



# Buckfast Abbey

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### Whistleblowing Policy

**Whistleblowing is a term used to refer to the internal or external disclosure of malpractice as well as illegal acts, or omissions, at work.** In some organisations this is called Freedom to Speak Up – encouraging confidence to speaking up about concerns and issues staff and volunteers may have.

#### 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
- to be supportive of employees, office holders and Volunteers.

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

In line with these commitments, employees, office holders, volunteers and others who have concerns, are encouraged to come forward and voice their 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 any individual to feel confident in raising 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 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.

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 individual 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 anyone makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against that person. 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 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**

Any whistle blowing concern must be raised as soon as possible. Early reporting can make it easier to act and resolve any problems.

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

Any 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?**

Generally, concerns must 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 that person may be involved in the alleged wrongdoing, malpractice, illegal acts or omissions in some way, the concern must 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 must 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 must be referred to the Congregation Leader. If the concerns relate to delivery of safeguarding services, the Chair of the Safeguarding Commission must be notified.

Concerns relating to the Chair of the Safeguarding Commission must be referred to the Congregation Leader.

Concerns relating to Clergy and Religious who are in safeguarding roles must be referred to Safeguarding Coordinator who will advise the Commission Chair and the Congregation Leader. For employees, the HR department will be informed by the Congregation Leader.

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

If anyone is 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 must seek advice from CSAS

### **Response to Concerns Raised**

The action taken by the Religious Congregation will depend upon the nature of the 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 anyone raising a concern is required to give evidence in criminal or disciplinary proceedings, they should consult with their employer in relation to advice about procedure and support arrangements.

The Religious Congregation accepts that anyone raising a concern needs to be assured that the matter has been properly addressed. Thus, subject to legal constraints, they will inform that person of the outcome of any investigation.