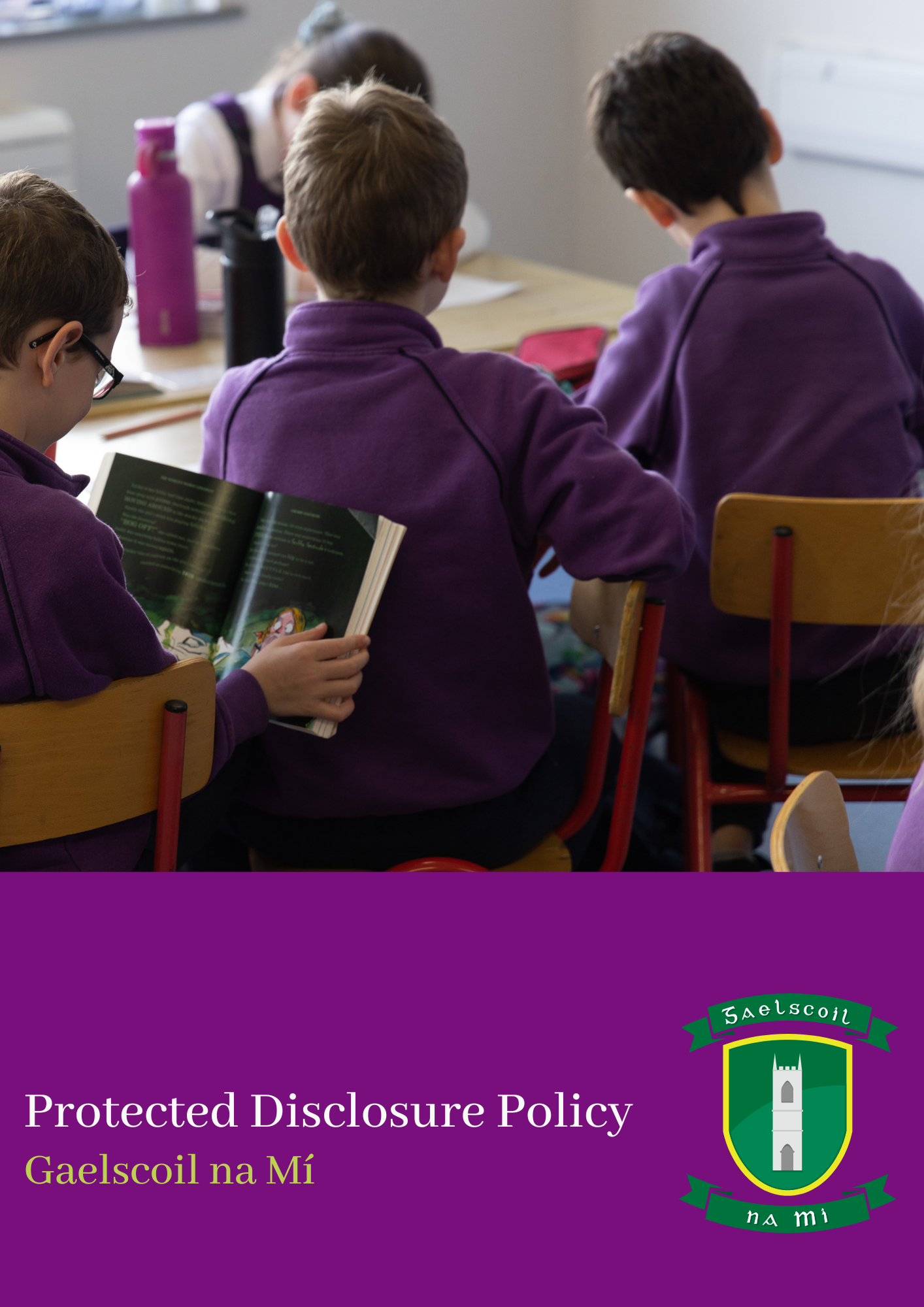
****

**Protected Disclosure Policy Gaelscoil na Mí**

**Introduction**

The school is committed to fostering an appropriate environment in the workplace that encourages exposure of wrongdoing and provides protection for staff who undertake this exposure. The school welcomes openness and honesty and the school recognises that these arrangements are in place for the benefit of the school, the staff and their work. This policy and the implementation of the policy fosters a culture in the school that shows staff members that they are welcome to share information regarding concerns and that this will not harm them in any way as a result.

