

# Whistleblowing

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## **1.0 What is Whistleblowing**

In this policy 'Whistleblowing' (known as 'blowing the whistle') means the reporting by employees of suspected misconduct, illegal acts, or failure to act within the Diocese. The wrongdoing you disclose must be in the public interest. This means it must affect others, for example the general public.

## **2.0 Introduction**

The aim of this Policy is to encourage employees and others who have serious concerns about any aspect of the Diocese's work to come forward and voice those concerns. If you feel you can first raise your concern with your employer, you should do so. If after doing so, you would also like to raise the concern with a regulatory or independent body you may do so, taking into account the rest of the information and advice set out in this policy.

Employees are often the first to realise that there may be something seriously wrong within the Diocese. 'Whistleblowing' is viewed by the Diocese as a positive act that can make a valuable contribution to the organisation's efficiency and long-term success. It is not disloyal to colleagues or the Diocese to speak up.

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

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.

The Diocese is committed to achieving the highest possible standards of service and the highest possible ethical standards in public life and in all of its practices. To help achieve these standards it encourages freedom of speech.

If you are considering raising a concern you should read this Policy first. It explains:

- the type of issues that can be raised
- how the person raising a concern will be protected from victimisation and harassment
- how to raise a concern, and
- what the Diocese will do.

## **3.0 Aims of the Policy**

The Policy is designed to ensure that you can raise your concerns about wrongdoing or malpractice within the Diocese without fear of victimisation, subsequent discrimination, disadvantage, or dismissal.

It is also intended to encourage and enable you to raise serious concerns within the Diocese rather than ignoring a problem or 'blowing the whistle' outside.

This Policy aims to:

- encourage you to feel confident in raising serious concerns at the earliest opportunity and to question and act upon concerns about practice

- provide avenues for you to raise those concerns and receive feedback on any action taken
- ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied
- reassure you that you will be protected from possible reprisals or victimisation if you have made any disclosure

### **3.1 Scope of this Policy**

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. Personal grievances (for example bullying, harassment, discrimination) are not covered by whistleblowing law, unless your particular case is in the public interest.

The Whistleblowing Policy is not intended to replace existing procedures, therefore if your concern relates to your own treatment as an employee, you should raise it under the existing grievance or bullying and harassment procedures.

If someone has a concern about services provided to them, it should be raised as a complaint to the Diocese.

If your concern relates to the abuse of children or vulnerable adults or is another concern in relation to the safeguarding of a person or people, it should be raised in line with the Referral of Allegations Flowchart: to the Safeguarding Office if there is no immediate risk of harm or danger, or to the Police, Social Services or Local Authority Designated Officer (LADO) where there is an immediate danger or risk of harm.

### **3.2 Who can raise a concern under this Policy?**

The Policy applies to all:

- employees of the Diocese of Salford
- employees of contractors working for the Diocese, for example, agency staff, builders, and drivers
- employees of suppliers
- those providing services under a contract or other agreement with the Diocese in their own premises, for example hospital or religious order, and
- voluntary workers working with the Diocese

Diocesan schools and Academy Trusts will have their own whistleblowing policy.

### **3.3 What should be reported?**

Any serious concerns that you have about service provision or the conduct of members of the Diocese or others acting on behalf of the Diocese that:

- make you feel uncomfortable in terms of known standards
- are not in keeping with the organisation's policies
- fall below established standards of practice; or
- are improper behaviour.

These might relate to:

- conduct which is an offence or a breach of the law (a criminal offence has been committed or failing to comply with any other legal obligation)

- disclosures related to miscarriages of justice
- racial, sexual, disability or other discrimination
- health and safety of the public and/or other employees
- damage to the environment
- unauthorised use of public funds or other assets
- possible fraud and corruption
- neglect or abuse of clients, or
- other unethical conduct
- the deliberate concealment of information relating to any of the above.

This list is not exhaustive.

You can raise your concern at any time about an incident that happened in the past, is happening now, or you believe will happen in the near future. The malpractice may not be on the part of the employer and can relate to the actions of third parties.

#### **4.0 Protecting the Whistleblower**

##### **4.1 Your legal rights**

This policy has been written to take account of the Public Interest Disclosure Act 1998 which protects workers making disclosures about certain matters of concern, when those disclosures are made in accordance with the Act's provisions and in the public interest.

The Act makes it unlawful for the Diocese to dismiss anyone or allow them to be victimised on the basis that they have made an appropriate lawful disclosure in accordance with the Act.

Rarely, a case might arise where it is the employee that has participated in the action causing concern. In such a case it is in the employee's interest to come into the open as soon as possible. The Diocese cannot promise not to act against such an employee, but the fact that they came forward may be taken into account.

If you raise your concerns to the media, you are unlikely to be covered by this legislation and seeking legal advice would be recommended if you wish to take this action.

##### **4.2 Harassment or Victimisation**

The Diocese is committed to good practice and high standards and to being supportive of you as an employee.

The Diocese recognises that the decision to report a concern can be a difficult one to make. If you honestly and reasonably believe what you are saying is true, you should have nothing to fear because you will be doing your duty to your employer, your colleagues and those for whom you are providing a service.

The Diocese will not tolerate any harassment or victimisation of a whistleblower (including informal pressures) and will take appropriate action to protect you when you raise a concern and will treat this as a serious disciplinary offence which will be dealt with under the disciplinary rules and procedure.

##### **4.3 Support to you**

Throughout this process:

- you will be given full support from senior management
- your concerns will be taken seriously, and
- the Diocese will do all it can to help you throughout the investigation

If appropriate, the Diocese will consider temporarily re-deploying you for the period of the investigation.

