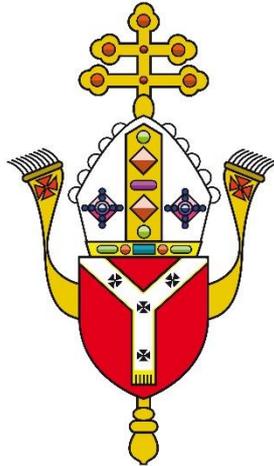


DIOCESE OF WESTMINSTER



WHISTLEBLOWING POLICY

Policy prepared by:	Director of HR / Safeguarding Co-ordinator
Third Party Policy:	
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1. Introduction

The Diocese of Westminster is committed to ensuring high standards of conduct in all that it does. It is important that employees, volunteers and clergy know what to do if they come across something that they think is fundamentally wrong, illegal or endangers others within diocese or the public. The whistleblowing procedures will guide employees through the process of raising a concern.

The reporting of wrongdoing under the whistleblowing procedure may be covered by the law concerning protected disclosure of information. The procedure has therefore been written with reference to the Public Interest Disclosure Act 1998 (PIDA), which offers protection to those in both the private and public sectors who 'blow the whistle' in certain circumstances. All staff, at any time, have a statutory right to express concerns under the (PIDA).

It is important that the whistleblowing procedure is followed when raising any concerns, to ensure that the matter is dealt with correctly. Where a concern is properly raised under this procedure, the individual will be protected from any unfair or negative treatment. As set out in this procedure, employees can raise concerns through a number of internal routes and can also approach the Chair Audit and Risk Assurance Committee directly.

This Policy is intended to enable those who become aware of wrongdoing in the diocese affecting some other person or service, to report their concerns at the earliest opportunity so that they can be properly investigated. The Whistleblowing Policy is not intended to replace existing procedures:

- If your concern relates to your own treatment as an employee, you should raise it under the existing grievance or harassment procedures
- If a parishioner or member of the public has a concern about services provided to him/her, it should be raised as a complaint to the diocese
- Complaints of misconduct by diocese are dealt with under a separate procedure

2. Definition

Whistleblowing: Usually a single person, often an employee, who reveals information about activity within a private or public organisation that is deemed illegal, an omission/s, immoral, illicit, unsafe or fraudulent. Whistleblowers can use a variety of internal or external channels to communicate information or allegations.

3. Diocesan Whistleblowing Policy Statement – for both Employees and Safeguarding

- 3.1 In fulfilling its mission, The Roman Catholic Diocese of Westminster Trust (RCDoW) upholds high standards of professional and personal conduct. RCDoW respects the intrinsic dignity of every person and creates relationships of mutual respect, whilst committing to be a good steward of the resources entrusted to it, including environmental resources, and to be transparent in, and accountable for its work.
- 3.2 RCDoW's Staff Code of Conduct makes explicit commitments that the personal and professional conduct of anyone who carries out work for, or represents it, is, and is seen to be, of the highest standards. RCDoW recognises that sometimes its values, and requirements on conduct, may not be upheld to the standard expected. If this is

the case, it wants to be informed and will, where possible, act to try to put things right and improve its quality and effectiveness. It is committed to ensuring the accessibility of its Whistleblowing Procedures across the breadth of its work.

3.3 RCDow's Trustee, employees, volunteers and clergy 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
- Being supportive of each other, including employees, office holders and volunteers.

3.4 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.

3.5 This policy aims to help individuals ("whistleblowers") to raise with confidence any serious concerns they may have about the Trustee, employees, officers, or volunteers without having to worry about being victimised, discriminated against or disadvantaged in any way as a result. This includes voicing concerns about safeguarding practice.

3.6 It is recognised that some cases will have to proceed on a confidential basis.

3.7 RCDow recognises 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. RCDow will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect a whistleblower 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.

4. Scope of the policy

4.1 This policy applies equally to all its employees, clergy, Directors, Director of Trustee, volunteers, consultants or any person or body acting for, or on behalf of, the diocese ("collectively known within this document as associated persons") and makes it known as to how an individual can make a disclosure under the Public Interest Disclosure Act 1998. This includes other individuals performing functions in relation to the diocese, such as agency workers, volunteers, parishioners and contractors.

5. Background

5.1 The Public Interest Disclosure Act amended the Employment Rights Act 1996 and it provides protection for individuals who raise legitimate concerns about specified matters, outlined below. These are known as qualifying disclosures. These are called "qualifying disclosures". A qualifying disclosure is one made in the public interest by a employees and associated persons who has a reasonable belief that:

- a criminal offence;
- 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;
-

is being, has been, or is likely to be, committed. It is not necessary for the employees and associated persons to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient. The employees and associated persons has no responsibility for investigating the matter - it is the diocese's responsibility to ensure that an investigation takes place.

