

## MAKING A PROTECTED DISCLOSURE - WHISTLE BLOWING

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### INTRODUCTION

Our Organisation is determined to ensure that employees, contractors, agency staff, trainees, temporary employees, volunteers, board members, job applicants, shareholders and former employees are knowledgeable of their rights and responsibilities in relation to disclosures.

In line with legislation, all employees, contractors, agency staff, trainees, temporary employees, volunteers, board members, job applicants, shareholders and former employees who make a protected disclosure of relevant information will have legal protection from being penalised as a result of making that disclosure. In order to benefit from this legal protection, the individual must show that they had a reasonable belief that a relevant wrongdoing had occurred, or was likely to occur, and that this relevant wrongdoing came to their attention during the course of their employment.

### RELEVANT WRONGDOINGS

Certain disclosures afford the individual some protection under law, definitions of relevant wrongdoings for the purposes of this are;

- that an offence has been, is being or is likely to be committed;
- that a person has failed, is failing or is likely to fail to comply with any legal obligation, other than one arising under the worker's contract of employment or other contract whereby the worker undertakes to do or perform personally any work or services;
- that a miscarriage of justice has occurred, is occurring or is likely to occur;
- that the health or safety of any individual has been, is being or is likely to be endangered;
- that the environment has been, is being or is likely to be damaged;
- that an unlawful or otherwise improper use of funds or resources of a public body, or of other public money, has occurred, is occurring or is likely to occur;
- that an act or omission by or on behalf of a public body is oppressive;
- breaches of certain EU law occurred;
- and discriminatory or grossly negligent or constitutes gross mismanagement, or that information tending to show any matter falling within any of the preceding paragraphs has been, is being or is likely to be concealed or destroyed.

## DISCLOSURE CRITERIA

The disclosure must be where the individual believes that the disclosure relates to a relevant wrongdoing as defined in the above. That the information disclosed, and any allegation contained in it, are substantially true.

If these criteria are fulfilled, the individual is not liable for damages by making a protected disclosure and nor shall they be penalised by their employer for having done so.

## PROCEDURE FOR MAKING A DISCLOSURE

If you wish to raise any issue that amounts to a protected disclosure, then you must in the first instance report any concerns you may have in writing to the HR Manager who will acknowledge all reports received in writing within seven days. The matter will be treated with complete confidence, and your identity will remain protected. If the problem has not been resolved, you should bring the matter in writing to the attention of the next level of Management.

Any individual as mentioned above may make an external Protected Disclosure to a regulator known as a “prescribed person”. The prescribed person must be a nominated person or body as specified by the Protected Disclosures (Amendment) Act 2022. A list of suitable prescribed persons can be found on S.I. No. 367/2020 - Protected Disclosures Act 2014 (Disclosure to Prescribed Persons) Order 2020 ([irishstatutebook.ie](http://irishstatutebook.ie)). An employee may bypass the above methods and report any concern directly to the Protected Disclosures Commissioner who will refer the report to a suitable regulator.

## GENERAL NOTES

We encourage you to use the procedure if you are concerned about any wrong doing at work. However, if the procedure has not been invoked in good faith (e.g., for malicious reasons or in pursuit of a personal grudge), then it will make you liable to immediate termination of employment or such lesser disciplinary sanction as may be appropriate in the circumstances.