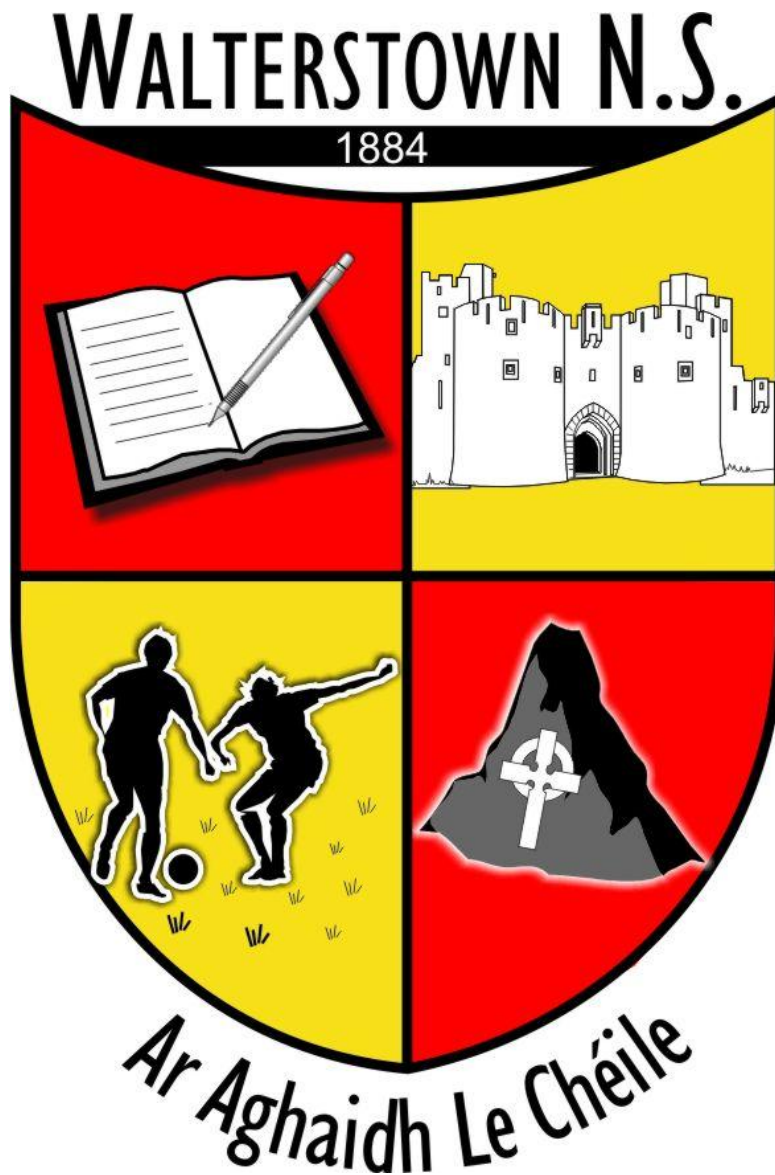


# Protected Disclosures Policy





This document is intended to provide details of the main policies of Walterstown National School. It is intended to help the school community to understand the environment and approach of the school. This document is regularly reviewed. All feedback is encouraged and welcome.

<b>Version</b>	<b>Description</b>	<b>Authors</b>
March 2021	First version of policy	Board of Management

#### **School Contact Details**

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**School Roll No:** 12281D

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**Address:** Walterstown N.S., Walterstown, Cobh, Co. Cork.



## **Introductory Statement**

Walterstown N.S. is a Roman Catholic School, under the patronage of the Bishop of Cloyne. We aim to promote the full and harmonious development of all aspects of our pupils: intellectual, physical, cultural, moral and spiritual, including a living relationship with God and other people. Our school models and promotes a philosophy of life inspired by belief in God and in the life, death and resurrection of Jesus Christ.

## **Vision**

Our school also strives to accommodate individuality, while acknowledging the right of each pupil to education in a disruption free environment. We also promote a sense of responsibility towards the wider community. Parents are recognised as the primary educators of their children. Teachers are recognised as professionals in education and work in partnership with parents.

## **Rationale**

The Board of Management identified the need for a policy to ensure procedures are in accordance with the Protected Disclosure Act 2014

## **Aims of Policy**

The Protected Disclosure Policy aims:

- to encourage and enable a worker in disclosing information which comes to the worker's attention in connection with his/her employment which the worker reasonably believes tends to show one or more relevant wrongdoings
- to allow workers to make disclosures without fear of penalisation or threat of less favourable treatment, discrimination or disadvantage. A worker who makes a disclosure in accordance with this policy will be protected and afforded confidentiality

## **Definitions**

For the purposes of this policy:

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

A worker means:

- 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 who are introduced or supplied to do work for the school by a third person where the terms on which the individual is engaged to do the work are or were in practice substantially determined by the school, by the third person or by both of them e.g. agency workers
- individuals on work experience pursuant to a training course and trainees of/with the school
- volunteers.



