

Protected Disclosures Policy

Introduction

COMPANY is committed to maintaining an open culture and ensuring the highest levels of honesty, openness and accountability are observed in all our practices. The purpose of this policy is to encourage and enable workers to raise genuine concerns or disclose information related to potential wrongdoing within the workplace without fear of penalisation, or threat of less favourable treatment, discrimination or disadvantage.

Policy Scope:

This policy applies to employees at all levels, volunteers, agency workers, contractors, interns and those on work experience.

A concern or disclosure should relate to a relevant wrongdoing. Examples include fraud, crime 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.

A “relevant wrongdoing” has been broadly defined within the Protected Disclosures Act 2014 and include the below:

- 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 individual's contract of employment or other contract whereby the individual 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 and 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, discriminatory or grossly negligent or constitutes gross mismanagement; or
- That information tending to show any matter falling within any of the points above has been, is being or is likely to be concealed or destroyed.

This policy is not appropriate for dealing with issues of harassment, sexual harassment, bullying, personal concerns or individual grievances. Concerns such as these would be more appropriately processed through our Bullying and Harassment, or Grievance Procedures.

Procedure for making a protected disclosure:

Internal Procedure:

Appropriate concerns should be raised with your immediate line manager in the first instance. However, should you feel that this is inappropriate or feel unable to approach your line manager with the concern, you should approach a more Senior Manager or the Human Resource Department/Manager.

A concern can be raised either verbally or in writing.

Once the matter has been raised, a meeting will be organised to discuss the matter with you confidentially. At this meeting, you may be accompanied by a colleague if you wish.

The meeting will be conducted by an independent member of management or, if necessary, in order to ensure objectivity and fairness, external assistance may be sought.

If within this meeting, it is clarified that the concern has been raised through the correct procedure, appropriate steps will be taken to ensure that the concern is dealt with sufficiently. Such steps may include:

- resolving the matter by agreed action without the need for a formal investigation
- investigating internally by an appropriate independent member of management, or another appropriate person
- referring the matter to an external enforcement agency or regulator
- referring the matter to An Garda Síochána

You will be kept informed at all stages of steps being taken by the company in response to your disclosure, likely timeframes regarding these steps, and eventually the outcome of any investigation undertaken as a result of your disclosure.

External Procedure:

While workers are encouraged, enabled and supported to raise concerns internally in the first instance, it is recognised that in very limited circumstances this might not be appropriate.

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

Confidentiality:

The organisation is committed to protecting the identity of the worker raising a concern and ensures that all reasonable steps are taken to ensure relevant disclosures are treated in confidence. However, there may be circumstances in which this proves impossible, or where confidentiality cannot be maintained. Should such a situation arise, (Company) will make every effort to inform the worker that his/her identity may be disclosed.

Safeguards and Penalisation

A worker who makes a disclosure and has a reasonable belief of wrongdoing will not be penalised by (Company), even if the concerns of disclosure turn out to be unfounded.

Penalisation includes suspension/dismissal, disciplinary action, demotion, discrimination, threats or other unfavourable treatment. If you believe you are being penalised for making a disclosure under this procedure you should inform your manager immediately.

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

While workers are not expected to prove the truth of the allegation, they must have a reasonable belief that there are grounds for their concern. Appropriate disciplinary action may be taken against any worker who is found to have raised a concern with malicious intent.