

Protected Disclosures Policy (Whistleblowing Policy)

The Protected Disclosures (Whistle-blowers) Act 2014

The above Act came into effect on the 16th of July 2014. Schools are required to put a Protected Disclosure policy in place which meets the requirements of the Act. The Board of Management of Galway Educate Together National School takes the issue of wrongdoing seriously and as a result has drafted this policy.

What is a Protected Disclosure?

“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”.

Relevant Wrongdoings include but are not limited to the following:

- The commission of an offence.
- Non-compliance with a legal obligation
- Danger to Health & Safety of an individual.
- Improper use of public funds.
- 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 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 making a disclosure a worker must reasonably believe the information disclosed to be substantially true. No worker will be penalised simply by getting it wrong so long as the worker had a reasonable belief that the information disclosed shows, or tends to show, wrongdoing.

In Galway Educate Together National School, 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 internally within our school. 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.

The relevant wrongdoings may already have taken place, be happening or be likely to happen.

Who does the policy apply 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;
- Agency workers;
- Individuals on work experience pursuant to a training course and trainees of/with the school.

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. 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.

Our Commitment

Galway Educate Together National School, 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.

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.

- 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. 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 the 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.

What protections are available to whistle blowers (Disclosers)?

Among the protections are:

- Protection from dismissal.
- Up to 5 years' remuneration for unfair dismissal.
- Protection of identity (subject to certain exceptions)
- Protection from penalisation by the school Board of Management.

Confidentiality

Galway Educate Together National School is committed to protecting the identity of the worker making a protected disclosure and ensuring that protected disclosures are treated in confidence. However, there are circumstances, as outlined in the 2014 Act, where confidentiality cannot be maintained, for example, where the Discloser makes it clear that he/ she has no objection to his or her identity being disclosed and/or the identity of the Discloser is critical to an investigation of the matter raised. If it is decided that confidentiality cannot be maintained in the context of an investigation, the school will inform the Discloser in advance that his /her identity will be disclosed.

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 Galway Educate Together 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.

Review

The Policy will be evaluated by representatives from the whole school community and reviewed on an ongoing basis.

Ratification and Communication

The Policy will be presented to the Board of Management for Ratification on _____

Signed:

Principal: *Alto Scola*

Chairperson: *[Signature]*