Policy Number: GC0001

ISPCC Policy and Procedures:

Title:	**ISPCC Protected Disclosures (Whistle-Blowing) Policy**		
Applies to:	Employees √	Volunteers √	Board Members √
Developed by:	Andrew Jackson, Risk & Compliance Manager Mario Stringer, Risk & Compliance Officer	**Approved by:**	Senior Leadership Team Nomination & Remuneration Sub-Committee Board of Directors
Approved by Board:	29th October 2020	**Applies from:**	29th October 2020
Implementation plan:	N/A	**Responsibility for Implementation:**	Catriona Fitzgerald, Director of Finance, IT, Risk & Compliance Andrew Jackson, Risk & Compliance Manager
Responsibility for Review:	Catriona Fitzgerald, Director of Finance, IT, Risk & Compliance Andrew Jackson, Risk & Compliance Manager	**Date of Review Completion:**	29th May 2025
Review carried out by:	Catriona Fitzgerald, Director of Finance, IT, Risk & Compliance Andrew Jackson, Risk & Compliance Manager Mario Stringer, Risk & Compliance Officer	**Next Review date:**	29th May 2026
Nomination & Remuneration Sub-Committee and Sign Off Date (where applicable):	22nd May 2025	**Board of Directors Sign Off Date:**	29th May 2025

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Change Control Summary

Version	Date	Change	Reason	Editor
V1	April 2025	Update policy layout format. New legislation brought in by the government in the last couple of years is reflected in this updated policy.	Ensure that policy reflects the updated legislation brought into effect recently.	MS

Policy Statement
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. The ISPCC'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.

Rationale for the Policy
The ISPCC 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 a concern in a confidential manner. This policy sets out how an individual can disclose an issue of concern, and how the organisation will respond to ensure it meets its obligations. The policy has been developed with reference to the Protected Disclosures (Amendment) Act 2022, which was introduced to protect people who raises concerns about possible wrongdoing in the workplace. It takes account of the Code of Practice on Protected Disclosures Act 2022 (Amendment) Order 2023, which is available to view online at www.workplacerelations.ie

Scope of the Policy
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 organisations activities. 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. This policy does not override or replace any legal reporting or disclosure requirements. In other words, where mandatory reporting requirements exist these must be fully complied with.

Aim of the Policy

- To encourage everyone at the ISPCC to feel confident and safe in raising concerns and disclosing information.

- To provide avenues for people to raise concerns in confidence and receive feedback on any action taken.

- To ensure complainants receive a response where possible to their concerns and information disclosed.

- To reassure complainants that they will be protected from penalisation or any threat of penalisation.

Definitions

Whistleblowing - Whistleblowing is the term used when a Employee, volunteer or contractor raises a concern about a relevant wrongdoing such as possible misappropriation or inappropriate use of funds, crime, danger to the public or employees, or failure to comply with any financial or legal obligation which has come to the attention of the employee as a result of their previous or current employment, or engagement with an Organisation.

'Relevant Wrongdoings' are broadly defined in the Act and include the following:

- That an offence has been, is being or likely to be committed;
- That a person has failed, is failing or likely to fail to comply with any legal obligation, other than one arising under the individual's contract of employment or other contract whereby the individual undertakes to do or perform personally any work or services;
- That a miscarriage of justice has occurred, is occurring or is likely to occur;
- That the health and safety of any individual has been, is being or likely to be endangered;
- That the environment has been, is being or is likely to be damaged;
- That an unlawful or otherwise improper use of funds or resources of grossly negligent or constitutes gross mismanagement;
- That a 'breach' has occurred that is an act or omission which is unlawful and falls within the scope of certain EU acts relating to, amongst other things, public procurement, financial services, anti-money laundering and terrorist financing and consumer protection; or
- That information tending to show any matter falling within any of the points above has been, is being, or is likely to be concealed or destroyed, or that any attempt has been, is being, or is likely to be made to conceal or destroy such information.

In accordance with the Acts, a **"Staff Member"** is an individual who is;

- An Employee
- A Volunteer
- An Agency Worker (TUSLA)
- An Intern, or an Individual on Work Experience
- A Board Member

Reasonable Belief - Although an Employee is not expected to prove the truth of the facts in a disclosure, they must, when making a disclosure, have a **"reasonable belief"** that the information they are disclosing tends to show the existence of relevant wrongdoing. A reasonable belief means that the belief is based on reasonable grounds. This does not mean the belief has to be correct. A disclosure is not a Protected Disclosure if the employee did not have a reasonable belief that the disclosure tends to show one or more relevant wrongdoings.

