



Whistleblowing Policy

"For everything there is a season, and a time for every matter under heaven... a time to keep silence, and a time to speak..."

Ecclesiastes 3: 1, 7b

Issued by:

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INTRODUCTION

The Catholic Diocese of Portsmouth is a Charitable Incorporated Organisation which operates across three legal jurisdictions, England, Jersey, and the Bailiwick of Guernsey. As such, it must adhere to the law of each jurisdiction and is overseen by the Charity Commission for England and Wales, the Jersey Charity Commission, and the Guernsey Registry.

The purpose of this policy is to outline actions to be taken by the Diocese in relation to whistleblowing concerns, raised by clergy, employees, volunteers, ex-employees, independent self-employed contractors, or job applicants. These concerns cover suspected misconduct, illegal acts, or failures to act within the Diocese which affect others and are in the public interest to report.

The policy provides clergy, employees, volunteers and other officeholders with guidance on how to raise a whistleblowing concern. It is intended to encourage and enable anyone with a serious concern, to raise the concerns without fear of victimisation, subsequent discrimination, or disadvantage.

If an individual has genuine concerns related to suspected wrongdoing or danger affecting anyone involved in the Diocese's activities this should be reported under this policy.

1. WHISTLEBLOWING POLICY STATEMENT

- 1.1. In fulfilling its mission of *bringing people closer to Jesus Christ through his Church*, the Catholic Diocese of Portsmouth upholds high standards of professional and personal conduct.
- 1.2. The Diocese respects the intrinsic dignity of every person and creates relationships of mutual respect with all people regardless of race, gender, religion, sexual orientation, age, ability or beliefs. The Diocese also commits to be a good steward of the resources entrusted to it, including environmental resources, and to be transparent, and accountable for its work.
- 1.3. The Diocese recognises that sometimes its values, and requirements on conduct for clergy, employees, volunteers and other officeholders, may not be upheld to the high standards expected. People who work within the Diocese are often the first to realise that something is wrong within the Church.
- 1.4. If this is the case, Diocese wants to be informed and will, where possible, take action to put things right, and improve the quality and effectiveness of its mission. The Diocese is committed to ensuring the accessibility of its Whistleblowing Policy across the breadth of its work.
- 1.5. The Diocese recognises that individuals may be reluctant to express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Church, or if they fear harassment or victimisation. It may feel easier to ignore the concern rather than report any suspicions of malpractice but all who have serious concerns are encouraged to come forward and will be supported.
- 1.6. The Diocese welcomes concerns being raised by its clergy employees, volunteers and other officeholders. The Diocese also welcomes concerns being

raised on behalf of another person if they have been asked to do for reasons such as a fear of repercussions, safety concerns or language barriers.

- 1.7. The Diocese, its trustees, clergy, employees and volunteers are committed to:
 - 1.7.1. Conducting themselves ethically, with honesty and integrity.
 - 1.7.2. The highest possible standards of openness, probity and accountability
 - 1.7.3. Good practice and high standards regardless of their role.
 - 1.7.4. Being supportive of each other.

2. WHISTLEBLOWING POLICY – SCOPE, AIMS AND LEGAL PROVISIONS

- 2.1. Whistleblowing (also known as ‘blowing the whistle’) is a term used to refer to the disclosure or reporting of concerns covering suspected misconduct, illegal acts, or failure to act at work which affect others and are in the public interest.

Scope

- 2.2. The Whistleblowing Policy helps clergy, employees, volunteers and other officeholders (‘whistleblowers’) to raise with confidence any serious concerns, including safeguarding issues, they may have about trustees, employees, volunteers or members of the clergy, or with how the Diocese operates, without having to worry about being victimised, discriminated against or disadvantaged in any way as a result.
- 2.3. The policy is intended to encourage and enable individuals to raise serious concerns within the Diocese rather than ignoring a problem or ‘blowing a whistle’ outside and in other settings.
- 2.4. Anonymous concerns will always be considered but are not encouraged as it may not be possible to fully investigate or resolve matters where they cannot be dealt with openly. If a whistleblower does not disclose their identity, the Diocese may be unable to protect them should someone guess their identity. The Diocese will also be unable to provide any feedback on the matter raised.
- 2.5. The Whistleblowing Policy does not apply to any grievance that an employee or volunteer may have about their own employment or office, or engagement as volunteer. In these cases, the individual should raise the concern in line with the statutory procedures set out in the Diocese’s People Policies (such as grievance, disciplinary, harassment or bullying) or procedures contained in the Volunteer Policy.

