

St Dymphna's School Protected Disclosures Policy **Reviewed 2023**

Introduction:

This policy relates to the making of a protected disclosure, or as it is more commonly known, "whistleblowing." Whistleblowing occurs when a worker raises a serious concern or discloses information which relates to wrongdoing, illegal practices or unethical conduct which come to his/her attention through work.

This policy is intended to encourage and enable workers to raise concerns within the school rather than overlooking a problem or reporting it externally. Under this policy a worker is entitled to raise concerns or disclose information without fear of penalisation or threat of less favourable treatment, discrimination or disadvantage.

Rationale:

This policy has been drawn up to comply with the Protected Disclosures Act 2014 which was enacted on 15th July 2015.

Commitment:

The Board of Management of this school is committed to maintaining an open culture with the highest standards of honesty and accountability where workers can report any concerns in confidence. Workers are defined in the Act as not just employees, but also any person who entered into or works or worked under any other contract. The full definition of a worker is contained in section 3 of the Act.

Aims of the policy:

The aims of this policy are:

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

Concerns that 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 and about which you have a reasonable belief of wrongdoing.

Concerns that should not be raised under this policy:

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 the Grievance Procedure. A concern in the area of child protection and welfare should be addressed to the Designated Liaison Person in line with the school's Child Protection Policy

Safeguards and Penalisation:

A worker who makes a disclosure and has a reasonable belief of wrongdoing will not be penalised by this school, even if the concerns or disclosure turn out to be unfounded. Penalisation includes suspension/dismissal, disciplinary action, demotion, discrimination, threats or 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 policy, you should inform the Principal or Chairperson of the Board of Management immediately.

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

Workers are not expected to prove the truth of a concern or disclosure. 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 worker who is found to have raised a concern or made a disclosure with malicious intent.

Confidentiality:

The Board of Management is committed to protecting the identity of the worker 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 worker is participating in an investigation into the matter which has been disclosed. Should such a situation arise, the Board will inform the worker that his/her identity may be disclosed.

Anonymous raising of concerns:

A concern may be raised anonymously, but on a practical level it may be difficult to investigate such a concern. The Board encourages workers to put their names to concerns or disclosures, with the assurance of confidentiality where possible, in order to facilitate appropriate follow-up. This will make it easier to assess the disclosure, carry out an investigation and take action, if appropriate.

Procedure

1. Raising a concern internally

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

Concerns may be raised verbally or in writing. Should a worker raise a concern verbally, a written record of the conversation will be taken, and he/she will be provided with a copy after the meeting. If the concern is raised in writing, the background and history should be given, and should include relevant details such as dates, sequence of events and description of the circumstances.

Concerns should be expressed as early as possible to enable the matter to be dealt with as quickly as possible.

2. Assessing the concern

A meeting will be arranged to discuss the concern as soon as possible after the concern has been raised. This meeting will be on a strictly confidential basis. At this point, clarification is made as to whether the concern is appropriate to this policy or is more appropriately addressed under other procedures such as the Grievance Procedure, the Dignity at Work Policy, or the Child Protection Policy.

The worker making the concern may be accompanied to this meeting by a colleague or trade union representative.

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

3. Dealing with the concern

An initial assessment will be carried out to decide on what actions need to be carried out. This may involve clarifying certain matters, clearing up misunderstandings or resolving the matter by agreed action without the need for further investigation.

If, following this initial assessment, it is concluded that there are grounds for concern that cannot be dealt with at this point, an investigation will be carried out in a fair and objective manner. The scope and form of the investigation will depend on the contents of the concern.

Depending on the seriousness of the concern, the matter may be referred immediately to the appropriate authorities, e.g. An Garda Síochána, the Health and Safety Authority. Likewise, if urgent action is required, e.g. to remove a health and safety hazard, action will be taken without delay

The worker who raised the concern will be kept informed of the procedure, as follows:

- The receipt of the concern/disclosure will be acknowledged in writing
- The meeting outlined above will take place
- The proposal as to how the matter will be investigated will be communicated
- Whatever actions, or none, decided upon as a result of the investigation will be communicated
- The timescale for the above steps will be communicated, but the Board is committed to dealing with the matter in as short a time as is practicable, in any event.

It is important to note that the need for confidentiality and legal considerations may prevent the Board from giving specific details of the investigation.

It is possible that, in the course of the investigation, the worker who raised the concern may be asked to clarify certain matters. To maximise confidentiality such a meeting may be held in a different location and the worker may be accompanied by a colleague or trade union representative.

Where a concern is raised or a disclosure is made in accordance with this policy, but is not subsequently upheld by an investigation, no action will be taken against the worker making the concern/disclosure, and the worker will be protected against any form of penalisation. However, if it is believed that an unfounded allegation has been made with malicious intent, then disciplinary action may be taken.

Raising a concern externally:

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 is confident that issues can be dealt with "in house" and strongly encourages workers to report concerns internally.

However, the Board acknowledges that there may be circumstances where a worker wishes to make a disclosure externally. Sections 22 to 28 of the Protected Disclosures Act 2014 provide for a number of avenues in this regard.

It is important to note that while a worker need only have a reasonable belief as to wrongdoing to make a disclosure internally, different and potentially more onerous obligations apply when making an external disclosure, depending on to whom the disclosure is made.

Communication:

This policy will be communicated to workers by being displayed on the staff noticeboard and on the Aladdin Management System under policies.

Review:

The policy will be reviewed at the end of the 2025 school year.

Ratification:

This policy was ratified by the Board of Management on 25 October 2023

Signed: [Signature]
Chairperson of Board of Management

Signed: [Signature]
Secretary/Principal

Date: 25 October 2023

Date: 25/10/23