



Document name	RETNS Policy on Protected Disclosures
Version reference	1.0
Nature of revision	New policy
Document owner	Board of Management
Approved by	Board of Management
Ratified on	8 <sup>th</sup> May 2023
Review Date	2026

## RETNS POLICY ON PROTECTED DISCLOSURES

### 1. Introduction

The Board of Management of RETNS is required to put a Protected Disclosures policy in place in order to meet the requirements of the the Protected Disclosures (Whistleblowers) Act 2014, as amended in 2022.

#### **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 their employment.

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.

### 2. Scope

#### **What are “Relevant Wrongdoings”?**

*Relevant Wrongdoings* include but are not limited to the following:

- Criminal offences
- Failure to comply with a legal obligation (other than a workers contract of employment)
- Miscarriage of justice
- Endangerment of health and safety
- Damage to the environment
- Unlawful or improper use of public funds
- Oppressive, discriminatory or negligent behaviour by a public body

- Breaches of EU law
- Concealing or destroying evidence of wrongdoing

Personal grievances between a reporting person and their employer or a co-worker that solely affect the reporting person are not protected by the Act. Such matters may be protected under general employment law however

#### **To whom does the Act apply?**

- Employees
- 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.
- Volunteers
- Board Members
- Job applicants

#### **To whom do you make the Disclosure?**

The vast majority of disclosures should be made, orally or in writing, to the school principal or to the Chairperson of the Board of Management. Where this is inappropriate or impossible a list of 'Prescribed Persons' is provided at <http://www.gov.ie/prescribed-persons> .

#### **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

#### **What is best practice?**

If a member of staff has a genuine or reasonable concern that there is wrongdoing in the school, it should be reported to the Principal. If this is not appropriate or possible it should be reported to the Chairperson of the Board of Management. Workplace grievances should be reported in the normal manner and are not covered by this policy. It should be noted that while internal reporting is encouraged the option exists to raise concerns outside of the school's Board of Management and report directly to a prescribed person.

A list of prescribed persons can be found at [www.gov.ie/prescribed-persons](http://www.gov.ie/prescribed-persons). They can also report to the Protected Disclosures Commissioner who will refer the report to the most appropriate body for their initial assessment and follow-up.

If all other options fail, workers can make a public disclosure. Such disclosures are subject to more stringent conditions to qualify for protection however.

### **3. Procedure - Raising a Concern**

As a first step, appropriate concerns should be raised with the Principal. However, should a staff member not wish to use this route, for example, given the seriousness and sensitivity of the issues involved, they should raise the concern with the Chairperson of the Board of Management.

#### **How to raise a concern**

Concerns may be raised verbally or in writing. Should a staff member raise a concern verbally, a discussion will take place with the Principal/Chairperson of Board of Management. The staff member 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.

There should be an acknowledgement of all reports received within 7 days. There will be diligent follow-up on all reports received.

#### **Dealing with the disclosure**

Having received the written concern, 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 they want 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.

Having met with the staff member in regard to their 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 warrant further investigation, 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 immediately.

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:

1. Acknowledge receipt of the disclosure within seven days and arrange to meet with the relevant staff member as outlined above
2. Inform the staff member of how it is proposed to investigate the matter and keep them 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. This feedback should be given within three months.

3. There is a provision for further feedback to the reporting person at 3 month intervals, on request.
4. 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 they can choose whether or not to be accompanied by a colleague or trade union representative.
5. 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.

### **How the matter can be taken further**

The aim of this policy is to provide a pathway within our 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 encourages staff members to report such concerns internally.

If the reporting person doesn't wish to report to the school principal or Board of Management or reporting to their employer hasn't worked, they can report to a regulator, known as a "prescribed person".

A list of prescribed persons can be found at [www.gov.ie/prescribed-persons](http://www.gov.ie/prescribed-persons). They can also report to the Protected Disclosures Commissioner who will refer the report to the most appropriate body for their initial assessment and follow-up Public disclosure

If all other options fail, workers can make a public disclosure. Such disclosures are subject to more stringent conditions to qualify for protection however.

### **Confidentiality**

RETNS 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 they have no objection to their 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 their identity will be disclosed.

## **4. Communication, Monitoring and Review:**

This policy will be communicated to staff and the school community and will be subjected to regular review.

## **5. Roles/responsibilities**

### **Board of Management**

It is the responsibility of the Board of Management to ensure that this document is drawn up with the appropriate involvement of all stakeholders, that it is reviewed regularly and that the policy is upheld.

### **Principal**

The Principal is responsible for ensuring that the procedures outlined in this policy are implemented, and that they are communicated on an ongoing basis to all members of the school community. These duties will be assumed by the Deputy Principal in the Principal's absence. The Principal plays a particular role in the induction of new staff through the Droichead process and by ensuring a mentoring system is in place.

### **Others**

All those to whom this policy applies and who wish to make a protected disclosure should follow the procedure outlined in the policy.

## **6. Related documentation**

**Protected Disclosures (Amendment) Act 2022**

<https://www.irishstatutebook.ie/eli/2022/act/27/enacted/en/pdf>

**Protected Disclosures Act – Key Messages for Employers**

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## **7. Contact details**

Queries about this policy should be addressed to the Principal in the first instance:

The Principal

Rathfarnham Educate Together National School

Loreto Avenue

Rathfarnham

Dublin 14

Telephone: (01) 493 8677

E-mail: [info@retns.ie](mailto:info@retns.ie)

## **8. Review date**

This policy has been communicated to all present staff and will be communicated to all future staff. It was presented to the Board of Management and ratified on 8<sup>th</sup> May 2023. It is available to view on the school website or a hard copy is available from the school office.

This policy and its associated procedures will be monitored on an ongoing basis but will undergo full review in 2026, or earlier if necessary.