



## WHISTLEBLOWING POLICY

### 1. Policy Statement

1.1 In fulfilling its mission, The Birmingham Diocesan Trust ("BDT") upholds high standards of professional and personal conduct. BDT 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. BDT also commits to be a good steward of the resources entrusted to it, including environmental resources, and to be transparent in, and accountable for its work.

1.2 BDT's Staff Code of Conduct makes explicit commitments that the personal and professional conduct of anyone who carries out work for, or represents BDT, is, and is seen to be, of the highest standards. BDT recognises that sometimes its values, and requirements on conduct, may not be upheld to the standard expected. If this is the case, BDT wants to be informed and will, where possible, take action to try to put things right and improve its quality and effectiveness. BDT is committed to ensuring the accessibility of its Whistleblowing Procedures across the breadth of its work.

1.3 BDT welcomes concerns being raised from any individual, group of individuals, or organisations who want to make it aware of concerns about BDT's actions, those of its workforce (post-holders, paid employees, volunteers) or third-party contractors working on its behalf or activities of an organisation BDT works with, for example, partner organisations who implement its programmes. BDT also welcomes concerns being raised by individuals on behalf of another person if they have been asked to do so for reasons such as a fear of repercussions, safety concerns or language barriers.

1.4 BDT, its Trustees, employees, volunteers and clergy 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 their role; and
- Being supportive of each other.

1.5 This policy aims to help individuals ("whistle-blowers") 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 BDT operates, without having to worry about being victimised, discriminated against or disadvantaged in any way as a result.

## **2. Policy Scope**

2.1 This policy is written in the context of raising a concern of public interest.

2.2 The Public Interest Disclosure Act 1998 (known as the 'Whistle blowers Act') protects employees or members of the public against any detrimental treatment or dismissal if, in the interest of the public, they disclose to the BDT matters concerning the conduct of the BDT and its personnel that would normally be regarded as confidential.

2.3 This policy does not apply to any grievance that an employee or volunteer may have about his/her own employment/engagement for which the BDT has already established statutory procedures to enable them to seek redress.

2.4 Public interest concerns can cover serious or sensitive issues about wrongdoings such as:

- a criminal offence
- a safeguarding issue
- a failure to comply with any legal or regulatory obligation
- a miscarriage of justice
- health and safety risks
- damage to the environment (or its concealment)
- fraud or corruption; and
- unauthorised use/misuse of the Trust's finances or other resources

## **3. Application**

3.1 It is not necessary for the whistle-blower who raised the concern(s) to prove the wrongdoing that is alleged.

3.2 However, if a whistle-blower knowingly or maliciously makes an untrue allegation (e.g., to cause disruption), the BDT reserves the right to take appropriate action against them.

3.3 Whistle-blowers should note that they will not be protected from the consequences of making a disclosure if, by doing so, they commit a criminal offence.

3.4 This policy should not be used when the issue relates to an employment issue. These issues should be dealt with through BDT's Grievance Procedure.

## **4. How to Raise a Concern**

4.1 The officer designated to handle whistleblowing concerns is the Human Resources and Communications Director, his contact details are:

Email: [gerry.dryden@rcaob.org.uk](mailto:gerry.dryden@rcaob.org.uk)

Tel: 0121 230 6224

Mobile: 074 9643 9043

4.1.1 If the Human Resources and Communications Director is unavailable or absent the Chief Operating Officer should be contacted (see 4.1.2 for contact details).

4.1.2 If the issue relates to the Human Resources and Communications Director, it should, in the first instance be raised with the Chief Operating Officer - see contact details below:

Email: [eric.kirwan@rcaob.org.uk](mailto:eric.kirwan@rcaob.org.uk)

Tel: 0121 230 6218

Mobile: 077 2119 6418

4.1.3 The concern(s) can be referred to the Charity Commission at any stage. However, the Charity Commission requires whistle-blowing issues to be made to the BDT in the first instance, or for there to be a reason why this could not be done. Further information about the role of the Commission can be found on their website – see link below.

[www.gov.uk/government/organisations/charity-commission](http://www.gov.uk/government/organisations/charity-commission)

4.2 Whistle-blowers are encouraged to raise their concern(s) in writing where possible, setting out the background and history of their concern(s) (giving names, dates and places where possible) and indicating the reasons for their concerns.

