# WHISTLEBLOWING (PROTECTED DISCLOSURES IN THE WORKPLACE) POLICY

St. Patrick's Boys' N.S.
Dublin Road, Limerick Roll no: 16443A

**Whistleblowing (Protected Disclosures in the Workplace) Policy**

## What is Whistleblowing?

Whistleblowing is the term used when a worker raises a concern about a relevant wrongdoing such as possible fraud, crime, danger or failure to comply with any legal obligation which came to the worker's attention in connection with the worker's employment. Relevant wrong doings are broadly defined in the relevant Act (The Protected Disclosures Act 2014) and include 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 in which it 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.

In St Patrick's Boys' NS, whistleblowing may occur when a staff member raises a concern or discloses information which relates to wrongdoing, illegal practices or unethical conduct which has come to his/her attention through work.

Our school's 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.

**Our Commitment**

St Patrick's Boys' N.S., in accordance with our school vision and ethos, is committed to maintaining an open culture with the highest standards of honesty and accountability where our staff members can report any concerns in confidence.

***To whom does the policy apply?***

***This policy applies to all staff members.***

It is important to note that if a staff member has a concern in relation to his/her own employment or personal circumstances in the workplace, it should be dealt with by way of the relevant Grievance Procedure (i.e. INTO grievance procedure for teachers; IMPACT grievance procedure for relevant staff members and his/her contractual grievance procedure for contracted staff members). Likewise, concerns arising in regard to workplace relationships should generally be dealt with through our Adult Bullying, Harassment and Sexual Harassment policy and / or the *Working Together: Procedures and Policies for Positive Staff Relations* document agreed by INTO and school management bodies.

It is also important to note that this whistleblowing policy does not replace any legal reporting or disclosure requirements. Where statutory reporting requirements and procedures exist, these must be complied with fully.

**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 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.

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

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.

**How to raise a concern?**

Concerns may be raised verbally or in writing. Should a staff member raise a concern verbally, a discussion will take place between him/her and the Principal/Deputy Principal/Chairperson of Board of Management, and the staff member may be advised to put the concern in writing, 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.

The earlier the concern is expressed, the easier it will be for the school to deal with the matter quickly.

Having received the written concern, representatives from the Board of Management will arrange a meeting to discuss the matter with the staff member 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, for example the Grievance or Adult Bullying procedures. The staff member can choose whether or not he/she wants to be accompanied by a colleague or a trade union representative at this meeting. In regard to 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.

**Dealing with the disclosure**

Having met with the staff member in regard to his/her concern and clarified that the matter is in fact appropriate to this procedure, 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. This may involve simply clarifying certain matters, clearing up misunderstandings or resolving the matter by agreed action without the need for an investigation.

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

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

It is important that staff members feel assured that a disclosure made under this policy is taken seriously and that the staff member is kept informed of steps being taken in response to the disclosure. In this regard the school undertakes to communicate with the relevant staff member as follows:

- Acknowledge receipt of the disclosure and arrange to meet with the relevant staff member as outlined above;
- Inform the staff member 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 staff member specific details of an investigation.

- Inform the staff member 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.

It is possible that in the course of an investigation the staff member may be asked to clarify certain matters. To maximise confidentiality, such a meeting can take place outside of the school and he/she can choose whether or not to 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 the allegation is subsequently not upheld by an investigation, no action will be taken against the staff member making the disclosure and the staff member will be protected against any penalisation. It is important to note that if an unfounded allegation is found to have been with malicious intent, then disciplinary action may be taken.

**How the matter can be taken further**

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 of Management is confident that most issues can be dealt with at school level and strongly encourages staff members to report such concerns internally.

It is acknowledged that there may be circumstances where a staff member wants to make a disclosure externally and the legislation governing disclosures — The Protected Disclosures Act 2014 — provides for a number of avenues in this regard.

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

**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 St Patrick's Boys NS, it will be reviewed initially after one year and then every three years, unless there is a compelling reason to review it earlier.

This policy was adopted by the Board of Management on _____[date]

Signed: _____ Signed:_____
Chairperson of Board of Management Principal

Date:_____ Date:_____

Date of next review:_____