



**Cherrywood
Educate Together
National School**

Protected Disclosures Policy

Ratified by the Board of Management: December 2020

Review Date: 2023

What is a Protected Disclosure?	2
The Protected Disclosures (Whistle-blowers) Act 2014	2
What are “Relevant Wrongdoings”?	2
Who is a Worker as far as a school is concerned?	2
To whom do you make the Disclosure?	3
What protections are available to whistle blowers (Disclosers)?	3
What is best practice?	3
Confidentiality	3
Raising a Concern Anonymously	3
Procedure - Raising a Concern	4
Who should you raise your concern with?	4
How to raise a concern	4
Dealing with the disclosure	4
How the matter can be taken further	5

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 his/her 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.

The Protected Disclosures (Whistle-blowers) Act 2014

The above Act came into effect on the 16th of July 2014. Schools are required to put a Protected Disclosure policy in place which meets the requirements of the Act. The Management of Cherrywood ETNS takes the issue of wrongdoing seriously and as a result has adopted this policy.

What are “Relevant Wrongdoings”?

Relevant Wrongdoings include but are not limited to the following:

- The commission of an offence.
- Non-compliance with a legal obligation
- Danger to Health & Safety of an individual.
- Improper use of public funds.

The relevant wrongdoings may already have taken place, be happening or be likely to happen.

Who is a Worker as far as a school is concerned?

- 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;
- Agency workers;
- Individuals on work experience pursuant to a training course and trainees of/with the school.

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 (BOM). Where this is inappropriate or impossible there is provided a list of "Prescribed Persons". In relation to schools the Prescribed Person is the Secretary General of the Department of Education and Skills (DES).

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 you as a member of staff have a genuine or reasonable concern that there is wrongdoing in the school you should report it to the Principal. If this is not appropriate or possible you should then report it to the Chairperson of the BOM. 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 you have the option to raise concerns outside of the school's Board of Management and report to the Secretary General of the DES.

Confidentiality

Cherrywood ETNS 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 he/ she has no objection to his or her 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 his /her identity will be disclosed.

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 staff members 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 staff member 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 staff member raise a concern verbally, a discussion will take place between him/her and the Principal/Deputy 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.

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, representatives from 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 Procedures. The staff member can choose whether or not he/she wants 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.

Dealing with the disclosure

Having met with the staff member in regard to 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 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:

- Acknowledge receipt of the disclosure and arrange to meet with the relevant staff member as outlined above.
- Inform the staff member 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 staff member specific details of an investigation.
- Inform the staff member 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 staff member 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 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 an avenue within this 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 strongly encourages staff members to report such concerns internally.

It is acknowledged that there may be circumstances where a staff member wants to make a disclosure externally and the legislation governing disclosures — The Protected Disclosures Act 2014 — provides for a number of avenues in this regard.

It is important to note, however, that while a staff member 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.