made to keep their identity secret. If it is necessary for anyone investigating the concern to know an individual's identity, this will be discussed with them.

The diocese does not encourage the making of anonymous disclosures. Proper investigation may be more difficult or impossible if further information cannot be obtained from the whistleblower. It is also more difficult to establish whether any allegations are credible and genuine.



Whistleblowers who are concerned about possible reprisals if their identity is revealed should come forward to the Archdeacon/Suffragan Bishops and appropriate measures can then be taken to preserve confidentiality. If an individual is in any doubt they can seek advice from *Protect* (formerly known as *Public Concern at Work*) the independent whistleblowing charity, who offer a confidential helpline. The contact details are at the end of this policy in point no 12.

6. External Disclosures

The aim of this policy is to provide a Diocesan mechanism for reporting, investigating and remedying any wrongdoing in the diocese. In most cases it should not be necessary to alert anyone externally.

The law recognises that in some circumstances it may be appropriate for an individual to report their concerns to an external body such as a regulator or the police. It will very rarely, if ever, be appropriate to alert the media. The diocese strongly encourages an individual to seek advice before reporting a concern to an external organisation. The independent whistleblowing charity *Protect* (formerly known as *Public Concern at Work*) operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern. Their contact details are at the end of this policy.

Whistleblowing concerns usually relate to the conduct of employees or office holders, but they may sometimes relate to the actions of a third party, such as a supplier or service provider. The law will protect an individual in some circumstances if they raise the matter with the third party directly. However, reporting such concerns internally first is encouraged. An individual should contact their incumbent, Rural Dean or Archdeacon as appropriate in the first instance.

7. Investigation and Outcome

Once an individual has raised a concern, an Archdeacon will carry out an initial assessment to determine the scope of any investigation. The individual will be informed of the outcome of the assessment. The individual may be required to attend additional meetings in order to provide further information.

In some cases the Archdeacon may appoint an investigator or team of investigators including office holders or EDBF employees with relevant experience of investigations or specialist knowledge of the subject matter. The investigator(s) may make recommendations for change to enable the diocese to minimise the risk of future wrongdoing.

The Archdeacon will aim to keep the individual informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent the giving of specific details of the investigation or any disciplinary action taken as a result. The individual should treat any information about the investigation as confidential.

If it is concluded that a whistleblower has made false allegations maliciously, the whistleblower will be subject, if applicable, to the appropriate disciplinary action.



8. Unsatisfied with the Outcome

While the diocese cannot always guarantee the outcome the individual is seeking, it will try to deal with the individual's concern fairly and in an appropriate way. By using this policy an individual can help the diocese to achieve this.

If an individual is not happy with the way in which their concern has been handled, they can raise it with the Archdeacon, or the Suffragan Bishops or Bishop's Chaplain. Contact details are set out at the end of this policy.

9. Protection and Support for Whistleblowers

It is understandable that whistleblowers are sometimes worried about possible repercussions. The diocese aims to encourage openness and will support anyone who raises genuine concerns under this policy, even if they turn out to be mistaken.

A whistleblower must not suffer any detrimental treatment as a result of raising a concern in good faith. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern, exclusion from the congregation or removal from a volunteer role in a parish. If an individual believes they have suffered any such treatment, they should inform the Archdeacon immediately. If the matter is not then remedied, they may next raise it formally in writing to the Archdeacon who will advise on the process to be followed using the Raising Issues and Concerns Section 11 of the Clergy Handbook.

Employees must not threaten or retaliate against whistleblowers in any way. Anyone involved in such conduct will be subject, if applicable to disciplinary action.

10. Responsibility for the Success of this Policy

The Bishop and his Senior Team have overall responsibility for this policy, and for reviewing the effectiveness of actions taken in response to concerns raised under this policy.

The Bishop's Chaplain has day-to-day operational responsibility for this policy, and must ensure that all office holders, PCCs, and others who may deal with concerns or investigations under this policy receive appropriate training.

Individuals who make use of this policy are in part responsible for the success of this policy and they should ensure they use it to disclose any suspected danger or wrongdoing. Individuals who have been part of a whistleblowing investigation carried out under this policy are invited to comment on this policy and suggest ways in which it might be improved. Comments, suggestions and queries should be addressed to the Bishop's Chaplain.



11. Contact Details

The Bishop of Exeter's Chaplain is the Diocesan Whistleblowing Officer for Office Holders:

Reverend Jane Chamberlain email bishops.chaplain@exeter.anglican.org

If an individual is not able to resolve the issue or concern having spoken with an office holder, or if it is inappropriate to do so, then please contact the relevant Archdeacon for the area where the complaint originates. The Archdeacons are listed by area below:

Barnstaple

The Venerable Verena Breed

Stage Cross, Sanders Lane, Bishops Tawton, Barnstaple EX32 0BE

01271 375475 archdeacon.of.barnstaple@Exeter.anglican.org

Exeter

The Venerable Andrew Beane

Emmanuel House, Station Road, Ide, Exeter EX2 9RS

01392 425577 archdeacon.of.exeter@exeter.anglican.org

Totnes

The Venerable Douglas Dettmer

Blue Hills, Bradley Road, Bovey Tracey, Newton Abbot TQ13 9EU

01626 832064 archdeacon.of.totnes@exeter.anglican.org

Plymouth

The Venerable Jane Bakker

St Mark's Church 1 Sanctuary Close Plymouth PL2 1EN

01752 858382 archdeacon.of.plymouth@exeter.anglican.org

Protect (independent whistleblowing charity)

Helpline: 020 3117 2520

Website can be found at following link:

[Protect - Speak up stop harm \(protect-advice.org.uk\)](https://protect-advice.org.uk)



APPENDIX 1: Guidance on the role of a Companion

This document is intended to provide guidance to individuals who have been asked to accompany a colleague to a meeting held under procedures set out in this policy.

Should/Can you Attend?

You are entitled to refuse to accompany your colleague, for any reason, if you choose to do so.

If you cannot attend the meeting on the proposed date, liaise with the individual concerned or get in touch with the relevant Archdeacon's PA as soon as possible so that an alternative date can be scheduled. This will normally be no more than five working days later than the originally scheduled date.

Prior to the Interview/Hearing

It may be helpful for you to read the relevant sections of the Clergy Handbook.

- Ensure your colleague understands the procedure to be followed. If they are in doubt, you or your colleague may talk to the relevant Archdeacon's PA
- Ensure you are familiar with the full facts of the case and understand your colleague's views and the issues to be addressed.
- Ensure that your colleague has notified the relevant Archdeacon's PA that you will be accompanying them to the meeting.

During the Interview/Hearing

During the meeting you may address the meeting in order to:

- State your colleague's case.
- Sum up your colleague's case.
- Respond on your colleague's behalf to any view expressed at the meeting (but this does not extend to answering questions on behalf of your colleague).
- You and your colleague can confer with each other at any time during a hearing. If you wish to do so privately, ask the person chairing the meeting to have an adjournment.
- You may not answer questions on behalf of your colleague.
- You may take notes.

After the Interview/Hearing

Write up your notes so that the events remain clear in your mind. You may also wish to advise your colleague to go to the relevant Archdeacon's PA if they are unclear about the process that will follow the interview.