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Protected Disclosure (Whistleblowing) Policy

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Defined Terms

This section sets out the defined terms used in this Policy. Defined terms are capitalised throughout the document and are interpreted in accordance with the Protected Disclosures Acts 2014 and the Protected Disclosures (Amendment) Act 2022, unless the context otherwise requires.

Designated Protected Disclosures Recipient	Means the person appointed by the Board of Management to receive, assess and manage Protected Disclosures in accordance with this Policy.
Prescribed Person	Means an external individual or body designated by law to receive Protected Disclosures relating to matters within their statutory remit.
Protected Disclosure	Means the reporting of information which, in the reasonable belief of the Reporting Person, tends to show that a Relevant Wrongdoing has occurred, is occurring, or is likely to occur and which came to the Reporting Person's attention in a work-related context, as provided for under the Acts.
Protected Disclosure Acts (the Acts)	Means the Protected Disclosures Act 2014 ¹ and the Protected Disclosures (Amendment) Act 2022. ²
Relevant Wrongdoing	Means a wrongdoing as defined in the Acts, including matters such as criminal offences, failures to comply with legal obligations, risks to health or safety, misuse of public funds, gross mismanagement by the School or by a public body in connection with the School, or the concealment of any such matters.
Reporting Person	Means a Worker who reports information about a suspected Relevant Wrongdoing in accordance with this Policy and the Acts.
the School	Means Loreto Secondary School, St Michael's, Navan, Co Meath.
Worker	Means a person who has a work-related relationship with the School and who acquires information about a Relevant Wrongdoing in a work-related context. This includes, but is not limited to, employees (current or former), contractors, trainees, volunteers, members of the Board of Management and persons engaged in pre-contractual discussions with the School, as provided for under the Acts.

Abbreviated Terms

BOM	Board of Management
GDPR	General Data Protection Regulation

¹ <https://www.irishstatutebook.ie/eli/2014/act/14/enacted/en/html>

² <https://www.irishstatutebook.ie/eli/2022/act/27/enacted/en/html>

1. Preamble

The School is committed to maintaining high standards of integrity, accountability and ethical conduct in all aspects of its work. The School recognises the importance of providing a safe and supportive environment in which concerns about wrongdoing can be raised and addressed appropriately.

This Policy has been developed in accordance with the Protected Disclosures Act 2014, as amended by the Protected Disclosures (Amendment) Act 2022. It forms part of the School's framework of policies and procedures designed to promote and support robust governance and compliance with statutory obligations.

The School affirms its commitment to protecting Workers who raise concerns where they reasonably believe the information tends to show a Relevant Wrongdoing and to ensuring that such concerns are treated fairly and in line with the requirements of the Acts.

2. Purpose of the Policy

The purpose of this Policy is to encourage and support the making of Protected Disclosures by Workers of the School in accordance with the Acts.

The objectives of the Policy are:

- a) to encourage Workers to raise concerns about suspected Relevant Wrongdoing at an early stage;
- b) to provide clarity and assurance in relation to the School's approach to receiving and responding to Protected Disclosures; and
- c) to reassure Workers that disclosures made in accordance with the Acts and this Policy will be treated seriously and that Reporting Persons are protected from penalisation.

3. Scope of the Policy

This Policy applies to Workers who make disclosures of information which, in the reasonable belief of the Reporting Person, concerns a Relevant Wrongdoing, as defined under the Acts, that has occurred, is occurring, or is likely to occur in a work-related context connected with the School.

This Policy does not apply to personal employment-related grievances, interpersonal issues or any other issues that do not fall within the definition of Relevant Wrongdoing under the Acts.

4. Legislative Framework

This Policy has been developed in accordance with the provisions of the Acts and should be read in conjunction with the Acts.