- 5.2 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.

6. Principles

- Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Employees and associated persons should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of.
- Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the employees and associated persons who raised the issue.
- No employees and associated persons will be victimised for raising a matter under this procedure. This means that the continued employment and opportunities for future promotion or training of the worker will not be prejudiced because they have raised a legitimate concern.
- Victimisation of a employees and associated persons for raising a qualified disclosure will be a disciplinary offence.
- If misconduct is discovered as a result of any investigation under this procedure the organisation's disciplinary procedure will be used, in addition to any appropriate external measures.
- If an employees and associated persons is either employed directly or engaged by contract by the diocese directly maliciously making a false allegation is a disciplinary offence.
- An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager or director, employees and associated persons should not agree to remain silent. They should report the matter to the Director or Head of Human Resources.

7. Untrue or Malicious Allegations

- 7.1 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.

8. Non-Whistleblowing Concerns

8.1 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;

9. How are whistle-blowers protected?

9.1 You're a whistleblower if you're an employee and if you report certain types of wrongdoing. This may be something you've seen at work – although not always. The wrongdoing you disclose must be in the public interest. This becomes a qualifying disclosure and is what makes the act of whistleblowing 'protected' by law. An example of this means the wrong doing you are reporting must affect others, for example the general public.

9.2 As mentioned previously as a whistleblower an employee is protected by law - you will not be treated unfairly or lose your job because you 'blew the whistle'.

10. Diocesan Whistleblowing Procedure

10.1 Introduction

It is important to the diocese that any fraud, misconduct or wrongdoing by employees or officers of the organisation is reported and properly dealt with. The organisation therefore encourages all individuals to raise any concerns that they may have about the conduct of others in the institution or the way in which the institutions operations are run. This procedure sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.

The organisation encourages employees, clergy and associated persons to raise their concerns under this procedure in the first instance. If a employees and associated persons is not sure whether or not to raise a concern, they should discuss the issue with the HR department with assurance that this will be in the strictest of confidence.

10.2 This procedure is for disclosures about matters other than a breach of an employee's own contract of employment. If an employee is concerned that their own contract has been, or is likely to be, broken, they should use the organisation's grievance procedure.

10.3. Procedure

10.3.1. In the first instance, and unless the employees and associated persons reasonably believes their line manager or senior colleague to be involved in the wrongdoing, or if for any other reason the employees and associated persons do not wish to approach their line manager or senior colleague, any concerns should be raised with

the employee's and associated person's line manager or senior colleague. If they believe the line manager or a senior colleague to be involved, or for any reason does not wish to approach the line manager or senior colleague, then the employees and associated persons should proceed straight to stage 3.

- 10.3.2. The line manager or senior colleague will arrange an investigation into the matter (by immediately passing the issue to Human Resources). The investigation may involve the employees or associated persons and other individuals involved giving a written statement. Any investigation will be carried out in accordance with the principles set out above. The employees or associated persons statement will be considered, and they will be asked to comment on any additional evidence obtained. The person who carried out the investigation will then report to Director or Head of Human Resources, to review before the person who conducted the investigation presents to the Directors of the Trustee Board(Board), which will take any necessary action, including reporting the matter to any appropriate government department or regulatory agency. If disciplinary action is required, the human resources department and start the disciplinary procedure. On conclusion of any investigation, the employees or associated persons will be told the outcome of the investigation and what the Board has done, or proposes to do, about it. If no action is to be taken, the reason for this will be explained.
- 10.3.3. If the employee or associated person is concerned that their line manager or senior colleague is involved in the wrongdoing, has failed to make a proper investigation or has failed to report the outcome of the investigations to the Board, they should inform the Chair of the Audit and Risk Committee, Email: Whistleblowing@rcdow.org.uk, who will arrange for another manager or director to review the investigation carried out, make any necessary enquiries and make their own report to the Board as in stage 2 above. If for any other reason the employee or associated person does not wish to approach their line manager or senior colleague they should also in the first instance contact Chair of the Audit and Risk Committee. Any approach to the Chair of the Audit and Risk Committee will be treated with the strictest confidence and the employee or associated person identity will not be disclosed without their prior consent.
- 10.3.4. If on conclusion of stages 1, 2 and 3 the employee or associated person reasonably believes that the appropriate action has not been taken, they should report the matter to the proper authority. The legislation sets out a number of bodies to which qualifying disclosures may be made. These include:
- HM Revenue & Customs;
 - the Financial Conduct Authority;
 - the Competition and Markets Authority;
 - the Health and Safety Executive;
 - the Environment Agency;
 - the Independent Office for Police Conduct; and
 - the Serious Fraud Office.

