



# PROVINCIAL GRAND LODGE OF CHESHIRE

## **Public Interest Disclosure (Whistle-blowing) Policy and Procedure**

### **Policy**

The Province of Cheshire ('the Province') is committed to being open, honest and accountable. It encourages a free and open culture in its dealings between its Provincial Officers, Provincial employees, Members and the employees within Masonic Halls and non-Masonic venues.

The Policy aims to help Members and employees raise any serious concerns they may have about Members of the Province ('Members') or their employer, with confidence and without having to worry about being victimised, discriminated against or disadvantaged in any way as a result.

It is written in the context of the Public Interest Disclosure Act 1998 which protects employees who 'blow the whistle' on malpractices within their organisation, however that concept of whistle-blowing also applies to all Members recognising that inappropriate behaviour is not confined to employers or employees alone.

### **Key Points**

The Province is committed to maintaining a Policy of the highest standards of transparency, probity, integrity and accountability.

The related Procedure is intended to provide a means of making serious allegations about standards, conduct, financial irregularity or possible unlawful action in a way that will ensure confidentiality and protect those making such allegations, in the reasonable belief that it is in the public and Masonic interest to do so, from being victimised, discriminated against or disadvantaged.

The Policy does not replace other Provincial policies, especially those related to staff employment and other specifically laid down statutory reporting procedures.

The Policy is intended to ensure that the Province complies with its duty under the Public Interest Disclosure Act 1998 with respect to its employees but is also applied to the behaviour of its Members when their own standard of conduct might affect other Members, staff or third parties employed at Masonic venues or non-Masonic venues within the Province of Cheshire or occurring on Masonic occasions outside of the Province.

It is hoped that if employees and Members voice concerns within the organisation rather than being forced to go to an external body, the Province can address a problem before it becomes a publicly known event, thus helping to avoid potentially damaging media coverage, regulatory

sanctions and/or costly compensation payments. This whistle-blowing Policy is intended to offer a clear framework for constructive problem solving in a reasonable, appropriate and considered way.

## **Scope**

This Policy applies to all Province of Cheshire employees, Members and contractors.

Whistle-blowing is when a worker (or Member) reports a concern about the improper actions or omissions of their colleagues, Members of the Province, or the Province as an employer, which may cause harm to others or to the organisation.

This Policy applies to, but is not limited to, allegations about any of the following:

- Conduct which is an offence or breach of the law
- Serious Health and Safety risks
- The unauthorised use of Provincial/Masonic funds
- Other suspected fraud and corruption
- Sexual, physical or verbal abuse, or bullying or intimidation of employees, Members or Guests/Visitors
- Abuse of authority
- Other unethical conduct

If an employee brings information about a wrongdoing to the attention of the Province, they are protected in certain circumstances under the Public Interest Disclosure Act 1998.

The law that protects whistle-blowers is for the public interest - so people can speak out if they find malpractice in an organisation. Blowing the whistle is more formally known as 'making a disclosure in the public interest'.

Qualifying disclosures are disclosures of information where the employee reasonably believes (and it is in the public interest) that one or more of the following matters is either happening, has taken place, or is likely to happen in the future:

- A criminal offence
- The breach of a legal obligation
- A miscarriage of justice
- A danger to the health and safety of any individual
- Damage to the environment
- Deliberate attempt to conceal any of the above.

## **Responsibility**

The Province recognises that the decision to make an allegation can be a difficult one. However, whistle-blowers that make serious allegations in the reasonable belief that it is in the interests of the Province/Freemasonry to do so, have nothing to fear, because they are doing their duty either to the Province and/or to those for whom the Province is a constitutional body or employer.

The Province will take appropriate action to protect a whistle-blower who makes a serious allegation in the reasonable belief that it is in the Provincial or wider Masonic interest to do so from any reprisals, harassment or victimisation.

## **Confidentiality**

All allegations will be treated in confidence and every effort will be made not to reveal a whistle-blower's identity unless the whistle-blower otherwise waives that right. However, if the matter is subsequently dealt with through other Masonic or employment procedures, such as the Disciplinary Procedure, a case may not be considered as strong without the presence of the whistle-blower as a witness.

If the allegation results in court proceedings, then the whistle-blower may have to give evidence in open court if the case is to be successful.

The Province will not, without the whistle-blower's consent, disclose the identity of a whistleblower to anyone other than a person involved in the investigation of the allegation.

## **Anonymous Allegations**

This Policy encourages whistle-blowers to put their name to an allegation wherever possible, as anonymous allegations may often be difficult to substantiate/prove. Allegations made anonymously are much less powerful but anonymous allegations will still be considered at the discretion of the Provincial Grand Master.

In exercising discretion to accept an anonymous allegation, the factors to be considered are:

- The seriousness of the issue raised
- The credibility of the allegation; and
- Whether the allegation can realistically be investigated from factors or sources other than the complainant

## **Untrue Allegations**

No disciplinary or other action will be taken against a whistle-blower that makes an allegation in the reasonable belief that it is in the Provincial/Masonic interest to do so, even if the allegation is not substantiated by an investigation. However, disciplinary action may be taken against a whistle-blower that makes an allegation without reasonable belief that it is in those interests to do so (e.g. making an allegation which is, vexatious, frivolous, malicious or for personal gain where there is no element of Provincial interest).

