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## Whistleblowing (Protected Disclosures in the Workplace) Policy

### The Protected Disclosures (Whistle-blowers) Act 2014

This Act came into effect on July 16 2014. Schools are required to put a Protected Disclosures Policy in place which meets the requirements of the Act.

### What is a Protected Disclosure?

“A protected disclosure means disclosure of relevant information by a worker, which in the reasonable belief of the worker, tends to show one or more relevant wrongdoings and which came to the attention of the worker in connection with his/ her employment.

In making a disclosure, a worker must reasonably believe the information disclosed to be substantially true. No worker will be penalised simply by getting it wrong as long as the worker had a reasonable belief that the information disclosed.

The following are regarded as workers in the context of a school?

- All current and former employees (including permanent, fixed- term, temporary casual and substitute) staff;
- Contractors and consultants engaged to carry out work or services for the school;
- Individuals on work experience pursuant to a training course.

Relevant wrong doings are broadly defined in the Protected Disclosures Act and include the following:

- Commission of an offence — has happened, is happening, or is likely to happen;
- Failure to comply with any legal obligation (other than one arising under the worker's contract of employment);
- Miscarriage of justice;
- Endangering the health and safety of any individual;
- Misuse of public funds;
- Damage to the environment;
- Destruction or concealment of information relating to any of the above.

It is important to note that a matter is not regarded as a relevant wrongdoing if it is a matter which it is the function of the worker or the worker's employer to detect, investigate or prosecute and does not consist of or involve an act or omission on the part of the employer.

In Saint Patrick's School, whistleblowing may occur when a worker (as defined above), 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 school's whistleblowing policy is intended to encourage and enable staff members to raise concerns within our school 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**

Saint Patrick's School, in accordance with our school vision and ethos, is committed to maintaining an open culture with the highest standards of honesty and accountability where staff members can report any concerns in confidence.

It is important to note that if a staff member has a concern in relation to his/her own employment or personal circumstances in the workplace it should be dealt with by way of the relevant Grievance Procedure (i.e. INTO grievance procedure for teachers; Fórsa grievance procedure for relevant staff members and his/her contractual grievance procedure for contracted staff members). Likewise, concerns arising in regard to workplace relationships should generally be dealt with through relevant policies and / or *Working Together: Procedures and Policies for Positive Staff Relations* document agreed by INTO and school management bodies.

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

### **Aims of this Policy**

- To encourage staff to feel confident and safe in raising concerns and disclosing information;
- To provide avenues for staff to raise concerns in confidence and receive feedback on any action taken;
- To ensure that staff receive a response where possible to their concerns and information disclosed;
- To reassure staff that they 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 a staff member's attention in connection with his/her employment and about which he/she has a reasonable belief of wrongdoing.

### **Types of concerns not covered under this Policy**

A personal concern, for example a grievance around a staff member's own contract of employment, would not be regarded as a whistleblowing concern and would be more appropriately processed through the relevant Grievance Procedure.

### **Safeguards and Penalisation**

A worker who makes a disclosure and has a reasonable belief of wrongdoing will not be penalised by the school, 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 a staff member believes that he/she is being subjected to penalisation as a result of making a disclosure under this procedure, he/she should inform the Principal or Chairperson of the Board of Management immediately.

Staff members who penalise or retaliate against those who have raised concerns under this policy will be subject to disciplinary action.

Staff members who report 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.

### **Confidentiality**

This school 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 on 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 reporting staff member is participating in an investigation into the matter being disclosed. Should such a situation arise, the school will make every effort to inform the staff member that his/her identity may be disclosed.

### **Procedure for Raising a Concern**

#### **With whom should you raise your concern?**

As a first step, appropriate concerns should be raised with the Principal or Deputy Principal. However should a staff member not wish to use this route, for example given the seriousness and sensitivity of the issues involved, he/she should approach the Chairperson of the Board of Management.

#### **How to raise a concern**

Concerns may be raised verbally or in writing. Should a staff member raise a concern verbally, a discussion will take place between him/her and the Principal/Deputy Principal/Chairperson of Board of Management. The staff member may be advised to put the concern in writing, if it is decided between both parties that there is merit to the concern or disclosure. The written concern/disclosure should 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 the concern is expressed, the easier it will be for the school to deal with the matter quickly.

Having received the written concern, representatives from the Board of Management will arrange a meeting to discuss the matter with the staff member raising the concern on a strictly confidential basis. The staff member can choose whether or not he/she wants to be accompanied by a colleague or a trade union representative at the meeting. It will need to be clarified at this point if the concern is appropriate to this procedure or is a matter more

appropriate to other procedures. In regard to confidentiality, it is important that there should be an awareness of respecting sensitive school information, which, while unrelated to the protected disclosure, may be disclosed in the course of a consultation or investigation process.

### **Dealing with the disclosure**

Having met with the staff member in regard to his/her concern and clarified that the matter is in fact appropriate to this procedure, the Board of Management or its representatives will carry out an initial assessment to examine what actions need to be taken 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, it is concluded that there are grounds for concern that cannot be dealt with at this point, an investigation will be conducted which will be carried out fairly and objectively. The form and scope of the investigation will depend on the subject matter of the disclosure.

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 that staff members feel assured that a disclosure made under this policy is taken seriously and that the staff member is kept informed of steps being taken in response to the disclosure. In this regard the school undertakes to communicate with the relevant staff member as follows:

1. Acknowledge receipt of the disclosure and arrange to meet with the relevant staff member as outlined above.
2. Inform the staff member of how it is proposed to investigate the matter and keep him/her informed of actions, where possible, 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 the school from giving the staff member specific details of an investigation.
3. Inform the staff member of the likely time scales in regard to each of the steps being taken, but in any event, commit to dealing with the matter as quickly as practicable.

It is possible that in the course of an investigation the reporting staff member may be asked to clarify certain matters. To maximise confidentiality, such a meeting can take place outside of the school and he/she can choose whether or not to be accompanied by a colleague or trade union representative.

### **Raising a Concern Anonymously**

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

The aim of this Policy is to provide an avenue within this school to deal with concerns or disclosures in regard to wrongdoing. The Board of Management is confident that most issues can be dealt with at school level and strongly encourages staff members to report such concerns internally.

### How the matter can be taken further

It is acknowledged that there may be circumstances where a staff member feels it necessary to make a disclosure externally. The Protected Disclosures Act 2014 — provides for a number of avenues in this regard. In relation to schools the ‘Prescribed Person’ to whom external disclosures should be made is the Secretary General of the Department of Education and Skills.

.It is important to note, however, that while a staff member needs only have a reasonable belief as to wrongdoing to make a disclosure internally, if he/she is considering an external disclosure, different and potentially more onerous obligations apply.

### Communication, Monitoring and Review

This policy has been communicated to staff as appropriate. Once ratified, it will be placed on the school website where it will be available to the school community. It will be subjected to regular review, initially after one year and then every three years, unless there is a compelling reason to review it earlier.

Signed:



John Conway (Chairperson, Board of Management)  
(School Principal)



Seamus Mac Conámha

Date: 3/5/2022.

