

# St. Patrick's Loreto Primary School

## Protected Disclosures (Whistleblowing) Policy

### 1. 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.

### 2. What is a Protected Disclosure?

St. Patrick's Loreto Primary 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 St. Patrick's Loreto Primary 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 compiled with fully.

### 3. 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

#### **4. 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:

- The commission of an offence
- Non-compliance with a legal obligation
- Danger to the health & safety of an individual
- Improper use of public funds
- Destruction or concealment of information relating to any of the above

#### **5. 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 St. Patrick's Loreto Primary School's Board of Management

#### **6. Confidentiality**

St. Patrick's Loreto Primary 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. 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.

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.

#### **7. Procedure for Raising a Concern**

- Appropriate concerns should be raised with the Principal or Deputy Principal. However, if this is not appropriate or possible given the seriousness and/ or sensitivity of the issues involved, s/he 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'.
- 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.

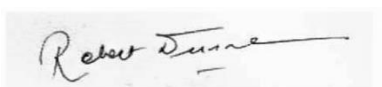
- c. Inform the worker of the likely time scales in regard to each of the steps being taken, but in any event, commit to dealing with the matter as quickly as practicable.
7. It is possible that in the course of an investigation the worker may be asked to clarify certain matters. To maximise confidentiality, 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.

#### **8. Communication, Monitoring and Review**

This policy was ratified by St. Patrick's Loreto Primary School's Board of Management on 19<sup>th</sup> October 2023.

This policy will be communicated to staff and the school community, as appropriate. It will be reviewed every three years, unless there is a compelling reason to review it earlier.

Signed:



Date: 19/10/2023

Chairperson, Board of Management