



Diocese of Clonfert

Safeguarding Children/Young People

Whistleblowing Policy and Procedures

Introduction

The Diocese of Clonfert has written this policy and guidance for all staff and volunteers working with children and young people within the parishes of the diocese.

This guidance relates to concerns about malpractice in child safeguarding.

All staff and volunteers ministering or volunteering within the Diocese of Clonfert have an individual responsibility to bring matters of concern to the attention of their Designated Liaison Person/Statutory Authorities. This is particularly important where the welfare of children may be at risk.

You may be the first to recognise that something is wrong, but you may not feel able to express your concerns out of a feeling that this would be disloyal to colleagues, or you may fear harassment or victimisation. These feelings, however natural, must never result in a child or young person continuing to be unnecessarily at risk. Children need an advocate to safeguard their welfare.

‘Don’t think, ‘what if I’m wrong?’ Think, ‘what if I’m right!’

AIM OF THIS POLICY

The aim of this policy is to:

- Encourage all staff and volunteers to feel confident in raising serious concerns
- Provide avenues to raise those concerns and receive feedback on any action taken
- Ensure the person who raised a concern receives a satisfactory response

- Reassurance that anyone who raises a concern will be protected from possible reprisals or victimisation if they have a reasonable belief the disclosure made was in good faith.

What is whistleblowing?

Whistleblowing can be defined as *'raising concerns about wrong-doing or misconduct within an organisation or within an independent structure associated with it'*. It differs from raising concerns about allegations of abuse.

The concern could relate to:

- a breach of the Church Body's child safeguarding procedures
- practice which falls below the standards set out in "Safeguarding Children, Policy and Standards for the Catholic Church in Ireland 2016" a breach of the law
- failure to comply with legal obligations
- a possible miscarriage of justice
- a Health & Safety risk
- misuse of public money
- corruption or unethical conduct
- deliberate concealment of any of these matters

Those in ministry within the Diocese of Clonfert have certain common law confidentiality obligations. However, in a limited set of circumstances, whistleblowing may override these obligations if a person has information, which they believe will not be addressed properly within the Church.

This guidance sets out the circumstances under which these disclosures may lawfully be made.

Legislation underpinning whistleblowing

There is legislation in both jurisdictions related to whistleblowing; and this applies to clerics, religious, and employees of Church bodies, as well as to agency workers in certain circumstances; to contractors and consultants engaged on contract by the Church body; and to trainees, temporary workers and those on work experience with the Church body. It does not apply to volunteers.

Republic of Ireland

In the Republic of Ireland the legislation is called the Protected Disclosures Act 2014, a guide to which can be accessed electronically at www.raiseaconcern.com/legislation

The Protected Disclosures Act 2014 aims to protect people who raise concerns about possible wrongdoing in the workplace. The Act, which came into effect on 15 July 2014, is often called the whistleblower legislation. It provides for redress for employees who are dismissed or otherwise penalised for having reported possible wrongdoing in the workplace.

Under the Act, a protected disclosure is made by church personnel who disclose relevant information in a particular way. Information is relevant if it came to the Church personnel's attention in connection with their ministry or employment and they reasonably believe that it tends to show wrongdoing.

Wrongdoing is widely defined in the Act and includes bullet points above:

- Commission of criminal offences
- Failure to comply with legal obligations
- Endangering the health and safety of individuals
- Damaging the environment
- Miscarriage of justice, misuse of public funds Oppressive, discriminatory, grossly negligent or grossly mismanaged acts or omissions by a public body
- Concealment or destruction of information about any of the above wrongdoing

REASONS FOR WHISTLEBLOWING:

There are good reasons for speaking out about concerns that come to your attention:

- Each individual has a responsibility for raising concerns about unacceptable practice or behaviour.
- To prevent the problem worsening or widening;
- To protect or reduce risks to others;
- To prevent becoming implicated yourself.

WHAT STOPS PEOPLE FROM WHISTLEBLOWING:

It is recognised that people can have genuine fears and misgivings about raising any concerns.

These can be:

- Fear of starting a chain of events which spirals out of control;
- Disrupting the work;

- Fear of getting it wrong;
- Fear of repercussions or damaging careers;
- Fear of not being believed.

It is important however not to ignore the concerns you have. If it helps, you are encouraged to seek help and support from a colleague.