A relevant wrongdoing may have already taken place, be happening or be likely to happen and are as follows:

- commission of an offence
- failure by a person to comply with any legal obligation
- a miscarriage of justice
- health or safety of any individual has been, is being or likely to be endangered
- damage to the environment
- misuse of public money
- gross mismanagement by a public body (a public body includes the school), and oppressive, discriminatory or grossly negligent action
- the destruction or concealment of information tending to show any of the matters at above.

Relevant wrongdoings do not include:

- a failure to comply with obligations arising under the worker's contract of employment, e.g., a failure to pay an employee overtime where provided for in the employee's contract of employment
- grievances concerning the worker's contract of employment and/or duties in employment or concerning work relations with another individual or that fall within the scope of a grievance procedure applicable to the worker
- matters falling within the scope of the school's complaints, disciplinary procedures, and/or other internal employment policies and procedures

## **Procedure for Making a Protected Disclosure:**

### **Who can make a protected disclosure?**

- In order to make a protected disclosure, the person making the disclosure must be a worker. A disclosure made by any other person is not a "protected disclosure" under the Protected Disclosure Act 2014.

### **Who should the Discloser make the disclosure to?**

- Under the Act a worker can make a protected disclosure internally to his or her employer. Wherever possible, you should first raise your concern with your employer
- In the first instance, disclosures should be made orally or in writing to the Principal. Where the disclosure is made orally, the Principal shall take a note recording the disclosure in consultation with the Discloser
- Where the disclosure involves the Principal, the Discloser should make the disclosure in writing to the Chair of the Board of Management
- A person to whom a disclosure is made must take reasonable steps to protect the identity of the Discloser
- A disclosure made in writing should state that it is being made in accordance with this procedure and must provide as much detail as possible including background details, dates and sequence of events relating to the disclosure and whether the alleged wrongdoing has already been disclosed and if so, to whom, when and what action was taken



- A worker can make a protected disclosure to the Teaching Council where the disclosure comes within the scope of the work of the Teaching Council. Where a disclosure is being made externally to the Teaching Council, there is a higher standard for the making of a disclosure than where the disclosure is made to the employer.

### **Assessment Meeting**

- The recipient will arrange to meet with the Discloser within 10 school days of receipt of the disclosure to discuss it on a strictly confidential basis. We will need to clarify at this point if the disclosure is appropriate to this Policy or is a matter more appropriate to our other procedures
- The Discloser may be accompanied at this meeting by a trade union representative or a work colleague from the School. The meeting will be private and confidential and its 6 purpose is twofold: (a) So that the recipient is satisfied the disclosure made falls within the scope of this policy and not some other internal policy, and (b) So that the recipient can determine the appropriate course of action in response to the disclosure made.
- If the recipient is unclear whether the disclosure qualifies as a protected disclosure, it will be treated as such and pursuant to this policy until such time as it is deemed not to constitute a protected disclosure
- The course of action, as determined by the recipient, will take one of the following forms:
  - meetings between the recipient and Discloser to clarify matters and/or agree an outcome, and/or
  - an investigation by the Principal, or
  - an investigation by the Chair /a sub-committee of the Board of Management, or an investigation approved by the Board of Management to be carried out by an independent third party.
- It is the general intention of this policy that the recipient will communicate with the Discloser in writing within [10] school days of the Assessment Meeting taking place to formally acknowledge receipt of the disclosure made and to advise the outcome of the Assessment Meeting
- If it appears to the recipient that the disclosure made fails to be more properly addressed under another process or within the scope of another internal school policy and procedure, the recipient will communicate this to the Discloser.
- The Discloser may seek a review of the outcome of the assessment meeting. The review will be undertaken by a person who was not involved in the assessment meeting
- Disclosures may, in light of the nature and/or seriousness of the matters raised, be referred immediately to the appropriate authorities. For example, if the disclosure relates to criminal activity, the recipient will refer the matter immediately to An Garda Síochána

### **Investigation**

- Where an investigation is undertaken, the Discloser's involvement in that investigation will depend on the subject matter of the disclosure made and the detail provided by the Discloser
- The investigation will be conducted in a full, fair and objective manner with regard to the principles of natural and constitutional justice. Its format and who assists and/or is



involved in the investigation will be determined by the investigator(s) by reference to the subject matter of the disclosure made. Where the information disclosed relates to alleged wrongdoing on the part of an individual, the principles of natural justice and fair procedures will be complied with in relation to that individual, as appropriate

- The investigator(s) may deem it necessary to meet with the Discloser in the course of the investigation and in such circumstances the Discloser may be accompanied by a trade union representative or work colleague from the school
- The objective is that the investigation will be undertaken promptly and efficiently. Having regard to the duration and nature of the investigation, it may be appropriate to inform the Discloser in writing of the investigation's progress and likely timeframe for its conclusion. However, it is important to note that sometimes the need for confidentiality and legal considerations may prevent us from giving specific details of an investigation.

