



Introduction

The Diocese of Kerry encourages any person who has a concern about any safeguarding practices in the Diocese to come forward as we are committed to the highest possible standards of openness and accountability and we encourage whistleblowing for the public good.

This policy relates to concerns about malpractice in safeguarding and is intended to encourage and enable anyone with a serious concern to raise that concern without fear of victimisation or subsequent discrimination.

All staff and volunteers ministering or volunteering within the Diocese of Kerry have an individual responsibility to bring matters of concern about any dereliction of duty to safeguard children and adults at risk of abuse to the attention of the Designated Liaison Person within the Diocese. Although this can be difficult to do it is particularly important where the welfare of a person 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 person continuing to be unnecessarily at risk. Children and adults at risk of abuse need an advocate to safeguard their welfare.

Don't think 'what if I'm wrong'? Think 'what if I'm right!'

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 safeguarding procedures
- practice which falls below the standards set out in "Safeguarding Children, Policy and Standards for the Catholic Church in Ireland 2016" and the Adult Safeguarding Policy in the Diocese
- 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 have certain common law confidentiality obligations to their bishop. 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.



Diocesan Support

The Diocese of Kerry recognises that the decision to report a concern can be a difficult one to make due to the fear of subsequent harassment or victimisation from the person responsible for the alleged failure. We encourage you to identify yourself but if you are not able or prepared to do this we will still receive and act on your concern. Providing us with your name helps us to understand your concern and not having this information may limit how well we can respond. However, we will receive and act on your concerns regardless.

The Diocese will take appropriate action to protect the whistleblower who raises a concern in good faith. Any investigation into such a concern will be treated on its merits.

All concerns will be treated in confidence. It may happen that eventually the whistleblower may be invited to come forward as a witness in order to bring the matter to a conclusion. This invitation will be based on the paramountcy principle i.e. 'the welfare and safety of children or vulnerable adults are paramount and that it takes precedence over all other considerations.'

How to Raise a Concern

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 the Bishop or through Church procedures which the Bishop has authorised, the law protects that person.

It is important to:

- Voice any concerns suspicions or uneasiness as soon as possible. The earlier a concern is expressed the sooner and easier action can be taken
- Try to pinpoint exactly what practice is concerning you 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 if child-related
- 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 (if child related)
- 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.



Concerns can be raised by contacting:

Jacklyn McCarthy
Director of Safeguarding
Diocesan Office
Cathedral Walk
Killarney
Co. Kerry

Tel: 0646631168

Mobile: 087-6362780

Email: jacklynmccarthy@dioceseofkerry.org

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

How the Diocese will Respond

- 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.

Initial inquiries will be made to determine whether an investigation is appropriate and if so what form it should take. The matters raised may be subject to:

- Internal investigation.
- Referral to statutory authorities.
- Consideration under Canon Law.