Aims

- 2.6. The Whistleblowing Policy aims to:
 - 2.6.1. Encourage clergy, employees, volunteers and other officeholders to feel confident in raising serious concerns and to question and act upon concerns about practice in the Diocese.
 - 2.6.2. Provide an effective way for concerns to be raised.
 - 2.6.3. Ensure that feedback is received by the person raising serious concerns, on any action undertaken because of the concerns being raised.

2.6.4. Provide reassurance about protection from possible reprisals or victimisation if concerns are raised in good faith and even if they turn out to be mistaken.

Legal provisions protecting individuals using the policy

- 2.7. The Public Interest Disclosure Act 1998 (known as the 'Whistleblowers Act') protects employees, workers, and post-holders against any detrimental treatment or dismissal if, in the interest of the public, they disclose to the Diocese matters concerning the conduct of the Church that would normally be regarded as confidential.
- 2.8. 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.
- 2.9. Public interest concerns, also known as 'protected disclosures', can cover serious or sensitive issues about wrongdoings such as:
 - 2.9.1. A criminal offence
 - 2.9.2. A safeguarding issue
 - 2.9.3. A miscarriage of justice
 - 2.9.4. A failure to comply with any legal, professional or regulatory obligation
 - 2.9.5. An act creating risk to health and safety
 - 2.9.6. An act causing damage to the environment
 - 2.9.7. Bribery, corruption, and financial fraud
 - 2.9.8. Unauthorised use and/or misuse of the Diocese's finances and other resources
 - 2.9.9. Unauthorised disclosure of confidential information
 - 2.9.10. Conduct likely to damage the reputation of the Catholic Church
 - 2.9.11. Deliberate concealment of any of the above matters
- 2.10. It is not necessary for the whistleblower who raised the concern(s) to have proof that wrongdoing is being, has been or is likely to be committed. However, the individual raising the concern must have reasonable belief that that at least one of the categories of concern listed in 2.9 above has occurred or is likely to occur, and the concern must be raised in the correct way, as set out in section 3 of this policy.
- 2.11. If an allegation is made in good faith but is not confirmed by the investigation, then no action will be taken against the whistleblower. However, if a whistleblower knowingly or maliciously makes an untrue allegation (for example, for personal gain or to cause disruption), the Diocese reserves the right to take appropriate action in line with its relevant policies and procedures.
- 2.12. Whistleblowers should note that they will not be protected from the consequences of making a disclosure if, by doing so, they commit a criminal offence.

3. RAISING A WHISTLEBLOWING CONCERN

3.1. Whistleblowing concerns should be raised as soon as possible. Early reporting can make it easier to act and resolve any problems.

How to raise a concern

3.2. Whistleblowing concerns can be made in writing or verbally. A written account is preferable as it can make managing the process more efficient and effective.

3.3. The whistleblower's account should include:

3.3.1. Any background, history or context of their concern(s).

3.3.2. Dates, times, names, and places, where possible.

3.3.3. A description of the concern(s) and why the situation caused concern.

3.4. Whistleblowers may wish to consider discussing their concern with a colleague first and/or seek assistance from a colleague in preparing their submission.

3.5. The colleague may, if the whistleblower desires, raise the concern on their behalf. Whistleblowers may find it easier to raise their concern if there is more than one individual who have had the same experience or concerns.

3.6. When raising a concern, it must be stated that the concern is being raised using the Whistleblowing Policy, and if the identity of the person raising the concern is to be kept confidential.

3.7. 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.

Where and with whom the concerns should be raised

3.8. Whom a whistleblower informs will depend on who the concern is about and the nature and seriousness of the concern.

3.9. The Diocese encourages whistleblowers to raise their concern internally in the first instance as it enables the Diocese to address the issue and where possible, to correct, clarify or explain their actions and behaviour and, where necessary to take further action.

3.10. In many cases whistleblowers will be able to raise any concerns with their line manager, volunteer supervisor, or the person to whom they are accountable.

3.11. If this is not appropriate, or if the whistleblower feels that this person is not able to address the concern, or prefers not to raise it with them for any reason, the Diocese has identified a number of postholders to whom the whistleblower should address their concern

Safeguarding

3.12. If the matter relates to a child or vulnerable adult who is at risk of harm, the whistleblower should contact the Safeguarding Team and follow the procedure for making a referral as set out in the Diocese's Safeguarding Policies.

