

Diocese of Elphin – HR Policy Handbook

Document Name: Whistleblowing Policy
Document No: 10.1.7 (original)
Effective Date: 15th February 2019
Written By: Frank Mitchell, HR Advisor
Approved By: +Kevin Doran, Bishop of Elphin



Operating under the patronage of Our Lady of the Immaculate Conception, the Diocese of Elphin aims to provide staff members with a safe, caring and supportive Christian environment in which to carry out their work. Work objectives are to be advanced with due regard to the needs and dignity of each staff member and with due regard for the individuals and communities the diocese serves.

This document outlines the Diocesan policy on Whistleblowing. It is applicable to parishes, offices, agencies and any entity operating under the governance of the Diocese of Elphin (hereafter referred to as "the employer"). Line Managers (Bishop, Priests, Deacons, Religious, Lay Personnel who supervise staff members) are responsible for communicating this policy and having it signed off by their staff member(s).

Background

The Protected Disclosures Act 2014 offers legal protections for staff members who raise legitimate concerns about specified matters. These are called "protected disclosures". A protected disclosure involves the disclosure of information which a staff member reasonably believes demonstrates a suspected wrongdoing or dangers at work. Disclosures which are protected may include one made by an individual who has a 'reasonable belief' demonstrates:

- committing of an offence;
- a miscarriage of justice;
- an act creating risk to the health and safety of an individual;
- an act causing damage to the environment;
- a failure to comply with a legal obligation;
- unlawful or improper use of funds and/or resources of a public body, or of other public money;
- an act or omission of a public body is oppressive, discriminatory, grossly negligent or constitutes gross mismanagement; or
- the deliberate concealment of any of the above;
- is being, has been, or is likely to be, committed.

What is Whistleblowing?

Whistleblowing occurs when a staff member raises a concern or discloses information which relates to wrongdoing, illegal practices or unethical conduct which has come to his/her attention through work.

Our whistle-blowing policy is intended to encourage and enable staff members to raise concerns within our workplace rather than overlooking a problem or "blowing the whistle" externally. Under this policy a staff member is entitled to raise concerns or disclose information without fear of penalisation or threat of less favourable treatment, discrimination or disadvantage.

Our Commitment

"The employer" is committed to maintaining an open culture with the highest standards of honesty and accountability where all staff members can report any concerns in confidence.

Who does the policy apply to?

This policy applies to all staff members, contractors, part-time and temporary staff members and board members of organisations within the 'diocese'. Other individuals performing functions in relation to "the employer", such as agency staff members, interns and consultants, should endeavour to use this policy.

Diocese of Elphin – HR Policy Handbook

Document Name: Whistleblowing Policy
Document No: 10.1.7 (original)
Effective Date: 15th February 2019
Written By: Frank Mitchell, HR Advisor
Approved By: +Kevin Doran, Bishop of Elphin



It is important to note that if staff members have a concern in relation to their employment or personal circumstances in the workplace it should be dealt with by way of our Grievance Procedure (see 11.1.2, Grievance/Disputes Policy). Likewise concerns arising in regard to workplace relationships should generally be dealt with through our Dignity in the Workplace policy (see 5.1.1 Equal opportunities and dignity at work Policy and 5.1.2 Dignity at Work Charter).

It is also important to note that this policy does not replace any legal reporting or disclosure requirements. Where statutory reporting requirements and procedures exist these must be complied with fully.

Aims of the Policy

- To encourage you to feel confident and safe in raising concerns and disclosing information;
- To provide avenues for you to raise concerns in confidence and receive feedback on any action taken;
- To ensure that you receive a response where possible to your concerns and information disclosed;
- To reassure you that you will be protected from penalisation or any threat of penalisation.

What types of concerns can be raised?

A concern or disclosure should relate to a relevant wrongdoing such as possible fraud, crime, danger or failure to comply with any legal obligation which has come to your attention in connection with your employment/role and about which you have a reasonable belief of wrongdoing.

What types of concerns should not be raised under this Procedure?

A personal concern, for example a grievance around your own contract of employment would not be regarded as a whistleblowing concern and would be more appropriately processed through our Grievance Procedure.

Safeguards and Penalisation

A staff member who makes a disclosure and has a reasonable belief of wrongdoing will not be penalised, even if the concerns or disclosure turn out to be unfounded. Penalisation includes suspension/dismissal, disciplinary action, demotion, discrimination, threats or other unfavourable treatment arising from raising a concern or making a disclosure on the basis of reasonable belief for doing so. If you believe that you are being subjected to penalisation as a result of making a disclosure under this procedure, you should inform your manager/HR advisor immediately.

Staff members who penalise or retaliate against those who have raised concerns under this policy will be subject to disciplinary action. An instruction to cover up wrongdoing may itself be a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, staff members should not agree to remain silent. They should report the matter to the HR Advisor, the Diocesan Secretary, or the Bishop.

Staff members are not expected to prove the truth of an allegation. However they must have a reasonable belief that there are grounds for their concern. It should be noted that appropriate disciplinary action may be taken against any staff member who is found to have raised a concern or raised a disclosure with malicious intent.

