



THE DIOCESE OF DUNKELD

WHISTLEBLOWING POLICY

(MAKING A DISCLOSURE IN THE PUBLIC INTEREST)

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.

1. INTRODUCTION

- 1.1 The **Diocese of Dunkeld** is committed to the highest standards of openness, probity and accountability. An important aspect of accountability and transparency is a mechanism to enable clergy or staff and other members such as volunteers of the **Diocese of Dunkeld** to voice concerns in a responsible and effective manner.
- 1.2 It is a fundamental term of every contract of employment that an employee will faithfully serve his or her employer and not disclose confidential information about the employer's affairs. Nevertheless, where an individual discovers information which they believe shows serious malpractice or wrongdoing within the organisation then this information should be disclosed internally without fear of reprisal, and there should be arrangements to enable this to be done independently of line management (although in relatively minor instances the line manager would be the appropriate person to be told).
- 1.3 The Public Interest Disclosure Act, gives legal protection to employees against being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns. The **Diocese of Dunkeld** has endorsed the provisions set out below to ensure that no members of staff should feel at a disadvantage in raising legitimate concerns.
- 1.4 It should be emphasised that this policy is intended to assist individuals who believe they have discovered malpractice or impropriety. It is not designed to question financial or business decisions taken by the **Diocese of Dunkeld** nor should it be used to reconsider any matters which have already been addressed under harassment, complaint, disciplinary or other procedures.



2. SCOPE OF THE POLICY

2.1 This policy is designed to enable clergy, employees, volunteers of the **Diocese of Dunkeld** to raise concerns internally and at a high level and to disclose information which the individual believes shows malpractice or impropriety. This policy is intended to cover concerns which are in the public interest and may at least initially be investigated separately but might then lead to the invocation of other procedures e.g. disciplinary. These concerns could include:

- Financial malpractice or impropriety or fraud
- Failure to comply with a legal obligation or Statutes
- Dangers to Health & Safety or the environment
- Criminal activity
- Improper conduct or unethical behaviour
- Attempts to conceal any of these

3. SAFEGUARDS

3.1 Protection

This policy is designed to offer protection to those clergy, employees and volunteers of The Diocese of Dunkeld who disclose such concerns provided the disclosure is made:

- in good faith
- in the reasonable belief of the individual making the disclosure that it tends to show malpractice or impropriety and if they make the disclosure to an appropriate person (see below). It is important to note that no protection from internal disciplinary procedures is offered to those who choose not to use the procedure. In an extreme case, malicious or wild allegations could give rise to legal action on the part of the persons complained about.



3.2

Confidentiality

The Diocese of Dunkeld will treat all such disclosures in a confidential and sensitive manner. The identity of the individual making the allegation may be kept confidential so long as it does not hinder or frustrate any investigation. However, the investigation process may reveal the source of the information and the individual making the disclosure may need to provide a statement as part of the evidence required.

3.3

Anonymous Allegations

This policy encourages individuals to put their name to any disclosures they make. Concerns expressed anonymously are much less credible, but they may be considered at the discretion of the Diocese. In exercising this discretion, the factors to be taken into account will include:

- The seriousness of the issues raised
- The credibility of the concern
- The likelihood of confirming the allegation from attributable sources

3.4

Untrue Allegations

If an individual makes an allegation in good faith, which is not confirmed by subsequent investigation, no action will be taken against that individual. In making a disclosure the individual should exercise due care to ensure the accuracy of the information. If, however, an individual makes malicious or vexatious allegations, and particularly if he or she persists with making them, disciplinary action may be taken against that individual.

4.

PROCEDURES FOR MAKING A DISCLOSURE

On receipt of a complaint of malpractice, the member of clergy, staff or volunteer who receives and takes note of the complaint, must pass this information as soon as is reasonably possible, to the appropriate designated investigating officer.

Two separate pathways exist for making a disclosure:



4.1 **Procedure for Employees or Volunteers**

In the process for employees, the investigation will be carried out by the Chancellor or someone delegated by The Bishop to do so;

4.2 **Procedure for Clergy**

In the case of clergy, the investigation will be carried out by the Vicar General or someone delegated by the Bishop to do so.

