



Protected Disclosures A.K.A Whistleblowing Policy

Mohill Family Support Centre aims to conduct its business in accordance with the law and high ethical standards. The Protected Disclosures Act 2014 and Protected Disclosures (Amendment) Act 2022 introduced serious sanctions where an employee is dismissed or penalised for making a protected disclosure. Making a protected disclosure refers to a situation where a worker discloses information in relation to wrongdoing – sometimes referred to as ‘whistleblowing’. A person to whom a protected disclosure is made is also obliged to protect the identity of the discloser.

This policy is intended to encourage and enable employees to raise concerns about relevant wrong-doings. Under the policy an employee can make a disclosure without fear of penalisation or threat of less favourable treatment, subsequent discrimination or disadvantage. The Centre recognises that penalisation can take many forms; it can be direct or indirect and can be perpetrated by fellow employees or volunteers, members of the Board of Directors/Trustees or anybody using the Centre. The Centre will take action to prevent and remedy any penalisation which may lead to disciplinary action up to and including dismissal for employees.

All employees in the Centre are protected when they make a disclosure about a relevant wrong-doing in accordance with the Protected Disclosures Act, 2014 and Protected Disclosures (Amendment) Act 2022. In order to benefit from this legal protection, the employee must show that they had a reasonable belief that a relevant wrong-doing had occurred, or was likely to occur, and that this came to their attention during the course of their employment. The policy does not replace any legal reporting or disclosure requirements arising under other legislation. Where statutory requirements of procedures exist these must be fully complied with. Neither does the policy replace the Centre’s grievance procedures.



Where the concern relates to an individual's contract of employment the matter should be dealt with under the Grievance Procedure.

Relevant Wrong-doings

A 'protected disclosure' may be about a relevant wrong-doing that is happening now, took place in the past or is about to happen. The Acts extends safeguards to a wide range of 'workers' including: employees; contractors; trainees; agency staff; former employees and interns.

Disclosures that relate to 'relevant wrong-doings' for the purpose on the Protected Disclosures Act, 2014 and Protected Disclosures (Amendment) Act 2022 are:

- Offences that are or are likely to be committed;
- Failure to comply with legal obligations;
- Miscarriage of justice;
- Health and safety risks, including risks to the public as well as other employees;
- Damage to the environment;
- The unauthorised use of public funds or resources;
- Oppressive, discriminatory or grossly negligent action or inaction by a public body;
- Concealment or destruction of Information relating to any of the foregoing.

Disclosure Criteria

An employee does not have to be certain about the facts in their disclosure. They should 'reasonably' believe that the information tends to show relevant wrong-doing(s) and that the information came to their attention in connection with their employment.



Procedure for Making a Disclosure

Disclosures can be made internally within the Centre or externally to an appropriate authority.

(a) Internal Disclosure

The disclosure about a relevant wrong-doing should normally be raised within the organisation (however it is recognised that this may not always be appropriate). The Chairperson of the Board of Directors/Trustees is the nominated *Protected Disclosure Manager*

Name: Cathriona Charles

Contact Details: MFSC.Chairperson@outlook.com

Alternatively, the concern can be raised with another member of the Board of Directors/Trustees who will then bring it to the attention of the Chairperson. Disclosures may be made verbally or in writing and employees are encouraged to put their name to the disclosure. Concerns expressed anonymously will, however, be treated seriously and considered in accordance with this policy.



How the Centre will Respond:

- The Protected Disclosure Manager (the Chairperson) will respond to all concerns that are raised under the internal disclosure procedure within 15 working days. They will write acknowledging that the disclosure has been received; say how the Centre proposes to deal with the matter; indicate how long that will take or set out why no investigation has taken place;
- The communication will include information on staff support mechanisms that are in place in the Centre including the right to be represented;
- An initial inquiry will be conducted by the Protected Disclosure Manager and one other member of the Board of Directors/Trustees (two other members of the Board of Directors/Trustees if the Protected Disclosure Manager is implicated in the disclosure) to ascertain the seriousness of the disclosure;
- Depending on the seriousness of the allegation(s) – the disclosure may be (a) referred immediately to the authorised external authorities; (b) form the subject of an independent third-party investigation; (c) investigated by the Board of Directors/Trustees and / or (d) dealt with in accordance with the Centre’s disciplinary and grievance procedures;
- The Protected Disclosure Manager (or nominated member of the Board of Directors/Trustees as appropriate) will ensure that the person that made the disclosure will be provided with a final statement from the Centre summarising how the concerns that were raised were dealt with and what action was taken to rectify the wrong-doing;
- If an investigation concludes that any relevant wrong-doing has not occurred or that the person making the disclosure was mistaken or not fully informed of all the facts, then the Protected Disclosure Manager will explain why the concerns were unfounded;



- A record of all communications concerning a disclosure and the outcomes of any investigation will be maintained securely by the Protected Disclosure Manager;
- The Protected Disclosure Manager will report to the Board of Directors/Trustees throughout the process.

(b) External Disclosure

In certain circumstances, the Protected Disclosure Act, 2014 and Protected Disclosure (Amendment) Act 2022 provides for external reporting of wrong-doing to the appropriate authorities. When an employee reasonably believes that the relevant wrong-doing which the disclosure tends to show relates solely or mainly to the conduct of someone other than their employer or to something for which their employer has no legal responsibility – then they can raise the matter externally either to a ‘Prescribed Person’ or to another relevant authority.

(1) Reporting to a ‘Prescribed Person’: A ‘Prescribed Person’ is the external authority prescribed by Ministerial Order with responsibility for dealing with any ‘relevant wrong-doing’ such as the Health and Safety Authority and the Labour Inspectorate in the Work Place Relations Service;

(2) The Protected Disclosure Act, 2014 and Protected Disclosure (Amendment) Act 2022 also provides for external reporting to other relevant authorities e.g. the Gardaí, a legal advisor, a government Minister, Revenue.



Confidentiality

All concerns will be treated in confidence unless the employee clearly states that they do not require this (the information in the disclosure may be regulated by other legislation e.g. a child protection concern where confidentiality cannot be guaranteed). Records of disclosures will be kept securely and in a form that does not endanger confidentiality regarding the identity of the person making the disclosure. At all times, the focus will be on the information in the disclosure rather than the identity of the employee that made it. However, at some stage the identity of the employee that made the disclosure may have to be revealed in line with the principles of natural justice.

An employee that is the subject of a disclosure is entitled to fair treatment and all reasonable steps will be taken to protect their confidentiality, particularly during an investigation.

Unfounded Allegations

If an employee makes a report in accordance with this policy but the information is subsequently not confirmed by an investigation, no action will be taken against the employee that made the disclosure. They will be fully protected from any less favourable treatment, penalisation or victimisation. However, if an allegation that is known to be false is made maliciously then disciplinary action will be taken.

Complaints Procedure

A complaint of penalisation or a breach of confidentiality under this policy can be made under the Centre's Grievance Procedure.

This policy was ratified at the meeting of the Board of Directors/Trustees on -

_____ 2022.

Proposed:

Position on Board:

Second:

Position on Board: