**O’Brennan National School**

**PROTECTED DISCLOSURES POLICY:**

**Introductory Statement**

“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.

**Rationale**

This policy was drawn up in accordance with the Protected Disclosures (Whistleblowers Act) of 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 O’Brennan National School takes the issue of wrongdoing seriously and as a result has drafted this policy.

**Compliance with School Ethos**

This policy complements the school ethos of nurturing potential in a caring environment where the welfare of children and staff is paramount.

1. **Description of** “***Relevant Wrongdoings***”

1.1 The Board of Management of O’Brennan National School consider ‘*Relevant Wrongdoings’* to include but not be 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.

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

**2. Description of a Worker in the School Context**

2.1 The Board of Management of O’Brennan National School consider the following persons to fit the description of ‘workers’ within the school context;

• 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.

**3.Description of a Protected Disclosure**

3.1 In order to avail of the protections under the Act, the worker must:

* Make a disclosure of relevant information.
* Reasonably believe that the information tends to show that one or more of the following is occurring, had occurred or is likely to occur:

1. Committal of an offence;
2. failure to comply with a legal obligation;
3. miscarriage of justice;
4. danger to health and safety of an individual;
5. damage to the environment;
6. unlawful or improper use of funds and/or resources of a public body, or of other public money;
7. an act or omission of a public body is oppressive, discriminatory, grossly negligent or constitutes gross mismanagement;
8. the deliberate concealment of any of the above matters.

**4. What is not deemed a Protected Disclosure?**

4.1 The Board of Management of O’Brennan National School will not deem the following to meet the criteria set down for a protected disclosure;

* Any information which relates to a matter which it is the function of the worker to detect, investigate or prosecute.
* Any matter which relates to an obligation under the worker’s contract of employment e.g. if a worker has a grievance then the Grievance Procedure applies.
* Any information which is not connected to the worker’s employment.

**5. Policy Objectives**.

5.1 Schools are obliged under the above Act to have a Protected Disclosures (Whistleblowing) Policy. The principle objective of this Protected Disclosures Policy is to:

* Convey the seriousness and importance that the school attaches to identifying and remedying wrongdoing.
* Encourage workers to raise concerns internally as soon as possible and to give them the confidence to do so.
* Remind workers (often by cross referring other policies and codes of conduct) of the standards of behaviour expected of them.
* Ensure workers know whom to approach with a concern, and to enable them to bypass the person, management level or part of the organisation to which the concern relates.
* Outline the procedures for investigating disclosures and the steps which should be followed if wrongdoing is uncovered.
* Make it clear what will happen to those who victimise genuine whistleblowers or abuse the system by making malicious allegations.
* Provide access to further sources of advice and guidance on whistleblowing

**6. Making a Disclosure**

6.1 Disclosures can be made, orally or in writing, to the school Principal or to the Chairperson of the Board of Management (BOM). However in order to make an official complaint or disclosure the whistleblower must do so in writing to the Chairperson of the Board of Management of O’Brennan National School. 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).

**7. Responsibility for the Protected Disclosures Policy**

7.1 Overall responsibility for the Protected Disclosure Policy rests with the Chairperson of the Board of Management. The person responsible for the policy does not necessarily get involved in the day to day administration of it, or investigations under the policy.

7.2 Day to day responsibility for the policy can be delegated to the principal.

7.3 Under the policy concerns can also be raised with the Deputy Principal.

**8.What protections are available to whistle blowers (Disclosers)?**

8.1 The protections offered to ‘whistleblowers’ under this policy are as follows:

* 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.

**9. Best Practice in O’Brennan National School**

9.1 If a member of staff has a genuine or reasonable concern that there is wrongdoing in the school it should be reported to the Principal. If this is not appropriate or possible it should then be reported to the Chairperson of the Board of Management of O’Brennan N.S. 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 Department of Education & Skills.

**10.** **Confidentiality:**

10.1 O’Brennan National School is committed to protecting the identity of the worker making a protected disclosure and ensuring that protected disclosures are treated in confidence.

10.2 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.

**11. Ratification, Publication and Communication.**

11.1 A copy of the draft Protected Disclosures Policy was made available to all members of staff, to the Parents Association and to the Board of Management. The policy was subsequently reviewed and ratified by the Board of Management at its Meeting on \_\_\_\_\_\_\_\_\_.

**12. Implementation.**

12.1 Implementation of this Protected Disclosures Policy shall commence with effect from \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Chairperson, Board of Management O’Brennan NS

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_