

Protected Disclosure Policy (Whistleblowing)



Revision & Approval

Rev.	Approval Date	Nature of Changes	Submitted By (Name & Role)	Board or Sub-Committee Approval (Name)
01	09/03/2020	Original issue.	V. Leatham	K. Lane
02	01/11/2021	Content reviewed. Policy and Procedural elements separated.	B. Walsh HR Consultant	S. Moynihan CEO

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1. Purpose

This document outlines ALONE’s policy for dealing with disclosures by stakeholders who have a reasonable belief that wrongdoing has occurred and/ or is ongoing i.e. protected disclosures.

2. Scope

This policy applies to all relevant stakeholders. The term ‘staff’ or ‘staff member’ will be used throughout this document as they are anticipated to be the primary user of the procedure. Encompassed within the term ‘staff’ are:

- Employees or Former employees
- Trainees / Interns
- People working under a contract for services
- Independent contractors
- Agency workers
- TUES or CE Scheme workers

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Where applicable, this policy may be extended to volunteers, Trustees or other relevant stakeholders.

3. Roles and Responsibilities

- Overall responsibility for implementing legislation, policies and guidance pertaining to protected disclosures rests with the CEO and Board of Trustees who are supported by Designated Persons (DPs).
- Within ALONE, DPs are the Quality and Compliance Officer and HR Manager who will have responsibility for assessing disclosures, determining if they are protected disclosures, leading investigations and/or referring cases to relevant management or authorities where applicable.

4. Associated Documents

Reference	Document Type	Document Title
N/A	Legislation	Protected Disclosures Act 2014
PL-HR-01	Policy	Dignity at Work Policy
PR-HR-07	Procedure	Protected Disclosure Procedure
PR-HR-04	Procedure	Employee Handbook
PR-HR-18	Procedure	Grievance Procedure

5. Definitions

5.1 Protected Disclosures Act 2014

The Protected Disclosures Act 2014 ('the Act') provides a statutory framework within which staff can raise concerns regarding potential wrongdoing that has come to their attention in the workplace. The Act provides staff members who contend that they have been penalised for making a report of possible wrongdoing with access to significant protections and scope for securing redress. ALONE is committed to fostering an appropriate environment for addressing concerns relating to potential wrongdoing in the workplace and to providing the necessary support for staff who raise genuine concerns.

5.2 What is a Protected Disclosure?

A protected disclosure is a disclosure of information which, in the '*reasonable belief*' of the staff member, tends to show one or more relevant wrongdoings. The wrongdoing must come to the staff member's attention in connection with his or her employment and should be disclosed as outlined in the procedure. The Act is intended to deal with disclosures in the public interest and for connected purposes. This normally involves wrongdoings that are likely to cause harm to the organisation itself or to the public at large, as opposed to personal complaints.

'Reasonable belief'

The term "reasonable belief" means that the belief that a wrongdoing has occurred is based on reasonable grounds. This does not mean that the belief has to be correct. A staff member has the right to be wrong in his/her reasonable belief.

The motivation of the staff member for making a disclosure is irrelevant in determining if it is a protected disclosure under the Act. The disclosure will be assessed on the basis of how a reasonable person would respond to the information available to him or her at the time that the disclosure was made.

'Relevant wrongdoing'

The definition of 'relevant wrongdoing' includes:

- Criminal offences;
- Failure to comply with legal obligations;
- Miscarriages of justice;
- Health and safety matters;
- Environmental damage;
- Unlawful or improper use of funds or resources of a public body;
- An act or omission by or on behalf of a public body which is oppressive, discriminatory, grossly negligent or constitutes gross mismanagement;
- Concealment or destruction of information relating to any of the foregoing.

'In connection with their employment'

The information must come to the attention of the staff member in connection with their employment. A matter is not a relevant wrongdoing if it is a matter which it is the function of the staff member or the staff member's employer to detect, investigate or prosecute and does not consist of or involve an act or omission on the part of the employer.

5.3 Exclusions

What type of Disclosure is not covered by this Policy and Guidance?

It is to be expected that concerns which relate to day to day operational matters will in the normal course of events, be brought to the attention of the relevant line manager and dealt with accordingly.

Personal concerns, for example, regarding an individual's own terms and conditions of employment or bullying/harassment claims, would not be regarded as protected disclosures and would be more appropriately processed under the Dignity at Work Policy and Grievance Procedure.

5.4 Anonymous Reporting

ALONE will accept anonymous disclosures and they will be acted upon to the extent that this is possible, given the constraints in obtaining further information when it is received anonymously.

However, the protections available under the Act and other elements of the protected disclosures procedure (e.g. keeping the discloser informed) cannot in those circumstances be accessed by a staff member who makes an anonymous disclosure unless the staff member is prepared to dispense with anonymity.

6. Policy Statement

In implementing protected disclosure legislation, ALONE's policy is:

- To encourage staff to raise reasonable concerns regarding possible wrongdoing in the workplace.
- To assess/ investigate disclosures in a thorough, competent and timely manner.
- To take reasonable steps to ensure that penalisation does not arise in the case of a discloser, provided the disclosure was made based on a reasonable belief. This includes investigation of claims of penalisation and consideration of disciplinary action where warranted.
- To treat seriously cases where staff make allegations of wrongdoing under the Act without a reasonable belief that the wrongdoing occurred. The protections of the Act may not apply to such staff and they may be subject to disciplinary action if, for example, an allegation of wrongdoing was known to be untrue or misleading or was frivolous or vexatious.
- To deal with allegations made against individuals having due regard for the principles of natural justice and fair procedures which may include a right to challenge the evidence against him/ her.

This policy is not intended to replace the normal handling of issues which takes place in the ordinary course of business.

The disclosure of a wrongdoing does not confer any protection or immunity on a staff member in terms of his/ her involvement in that wrongdoing.