Darley National School

PROTECTED DISCLOSURES POLICY (Whistle blowing)

What is a Protected Disclosure?

"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".

In making a disclosure a worker must reasonably believe the information disclosed to be substantially true. No worker will be penalised simply by getting it wrong so long as the worker had a reasonable belief that the information disclosed shows, or tends to show, wrongdoing.

The Protected Disclosures (Whistle-blowers) Act 2014:

The above Act came into effect on the 16th of July 2014. Schools are required to put a Protected Disclosure policy in place which meets the requirements of the Act. The Board of Management of Darley N.S. takes the issue of wrongdoing seriously and as a result has drafted this policy.

What are "Relevant Wrongdoings"?

Relevant Wrongdoings include but are not limited to the following:

- The commission of an offence.
- Non-compliance with a legal obligation
- Danger to Health & Safety of an individual.
- Improper use of public funds.

The relevant wrongdoings may already have taken place, be happening or be likely to happen.

Who is a *Worker* as far as a school is concerned?

• 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;

• Agency workers;

• Individuals on work experience pursuant to a training course and trainees of/with the school.

To whom do you make the Disclosure?

The vast majority of disclosures should be made, orally or in writing, to the school Principal or to the Chairperson of the Board of Management (BOM). Where this is inappropriate or impossible there is provided a list of "*Prescribed Persons*". In relation to schools the Prescribed Person is the Secretary General of the Department of Education and Skills (DES).

What protections are available to whistle blowers (Disclosers)?

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.

What is best practice?

If you as a member of staff have a genuine or reasonable concern that there is wrongdoing in the school you should report it to the Principal. If this is not appropriate or possible you should then report it to the Chairperson of the BOM. Workplace grievances should be reported in the normal manner and are not covered by this policy. It should be noted that while internal reporting is encouraged you have the option to raise concerns outside of the school's Board of Management and report to the Secretary General of the DES.

Confidentiality:

Darley N.S. is committed to protecting the identity of the worker 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, for example, 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.

This policy was ratified by the Board of Management at a meeting on 29th January 2018.

A copy of the policy:

1. Will be made available to all parents through the school's website;
2. Will be included in the enrolment pack for all new entrants to the school from September 2018 onwards
3. Will be displayed on the notice board in the school hallway.

Chairperson: _____ Date:_____

Principal: _____ Date: _____