### **Communication**

- It is important to the school that the Discloser feels assured that a disclosure made under this policy is taken seriously and is kept informed of the steps which are being taken by us in response to the disclosure. In this regard, the school undertakes to communicate with the Discloser as follows:
  - We will acknowledge receipt of the disclosure and arrange to meet with the Discloser as outlined above
  - We will inform the Discloser of how we propose to investigate the matter and keep him/her informed of actions, where possible, in that regard including the outcome of any investigation or why no or no further investigation will take place. However, in this regard, it is important to note that sometimes the need for confidentiality and legal considerations may prevent us from giving the Discloser specific details of an investigation
  - We will inform the Discloser of the likely time scales in regard to each of the steps being taken but in any event we commit to dealing with the matter as quickly as practicable
- In the course of an investigation, we may ask the Discloser to clarify certain matters. This meeting may be held off site and the Discloser may choose whether he or she wishes to be accompanied by a colleague or a trade union representative.

### **Disciplinary Action**

- Where a disclosure is made in accordance with this policy, but the information disclosed is not subsequently upheld by an investigation, no action will be taken against the Discloser who will be protected against any penalisation
- A disclosure made in the absence of a reasonable belief will not attract the protections of the 2014 Act and may result in disciplinary action against the Discloser. In addition, disclosure of a wrongdoing does not necessarily confer any protection or immunity on a Discloser in relation to any involvement they may have had in that wrongdoing
- Records: all records of disclosures will be securely maintained so as to comply with the requirements for confidentiality under the 2014 Act and data protection obligations



## **Making a Disclosure Externally**

- The aim of this Policy is to provide workers with an avenue within this school to make disclosures in relation to wrongdoing. We are confident that such issues can be appropriately dealt with in school and we encourage workers to report such disclosures internally. We acknowledge that there may be circumstances where an employee wishes to make a disclosure externally, and the legislation governing disclosures provides for a number of avenues in this regard.
- At the outset, it is important to note that while a worker need only have a reasonable belief as to wrongdoing to make a disclosure internally, if the worker is considering making an external disclosure he or she has different and potentially more onerous obligations depending to whom the disclosure is made.
- Disclosure to a prescribed person (section 7 of the 2014 Act) Statutory Instrument (S.I.) 339 of 2014 prescribes certain external bodies and persons as appropriate recipients of disclosures of relevant wrongdoings falling within their prescribed remit. It should be noted that a worker disclosing to a prescribed person must reasonably believe that the relevant wrongdoing falls within the scope of matters in respect of which the person is the prescribed recipient and that the information disclosed, and any allegation contained in it, are substantially true. This standard is different from that applying to internal disclosures. Examples of prescribed recipients of disclosures of relevant wrongdoings under the S.I. are the C.E.O. of the State Examinations Commission and the Director of the Teaching Council.
- Disclosure to a Minister: (section 8 of the 2014 Act) Where a worker is an employee of the School's Board of Management, the worker may make a protected disclosure to the Minister for Education & Skills where the worker reasonably believes the information being disclosed shows/tends to show wrongdoing
- Disclosure to legal adviser: (section 9 of the 2014 Act) Where a worker makes the disclosure in the course of obtaining legal advice from a barrister, solicitor, trade union official or official of an excepted body
- Disclosure to other persons outside the workplace: (section 10 of the 2014 Act) Certain criteria and conditions must be fulfilled in order for such a disclosure to be protected and workers are advised to seek Union or other advice / assistance if they are considering making a section 10 protected disclosure

## **Roles and Responsibility**

All members of the school community, under the positive and supportive leadership of the Board of Management and Principal, have both a role and a responsibility in successfully implementing this policy. The policy will be monitored and evaluated on an ongoing basis by the policy committee through feedback from members of the school community.

## **Implementation Date**

This policy was implemented \_\_\_\_\_. Amendments will be implemented immediately.

## **Timetable for Review**

This policy is to be reviewed during the school year \_\_\_\_\_.



## **Ratification and Communication**

The amended policy will be communicated to members of the Board of Management prior to the meeting of the BOM on \_\_\_\_\_. Parents will be made aware in the next school communication that the policy is available for viewing on the school website.

Date of ratification: \_\_\_\_\_

Signed: \_\_\_\_\_ Date: \_\_\_\_\_