Raising a concern of malpractice (In law this is called a disclosure)

For Church personnel and employees raising a concern/disclosure of malpractice, to be protected by the law, the concern/disclosure must be made to the right person and in the right way. If someone makes a qualifying disclosure in good faith to a Church Authority, or through Church procedures which the Church Authority has authorised, the law protects that person.

It is important to:

- Voice any concerns, suspicions or uneasiness as soon as possible. The earlier concern is expressed the sooner and easier action can be taken;
- Try to pinpoint exactly what practice is concerning and why;
- Approach your immediate superior/supervisor/manager;
- If your concern is about your immediate superior/supervisor/manager, please contact your DLP, the statutory services or the National Board for Safeguarding Children in the Catholic Church in Ireland.
- Confirm your concerns with factual information (dates, times details, history, giving names, dates, locations and any other relevant information) in writing;
- You are not expected to prove the truth of your disclosure, but you need to demonstrate sufficient grounds for concern.
- Seek a satisfactory response in writing; do not let matters rest, if you do not receive a response within a reasonable timeframe, write again seeking a written response. A failure to respond should be included in any further disclosure to the statutory authorities or the National Board for Safeguarding Children in the Catholic Church in Ireland.
- Follow up if the person to whom you reported has not responded within a reasonable period of time, and if that follow up is not acted upon, report the matter to the relevant statutory authorities.

Required response by relevant Church authority

- The Church person to whom the disclosure is made should acknowledge receipt in writing within 7 days of receiving it.
- Relevant information on the nature and progress of any enquiries resulting from the concern may be shared with the person who made the disclosure. It is acknowledged that confidential sensitive data cannot be shared so the response should include general information about internal inquiries and statutory

referrals made.

- The Church person to whom the disclosure is made should keep detailed notes of the disclosure, action taken, who was consulted and the outcome of the inquiries.

Protection of whistleblower

- Anyone who raises a concern through these whistleblowing procedures in good faith must be protected from harassment or victimisation.
- Whilst reporting may remain confidential, in most instances this cannot be guaranteed. Everyone has the right to know who makes a complaint against them. This should not deter one from raising the concern, but is a reminder of the importance of providing evidence to support the concern.
- No action will be taken against the whistleblower if the concern proves to be unfounded and was raised in good faith.
- However if the disclosure is made through malicious intent, and there is evidence to support this, this will be considered a disciplinary offence.

Self-reporting

There may be occasions when a member of staff or a volunteer has a personal difficulty, perhaps a physical or mental health problem, which they know to be impinging on their professional competence. Diocesan staff and volunteers have a responsibility to discuss such a situation with their superior/manager so that professional and personal support can be offered to the member concerned.

Disclosure to an external person, other than statutory bodies, government officials or the National Board for Safeguarding Children in the Catholic Church in Ireland.

A disclosure made to an external person, for example, a journalist, may be a protected disclosure if it meets a number of conditions:

- You must reasonably believe that the information disclosed, and any allegation contained in it, are substantially true
- You must not make the disclosure for personal gain
- The making of the disclosure in public is in all the circumstances, reasonable

At least one of these conditions must be met:

1. At the time you make the disclosure you must reasonably believe that you

will be penalised if you make the disclosure to the Church authority, statutory personnel or a government minister, or National Board.

2. Where you reasonably believe that it is likely that the evidence will be concealed or destroyed if you make the disclosure directly to the Church Authority, statutory body or National Board
3. You have previously made a disclosure of substantially the same information to the Church Authority, statutory personnel, government minister or National Board.
4. The wrongdoing is of an exceptionally serious nature. The assessment of what is reasonable takes account of, among other things; the person the disclosure is made to, the seriousness of the wrongdoing, and whether any action was taken in cases where a previous disclosure was made.

FURTHER ADVICE AND SUPPORT:

It is recognised that whistle blowing can be difficult and stressful. Advice and support is available from the Safeguarding Office by contacting;

Ms Mary Gormley DLP – 086-2882500

Fr Cíaran Kitching Deputy DLP – 090-9676151

The NBSCCCI – National Board for Safeguarding Children in the Catholic Church in Ireland at: www.safeguarding.ie

Alternatively, you may contact your local Tusla / H.S.E. department or An Garda Síochána.

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