The best way to deal with a disclosure is within the school, but that said, the school recognises that there are situations where this is not always possible.

This policy cannot be used in place of legal reporting or legislative disclosure requirements, for example child protection duties or in place of policies regarding complaints, bullying, discipline etc.

This policy applies to all school staff. The School Management Board is responsible for this policy and the Principal is responsible for this policy on a daily basis.

**What is whistleblowing?**

Whistleblowing is when a member of staff raises concerns about wrongdoing that has come to light as part of their work. The categories of wrongdoing are described in Appendix A.

**Disclosure of Information & Reasonable Belief**

Disclosing information is not the same as making allegations of wrongdoing for example if someone's health/safety is at risk. Details must be provided when a person makes a disclosure.

The staff member should not investigate a matter to find proof of their suspicions. All that needs to be done is to disclose the information they have, based on a reasonable belief that an injustice is occurring and that if people were to suffer as a result, that information needs to be disclosed.

The staff member must have a reasonable belief that the information being disclosed shows wrongdoing. The term 'reasonable belief' does not mean that belief must be accurate. No staff member will be penalised for making a mistake, as long as they had a reasonable belief that the information they were disclosing was a wrongdoing, or appeared to be a wrongdoing.

**Protection**

This policy protects any member of staff from punishment for disclosing information they reasonably believed to be wrongful. Punishment from anyone will not be tolerated. 'Punishment' means an act or omission affecting a member of staff, including:

1. Suspension or dismissal
2. Demotion or denial of promotion opportunity
3. Transfer of responsibility, change of place of work, reduction of pay or change in working hours
4. Discipline, reprimand or other punishment
5. Unfair treatment
6. Coercion, intimidation or harassment
7. Discrimination, disadvantage or unfair treatment
8. Injury, damage or loss
9. Threat of retaliation

Protection from punishment applies even if the disclosure is not confirmed. If an employee faces punishment, they must inform the school management of this. The situation will be investigated and appropriate action will be taken. Any employee who threatens a staff member who discloses information will be punished.

**Confidentiality**

The school is committed to keeping the whistleblower's name confidential along with the information.

As stated in the Act, there are situations where it is not always possible to keep information confidential, for example if the whistleblower makes it clear that they have no problem being named or if it is absolutely necessary for the investigation.

If it is decided that the whistleblower's name cannot be kept confidential, the school will inform the whistleblower in advance. The whistleblower can request a review of this decision and the review will be carried out if possible.

**Anonymous disclosure**

When a whistleblower withholds their name, it becomes more difficult to assess the disclosure, take appropriate action, keep the whistleblower informed and protect the whistleblower. The school will investigate the disclosure as far as possible but will be limited in their ability to investigate without knowing the name of the whistleblower.

**Disclosure Procedures**

In the first instance, a disclosure should be made by speaking or writing to the principal. In this case, the Principal should record and note the disclosure.

If the disclosure relates to the Principal, the whistleblower should put it in writing to the Chair of the Board.

The person who received the disclosure must take appropriate steps to protect the identity of the discloser.

A disclosure should be completed on the form in Appendix A of this policy.

**Assessment Meeting**

The recipient will meet with the whistleblower within 10 days to discuss the situation confidentially. The recipient needs to make it clear at this point whether the disclosure is appropriate to be proceeded with through this policy or whether something else applies.

The whistleblower can have a trade union representative or a colleague from the school present with them at the meeting. The meeting will be private and confidential. It will have two goals:

1. That the recipient is satisfied that the disclosure applies to this policy
2. That the recipient will be able to ensure a suitable procedure in relation to the disclosure

If the recipient is unsure whether or not the disclosure qualifies as a protected disclosure, it will be treated as such until it is determined not to be a protected disclosure.

The action plan declared by the recipient will be one of the following:

1. A meeting of the recipient and the discloser to clarify matters and agree an outcome, or
2. An inquiry made by the Principal, or
3. An inquiry made by the Chairman, a sub-committee of the Board of Management, or
4. An inquiry carried out by an independent party approved by the Board of Management

An aim of this policy is for the recipient to contact the discloser within 10 days of the assessment meeting to formally acknowledge receipt of the disclosure and communicate the outcome of the meeting. If it appears to the recipient that the disclosure would be better handled under a different process or school policy procedure, the recipient will notify the discloser.

