

## **Whistleblowing Policy - Safeguarding matters**

### **Introduction**

People who work within the Catholic Church in England and Wales, employees, office holders or Volunteers, are often the first to realise that there may be something seriously wrong within the Church. They may not, however, express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Church. They may also fear harassment or victimisation. In these circumstances it may feel easier to ignore the concern rather than report what may just be a suspicion of malpractice.

This whistleblowing policy is intended to encourage and enable anyone with a serious concern, to raise concerns without fear of victimisation, subsequent discrimination or disadvantage.

The scope of this policy covers any workers making qualifying disclosures about safeguarding matters within a diocese or religious congregation. It is to be used as a guide to taking forward concerns in the absence of a diocesan or religious congregation whistleblowing policy. In all instances, the diocesan or religious congregational whistleblowing policy should be used where there is one.

### **Defining Whistleblowing**

Whistleblowing is a term used to refer to the internal or external disclosure of malpractice as well as illegal acts, or omissions, at work.

### **Policy Statement**

The Dioceses and Religious Congregations of the Catholic Church in England and Wales are committed to:

- conducting themselves ethically, with honesty and integrity
- the highest possible standards of openness, probity and accountability;
- good practice and high standards regardless of role within the Church, and
- want to be supportive of employees, office holders and Volunteers.

It is recognised that this might not always be achieved, and that genuine and serious concerns might need to be raised through this whistleblowing policy.

In line with these commitments, employees, office holders, volunteers and others who have serious concerns, are encouraged to come forward and voice concerns about safeguarding practice. It is recognised that some cases will have to proceed on a confidential basis.

The Dioceses and Religious Congregations of the Catholic Church recognise that the decision to report a concern can be a difficult one to make, not least because of the fear of repercussion from those responsible for the failure or malpractice.

The Catholic Church will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when a concern is raised in good faith.

Any investigation into allegations of potential malpractice will not influence or be influenced by any other procedures such as grievance, disciplinary etc. which may already affect the person reporting concerns but will be treated on its own merits.

### **Aim of the policy**

This policy aims to:

☑ encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice;

- provide an effective way for concerns to be raised;
- ensure that feedback is received by the person raising serious concerns, on any action undertaken because of the concerns being raised;
- provide reassurance about protection from possible reprisals or victimisation if concerns are raised in good faith.

### **Scope of the policy**

The policy will apply equally, and with equal confidentiality to any workers within the Church, including employees, volunteers and office holders, making qualifying disclosures about safeguarding matters within a diocese or religious congregation.

The section below details the types of concerns that can be raised under this policy.

### **Protecting individuals using this policy**

The Public Interest Disclosure Act amended the Employment Rights Act 1996 and it provides protection for individuals who raise concerns about specified matters, outlined below. These are known as qualifying disclosures.

A qualifying disclosure is one made in good by an individual who has a reasonable belief that the following is being, has been or is likely to be committed:

- a criminal offence (including fraudulent and corrupt behaviour, e.g. theft, fraud or malpractice);
- a miscarriage of justice;
- an act creating risk to health and safety;
- an act causing damage to the environment;
- a breach of any other legal obligation, or
- concealment of any of the above.;

It is not necessary to have proof that such an act is being, has been or is likely to be committed. However, the worker must have a reasonable belief that the information shows that one of the categories of wrongdoing listed in the legislation has occurred or is likely to occur, and the concern must be raised in the correct way.

If a protected disclosure is made, the person making the disclosure has the right not to be dismissed, subjected to any other detriment, or victimised. This is the case even if it became evident that the

person making the disclosure was genuinely mistaken. Although volunteers are not afforded the same legal protection that is afforded to employees, as far as possible, all individuals making a disclosure will be treated in the spirit of the Public Interest Disclosure Act 1998.

### **Untrue or Malicious Allegations**

If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make an allegation frivolously, maliciously or for personal gain, action may be taken against you in accordance with the relevant organisational policy and procedure.

### **Non-Whistleblowing Concerns**

This policy is only to be used in the circumstances outlined above. There will be other diocesan, congregational or organisational policies and procedures that will be relevant in other circumstances. This may include, but is not limited to:

- management of allegations and concerns relating to children;
- management of allegations and concerns relating to adults at risk;
- grievance;
- disciplinary;
- harassment and bullying;

### **How to Raise a Concern**

You should raise your whistleblowing concern as soon as possible. Early reporting can make it easier to act and resolve any problems.

Your concern can be made in writing or verbally. A written account is preferable because it can make managing the process more efficient and effective.

Your account of concerns should include:

- any relevant background and context;
- dates, times, names and venues;
- a description of the concern and why the situation caused concern.

When raising a concern, it must be stated if the concern is being raised using the whistleblowing policy and if the identity of the person raising the concern is to be kept confidential. Whilst every effort will be made to deal with concerns confidentially, this may not always be possible. If concerns cannot be dealt with anonymously then the person raising the concern must be informed and provided with the reasons why.

Anonymous disclosures will be considered but are discouraged because anonymity can make it difficult to investigate, protect those concerned, or provide feedback on outcomes.

## **Who should concerns be raised with?**

This might vary according to different dioceses, religious congregations and catholic organisations. Generally, concerns should always be raised with the line manager or person to whom the person making the complaint is accountable, in the first instance. If this is not appropriate because they may be involved in the alleged wrongdoing, malpractice, illegal acts or omissions in some way, the concern should be raised with their line manager or person to whom they are accountable.

Concerns relating to a Safeguarding Representative or member of the safeguarding team should be referred in the first instance to the Safeguarding Coordinator.

Concerns relating to the conduct of a Safeguarding Coordinator or a member of the Safeguarding Commission should be referred to the Bishop or Congregation Leader. If the concerns relate to delivery of safeguarding services, the Chair of the Safeguarding Commission should be notified.

Concerns relating to the Chair of the Safeguarding Commission should be referred to the Bishop or Congregation Leader.

Concerns relating to Clergy and Religious who are in safeguarding roles should be referred to Safeguarding Coordinator who will advise the Commission Chair and the Bishop or Congregation Leader.

For employees, the HR department will be informed by the Bishop or Congregation Leader.

Contact details can be obtained from the local safeguarding office or by contacting CSSA.

If you are not sure who to contact, either due to not knowing who fills the above-named roles, or to the seriousness or sensitivity of the issue, or the identity of the individual who is suspected of malpractice, you should seek advice from CSSA.

## **Response to Concerns Raised**

The action taken by the Diocese, Religious Congregation or Organisation will depend upon the nature of your concerns. Remember that testing out your concerns is not the same as either accepting or rejecting them. The matters raised may be subject to, but not limited to:

- Internal investigation;
- Referral to the statutory authorities (Police or Social Care Services);
- Consideration under a Disciplinary or Grievance Procedure;
- Consideration under Canon Law.
- Notification to insurers;
- Notification to the Charity Commission

Initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations which fall within the scope of the 'Responding to allegations and concerns' procedures will be referred for consideration under those procedures.

Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required, this will be taken before any investigation is conducted.

If you are required to give evidence in criminal or disciplinary proceedings, you should consult with your employer in relation to advice about procedure and support arrangements.

The Diocese or Religious Congregation accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, they will inform you of the outcome of any investigation.

If you are not satisfied with the way your concern has been managed you should refer to your line manager, HR Department or the Bishop/Congregation Leader.