Diocese of Elphin – HR Policy Handbook

Document Name: Whistleblowing Policy
Document No: 10.1.7 (original)
Effective Date: 15th February 2019
Written By: Frank Mitchell, HR Advisor
Approved By: +Kevin Doran, Bishop of Elphin



Confidentiality

"The employer" is committed to protecting the identity of the staff member raising a concern and ensures that relevant disclosures are treated in confidence. The focus will be on the wrongdoing rather than the person making the disclosure.

However, there are circumstances, as outlined in the Act, where confidentiality cannot be maintained particularly in a situation where the staff member is participating in an investigation into the matter being disclosed. Should such a situation arise, we will make every effort to inform the staff member that his/her identity may be disclosed.

Raising a Concern Anonymously

A concern may be raised anonymously. However on a practical level it may be difficult to investigate such a concern. We would encourage staff members to put their names to allegations, with our assurance of confidentiality where possible, in order to facilitate appropriate follow-up. This will make it easier for us to assess the disclosure and take appropriate action including an investigation if necessary.

Who should you raise your concern with?

As a first step, appropriate concerns should be raised with your immediate manager. However should you not wish to use this route, for example given the seriousness and sensitivity of the issues involved, you should approach HR Advisor, Diocesan Secretary or the Bishop.

How to raise a concern

Concerns may be raised verbally or in writing. Should you raise a concern verbally we will keep a written record of our conversation and provide you with a copy after our meeting. Should you raise a concern in writing we would ask you to give the background and history of the concern, giving relevant details, insofar as is possible, such as dates, sequence of events and description of circumstances. The earlier you express the concern the easier it will be for us to deal with the matter quickly.

Having raised your concern with us, we will arrange a meeting to discuss the matter with you on a strictly confidential basis. We will need to clarify at this point if the concern is appropriate to this procedure or is a matter more appropriate to our other procedures, for example our Grievance or Dignity in the Workplace procedures. You can choose whether or not you want to be accompanied by a colleague. In regard to confidentiality, it is important that there should be an awareness of respecting sensitive diocesan/parish information, which, while unrelated to the disclosure, may be disclosed in the course of a consultation or investigation process.

How we will deal with your disclosure

Having met with you in regard to your concern and clarified that the matter is in fact appropriate to this procedure, we will carry out an initial assessment to examine what actions we need to take to deal with the matter. This may involve simply clarifying certain matters, clearing up misunderstandings or resolving the matter by agreed action without the need for an investigation.

If, on foot of the initial assessment, we conclude that there are grounds for concern that cannot be dealt with at this point, we will conduct an investigation which will be carried out fairly and objectively. The form and scope of the investigation will depend on the subject matter of the disclosure.

Diocese of Elphin – HR Policy Handbook

Document Name: Whistleblowing Policy
Document No: 10.1.7 (original)
Effective Date: 15th February 2019
Written By: Frank Mitchell, HR Advisor
Approved By: +Kevin Doran, Bishop of Elphin



Disclosures may, in the light of the seriousness of the matters raised, be referred immediately to the appropriate authorities. Likewise if urgent action is required (for example to remove a health and safety hazard), this action will be taken.

It is important to us that you feel assured that a disclosure made by you under this policy is taken seriously and that you are kept informed of steps being taken by us in response your disclosure. In this regard we undertake to communicate with you as follows:

- We will acknowledge receipt of your disclosure and arrange to meet with you as outlined above;
- We will inform you of how we propose to investigate the matter and keep you informed of actions, where possible, in that regard including the outcome of any investigation, and, should it be the case, why no further investigation will take place. However it is important to note that sometimes the need for confidentiality and legal considerations may prevent us from giving you specific details of an investigation.
- We will inform you of the likely time scales in regard to each of the steps being taken but in any event we commit to dealing with the matter as quickly as practicable.

It is possible that in the course of an investigation you may be asked to clarify certain matters. To maximise confidentiality, such a meeting can take place off site and you can choose whether or not to be accompanied by a colleague.

Where a concern is raised or a disclosure is made in accordance with this policy, but the allegation is subsequently not upheld by an investigation, no action will be taken against the staff member making the disclosure and the staff member will be protected against any penalisation. It is important to note that if an unfounded allegation is found to have been with malicious intent, then disciplinary action may be taken.

How the matter can be taken further

The aim of this Policy is to provide an avenue within the workplace to deal with concerns or disclosures in regard to wrongdoing. We are confident that issues can be dealt with "in house" and we strongly encourage staff members to report such concerns internally.

We acknowledge that there may be circumstances where an employee wants to make a disclosure externally, and the legislation governing disclosures — The Protected Disclosures Act 2014 — provides for a number of avenues in this regard.

It is important to note however that while you need only have a reasonable belief as to wrong doing to make a disclosure internally, if you are considering an external disclosure, different and potentially more onerous obligations apply depending on to whom the disclosure is made.

Communication, Monitoring and Review

This policy will be communicated as appropriate and will be subject to regular monitoring and review. Feedback from staff members is welcomed.

Any expression of concern to management will be treated in confidence to the extent reasonably practicable.

For further information please contact:

HR Advisor, Elphin Diocesan Office, St. Mary's, Temple Street, Sligo F91 KTX2
 Email: hr@elphindiocese.ie
 Mobile: 087 240 4882