- 3.13. Concerns relating to a Parish Safeguarding Minister or member of the safeguarding team should be referred in the first instance to the Head of Safeguarding.
- 3.14. Concerns relating to the conduct of the Head of Safeguarding, or a member of the Safeguarding Committee should be referred to the Bishop. If the concerns relate to delivery of safeguarding services, the Chair of the Safeguarding Committee should be notified.
- 3.15. Concerns relating to the Chair of the Safeguarding Committee should be referred to the Bishop.
- 3.16. Concerns relating to clergy and religious who are in safeguarding roles should be referred to the Head of Safeguarding who will advise the Chair of the Safeguarding Committee and the Bishop.
- 3.17. Concerns relating to employees should be referred to the Head of HR.
- 3.18. Anyone who is unsure who to contact, either due to not knowing who fills the above-named roles, or due to the seriousness or sensitivity of the issue, or the identity of the individual who is suspected of malpractice, should seek advice from Catholic Safeguarding Standards Agency (CSSA).

Bribery, corruption and financial fraud

- 3.19. If the matter falls within the scope of the Diocese's Anti-Financial Crime Policy, the whistleblower should report their concern to the Director of Finance.
- 3.20. Concerns regarding the Director of Finance should be referred to the Chief Operating Officer.
- 3.21. Concerns regarding the Chief Operating Officer should be referred to the Moderator of the Curia.

All other concerns

- 3.22. Whistleblowers should report any other concerns to the Chief Operating Officer.
- 3.23. Concerns regarding the Chief Operating Officer should be referred to the Moderator of the Curia.

Other considerations when raising a whistleblowing concern

- 3.24. The Diocese encourages potential whistleblowers to report concerns internally and to seek advice before reporting concerns externally.
- 3.25. The law recognises that in some circumstances, it may be appropriate for concerns to be reported to an independent body such as regulator.
- 3.26. Whistleblowing concerns can be referred to the Charity Commission at any stage. However, the Charity Commission requires whistleblowing issues to be made to the Diocese in the first instance, unless there is a reason why this could not be done. Further information about the role of the Charity Commission can be accessed from their website www.gov.uk/government/organisations/charity-commission

- 3.27. If a potential whistleblower is unsure whether to use this policy or they want independent advice at any stage, they can contact Protect, an independent charity that specialises in supporting individuals with concerns. Protect can be contacted via their website www.protect-advice.org.uk or their free and confidential helpline on 020 3117 2520.
- 3.28. Disclosures made to a legal adviser while obtaining legal advice will be protected under the Public Interest Disclosure Act 1998.
- 3.29. If the whistleblower reasonably believes that the matter relates wholly or mainly to the conduct of a person or body other than the Diocese or any other matter for which a person or a body other than the Diocese has legal responsibility, the disclosure should be made to that other person or body.
- 3.30. It will never be appropriate to alert the media as this could be deemed serious or gross misconduct, which would be dealt with under the Diocese's disciplinary procedures. It is unlikely that whistleblowers will be protected Public Interest Disclosure Act 1998 in these circumstances.

4. CONFIDENTIALITY AND PROTECTING INDIVIDUALS RAISING CONCERNS

- 4.1. The Diocese expects that individuals will feel able to voice whistleblowing concerns openly under this policy.
- 4.2. This policy takes account of the Public Interest Disclosure Act 1998, which protects individuals making disclosures about certain matters of concern, when these are made in accordance with the Act's provisions and in the public interest.
- 4.3. The Diocese will take appropriate action to protect whistleblowers from any harassment, victimisation and bullying.
- 4.4. Whistleblowers who raise a genuine concern under this policy will not be at risk of losing their post, job or be asked to leave their voluntary role, nor will it influence any unrelated disciplinary action or redundancy procedures (employees only).
- 4.5. All whistleblowing concerns will be treated confidentially, and the whistleblower's name or position will not be revealed without their permission unless the Diocese must do so by law (for example, when requested by the police or if evidence is needed in court).
- 4.6. If in other circumstances the concern(s) cannot be resolved without revealing the whistleblower's identity, the Diocese's investigating officer will discuss this with them and how to proceed.
- 4.7. If the whistleblower agrees for their identity to be disclosed this agreement will be confirmed with them in writing by the Diocese's investigating officer.
- 4.8. The Diocese will support whistleblowers throughout the process by taking their concerns seriously and will do all it can to help them through the investigation, with a nominated senior manager.

