Protected Disclosures/Whistleblowing 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 employees 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 our employees at all levels, including former employees, temporary employees, trainees, apprentices , volunteers, agency employees, contractors, interns and those on work experience. It also includes board members, shareholders, job applicants and volunteers.

This Policy details how employees and other employees including former employees, board members, shareholders, contractors, job applicants, individuals involved in pre-contract negotiations, trainees, volunteers and third parties such as agency employees and independent contractors should report confidential disclosures of relevant information and how these disclosures will be dealt with.

The purpose of this policy is to outline a mechanism for employees and other employees to raise serious concerns about relevant wrongdoings internally, so that problems can be identified and resolved in a timely manner.

This policy will be subject to regular monitoring and reviewed and communicated as appropriate. Employees will receive sufficient training and refresher training to deal with the requirements of this policy.

**Details of the Act :**

The Protected Disclosures Act 2014 as amended by the Protected Disclosures (Amendment) Act 2022, provides a statutory framework for the protection of employees who raise concerns about relevant wrongdoing in their workplace from dismissal, penalisation or other sanctions by their employers. Making a protected disclosure is also known as “whistleblowing”.

**What is a Protected Disclosure?**

A protected disclosure is a disclosure of information by a employee, which in their reasonable belief, tends to show one or more relevant wrongdoings, which came to the employee’s attention in a work-related context and is disclosed in the manner outlined in the Act as amended.

Actions that constitute relevant wrongdoings under the Act include:

* criminal offences;
* failure to comply with any legal obligation (other than one arising out of a employee’s contract of employment or contract for services);
* a miscarriage of justice;
* endangerment of an individual’s health or safety;
* damage to the environment;
* unlawful or improper use of funds or resources by a public body;
* oppressive, discriminatory or grossly negligent behavior or gross mismanagement by a public body;
* breaches of European Union law set out in the 2022 Act
* concealment or destruction of evidence relating to any of the above wrongdoings.
* Any other form of serious improper action or conduct

This policy does not replace any legal reporting or disclosure requirements. Where these requirements exist, these must be complied with fully.

When making a disclosure, the employee will need to be able to provide any reasons and/or evidence in relation to the concerns. Any disclosures made should be factual and should address the alleged relevant wrongdoing that has occurred, is occurring, or is likely to occur.

This policy is not appropriate for dealing with your own employment in the workplace, issues of harassment, sexual harassment, bullying, personal concerns, concerns arising in regard to workplace relationships 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 the Company’s appointed ‘Designated Person’ (insert details of this employee) in the first instance.

A concern can be raised verbally or in writing. It is important that disclosures raised orally initially be followed up with an in-person meeting. While disclosures may be raised either orally or in writing the Company’s preference is that a disclosure is confirmed in writing.

Once the matter has been raised you will receive an acknowledgement from the Designated Person within 7 days that the disclosure has been received.

An initial assessment of the disclosure will be undertaken by the Designated Person to assess whether there is a *prima facie* case that the relevant wrongdoing occurred.

Where the Designated Person deemed there is no evidence that any wrongdoing occurred, this process will end. The employee will be informed in writing of the decision, and the reasons for this decision. The Designated Person may direct the employee to an alternative Company policy in order to address the concern raised if appropriate.

Where the Designated Person deems that there is sufficient evidence to suggest that a wrongdoing may have occurred, then appropriate action will be undertaken. The Designated Person will confirm that the outcome of the disclosure process is tracked and ensure records are maintained. Depending on the nature and seriousness of the disclosure, the Designated Person may escalate the matter internally as appropriate. The Designated Person will kept the employee informed at all stages of steps being taken by the company in response to your disclosure. The Designated Person will contact the employee and provide feedback and a likely timeframes regarding these steps, and eventually the outcome of any investigation undertaken as a result of your disclosure, within 3 months.

**External Procedure:**

While employees 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.

The employee may be entitled to make a report to an appropriate external regulator, legal advisor, Minister or “prescribed person” (A list of prescribed persons can be found at: [www.gov.ie/prescribed-persons](http://www.gov.ie/prescribed-persons))

* The employee may report to the Protected Disclosures Commissioner who will refer the report, for acknowledgement, follow-up and feedback.
* The employee may also request that the Designated Person provide information on making disclosures to prescribed persons, the Protected Disclosures Commission and relevant EU agencies, where applicable.
* An individual may make a report externally through other disclosure channels.

**Confidentiality:**

The organisation is committed to protecting the identity of the employee 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, the Company will make every effort to inform the employee that his/her identity may be disclosed.

**Safeguards and Penalisation:**

A employee who makes a disclosure and has a reasonable belief of wrongdoing will not be penalised by the Company, even if the concerns of disclosure turn out to be unfounded. The Company will not penalise or threaten to penalise an employee for having made a protected disclosure.  Penalisation is defined by the Act as any direct or indirect act or omission which occurs in a work-related context, is prompted by the making of a report and causes or may cause unjustified detriment to a employee, and includes:

* suspension, lay-off or dismissal;
* demotion, loss of opportunity for promotion or withholding of promotion;
* transfer of duties, change of location or place of work, reduction in wages or change in working hours;
* the imposition or administering of any discipline, reprimand or other penalty (including a financial penalty);
* coercion, intimidation, harassment or ostracism;
* discrimination, disadvantage or unfair treatment;
* injury, damage or loss;
* threat of reprisal;
* withholding of training;
* a negative performance assessment or employment reference;
* failing to convert a temporary employment contract into a permanent one, where the employee had a legitimate expectation that they would be offered permanent employment;
* failing to renew or early termination of a temporary employment contract;
* harm, including to the employee’s reputation, particularly on social media, or financial loss, including loss of business and loss of income;
* blacklisting on the basis of a sector or industry-wide informal or formal agreement, which may entail that the person will not, in the future, find employment in the sector or industry;
* early termination or cancellation of a contract for goods or services;
* cancellation of a license or permit; and
* psychiatric or medical referrals.

If you believe you are being penalised for making a disclosure under this procedure you should inform the Designated Person or a member of management immediately. It is their responsibility to action the necessary steps in response to this complaint.

Disclosures raised will be treated seriously. Disclosures must be raised in good faith and if the information is subsequently proved to be incorrect, the employee in question is still protected and will not suffer any adverse reaction, provided they had a reasonable belief in the information set out in the disclosure.

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

While employees are not expected to prove the truth of the allegation, they must have a reasonable belief that there are grounds for their concern. This Policy may not be used to raise any concerns containing information that the employee knows is incorrect. Appropriate disciplinary action may be taken against any employee who is found to have raised a concern with malicious intent.