



## Protected Disclosures in the Workplace Policy

### Aims of the 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 is a Protected Disclosure?

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

As outlined in the Protected Disclosures Act (2014), 'A protected disclosure means disclosure of relevant information, 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.

In Nun's Cross National School, a protected disclosure may occur when a worker raises a concern or discloses information which relates to wrongdoing, illegal practices or unethical conduct which has come to his/her attention through work. This policy is intended to encourage and enable workers to raise concerns or disclose information, without fear of penalisation or threat of less favourable treatment, discrimination or disadvantage. It is important to note that this policy does not replace any legal reporting or disclosure requirements. Where

statutory reporting requirements and procedures exist, these must be complied with fully.

Our school's Protected Disclosures (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.

### **Who does this policy apply to?**

For the purposes of this policy, a 'worker' refers to:

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

### **What are relevant wrongdoings?**

Relevant wrongdoings may already have taken place, be happening or be likely to happen. Relevant Wrongdoings include but are not limited to 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;
- Health and safety of any individual;
- Misuse of public money;
- Gross mismanagement by public body;
- 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 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.

### **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.

### **What types of concerns should not be raised under this Procedure?**

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 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.

### **What protections are available to workers who make a protected disclosure?**

As per the Protected Disclosures Act (2014), the protections given to workers who make a protected disclosure include:

- Protection from dismissal
- Up to 5 years' remuneration for unfair dismissal
- Protection of identity (subject to certain exceptions)
- Protection from penalisation by Nun's Cross National School's Board of Management

### **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 the person making the disclosure. However, there are circumstances, as outlined in the 2014 Act, where

confidentiality cannot be maintained, particularly in a situation where the staff member is participating in an investigation into the matter being disclosed.

Examples include:

- Where the Discloser makes it clear that he/ she has no objection to his or her identity being disclosed and/or
- Where the identity of the Discloser is critical to an investigation of the matter raised.

Should such a situation arise, the school will make every effort to inform the staff member that his/her identity may be disclosed.

### **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.

### **Procedure**

#### **Raising a Concern**

##### **Who should you raise your concern with?**

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. Internal reporting is encouraged.

However, where this is inappropriate or impossible, concerns may be raised outside of the school's Board of Management and instead reported to the Secretary General of the Department of Education. As per the 2014 Act, the Secretary General is a 'Prescribed Person'.

### **How to make a disclosure**

The disclosure can be made, orally or in writing, to the school Principal, Deputy Principal, Chairperson of the Board of Management (BOM) or Prescribed Person.

The following procedure applies when a concern is made to the Principal, Deputy Principal or Chairperson of the Board of Management:

1. Should a worker raise a concern verbally, a discussion will take place between him/her and the Principal/Deputy Principal/Chairperson of Board of Management. The worker may be advised to put the concern in writing to the

Board of Management, 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.

2. Having received the written concern, representatives from the Board of Management will arrange a meeting to discuss the matter with the worker on a strictly confidential basis. 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, (e.g. Grievance or Adult Bullying procedures). The worker can choose if s/he wants to be accompanied by a colleague or a 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. Having met with the worker in regard to his/her concern and clarified that the matter is in fact appropriate to this policy, the Board of Management or its representatives will carry out an initial assessment to examine what actions are needed to be taken to deal with the matter.

4. If, on foot of the initial assessment, it is concluded that there are grounds for concern that cannot be dealt with at Board of Management level, an investigation will be conducted. This will be carried out fairly and objectively. The form and scope of the investigation will depend on the subject matter of the disclosure.

5. Disclosures may, in the light of the seriousness of the matters raised, be referred immediately to the appropriate authorities. If urgent action is required (e.g. to remove a health and safety hazard), this action will be taken.

6. It is important that workers feel assured that a disclosure made under this policy is taken seriously and that the worker is kept informed of steps being taken in response to the disclosure.

In this regard the school undertakes to communicate with the relevant worker as follows:

a. Acknowledge receipt of the disclosure and arrange to meet with the relevant worker as outlined above.

b. Inform the worker 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 worker specific details of an investigation.

c. Inform the worker 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.

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

8. Where a concern is raised or a disclosure is made in accordance with this policy, but the allegation is subsequently not upheld by an investigation, no action will be taken against the worker making the disclosure and the worker will be protected against any penalisation.

9. It is important to note that if an unfounded allegation is found to have been made with malicious intent, then disciplinary action may be taken.

### **Communication, Monitoring and Review**

This policy will be communicated to staff and the school community as appropriate and will be subjected to regular review. In accordance with the systematic cycle of review of policies adopted in Nun's Cross National School, it will be reviewed initially after one year and then every three years, unless there is a compelling reason to review it earlier.

Signed:

Date: 20th March 2024

(Chairperson, Board of Management)

Review March 2026