For those who are not Diocese of Salford employees, the Diocese will endeavour to provide appropriate advice and support wherever possible.

For external advice or support you may wish to contact [Advisory, Conciliation and Arbitration Service \(Acas\)](#), the whistleblowing charity [Protect](#) or your trade union for more guidance.

#### **4.4 Confidentiality**

All concerns will be treated in confidence and every effort will be made not to reveal your identity if that is your wish. If this is the case, you must state this as the beginning. If disciplinary or other proceedings follow the investigation, it may not be possible to take action as a result of your disclosure without your help, so you may be asked to come forward as a witness. If you agree to this, you will be offered advice and support.

#### **4.5 Anonymous Allegations**

This Policy encourages you to put your name to your allegation whenever possible. If you do not tell us who you are it will be much more difficult for us to protect your position or to give you feedback. This policy is not ideally suited to concerns raised anonymously.

Concerns expressed anonymously are much less powerful, but they may be considered at the discretion of the Diocese. In exercising this discretion, the factors to be taken into account would include:

- the seriousness of the issue raised
- the credibility of the concern, and
- the likelihood of confirming the allegation from other sources

#### **4.6 Untrue Allegations**

If you make an allegation reasonably believing it to be true, but it is not confirmed by the investigation, the Diocese will recognise your concern and no further action will result.

### **5.0 Raising a Concern**

#### **5.1 Process**

Whom an employee informs will depend on who the concern is about and the nature and seriousness of the concern. The diocese encourages the whistle blower to raise the matter internally in the first instance as it enables the diocese to address the issue and where possible, to correct, clarify or explain their behaviour, and, where necessary, to take further action.

The diocese has identified the following post holders to whom a whistle blower should address a concern.

##### **5.1.1 Safeguarding concern:**

If the matter is a child protection or adult at risk concern, the employee should contact the Safeguarding Office and follow the procedure for making a referral as outlined in the diocese's Referral of Allegations Flowchart.

##### **5.1.2 Bribery concern:**

If the matter falls within the scope of the Anti-bribery and Corruption Policy, the employee should report their concern to the diocese's Financial Secretary.

### **5.1.3 Other concerns:**

A whistleblower should report other concerns to the diocese's Chief Operating Officer.

If you are unsure who to contact, the independent charity Protect can advise you. They offer a free and confidential helpline on 020 3117 2520.

### **5.2 How to raise a concern**

You may raise your concern by telephone, in person or in writing. The earlier you express your concern, the easier it is to take action. You will need to provide the following information:

- the nature of your concern and why you believe it to be true
- the background and history of the concern (giving relevant dates)

Although you are not expected to prove beyond doubt the truth of your suspicion, you will need to demonstrate to the person contacted that you have a genuine concern relating to suspected wrongdoing or malpractice within the Diocese and there are reasonable grounds for your concern.

You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.

You may invite your trade union, professional association representative, a friend or relative to be present for support during any meetings or interviews in connection with the concerns you have raised.

### **6.0 What the Diocese will do**

The Diocese will respond to your concerns as quickly as possible. Please be reminded that testing your concerns is not the same as either accepting or rejecting them.

The overriding principle for the Diocese will be the public interest. In order to be fair to all employees, including those who may be wrongly or mistakenly accused, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take.

The investigation may need to be carried out under terms of strict confidentiality, i.e., by not informing the subject of the complaint until (or if) it becomes necessary to do so. In certain cases, however, such as allegations of ill treatment of others, suspension from work may have to be considered immediately. Protection of others is paramount in all cases.

Where appropriate, the matters raised may:

- be investigated by management, internal audit, or through the disciplinary/grievance process
- be referred to the police
- be referred to the external auditor
- be referred and put through established child protection/abuse procedures
- form the subject of an independent inquiry

Within ten working days of a concern being raised, the person investigating your concern will write to you:

- acknowledging that the concern has been received
- indicating how the Diocese proposes to deal with the matter
- supplying you with information on staff support mechanisms
- telling you whether further investigations will take place and if not, why not.

The amount of contact between you and the officer/s considering the issues will depend on the nature of the matters raised, the potential difficulties involved and the clarity of your information. It is likely that you will be interviewed to ensure that your disclosure is fully understood.

Any meeting can be arranged away from your workplace, if you wish, and a union or professional association representative, friend or relative may accompany you in support.

The Diocese will do what it can to minimise any difficulties that you may experience as a result of raising a concern. For instance, if you are asked to give evidence in criminal or disciplinary proceedings, the Diocese will arrange for you to receive appropriate advice and support.

You need to be assured that your disclosure has been properly addressed. Unless there are any legal reasons why this cannot be done, you will be kept informed of the progress and outcome of any investigation.

### **7.0 How the Matter can be Taken Further**

This Policy is intended to provide you with an avenue within the Diocese to raise concerns. The Diocese hopes you will be satisfied with any action taken. If you are not, and you feel it is right to take the matter outside the Diocese, the following are the Diocese's prescribed contacts:

- the External Auditor of the Diocese
- your solicitor or legal advisor
- your trade union
- the police
- other relevant bodies prescribed by legislation – the Head of HR will be able to advise you who you can contact

If you raise concerns **outside** the Diocese, you should ensure that it is to one of these prescribed contacts. A public disclosure to anyone else could take you outside the protection of the Public Interest Disclosure Act and of this Policy.

You should not disclose information that is confidential to the Diocese or to anyone else, except to those included in the list of prescribed contacts.

This Policy **does not** prevent you from taking your own legal advice.