11. Procedure relating to Safeguarding

11.1.1 Introduction

The aim of the procedure:

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

11.2. 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.

- 11.3. 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.

- 11.4. Who should concerns be raised with?

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 Trustees Safeguarding Committee should be referred to the Bishop or Congregation Leader. If the concerns relate to delivery of safeguarding services, the Chair of the Trustees Safeguarding Committee and the Episcopal Vicar for Safeguarding should be notified.

Concerns relating to the Chair of the Trustees Safeguarding Committee should be referred to the Bishop.

Concerns relating to Clergy and Religious who are in safeguarding roles should be referred to Safeguarding Coordinator who will advise the Safeguarding Trustees Committee Chair and the Bishop.

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

If it is not clear 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, advice can be sought from the CSSA.

11.5. Response to Concerns Raised

The action taken by the Diocese will depend upon the nature of the concerns. 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 that guidance.

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 accepts that the whistleblower will need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, the outcome of any investigation will be shared.

The line manager or senior colleague will arrange an investigation into the matter (by immediately passing the issue to Human Resources) and it will be investigated as per the above procedure.

The outcome will be reported to the Chair of the Trustees Safeguarding Committee.

If on the conclusion of the investigation the Whistleblower is not satisfied with the way the concern has been managed it should be referred to the HR Department or the Bishop. They will deal with it as per the procedures above.

12. Data protection

When an individual makes a disclosure, the organisation will process any personal data collected in accordance with its Data Protection Policy. Data collected from the point at

which the individual makes the report is held securely and accessed by, and disclosed to, individuals only for the purposes of dealing with the disclosure.

13. Law relating to this document

- 13.1 Employment Rights Act 1996 Public Interest Disclosure Act 1998 Data Protection Act 2018 General Data Protection Regulation (2016/679 EU)

The legislation protecting individuals who make a protected disclosure applies not only to employees but also to any person who undertakes to do or perform personally (or otherwise) any work or service for the employer, regardless of the nature of the contractual relationship between them.

NB: A "qualifying disclosure" means any disclosure of information that, in the reasonable belief of the worker, is made in the public interest. The requirement that a whistleblower make a qualifying disclosure "in good faith" has been removed. Therefore, while the employer can seek a declaration from the whistleblower that they are not knowingly making false allegations, disciplinary action is likely to be appropriate only where there is clear evidence that the worker has misused the whistleblowing procedure. A consequence of the requirement that a disclosure be made in the public interest is that an employee will generally be precluded from being able to "blow the whistle" about breaches of their own employment contract.

- 13.2 Employees or associated persons who make protected disclosures would be protected from adverse treatment in relation to the activity of the diocese. In addition, whistleblowers are protected from suffering a detriment, bullying or harassment from another employee or associated person.

- 13.3 The General Data Protection Regulation (GDPR) requires the diocese to comply with principles for processing personal data, including protecting against unauthorised access of personal data. Personal data that is inappropriately accessed or disclosed may constitute a data breach. The GDPR requires organisations to keep a record of all data breaches and, where the breach is likely to result in a risk to the rights and freedoms of individuals, the organisation must notify the Information Commissioner within 72 hours of becoming aware of the breach. If the data breach results in a high risk to the rights and freedoms of individuals, those individuals must be notified without undue delay.

- 13.4 Employment tribunals have the power to send details of public interest disclosure allegations to the relevant regulator. The information is assessed by the regulator and, where appropriate, investigated and acted on in accordance with the regulator's own procedures.

Although there is no requirement that a whistleblower make a qualifying disclosure "in good faith", employment tribunals are permitted to reduce a worker's compensation by up to 25% if it appears that a protected disclosure was not made in good faith.

- 13.5 Settlement Agreements statement of confidentiality do not cover articles, which include a qualifying whistleblowing disclosure.

Section 43J of the Employment Rights Act 1996 provides that a settlement agreement made between a worker and an employer cannot prevent future protected disclosures.

13.6 Any confidentiality obligations in contracts of employment that would prevent an employee making a protected disclosure will be void.

14. Policy Review

The Director or Head of Human Resources and Head of Safeguarding will review this policy at least once every two (2) years to make any updates needed.