If an individual is uncertain as to whether information would be the basis for a Protected Disclosure within the scope of this policy, they should seek guidance from a member of People and Transformation. More information on what constitutes a Protected

Disclosure is also available through the Citizens' Information website.

https://www.citizensinformation.ie/en/employment/enforcement-and-redress/protection-for-whistleblowers/

Reporting a Protected Disclosure

All Employees have the right to report a Protected Disclosure where they have a reasonable belief that wrongdoing has occurred. The procedure for reporting a disclosure is outlined below.

Reporting a Disclosure Internally – Protected Disclosure should be reported internally to a member of People and Transformation. Contact details for People and Transformation can be found on IRIS and are also outlined here:

- Patricia Forde, Director of People and Transformation, patricia.forde@ispcc.ie
- Sarah Darcy, People Partner, sarah.darcy@ispcc.ie

If an Employee feels uncomfortable or feels it is inappropriate to report a Protected Disclosure to People and Transformation, they can alternatively report to the Risk and Compliance manager, Andrew.jackson@ispcc.ie

If the information relates to the CEO, the employee may report the Protected Disclosure to the Chairperson of the Board.

In the case of a Protected Disclosure being reported that involves a member of SLT (Senior Leadership Team), a Board Member will be nominated to investigate this claim. At this stage if enacted is considered part of the ISPCC's Internal Processes and escalated in line with all other ISPCC Disciplinary, Grievance and Investigation processes.

Protected Disclosure may be reported orally or in writing. It is preferable to receive the disclosure in writing, but the Organisation will accept both oral and written disclosures. Both types should include the following information:

- The name of the person(s), body or otherwise the subject of the disclosure;
- A description of the 'relevant wrongdoing';
- Any information that tends to show the 'relevant wrongdoing', including dates/times and locations so as to assist the investigation of the matters raised in the disclosure;
- Name of witnesses to any 'relevant wrongdoing'.

Where oral disclosures are made, a written record will be taken by the person to whom the disclosure reported. The written record will be provided to the reporting Employee, who will be given the chance to make further observations on it.

Confidentiality / Anonymous Reports – A Protected Disclosure may be made anonymously. The Organisation is not obliged to accept or follow-up on anonymous reports but as a matter of policy will endeavour to consider the matter, as best it can.

Where possible, the Organisation will conduct an assessment as outlined in the Stages below. However, it is much more difficult to fully investigate reports in the absence of the knowledge of the identity of the disclosure.

No employee who makes a protected disclosure will suffer any penalisation as a result of reporting a protected disclosure save where the disclosure has been shown to be false vindictive or intended to cause reputational damage to another.

The Organisation will take all reasonable steps to treat all disclosures in a confidential and sensitive manner. The Organisation will not disclose the identity of the reporting Employee (or information from which the identity of the reporting Employee may be deduced) without the Employees explicit consent, unless the disclosing such information is necessary in order to:

- Complete an effective investigation of the relevant wrongdoing concerned;
- Prevent serious risk to the security of the State, Public Health, Public Safety or the Environment;
- Prevent a Crime or to Prosecute a Criminal Offence; or Comply with the Law.

In such circumstances, the Organisation will endeavour to enter into dialogue with the reporting Employee in advance to discuss how to proceed. Where there is uncertainty as to whether a disclosure is a Protected Disclosure it will be presumed to be a Protected Disclosure, unless the contrary is established.

The Organisation will ensure that it is has internal processes to ensure that Protected Disclosures are properly dealt with, and that those internal processes protect the confidentiality of the reporting Employee to the full extent required by the law.

Protections from Penalisation and Other Protections

The Protected Disclosures (Amendment) Act 2022 makes it an offence to;

- Hinder or Attempt to hinder a Employee in making a report,
- Penalise or Threaten penalisation or cause or permit any other person to penalise or threaten penalisation,
- Bring Vexatious proceedings,
- Breach the Duty of Confidentiality in section 16 regarding the identity of reporting Employee(s),
- Make a report containing any information that the reporting person knows to be false, or
- Fail to establish, maintain and operate internal reporting channels and procedures.

All of these offences can attract significant penalties up to and including fines and/or imprisonment.

Employees who make disclosures are protected by the Protected Disclosures Act 2014 and the Protected Disclosures (Amendment) Act 2022, provided that the disclosure is made with reasonable belief that the disclosure was information that tended to show one or more relevant wrongdoings. No Employee who makes a Protected Disclosure will suffer any penalisation as a result of reporting a Protected Disclosure.