4.3 If the complaint relates to actions of either the Chancellor or the Vicar General, the process will be led by the Bishop or an external person appointed by him to do so.

4.4 The complainant has the right to bypass this line of investigation and take their complaint direct to the Bishop who will, at his sole discretion, decide whether to carry out the investigation himself, refer it to the Chancellor, Vicar General or Safeguarding Advisor or refer it to an external person.

4.5 If there is evidence of criminal activity then the Diocese will inform the police. The Diocese will ensure that any internal investigation does not hinder a formal police investigation

5. **DISCLOSURES IN RELATION TO SAFEGUARDING**

The Diocese of Dunkeld takes Safeguarding concerns and allegations very seriously and we wish always to respond to any disclosures appropriately.

5.1 The Diocese of Dunkeld are obliged to comply with procedures set out in Canon Law to govern the processing of allegations of abuse that may involve clergy, religious and laypeople.

5.2 The Diocese of Dunkeld has fully adopted the guidelines for '**Responding to Safeguarding Concerns or Allegations**' as outlined in Standard 3 of '**In Gods Image: Safeguarding in the Catholic Church in Scotland**'.



6. TIMESCALES

- 6.1 Due to the varied nature of these sorts of complaints, which may involve internal / external investigators and / or the police, it is not possible to lay down precise timescales for such investigations. The assigned investigating officer should ensure that the investigations are undertaken as quickly as possible without affecting the quality and depth of those investigations.
- 6.2 The assigned investigating officer, should as soon as practically possible, acknowledge the concern to the complainant and thereafter report back to them in writing the outcome of the investigation and on the action that is proposed. If the investigation is a prolonged one, the investigating officer should keep the complainant informed, in writing, as to the progress of the investigation and as to when it is likely to be concluded.
- 6.3 All responses to the complainant should be in writing and sent to their home address marked "confidential".

7. INVESTIGATING PROCEDURE

- 7.1 The investigating officer should follow these steps:
- Full details and clarifications of the complaint should be obtained.
 - The assigned investigating officer should inform the member of clergy, staff or volunteer against whom the complaint is made as soon as is practically possible.
 - The member of clergy, staff or volunteer will be informed of their right to be accompanied by a trade union or work colleague at any future interview or hearing held under the provision of these procedures. At the discretion of the investigating officer and dependant on the circumstances of the complaint an alternative representative may be allowed e.g. the individual's legal representative.
 - The investigating officer should consider the involvement of the Diocesan Trustees and the Police at this stage and should consult with the Bishop if appropriate.
 - The allegations should be fully investigated by the investigating officer with the assistance where appropriate, of other individuals / bodies.



A judgement concerning the complaint and validity of the complaint will be made by the investigating officer. This judgement will be detailed in a written report containing the findings of the investigations and reasons for the judgement. The report will be passed to the Bishop for consideration and action if appropriate.

If the complaint is shown to be justified, then the Bishop will invoke the disciplinary or other appropriate Diocesan procedures.

- The complainant should be kept informed of the progress of the investigations and, if appropriate, of the final outcome.
- If appropriate, a copy of the outcomes will be used to enable a review of Diocesan procedures.

7.2 If the complainant is not satisfied that their concern is being properly dealt with by the investigating officer, they have the right to raise it in confidence with the Bishop.

7.3 If the investigation finds the allegations unsubstantiated and all internal procedures have been exhausted, but the complainant is not satisfied with the outcome of the investigation, The Diocese of Dunkeld recognises the lawful rights of employees and ex-employees to make disclosures to prescribed persons or body.

A full list of prescribed people and bodies can be found on the Government Website (www.gov.uk).



This Whistleblowing Policy was approved by the Diocesan Trustees on 10th December 2019

Signed on behalf of the Trustees

Bishop Stephen Robson 10th December 2019

The next review is due on or before:

10th December 2020