The whistleblower has the right to request a review of the assessment meeting. The review will be done by someone who was not involved in the initial meeting.

Depending on the nature and seriousness of the disclosure, it may need to be referred to the appropriate authorities.

**Inquiry**

When an investigation is underway, the whistleblower's role in that investigation depends on the disclosure made and the details provided by the whistleblower.

The inquiry will be carried out in its entirety, in a fair and objective manner that is in line with natural justice and procedures. The outline of the inquiry will be drawn up by the investigators and it will be decided who will assist/or be involved in the inquiry by reference to the material disclosed. When the material disclosed is related to allegations of wrongdoing on the part a person, natural justice and procedures will be followed in relation to that person.

The investigators may consider it necessary to meet with the whistleblower while the inquiry is in progress, in which case the whistleblower can be accompanied by a Trade Union representative or a colleague from the school.

The main objective is that the inquiry is carried out quickly and efficiently. Due to the length and nature of the investigation, it is possible to inform the whistleblower in writing how the investigation is progressing and the time it will take to complete it. It is important due to confidentiality and legal requirements not to give them specific details.

**Communication & Records**

It is important that the whistleblower feels assured that the disclosure made under this policy is taken seriously and that they are informed of the steps taken in response to the disclosure. In this case, the investigators will communicate with the whistleblower as follows:

1. The recipient will send an acknowledgment of receipt of the disclosure and arrange to meet with the discloser as set out above;
2. If there is an investigation, the investigators will inform the whistleblower of the actions, and if possible, the outcome of any investigation. Details will not be given to the whistleblower.

Disclosures will be carefully recorded to comply with confidentiality requirements under the 2014 Act and data protection obligations.

**Disciplinary Action**

When a disclosure has been made in accordance with this policy, but the inquiry does not support the information disclosed, the whistleblower will be protected against any penalties. That said, the 2014 Act does not protect any disclosure made where there is a lack of any reasonable belief and the discloser may be disciplined. Also, when a whistleblower exposes wrongdoing and they were involved in the wrongdoing themselves, they will not be given any protection.

**External Disclosure**

The aim of this policy is to provide school staff with the means to disclose wrongdoing. The Board of Management is confident that such issues could be dealt with 'within the school' and encourage staff members to disclose material in this way. The Board understands that there may be circumstances where the member of staff would like to disclose outside, and the legislation provides the disclosure controls for them to do this.

It is important to recognise that the staff member only needs to have a reasonable belief to make disclosures within the school. However, if a member of staff is to make the disclosure outside, there are different requirements depending on who the disclosure will be made to.

**Sínithe:** Cormac Mc Cashin **Sínithe:** Clár Ní Mhaoláin

(Cathaoirleach) (Príomhoide)

**Dáta:** 03.05.23

**Appendix A**

**Protected Disclosure Form for Internal Investigation**

1. I, , wish to make a disclosure under the Protected Disclosure Act 2014.
2. Category – put a tick next to your choice(s)

* Criminal Offence
* Failure to comply with a legal obligation
* Miscarriage of Justice
* Endangering a person's Health and Safety
* Damage to the Environment
* Illegal use of public funds
* Oppressive, discriminatory or negligent act
* Conceal or delete information related to one or more of the above subjects

1. Date of wrongdoing, the date it started and is it still going on?

|  |
| --- |
|  |

1. Has this wrongdoing been exposed before? If so, with whom, when and what was the result?

|  |
| --- |
|  |
|  |
|  |

1. Details of the disclosure (care must be taken that the name of no one other than those involved in the alleged wrongdoing is mentioned) and any other information relating to the disclosure:

|  |
| --- |
|  |
|  |
|  |

1. Please provide contact details so that the recipient can contact you:

|  |  |
| --- | --- |
| **Address:** |  |
| **Telephone Number:** |  |
| **Email address:** |  |

|  |  |
| --- | --- |
| **Signature:** |  |
| **Date:** |  |