



*Tús maith, leath na h-oibre*



## Whistleblowing (Protected Disclosures in the Workplace) Policy 2020-21

### Introduction:

St. Sylvester's I.S is committed to the highest possible standards of compliance with our legal requirements. Our Protected Disclosures Policy is intended to encourage and enable anyone who works for St. Sylvester's to raise concerns rather than to overlook them. The purpose of this policy is to allow staff to make a disclosure (where appropriate) without fear of any negative consequences for doing so.

### *What is whistleblowing?*

Whistleblowing is the term used when a worker raises a concern about a relevant wrongdoing such as possible fraud, crime, danger or failure to comply with any legal obligation which came to the worker's attention in connection with the worker's employment. Relevant wrong doings are broadly defined in *The Protected Disclosures Act (2014)* which became law on 15th July 2014.

Relevant wrongdoings include the following:

- i. Criminal offences that are being or are likely to be committed
- ii. Failing to comply with legal obligations ((other than one arising under the worker's contract of employment or other contract whereby the worker undertakes to do or perform personally any work or services)
- iii. Miscarriage of Justice
- iv. Health and Safety Risks (including risks to the public as well as to other staff)
- v. Damage to the environment
- vi. Unauthorised use of public funds or resources
- vii. Oppressive, discriminatory or grossly negligent action by and public body
- viii. Information showing any matter falling into the above categories may be destroyed.

See: <https://www.cpsma.ie/the-protected-disclosures-act-2014/>

It is important to note that a matter is not regarded as relevant wrongdoing if it is a matter whereby 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.

## **Aims:**

- To encourage all staff members to feel confident and safe in raising concerns and disclosing information;
- To provide avenues for staff to raise concerns in confidence and receive feedback on any action taken;
- To ensure that staff receive a response, where possible, to their concerns and information disclosed;
- To reassure staff that they will be protected from penalisation or threat of penalisation

## **Our Commitment:**

St. Sylvester's Infant 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 staff members can report any concerns in confidence.

Our school's whistleblowing policy is intended to encourage and enable staff members to raise concerns within our school rather than overlooking a problem or "blowing the whistle" externally. Under this policy a staff member is entitled to raise concerns or disclose information without fear of penalisation or threat of less favourable treatment, discrimination or disadvantage.

## **Who is considered a "worker" under this policy?**

'Worker' is very broadly defined in the Act and includes employees (including temporary employees), contractors, trainees, agency staff, former employees and job seekers. The broad definition of worker covers practically all those who are engaged to do work in schools.

## **What types of concerns can be raised under this policy?**

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 staff member's attention in connection with his/her employment and about which he/she has a reasonable belief of wrongdoing.

## **What type of concerns should not be raised under this policy?**

Concerns in relation to a staff member's employment and/or personal circumstances in the workplace.

St. Sylvester's Infant School has the following comprehensive policies in place for dealing with such concerns:

- Respect and Dignity in the Workplace Policy
- Sexual Harassment and Adult Bullying Policy

## **Procedure:**

### ***Who can a disclosure be made to?***

It is recommended that disclosures should be made, verbally or in writing to:

- The Principal (or in their absence Deputy Principal);
- The Chairperson of the Board of Management (in the event that sensitivity of the disclosure means it cannot be disclosed to the Principal/Deputy)
- The Secretary General of the Department of Education and Skills (only when the above avenues have been exhausted/ are inappropriate). The Secretary General is part of the list of "*Prescribed Persons*" laid down by the Whistleblowing Act.

### ***How can a disclosure be made?***

Disclosures can be made verbally, or in writing.

If the disclosure is made verbally, a discussion will take place between the staff member and the Principal/Deputy Principal/ Chairperson/ Secretary General and the staff member may be advised to put their concerns in writing.

The written concern/disclosure should, insofar as is possible, give the following details:

- Dates
- Sequence of events
- Description of circumstances

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 be clarified at this point, if the concern is appropriate to this procedure or is a matter more appropriate to other procedures (e.g. Grievance or Adult-bullying procedures).

The staff member can choose whether or not he/she wants to be accompanied to the meeting by a colleague or a trade union representative.

The importance of stressing the importance of respecting sensitive school information will be made by the Board of Management, as such information, while unrelated to the disclosure may be disclosed in the course of a consultation or investigation process.

### ***How will the disclosure be dealt with?***

The following steps will be taken:

1. Receipt of the disclosure will be acknowledged, and an arrangement to meet with the relevant staff member will be made (as above).
2. The staff member will be informed of how it is proposed to investigate the matter and keep him/her informed of actions, including the outcome of any investigation. Equally the staff member will be informed if it has been decided that no further investigation will take place. On occasion, the need for confidentiality and legal considerations may prevent the school from giving the staff member specific details of an investigation.
3. The staff member will be informed of the likely time scales for each of the steps to be taken.

### ***Taking the matter further***

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.

### **Safeguards:**

#### ***What protections are available to whistleblowers (Discloser)?***

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. Instead, the worker is afforded certain protections.

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.

Penalisation includes suspension/ dismissal, disciplinary action, demotions, discrimination, threats, or any other unfavourable treatment arising from raising a concern or making a disclosure based on there being a reasonable belief in the need to do so.

**Confidentiality:**

St. Sylvester's Infant School is committed to protecting the identity of the worker "Discloser", 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. Examples of such are 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.

**Communication, Monitoring and Review:**

Staff will be advised of this policy at staff meetings, and the policy will be uploaded to the school "Shared Policies Drive" for staff to view. The policy will be uploaded to the school website for the school community to view.

If you require any further information about this policy or the Protected Disclosures Act of 2014 please feel free to contact the Protected Disclosures Manager and your query will be dealt with as soon as practicable.

**Ratification:**

The policy was ratified on 8th February 2021. The Board of Management reserve the right to amend and review this policy from time to time.

It will be reviewed again in February 2024.

Signed:

Date: 8th February 2021



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Mr. Michael McKenna  
Chairperson,  
Board of Management.