4.3 Whistle-blowers may wish to seek assistance in preparing their written submission. Such assistance may be from a representative from their trade union. The nominated colleague may, if the whistle-blower desires, raise the concern on their behalf.

4.4 If a potential whistle-blower 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 either via their website (<https://protect-advice.org.uk>) or on 020 3117 2520.

4.5 Disclosures made to a legal advisor while obtaining legal advice will be protected under the Public Interest Disclosure Act 1998.

4.6 If the whistle-blower reasonably believes that the matter relates wholly or mainly to the conduct of a person or a body other than BDT or any other matter for which a person or a body other than BDT has legal responsibility, the disclosure should be made to that other person or body.

## **5. Protecting The Individual Raising The Concern**

5.1 BDT will take appropriate action to protect the whistle-blower from any harassment, victimisation or bullying. Whistle-blowers who raise a genuine concern(s) under this policy will not be at risk of losing their post, job or being asked to leave their voluntary role, nor will it influence any unrelated disciplinary action or redundancy procedures (employees only).

5.2 The matter will be treated confidentially and the whistle-blower's name or position will not be revealed without their permission unless BDT must do so by law. If, in other circumstances, the concern(s) cannot be resolved without revealing the whistle-blower's identity, the Human Resources and Communications Director will discuss this with them. If the whistle-blower agrees for their identity to be disclosed this agreement will be confirmed with them in writing.

## **6 How The Trust Will Deal With The Concern**

6.1 How the concern(s) is dealt with will depend on what it involves. If further enquiries and/or investigation are required, the Human Resources and Communications Director may task another individual such as an external auditor or an independent investigator to investigate the concern(s).

6.2 Within ten working days of receipt of the concern, the investigating officer will write to confirm the details of the concern and that an investigation will take place

6.3 If the concern(s) relates to a Trustee, the Human Resources and Communications Director will inform the Chair of Trustees about it. If the concern(s) relates to a member of the clergy, the Vicar General will be informed of it. Should the concern(s) relate to the Chief Operating Officer the Chair of the Workforce and Remuneration Sub-committee will be notified about it. If the concern(s) relates to a potential safeguarding issue it will automatically be forwarded to the Head of Safeguarding.

6.4 If a meeting is needed, it may be arranged off site if desired, and a union representative or a friend may accompany the complainant. It may be necessary for the whistle-blower to subsequently give evidence in disciplinary or criminal proceedings.

6.5 BDT will give the whistle-blower feedback on the progress and outcome of any investigation wherever possible, subject to third party rights. This will include details on their right to lodge an appeal.

6.6 Although records will need to be kept as the enquiries progress, these will be anonymous.

6.7 There can be no prescribed time limits for completion of the investigative process, but it will obviously be in the interests of all concerned if the issue is resolved without delay.

6.8 If the complainant has any concerns about the way in which the investigation is being handled, then he/she should raise this with the designated investigating officer in the first instance. If the complaint remains unresolved then the complainant may contact the Trustee identified in Section 7 with his/her concerns.

6.9 Subject to any relevant legal constraints, the complainant will be informed of the action to be taken. If the complainant does not agree with the outcome, then he/she will have seven days in which to make his/her concerns known to the Human Resources and Communications Director, who will manage the appeal in accordance with the process as set out in Section 8.

6.10 If the concern(s) are not proven by an investigation, the matter will be closed. Trustees, employees, volunteers or members of the clergy will not be treated or regarded any differently for raising the concern, and their confidentiality will continue to be protected.

6.11 If the concern(s) are proven, the Human Resources and Communications Director (or investigating manager) may refer the matter on for further action under the relevant policy or procedure.

## **7. Monitoring The Effectiveness Of The Policy**

7.1 The Board has appointed a Trustee who is responsible for ensuring any concerns raised is dealt in accordance with this procedure. This Trustee is:

Jacqui Francis (email: [jacqui.francis@rcaob.org.uk](mailto:jacqui.francis@rcaob.org.uk))

## **8. Appeal Process**

8.1 The whistle-blower has ten (10) (working) days from notification of the outcome in which to lodge an appeal. In lodging an appeal, the whistle-blower should provide the reason(s) why they consider the outcome to be unsatisfactory.