End of the Policy statement.

May 2018

## Procedure

### Reporting

The Officer designated to handle whistle-blowing concerns is the Provincial Grand Registrar and in respect of this Policy he will be known as the 'Whistle-blowing Officer'.

The Provincial Grand Registrar can be contacted by writing to:

**[Whistleblower@cheshiremasons.co.uk](mailto:Whistleblower@cheshiremasons.co.uk)**

### Procedure for Making an Allegation

Whistle-blowing allegations should be made directly to the Provincial Grand Registrar acting in the capacity as the Provincial Whistle-blowing Officer.

Once received, he will consider the allegation and may discuss it with the Provincial Grand Master. The Provincial Grand Registrar, after due consideration and consultation, will discuss the case with the whistle-blower and if they wish to proceed with the allegation, it will be investigated.

### The Allegation

Whether a written or oral report is made, it is important that relevant information is provided including:

- The name of the person making the allegation and a contact point.
- The background and history of the allegation (giving relevant dates and names and positions of those who may have contributed to the allegation);
- The specific reason for the allegation.

Although someone making an allegation will not be expected to prove the truth of any allegations, they will need to provide information to establish that there are reasonable grounds for the allegation.

Someone making an allegation may be accompanied by another person of their choosing during any meetings or interviews in connection with the allegation. However, if the matter is subsequently dealt with through another procedure the right to be accompanied will at that stage be in accordance with the relevant disciplinary procedure.

### Action on receipt of an Allegation

The Provincial Grand Registrar, having received the accusation will record details of the allegation and gather as much information as possible (within 10 working days of receipt of the allegation) including:

- The record of the allegation (an outline of the accusation in detail):
- A copy of his proposed acknowledgement of the allegation (a written notification to the whistle-blower acknowledging receipt and providing a nominated individual as contact point for them);

- Any documents supplied by the whistle-blower (these can be copies but will need to be retained as evidence in case of subsequent disciplinary procedure).

The Provincial Grand Registrar will ask the whistle-blower for his/her preferred means of communication and contact details and use these for all communications with the whistle-blower to preserve confidentiality.

If the allegation relates to fraud, potential fraud or other financial irregularity, the Provincial Grand Treasurer must be informed within 5 working days of receipt of the allegation. The Provincial Grand Treasurer will determine, in conjunction with the Provincial Grand Master, whether the allegation should be investigated and the method of investigation.

If the allegation discloses evidence of a criminal offence it will immediately be reported to the Provincial Grand Registrar and a decision will be made as to whether to inform the Police. If the allegation concerns suspected harm to children/vulnerable people, the appropriate authorities will be informed immediately.

Where an investigation into a whistle-blowers allegation are considered to be of a substantive nature the Masonic Disciplinary Procedures based on a regularly formed and approved Committee of Inquiry in accordance with the Book of Constitutions will be actioned.

## **Timetable**

The investigating officer will compile the initial details listed above within 10 working days of receiving the allegation.

The whistle-blower will receive a written acknowledgement of the allegation in writing within 5 working days, along with:

- An indication of how the Province proposes to deal with the matter
- An estimate of how long it will take to provide a final response
- An indication of whether any initial enquiries have been made
- Information on whistle-blower support mechanisms
- Indication whether further investigations will take place and if not, why not

Where the allegation has been made internally and anonymously, obviously the Province will be unable to communicate what action has or will be taken.

## **Support**

The Province will take steps to minimise any difficulties that may be experienced as a result of making an allegation. For instance, if a whistle-blower is required to give evidence in criminal or disciplinary proceedings the Province will arrange for them to receive advice about the procedure and advise on the support mechanisms that are available.

The Province accepts that whistle-blowers need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform those making allegations of the outcome of any investigation.

If the suspicions are not confirmed by an investigation, the matter will be closed. Staff and Members will not be treated or regarded any differently for raising the concern, and their confidentiality will continue to be protected.

## **Responsibility for the Procedure**

The Provincial Grand Registrar has the responsibility for the operation of this Procedure and for determining the administrative processes to be followed and the format of the records to be kept.

If a whistle-blower has reason to believe that a matter relates wholly or mainly to the conduct of a person or body outside the Province of Cheshire, or for any other matter for which a person or body other than the Province of Cheshire has legal responsibility, the disclosure should be made to that other person or body.

Any records kept by the Provincial Grand Registrar shall be kept securely and in accordance with the Provincial privacy policy.

## **Monitoring**

A Register will record the following details:

- The name and status (e.g. employee) of the whistle-blower
- The date on which the allegation was received
- The nature of the allegation
- Details of the person who received the allegation
- Whether the allegation is to be investigated and, if yes, by whom
- The outcome of the investigation
- Any other relevant details

The Register will be confidential and only available for inspection within the constraints of the General Data Protection Regulation (GDPR).

The Provincial Grand Registrar will report regularly to the Steering Group on the operation of the Procedure and on any whistle-blowing allegations made during the period covered by the report, subject to the confidentiality undertakings stated herein. The report will be in a form that does not identify whistle-blowers.

End of the Procedure statement

May 2018