St. Patrick’s N.S.

Drumshanbo,

Co. Leitrim.

Roll No: 19423J

**Protected Disclosures in the Workplace Policy**

**Created: September 2023**

**Ratified: 26th September 2023**

**Due for Review: 2028**

**St. Patrick’s National School**

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

**What is Whistleblowing?**

'Whistleblowing occurs 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.' S.l. No. 464/2015 - Industrial Relations Act 1990 (Code of Practice on Protected Disclosures Act 2014) (Declaration) Order 2015.

In St. Patrick’s National School, the term 'worker' refers to current staff members of St. Patrick’s N.S..

Relevant wrong doings are broadly defined in the relevant Act (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 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.

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 school's whistleblowing policy is intended to encourage and enable workers to raise concerns within our school rather than overlooking a problem or 'blowing the whistle' externally. Under this policy, a worker 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 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 workers can report any concerns in confidence.

Aims of the Policy

* To encourage workers to feel confident and safe in raising concerns and disclosing information;
* To provide avenues for workers to raise concerns in confidence and receive feedback on any action taken;
* To ensure that workers receive a response where possible to their concerns and information disclosed;
* To reassure workers 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 worker'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 worker's own contract of employment or personal circumstances in the workplace, would not be regarded as a whistleblowing concern and would be more appropriately processed through the relevant Complaints/Grievance Procedure.

Likewise, concerns arising in regard to workplace relationships should generally be dealt with through Disciplinary and Grievance Procedures or Positive Staff Relations document agreed by INTO and school management bodies.

**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 worker 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.

Workers who penalise or retaliate against those who have raised concerns under this policy will be subject to disciplinary action.

Workers 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 worker 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 worker 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 worker is participating in an investigation into the matter being disclosed. Should such a situation arise, the school will make every effort to inform the worker that his/her identity may be disclosed. The processing of information concerning protected disclosures will be guided by our Data Protection Policy and statutory obligations.

**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 workers 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 worker 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 worker raise a concern verbally, a discussion will take place between him/her and the Principal/Deputy Principal/Chairperson of Board of Management, and the worker 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.

Should a worker raise a concern verbally, a written record of the conversation will be taken and a copy will be provided to the worker after the meeting.

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, the Principal and/or Chairperson of the Board of Management (or, in the event of unavailability, a nominated member of 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, for example the Complaints Procedure or Disciplinary and Grievance Procedures. The worker can choose whether he/she wants to be accompanied by a colleague or a trade union representative. Concerning 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 worker about 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 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:

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

‘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.

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 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 worker making the disclosure and the worker 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 about wrongdoing. The Board of Management is confident that most issues can be dealt with at school level and strongly encourages workers to report such concerns internally.

It is acknowledged that there may be circumstances where a worker wants to make a disclosure externally. In relation to schools, this person is the Secretary General of the Department of Education and Skills.

It is important to note, however, that while a worker 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 subject to regular review in consultation with workers and the Board of Management.

**\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\***

**Ratification of policy for St. Patrick’s NS**

**Martin McGowan 26/09/2023**

**Chairperson Date**

**Ruth McLoughlin 26/09/2023**

**Principal Date**