8.2 There are two stages to the appeal process:

8.2.1 Stage 1: The case will be reviewed by the Vicar General if the concern(s) relates to a member of the clergy, liturgical or other aspects of parish life. The Chief Operating Officer will review all other issues.

8.2.2 If the concern(s) relates to the Vicar General, the Archbishop will nominate another senior cleric with no previous involvement in the process to review the case.

8.2.3 If the concern(s) relates to the Chief Operating Officer, the Chair of Remuneration and Workforce Committee will nominate the Chair of another sub-committee with no previous involvement in the process to review the case.

8.2.4 The whistle-blower will be informed of the outcome of the appeal within 30 days wherever possible. If it is not possible to respond within this time, the whistle-blower will be informed as to the reasons why and given a revised time for stage 1 of the appeal process to be completed.

8.2.5 If the whistle-blower remains dissatisfied with the outcome from Stage 1, they have 10 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.

8.2.6 Stage2: If the whistle-blower remains dissatisfied with the outcome from Stage 1 it will be referred to a panel of two Trustees and one senior officer, who have had no previous involvement for a final review.

8.2.7 The whistle-blower will be informed of the outcome of the Stage 2 appeal within 30 days wherever possible. If it is not possible to respond within this time, the complainant will be informed as to the reasons why and given a revised time for stage 2 of the appeal process to be completed.

8.3 There are no further internal stages after Stage 2.

8.4 If the whistle-blower remains concerned, they can raise their concern(s) with the Charity Commission – see Section 4, paragraph 4.1.3.

## **9. Application**

9.1 Queries/questions regarding the application of this policy should, in the first instance be directed to the Trust's Human Resources and Communications Director.

## **10. Retention Of Investigation Report**

10.1 A record of the concern, the investigation and the outcome will be retained in accordance with the BDT's General Data Protection Regulations procedure for a period of 52 (calendar) weeks from the date of the final confirmation of the outcome.

<b>VERSION CONTROL</b>			
<b>Primary Location</b>	<b>Policy title</b>	<b>Version No.</b>	<b>Next Review date</b>
Website	Whistleblowing Policy	3	March 2022
<b>Policy owner</b>		Human Resources and Communications Director	
<b>Related Policies</b>		Grievance, Disciplinary, Safeguarding, Complaints, Safeguarding Services Complaints	
<b>Stakeholder</b>		All Trustees, clergy, employees, volunteers of the Archdiocese of Birmingham	
<b>VERSION HISTORY</b>			
<b>Version No.</b>	<b>Date</b>	<b>Created/amended by (Name &amp; job title)</b>	<b>Amendment</b>
1	March 2016	Gerry Dryden, Director of HR	New policy
2	February 2019	Gerry Dryden, HR & Communications Director	Policy updated/amended following review.
3	April 2021	Gerry Dryden, HR & Communications Director	Revision, inclusion of impact assessment statement.

### IMPACT ASSESSMENT STATEMENT

<b>Name and job title of assessor</b>	Gerry Dryden, Human Resources & Communications Director	<b>Assessment Date</b>	April 2021
<b>Policy</b>	Whistleblowing Policy		
	<b>Yes or No</b>	<b>Comments</b>	
<b>Does the policy or procedure affect one group more or less favourably than another on the basis of:</b>			
• Race or ethnic ground?	No		
• Gender, including transgender?	Yes	BDT is a faith-based charity; therefore it complies with the tenets of the Roman Catholic faith.	
• Disability (this includes consideration in terms of impact to individuals with learning disabilities, autism or no those who may have a cognitive impairment or lack capacity to make decisions, for example about their care).	No		
• Religion of belief	Yes	BDT is a faith-based charity; therefore it complies with the tenets of the Roman Catholic faith.	
• Sexual orientation	Yes	BDT is a faith-based charity; therefore it complies with the tenets of the Roman Catholic faith.	
• Age	No		
<b>Would the public have a perception/concern about this policy or procedure regarding the potential for discrimination?</b>	Yes	See comments re.: <ul style="list-style-type: none"> <li>• Gender, including transgender</li> <li>• Religion or belief and</li> <li>• Sexual orientation</li> </ul>	