Penalisation includes any detrimental or unfavourable treatment as a result of reporting a Protected Disclosure, such as dismissal or any of the following:

- Suspension, lay-off or dismissal,
- Demotion, loss of opportunity for promotion or withholding of promotion, Transfer of duties, change of location of place of work, reduction in wages or change in working hours,
- The imposition of administering of any discipline, reprimand or other penalty (including a financial penalty),
- Coercion, intimidation, harassment or ostracism,
- Discrimination, disadvantage or unfair treatment,
- Injury, damage or loss,
- Threat of reprisal,
- Withholding of training,
- A negative performance assessment or employment reference,
- Failure to convert a temporary employment contract into a permanent one, where the worker had a legitimate expectation that he or she would be offered permanent employment,

- Failure to renew or early termination of a temporary employment contract,
- Harm, including to the employee(s) reputation, particularly in social media, or financial loss, including loss of business and loss of income,
- Blacklisting on the basis of a sector or industry-wide informal or formal agreement, which may entail that the person will not, in the future, find employment in the sector or industry,
- Early termination or cancellation of a contract for goods or services,
- Cancellation of a licence or permit, and Psychiatric or medical referrals.

If an Employee feels they have been penalised or received unfavourable treatment as a result of reporting a Protected Disclosure, as outlined in the circumstances above, they should raise it formally through the Grievance procedure.

Colleagues must not in any way penalise or threaten to penalise against any Employee who makes a Protected Disclosures. Any such conduct will be taken very seriously by the Organisation and anyone involved in such conduct will be subject to disciplinary action, up to and including dismissal.

If an investigation under this policy concludes that a disclosure has been made without the reporting Employee having had a reasonable belief that the information disclosed tended to show one or more relevant wrongdoing – and especially of the reporting Employee knew the report to be false – the reporting Employee may be subject to disciplinary action, up to and including dismissal.

Procedure for Dealing with Protected Disclosure

The Organisation will deal with any Protected Disclosure in the following ways, through the stages outlined below. Please note that the Employee may bring a colleague to any meeting held at any stage. Any colleague who is invited by the reporting Individual is obligated to strictly maintain confidentiality in relation to the process and any information they are party to as part of the proceedings. Failure to comply with this obligation will result in disciplinary action, up to and including dismissal.

If a Protected Disclosure is made against, or involves, another ‘Employee’ in the Organisation and it is necessary to meet with that Individual, that person is also entitled to bring a colleague to any relevant meeting.

Stage 1: Acknowledgement of Receipt of the Protected Disclosure –

Acknowledgement of receipt of each Protected Disclosure shall be made within 7 days by the person whom received it, except in the following circumstance. If the person who received it was not a person identified in this Policy as a person who can receive Protected Disclosures, and the person who received it provides it to such a person, the acknowledgement will be sent by the person identified in this Policy as a person who can receive Protected Disclosures.

Please see link to list of identified persons; https://www.gov.ie/en/collection/41798-protected-disclosures-whistleblowing-list-of-prescribed-persons/

Stage 2: Nominating a Person to Oversee the Process –

An appropriate person will be nominated to oversee the process. The nominated person may be a member of the management team (including any of the members of management identified in this Policy as persons who can receive Protected Disclosures) or may be an external person.

Stage 3: Initial Assessment –

The nominated person will make an initial assessment to establish if;

(a) there is prima facie evidence that a relevant wrongdoing may have occurred and, if so

(b) whether or not the matter is appropriate for investigation under this Procedure or should be addressed in another way (e.g. by way if referral to an external body such as An Garda Siochana or by reference to another procedure of the Organisation).

If the nominated person determines that there is not prima facie evidence that a relevant wrongdoing may have occurred the nominated person may determine if the matter should be referred for consideration under other Organisation procedures or referred externally.

To assist the assessment process, the nominated person may, if they consider it necessary to do so, correspond with or offer to meet with the Individual to discuss the matter, on a strictly confidential basis. The purpose(s) of such correspondence or meeting could include:

(a) to clarify the content of the disclosure that has been made and/or

(b) to clarify any matters arising in respect of the confidentiality of the process (e.g. whether or not the reporting Individual wishes to consent to his or her identity being disclosed).

Stage 4: Investigation –

If the nominated person determines that the matter is appropriate for investigation under this Procedure, the nominated person will arrange for the conduct of an investigation by one or more appropriate investigators.

The conduct of such an investigation will be governed by a terms reference set by the nominated person, which will outline the process to be undertaken, the scope, and detail the likely timeframe for completion.

The nominated person will maintain communication with the reporting Employee and will provide updates within a reasonable timeframe. Such information should be treated as confidential by the reporting employee. Sometimes the need for confidentiality may prevent the nominated person from giving specific details in relation to the investigation to the reporting employee.

At all stages, the investigation will be conducted sensitively, and in line with fair procedures, to ensure impartiality, objectivity and fairness. Confidentiality will be protected, in so far as it is reasonably practicable, but subject to the obligation of the Organisation to provide fair procedures to any Employee who is being investigated.

The Organisation may, at its discretion, appoint an external third party to conduct this process. This may be appropriate where the Organisation has limited resources or limited persons appropriate to oversee the investigation. The Organisation also reserves the right to conduct the process internally. The decision on the appointment of a suitable investigator will be made by the Organisation.

