**Scoil Chomhgháin Naofa**

**Protected Disclosure Policy**

**Rationale**

The Board of Management identified the need for a policy to ensure procedures are in

accordance with the Protected Disclosure Act 2014.

**Definitions**

The definition of a protected disclosure is as follows:

● 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

For the purposes of this Policy:

● 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

● The ‘Discloser’ means the person making the disclosure

● The ‘Recipient’ means the person to whom the disclosure is made. The recipient may

be, e.g. the school principal, the chairperson or another member of the Board of

Management, a representative of an external body, as appropriate

**Aims**

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

● 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

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 their 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. The Discloser must

reasonably believe that the information disclosed, or any allegation contained in it, is

substantially true

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, for example our grievance 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

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:

o meetings between the Recipient and Discloser to clarify matters and/or agree

an outcome, and/or

o an investigation by the Principal, or

o an investigation by the Chair/a sub-committee of the Board of Management,

or )

o 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 falls 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

Siochana

**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 vis-à-vis 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

● In any event, 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

time frame 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 house” 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 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

**Success Criteria**

Our Protected Disclosure Policy will be seen to be working well when:

● positive feedback from members of the school community is received

● the school community are clear about and are committed to the principles that are

outlined in this policy and correct procedures are being implemented

**Roles and Responsibility**

The Board of Management, Principal, teachers and SNAs 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 Board of Management

**Implementation Date**

This policy was implemented in \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Timetable for Review**

This policy will be reviewed in the year 2026/2027

**Ratification and Communication**

The policy will be communicated to members of the Board of Management prior to

the meeting of the BOM on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Parents will be made aware via Aladdin that the policy is available to view on the school

website. A copy of the policy will be made available for the staff to view on Google Drive. A

hard copy of the policy will be available in the school office in the policy folder.

Date of ratification:

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

PRINCIPAL

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

CHAIRPERSON OF BOM