- 4.9. Support is also available from Protect, the UK's whistleblowing charity. Protect has a free, confidential advice line that supports whistleblowers with malpractice, risk or wrongdoing in the workplace. Protect can be contacted via their website www.protect-advice.org.uk or their free and confidential helpline on 020 3117 2520.
- 4.10. Anonymous disclosures will be considered but are discouraged because proper investigation may be more difficult or impossible if the Diocese cannot obtain further information from the employee. It is also more difficult to establish whether any allegations are credible and have been made in good faith.
- 4.11. Rarely, a case might arise where an individual has participated in the action causing concern. In such a case, it is in their interest to make a disclosure as soon as possible. The Diocese cannot promise not to act against the individual concerned but the fact that they came forward may be taken into account.
- 4.12. There may be occasions when the allegations being considered are of a sufficiently serious nature to warrant the suspension of an employee, member of the clergy, volunteer or other officeholder.
- 4.13. Where appropriate, the Diocese may also consider the re-deployment of a whistleblower or of an employee, member of the clergy, volunteer, or other officeholder for the period of an investigation.

5. INVESTIGATING THE CONCERNS RAISED

- 5.1. How the whistleblowing concerns are dealt with depends on what is involved. Once a whistleblower has raised a concern, the Diocese will carry out an initial assessment to determine the scope of any investigation and if any further enquiries are required.
- 5.2. 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.

Type of investigation or referral

- 5.3. Where appropriate, the concern raised may be:
 - 5.3.1. Investigated by a member of the Diocesan Management Team or through the disciplinary and grievance process
 - 5.3.2. Be referred to the Diocese's established procedures for the safeguarding of children and adults at risk of harm.
 - 5.3.3. Be referred to an external auditor.
 - 5.3.4. Be referred to an independent investigator or inquiry.
 - 5.3.5. Be referred to the police.

Written confirmation of process

- 5.4. As soon as possible and no later than ten working days from the receipt of the concern, the Diocese's designated investigating officer or other appropriate person will write to the whistleblower:
 - 5.4.1. Acknowledging that the concern has been received.

- 5.4.2. Confirming how the Diocese proposes to deal with the matter.
- 5.4.3. Supplying information on support mechanisms in place for the whistleblower.
- 5.4.4. Confirm that an investigation will take place and, if not, the reasons for not doing so.

Informing relevant officeholders

- 5.5. If the concern relates to a Trustee, the Chair of Trustees will be informed.
- 5.6. If the concern relates to a member of the clergy, the Vicar for Clergy will be informed.
- 5.7. If the concern relates to the Chief Operating Officer, the Bishop and the Moderator of the Curia will be informed.
- 5.8. If the concern relates to a potential safeguarding issue it will be forwarded to the Head of Safeguarding.

Communication during the investigation

- 5.9. The level of communication between the whistleblower and investigating officer will depend on the nature of the matters raised, any potential complexities involved, and the clarity of information provided.
- 5.10. If a meeting is needed to understand more fully the concern and disclosures made by the whistleblower, this may be arranged away from their normal workplace, if they wish. A union or professional association representative, friend or relative may be also present in support.
- 5.11. The Diocese will do what it can to minimise any difficulties that whistleblowers may experience as a result of raising a concern. For instance, if an individual is asked to give evidence in criminal or disciplinary proceedings.
- 5.12. The Diocese will keep the whistleblower informed on the progress of any investigation and its likely timescale. There can be no prescribed time limits for the completion of the investigative process, but it is in the interests of all concerned if the issue is resolved without delay.
- 5.13. If the whistleblower has any concerns about the way in which the investigation is being handled, then they should raise this with the designated investigating officer in the first instance.
- 5.14. If the concern remains unresolved then the whistleblower may contact the Chair of the Safeguarding Committee (regarding safeguarding concerns) or the Moderator of the Curia (regarding all other concerns). A decision will be made as to whether the investigation should be suspended until such time as any matters are resolved or if they should be continued.

Communication of the investigation outcome

- 5.15. The Diocese will provide the whistleblower with feedback on the outcome of the investigation, wherever possible, subject to third party rights and legal constraints. This will include details on their right to lodge an appeal and where an appeal should be lodged.

- 5.16. In some cases, the need for confidentiality may prevent the Diocese giving specific details of the investigation or any disciplinary action taken as a result. Whistleblowers should treat any information about the investigation as confidential.
- 5.17. If the concern is not proven by an investigation, then the matter will be closed. Whistleblowers will not be treated or regarded differently for raising the concern, and their confidentiality will continue to be protected.
- 5.18. If the concern is proven, the designated investigating officer may refer the matter on for further action under the relevant Diocesan policy or procedure.
- 5.19. If the Diocese concludes that a whistleblower has made false allegations maliciously, in bad faith or with a view to personal gain, they may be subject to disciplinary action.

