

ISPC Policy. Policy Number Gov04. The latest versions of all policies are saved at \\ispc-
filesrv\Manuals & Policies. Please ensure that you check this online resource to ensure that you
are reading the most recent version of the policy.

ISPC Policy: PROTECTED DISCLOSURES (WHISTLEBLOWING) POLICY



Title:	PROTECTED DISCLOSURES (WHISTLEBLOWING)		
Applies to:	Staff, Volunteers, contractors.		
Developed by:	Penelope Kenny, Patricia Forde	Approved by:	SLT
Approval date:	March 2017	Applies from:	2017
Implementation plan:	N/A	Responsibility for Implementation:	Penelope Kenny, Patricia Forde
Responsibility for Review:	Penelope Kenny, Patricia Forde	Review date:	October 2020 (no changes to 2017)
Review to be carried out by:	Penelope Kenny, Patricia Forde		

Policy Statement:	<p>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.</p> <p>The ISPC's whistleblowing policy is intended to encourage and enable staff to raise concerns within our workplace rather than overlooking a problem or "blowing the whistle" externally. Under this policy a worker is entitled to raise concerns or disclose information without fear of penalisation or threat of less favourable treatment, discrimination or disadvantage.</p>
------------------------------	--

Rationale for this policy:	<p>The ISPC is committed to ensuring the highest standards of service provision, and of practice in all of our areas of operation and in doing so, to ensure an open, robust and accountable approach to how we continuously improve. We must ensure therefore that everyone involved in the organisation feels they can raise concerns in a confidential manner. This policy sets out how an individual can disclose an issue of concern, and how the organisation will</p>
---------------------------------------	--

ISPCC Policy. **Policy Number Gov04.** The latest versions of all policies are saved at \\ispcc-filesrv\Manuals & Policies. Please ensure that you check this online resource to ensure that you are reading the most recent version of the policy.

	<p>respond to ensure it meets its obligations.</p> <p>This policy has been developed with reference to the Protected Disclosures Act 2014, which was introduced to protect people who raise concerns about possible wrongdoing in the workplace. It takes account of the Code of Practice on Protected Disclosures Act 2014 (Declaration) Order 2015, which is available to view online at www.workplacerelations.ie</p>
--	---

1.	Scope of the Policy
1.1	<p>This policy applies to all staff members in the organisation, including temporary staff, trainees, those on work experience and contractors. It also applies to volunteers; however, the legal rights of volunteers in relation to protected disclosure legislation are distinct from staff. Nevertheless, while the legislation does not specifically refer to volunteers, the ISPCC seeks to apply the spirit and intent of the law in relation to volunteers. We intend to enable everyone involved in the ISPCC to feel and be protected, should they wish to raise a significant concern regarding any aspect of the organisation's activities.</p>
1.2	<p>The policy works in addition to the ISPCC's complaints procedures and grievance procedure. 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 ISPCC's Grievance Policy.</p>
1.3	<p>This policy does not override or replace any legal reporting or disclosure requirements. In other words, where mandatory reporting requirements and procedures exist these must be complied with fully.</p>

2.	Aims of the Policy
2.1	<p>To encourage everyone at the ISPCC to feel confident and safe in raising concerns and disclosing information;</p>
2.2	<p>To provide avenues for people to raise concerns in confidence and receive feedback on any action taken;</p>

ISPC Policy. Policy Number Gov04. The latest versions of all policies are saved at \\ispc-filesrv\Manuals & Policies. Please ensure that you check this online resource to ensure that you are reading the most recent version of the policy.

2.3	To ensure that complainants receive a response where possible to their concerns and information disclosed;
2.4	To reassure complainants that they will be protected from penalisation or any threat of penalisation.