Procedure for Dealing with Protected Disclosure

Stage 5: Outcome of Communication –

Upon completion of the investigation, the nominated person will inform the individual who made the disclosure that the investigation is completed. If it is appropriate to do so, the nominated person may share some information in respect of the outcome of the investigation and/or any actions undertaken because of the investigation.

Timelines: The Organisation will endeavour to carry out Stages 3 and 4 in a reasonable period, and in any case, within a maximum of 3 months. If it is not possible to conclude the process within this timeframe, the nominated person will inform the reporting employee regarding the status of the investigation process. after 3 months (and, where relevant) every 3 months thereafter until the process is complete.

Investigations Outcomes: Every reported Protected Disclosure will be taken very seriously. The Organisation will ensure appropriate action will be taken based on the outcome of the investigation undertaken. Appropriate action will be taken where an investigation finds that relevant wrongdoing has occurred.

This may include disciplinary action in respect of any employee, up to and including dismissal, in accordance with Organisational policy and all appropriate laws and statutes, or other appropriate sanction or intervention deemed necessary to prevent a recurrence of the relevant wrongdoing.

Where an investigation is inconclusive or finds that no relevant wrongdoing occurred, there will be no negative inference against any person about whom the Protected Disclosure was made. Both during the procedure and after its conclusion, all parties to the disclosure(s) will continue working as normal, and will conduct themselves in an appropriate manner at work. If the level of concern meets a threshold with regards to child welfare safety, then the individual will be put on gardening leave until the investigation is completed and outcome rendered

Where an allegation is made against an individual (the respondent), the principles of natural justice and fair procedures will be adhered to. The respondent will be included in the investigation process and made aware of the details of any allegation against him/her in so far as is possible having regard to the requirements of confidentiality contained in the Act and will be given the opportunity, as part of a full investigation, to put forward their case in response to the allegation(s).

Making Reports Internally

The aim of this policy is to provide an internal reporting channel within the Organisation in which 'relevant wrongdoing' can be reported. The Organisation is confident that such reports can be dealt with through the procedures outlined in this policy and strongly encourage all Employee(s) to make such reports internally.

However, it is recognised that in some limited circumstances it may not always be appropriate to report a Protected Disclosure internally and that it may be necessary to make such a report externally. The **Acts** provide for a number of avenues in this regard.

Where an Employee has genuine belief that a disclosure cannot be dealt with in an appropriate and unbiased manner by the Organisation, the **Protected Disclosures Act 2014 (Disclosure to Prescribed Persons) Order 2020 Act** allows a Protected Disclosure to be made externally to a "prescribed person".

The prescribed person for any matters arising under the Charities Act 2009 is the Chief Executive Officer of the Charities Regulatory Authority (https://www.charitiesregulator.ie/en/information-for-the-public/protected-disclosures)

There is also recourse to report a Protected Disclosure to the Protected Disclosure Commissioner in certain circumstances. The procedures for reporting a Protected Disclosure to the Protected Disclosure Commissioner are available from the Office of the Protected Disclosure Commissioner.

Data Protection: Personal Data processed in respect of a Protected Disclosure will be processed lawfully by the Organisation, including where processing of such data is necessary for the compliance by the Organisation with its obligations under the Acts and the implementation of this Policy and the procedures set out herein.

The Organisation may refer to outside legal professional/HR consultants or other appropriate advisers for advice. Any data provided will be processed by the Organisation and such outside parties in accordance with GDPR requirements. The Organisation may also share information with the Workplace Relations Commission (WRC), Government Departments, or the Revenue Commissioners, or other statutory authorities where permitted or required by law.

Making Reports Externally

Records: Records will be kept at all stages of the process and will maintained in accordance with the Acts and with GDPR principles.

Terms of References: The scope and conduct of the investigation should not be overly restricted by the TOR contents. When an allegation is made against an individual (the "respondent"), it is important to ensure that they are given appropriate protection. Any protected disclosure must comply with the general principles of natural justice and fair procedures.

In many cases, the respondents right to fair procedures can include a right to challenge the evidence against them. This right must be balanced against the rights the act contains, like reporting persons right to have their identity protected. It might not always be necessary under fair procedures for the respondent to challenge the reporting person directly.

Where the identity of the reporting person cannot be disclosed to the respondent, it may be possible for them to question the evidence through an intermediary. The investigator could put the questions in writing, communicate them to the reporting person, and return their responses to the respondent.

Difficulties may also arise when a protected disclosure is made anonymously. It may not be possible to take further evidence from the reporting person, and for the respondent to challenge the report. On the other hand, the only information available from the reporting person will be the contents of the disclosure.

Where an investigation concludes with an unfavourable finding against the respondent, the ISPCC provides a right to review this outcome. This applies where the finding leads to a disciplinary process or further processes against the respondent. Reviews will be carried out by a member of SLT (Senior Leadership Team)