6. APPEAL PROCESS

- 6.1. The whistleblower has ten working days from notification of the outcome in which to lodge an appeal.
- 6.2. The appeal should be lodged with the designated individual or officer, as specified in the notification sent to the whistleblower.
- 6.3. In lodging an appeal, the whistleblower should provide the reason(s) why they consider the outcome to be unsatisfactory.
- 6.4. There are two stages of the appeal process, if required.

Stage 1 Appeal

- 6.5. The case will be reviewed by two trustees, nominated by the Chief Operating Officer, at least one of whom shall be a lay trustee.
- 6.6. If the concern relates to the Chief Operating Officer, the Moderator of the Curia will nominate the two trustees to review the case.
- 6.7. The whistleblower will be informed of the outcome of the appeal within 30 days wherever possible.
- 6.8. If it is not possible to respond within this time the whistleblower will be informed as to the reasons why and given a revised time for Stage 1 of the appeal process to be completed.
- 6.9. If the whistleblower remains dissatisfied with the outcome of Stage 1, they have ten days from the date of notification of the outcome from Stage 1 in which to lodge an appeal, stating the reasons why they consider the outcome to be unsatisfactory.

Stage 2 Appeal

- 6.10. If the whistleblower remains dissatisfied with the outcome of Stage 1, the case will be referred to two other trustees who have had no previous involvement for a final review. At least one of the trustees shall be a lay trustee.
- 6.11. The whistleblower will be informed of the outcome of the Stage 2 appeal within 30 days wherever possible.

- 6.12. If it is not possible to respond within this time the whistleblower will be informed as to the reasons why and given a revised time for Stage 2 of the appeal process to be completed.
- 6.13. There are no further internal stages after Stage 2.
- 6.14. If the whistleblower remains concerned, they can raise their concern with the Charity Commission, as outlined in section 3.26 of this policy.
- 6.15. Further information about the role of the Charity Commission can be accessed from their website www.gov.uk/government/organisations/charity-commission

7. RECORD KEEPING AND RETENTION OF INVESTIGATION REPORTS

- 7.1. Individuals will be provided with a copy of the notes made from any meetings in which they participate as part of the investigation of the whistleblowing concern. Where there is a dispute regarding their accuracy, which cannot be resolved, both the original notes and the amended version will be retained on file.
- 7.2. The individual will be provided with a copy of the investigation report. In some circumstances it may be appropriate to redact or withhold some information from the individual, for example to protect a witness.
- 7.3. Employees, line managers and representatives must ensure confidentiality throughout the investigation process and thereafter when the resolution has been reached. Failure to do this could result in disciplinary action being taken against the person responsible for the information breach.
- 7.4. A record of the concern, the investigation and the outcome will be retained in accordance with the Diocese's Data Protection and GDPR Policy for a period of one year from the date of closure.

8. LEARNING FROM CONCERNS

- 8.1. The focus of investigations will be on improving business conduct within the Diocese. Where it identifies improvements that can be made, the Diocese will track them to ensure necessary changes are made and are working effectively. Lessons will be shared with teams across the organisation, or more widely, as appropriate.

9. QUERIES

- 9.1. Queries and questions regarding the application of this policy should in the first instance be directed to the Chief Operating Officer.

TERMINOLOGY

Chief Operating Officer (COO)	The COO has overall responsibility for the administrative and financial operations of the Diocese. As Oeconomus, s/he is responsible for administering the temporal goods of the Diocese on behalf of the Bishop.
Diocese	The Catholic Diocese of Portsmouth, registered charity number 1199568 (England), 457 (Jersey), CH236 (Guernsey), and any of its trading subsidiaries or any special trusts of which it is trustee.
Line Manager	Any person with line management responsibilities, this may be a co-ordinating pastor, parish priest or employee.
Moderator of the Curia	An administrative position held by a senior Diocesan priest, often a Vicar General. The Moderator coordinates the administrative duties and oversees the office holders in the Diocesan Curia.
Third-Party	Any individual or organisation you come into contact with during the course of your work (whether paid or volunteer) with us. It may include actual and potential suppliers, parishioners, clients, business contracts, agents, advisers, donors, and government and public bodies, including their advisors, representatives, politicians, and political parties.
Trustee Board or Board of Trustees	Trustees of the Catholic Diocese of Portsmouth, registered charity number 1199568 (England), 457 (Jersey), CH263 (Guernsey).
Vicar for Clergy	An administrative position held by a senior Diocesan priest, often a Vicar General. The Vicar for Clergy oversees all matters relating to clergy.