3.	What issues or concerns are covered by the policy?
3.1	<p>The policy is intended to cover serious or systemic concerns that could have a significant impact on the ISPC. These include:</p> <ul style="list-style-type: none"> Commission of an offence — has happened, is happening, or is likely to happen; Failure to comply with any legal obligation (other than one arising under the worker's contract of employment); Miscarriage of justice; Health and safety of any individual; Misuse of public money/unauthorised use of funds/fraud/ corruption/money laundering Actions that are not in line with ISPC policy e.g. Cash Handling Procedures Gross mismanagement by the organisation; Damage to the environment; Actions which might put the protection of children or vulnerable persons at risk; Destruction or concealment of information relating to any of the above.

4.	What types of concerns can be raised?
4.1	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 your attention in connection with your employment and about which you have a reasonable belief of wrongdoing.

5.	What types of concerns should not be raised under this policy?
5.1	A personal concern, for example a grievance around your own contract of employment would not be regarded as a whistleblowing concern and would be more appropriately

ISPC Policy. **Policy Number Gov04.** The latest versions of all policies are saved at \\ispc-
filesrv\Manuals & Policies. Please ensure that you check this online resource to ensure that you
are reading the most recent version of the policy.

	processed through our Grievance Procedure.
--	--

6.	Safeguard and penalisation
6.1	The ISPC will not tolerate victimisation or harassment of an individual who has disclosed information which they believe to be relevant under this policy even if the concerns or disclosure turn out to be unfounded.
6.2	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 you believe that you are being subjected to penalisation as a result of making a disclosure under this procedure, you should inform your line manager or the HR Manager immediately.
6.3	Staff members who penalise or retaliate against those who have raised concerns under this policy will be subject to disciplinary action.
6.4	Staff members 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 worker who is found to have raised a concern or raised a disclosure with malicious intent.

7.	Confidentiality and Anonymity
7.1	This organisation is committed to protecting the identity of the individual raising a concern and ensures that relevant disclosures are treated in confidence. The focus will be on the wrongdoing rather than the person making the disclosure.
7.2	However there are circumstances, as outlined in the Act, 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, we will inform the staff member that his/her identity may be disclosed, unless in exceptional circumstances.
7.3	A concern may be raised anonymously. However on a practical level it may be difficult to investigate such a concern. The ISPC encourages individuals to put their names to allegations, with our assurance of confidentiality where possible, in order to facilitate appropriate follow-up. This will make it easier for us to assess the disclosure and take

ISPC Policy. Policy Number Gov04. The latest versions of all policies are saved at \\ispc-filesrv\Manuals & Policies. Please ensure that you check this online resource to ensure that you are reading the most recent version of the policy.

	appropriate action including an investigation if necessary.
--	---

8.	Raising a Concern
8.1	<p>Who should you raise your concern with?</p> <p>As a first step, appropriate concerns should be raised with your immediate manager. However should you not wish to use this route, for example given the seriousness and sensitivity of the issues involved, you should approach a member of the Senior Management Team, or the HR Manager.</p> <ul style="list-style-type: none"> - For issues relating to services, contact Caroline O’Sullivan, Director of Services - For issues relating to finance/financial management, contact Phil Irwin, Director of Finance and Corporate Services - For issues relating to Fundraising, contact Gill Waters, Director of Fundraising
8.2	Concerns may be raised verbally or in writing. Should you raise a concern verbally we will keep a written record of our conversation and provide you with a copy after our meeting. Should you raise a concern in writing we would ask you 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.
8.3	The earlier you express the concern the easier it will be for us to deal with the matter quickly.

9.	How a disclosure will be dealt with
9.1	While the Head of People and Transformation and or Senior Management Team member is the first point of contact for anyone wishing to make a protected disclosure, it is important that staff and volunteers understand the next steps.
9.2	Having raised your concern with us, the ‘first contact person’ will arrange a meeting within two weeks to discuss the matter with you on a strictly confidential basis. We will need to clarify at this point if the concern is appropriate to this procedure or is a matter more appropriate to our other procedures, for example our Grievance Policy. You can choose whether or not you want to be accompanied by a colleague. A note of this meeting will be provided to all parties.

ISPC Policy. **Policy Number Gov04.** The latest versions of all policies are saved at \\ispc-filesrv\Manuals & Policies. Please ensure that you check this online resource to ensure that you are reading the most recent version of the policy.

