



EAST GLENDALOUGH SCHOOL

PROTECTED DISCLOSURE POLICY

What is Whistleblowing/Protected disclosure?

Whistleblowing occurs when a staff member raises a concern or discloses information which relates to wrongdoing, illegal practices or unethical conduct which has come to his/her attention through work.

This policy is intended to encourage and enable staff to raise concerns within East Glendalough School rather than overlooking a problem or “blowing the whistle” externally. Under this policy staff are entitled to raise concerns or disclose information without fear of penalisation or threat of less favourable treatment, discrimination or disadvantage.

Our Commitment

This organisation is committed to maintaining an open culture with the highest standards of honesty and accountability where our members of staff can report any concerns in confidence.

Who does the policy apply to?

This policy applies to all of our staff including our employees at all levels, along with student teachers.

It is important to note that should you have a concern in relation to your own employment or personal circumstances in the workplace it should be dealt with by way of the ACCS/TUI/ASTI agreed Grievance Procedure (see policy on the EGS website).

It is also important to note that this policy does not replace any legal reporting or disclosure requirements. Where statutory reporting requirements and procedures exist (for example, those relating to Child Protection) these must be complied with fully.

Aims of the Policy

- To encourage staff 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 concerns and information disclosed;
- To reassure staff that they will be protected from penalisation or any threat of penalisation.

What types of concerns can be raised?

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 the attention of a staff member in connection with their employment and about which they have a reasonable belief of wrongdoing.

What types of concerns should not be raised under this Procedure?

A personal concern, for example a grievance around a staff member's own contract of employment would not be regarded as a whistleblowing concern and would be more appropriately processed through the School's Grievance Procedure.

Safeguards and Penalisation

A member of staff who makes a disclosure and has a reasonable belief of wrongdoing will not be penalised by this organisation, even if the concerns or disclosure turn out to be unfounded.

Penalisation includes

- suspension/dismissal
- disciplinary action
- demotion
- discrimination
- threats
- or other unfavourable treatment arising from raising a concern or making a disclosure on the basis of reasonable belief for doing so.

If staff believe that they are being subjected to penalisation as a result of making a disclosure under this procedure, they should inform the Board of Management immediately.

Staff who penalise or retaliate against those who have raised concerns under this policy will be subject to disciplinary action.

Staff are not expected to prove the truth of an allegation. However, they must have a reasonable belief that there are grounds for their concern. It should be noted that appropriate disciplinary action may be taken against any staff member who is found to have raised a concern or raised a disclosure with malicious intent.

Confidentiality

East Glendalough School is committed to protecting the identity of the staff member raising a concern and ensuring that relevant disclosures are treated in confidence. The focus will be on the wrongdoing rather than the person making the disclosure.

However, there are circumstances, as outlined in the Protected Disclosures Act (<http://www.irishstatutebook.ie/eli/2014/act/14/enacted/en/html>), where confidentiality cannot be maintained, particularly in a situation where the staff member is participating in an investigation into the matter being disclosed. Should such a situation arise, the School will make every effort to inform the staff member that his/her identity may 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. We would encourage staff to put their names to allegations, with the assurance of confidentiality where possible, in order to facilitate appropriate follow-up. This will make it more straightforward for the School to assess the disclosure and take appropriate action including an investigation if necessary.

Procedure

Raising a Concern

1. 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, they should approach the Board of Management.

2. How to raise a concern

Concerns may be raised verbally or in writing. Should a staff member raise a concern verbally a written record will be kept of the conversation, and a copy provided after our meeting. Should a concern be raised in writing, the School would ask the staff member to 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 a concern is expressed, the easier it will be for the School to deal with the matter quickly.

Having raised the concern with us, the School/Board will arrange a meeting to discuss the matter with you on a strictly confidential basis. It will be necessary to clarify at this point whether the concern is appropriate to this procedure or is a matter more appropriate to our other procedures (as above). A staff member can choose whether or not they wish 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, staff or student information, which, while unrelated to the disclosure, may be disclosed in the course of a consultation or investigation process.

3. How the School will deal with your disclosure

Having met with the staff member in regard to their concern and clarified that the matter is in fact appropriate to this procedure, an initial assessment will be carried out to examine what actions we need to take 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 which cannot be dealt with at this point, an investigation will take place 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 to East Glendalough School that staff 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 staff members as follows:

- The School will acknowledge receipt of the disclosure and arrange to meet with them as outlined above;
- The School will inform them of how it is proposed to investigate the matter and keep them informed of actions, where possible, in that regard 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 specific details of an investigation being given.
- The School will inform them of the likely time scales in regard to each of the steps being taken but in any event commits to dealing with the matter as quickly as practicable.

It is possible that in the course of an investigation they may be asked to clarify certain matters. To maximise confidentiality such a meeting can take place off site and they 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 member of staff making the disclosure and the member of staff will be protected against any penalisation. However, it is important to note that if an unfounded allegation is found to have been made 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 workplace to deal with concerns or disclosures in regard to wrongdoing. The School is confident that issues can be dealt with “in house” and we strongly encourage members of staff to report such concerns internally.

We acknowledge that there may be circumstances where an employee 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 you need only have a reasonable belief as to wrongdoing to make a disclosure internally, if you are considering an external disclosure, different and potentially more onerous obligations apply depending on to whom the disclosure is made.

Communication, Monitoring and Review

This policy will be communicated as appropriate and will be subject to regular monitoring and review in consultation with our Board of Management, staff, students and parents.

Adopted by the Board of Management

October 2016