9.3	<p>Having met with you in regard to your concern and clarified that the matter is in fact appropriate to this procedure, the ‘first contact person’ will carry out an initial assessment 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. They will seek advice from the ISPC’s HR Team, as necessary.</p>
9.4	<p>If, on foot of the initial assessment, it is concluded that there are grounds for concern that cannot be dealt with at this point, the ‘first contact person’ will conduct an investigation which will be carried out fairly and objectively. The form and scope of the investigation will depend on the subject matter of the disclosure.</p> <p>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.</p>
9.5	<p>It is important to us that you feel assured that a disclosure made by you under this policy is taken seriously and that you are kept informed of steps being taken by us in response your disclosure. In this regard the following communication will be undertaken:</p>
9.6	<ul style="list-style-type: none"> • You will receive an acknowledgement of receipt of your disclosure and of arrangements to meet with you as outlined above; • You will be informed of how it is proposed to investigate the matter. You will be kept 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 sharing of specific details of an investigation. The individual who has made the disclosure should treat any information about the investigation as confidential. • You will be informed 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. <p>It is possible that in the course of an investigation you may be asked to clarify certain matters. To maximise confidentiality such a meeting can take place off site, and you can choose whether or not to be accompanied by a colleague.</p> <p>The Chair of the Audit Committee – who is a board member- has an important role to</p>

ISPC Policy. **Policy Number Gov04.** The latest versions of all policies are saved at \\ispc-
filesrv\Manuals & Policies. Please ensure that you check this online resource to ensure that you
are reading the most recent version of the policy.

9.7	play in cases of protected disclosure. In the first instance s/he will be informed of each disclosure made, in a confidential manner. This is to ensure oversight of the process, and where a disclosure may relate to a senior manager, that as a trustee s/he can manage potential conflicts of interest.
9.8	The investigation report will be sent to the Chair of the Audit Committee for determination of actions to be taken by the organisation. Such action could include changes to existing policies, procedures or practices. A final report containing investigation outcomes and actions identified will be approved by the Audit Committee and a version/summary version (depending on confidentiality) will be shared with the individual who has made the original disclosure.
9.9	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 worker making the disclosure and the worker 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.
9.10	

10.	How this matter can be taken further
10.1	The aim of this Policy is to provide an avenue within this workplace to deal with concerns or disclosures in regard to wrongdoing. We are confident that issues can be dealt with “in house” and we strongly encourage workers to report such concerns internally.
10.2	<p>If you are unhappy with the investigation outcomes, or indeed with any aspects of how the ISPC has dealt with the disclosure, you can raise this in writing with the Chair of the Board by writing in confidence to Chairperson- ISPC, 29 Lower Baggot Street, Dublin 2.</p> <p>We acknowledge that there may be circumstances where an employee wants to make a disclosure externally, and the legislation governing disclosures — The Protected</p>

ISPC Policy. **Policy Number Gov04.** The latest versions of all policies are saved at \\ispc-filesrv\Manuals & Policies. Please ensure that you check this online resource to ensure that you are reading the most recent version of the policy.

10.3	Disclosures Act 2014 — provides for a number of avenues in this regard.
10.4	It is important to note however that while you need only have a reasonable belief as to wrong doing 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. If you are considering an external disclosure, you are advised to seek advice on your obligations as an employee, either from the ISPC's Head of Risk and Governance, Head of People and Transformation or independent professional advice.

11.	Communication, Monitoring and Review
11.1	This policy will be communicated as appropriate and will be subject to regular monitoring and review in consultation with our workforce and their representatives.

All staff and volunteers are asked to sign- off this policy via metacompliance to say it has been read and understood.

Staff member

Manager

Note to Managers	This policy will be available through compliance portal Metacompliance.
-------------------------	---

Feedback	If you have any feedback on this policy or ideas for its improvement, please contact Penelope Kenny Head of Risk and Compliance or Patricia Forde Head of People and Transformation.
-----------------	--

ENDS