5. Guiding Principles

In applying this Policy, the School will act in a manner that is fair and consistent with the requirements of the Acts. Disclosures will be assessed objectively and handled with due regard to confidentiality. Workers who raise concerns where they reasonably believe that the information tends to show a Relevant Wrongdoing will be protected from penalisation. At all stages of the process, the rights of all parties will be respected and fair procedures will be observed.

6. Protected Disclosure

This section outlines what constitutes a Protected Disclosure, who is covered by this Policy and the types of Relevant Wrongdoing to which the Policy applies.

6.1 What Constitutes a Protected Disclosure

A Protected Disclosure involves the disclosure of information relating to a specific concern, rather than a general allegation. Where reasonably possible, this should include sufficient detail to explain the concern.

It is sufficient that the Reporting Person reasonably believes that the information disclosed tends to show a Relevant Wrongdoing. The Reporting Person who makes a disclosure on the basis of such reasonable belief will remain safeguarded even where it later transpires that the Reporting Person was mistaken.

The Reporting Person should disclose only such information as is necessary for the purpose of raising the Relevant Wrongdoing and should not access, process or disclose personal or confidential information that is not relevant or necessary.

6.2 Persons Covered

This Policy applies to Workers and includes, but is not limited to:

- employees and former employees;
- contractors and sub-contractors;
- trainees, interns and volunteers;
- members of the BOM; and
- persons applying for employment or engaged in pre-contractual discussions.

6.3 What is a Relevant Wrongdoing

Relevant Wrongdoings are defined in the Acts and include, but are not limited to:

- the commission of an offence;
- failure to comply with a legal obligation;
- endangering the health or safety of any person;
- misuse or mismanagement of public funds;
- gross mismanagement by a public body; and
- the concealment or destruction of information relating to any of the above.

7. Making a Protected Disclosure

Protected Disclosures may be made internally within the School, to external Prescribed Persons, or in limited and exceptional circumstances, through emergency or public disclosure, in accordance with the Acts. This Policy sets out the procedures applicable to each of these disclosure channels.

Nothing in this Policy is intended to prevent a Reporting Person from making a Protected Disclosure in accordance with the Acts.

7.1 Internal Disclosure

Where appropriate, a Reporting Person who wishes to make a Protected Disclosure should, in the first instance, raise the matter internally with the Principal of the School, who is the Designated Protected Disclosures Recipient. Where the disclosure concerns the Principal, or where the Principal is unavailable, the disclosure should be made to the Chairperson of the BOM, who shall act as the Designated Protected Disclosures Recipient for that disclosure.

In making a disclosure, the Reporting Person is not required to investigate the matter or to determine how it should be addressed. Instead such responsibility rests with the School, acting through the Designated Protected Disclosures Recipient and, where appropriate, the BOM, in accordance with this Policy.

7.2 Form and Content of a Protected Disclosure

A Protected Disclosure may be made verbally or in writing and should include as much relevant information as possible, including background details, dates and the sequence of events. Disclosures should be factual in nature and based on information that came to the Reporting Person's attention in a work-related context.

When making a disclosure in writing, a Reporting Person may, but is not required to, use the School's Protected Disclosure Reporting Form, which is provided at Appendix 1. Where a disclosure is made verbally, an appropriate written record will be prepared by the Designated Protected Disclosures Recipient in consultation with the Reporting Person.

7.3 External Disclosure

In some circumstances, depending on the nature of the concern, a Reporting Person may make a Protected Disclosure to an external Prescribed Person, in accordance with the Acts.

A Reporting Person may make such a disclosure where they reasonably believe that:

- the Relevant Wrongdoing falls within the remit of the Prescribed Person; and
- the information disclosed is substantially true.

Depending on the nature of the concern, a Prescribed Person may include a relevant member of:

- the Department of Education, in respect of matters relating to education governance, standards or the use of public funds;
- Tusla, in respect of child protection or safeguarding concerns;
- the Health and Safety Authority, in respect of health and safety matters; or
- the Workplace Relations Commission, in respect of employment rights or employment law compliance.

This list is not exhaustive. A Reporting Person is responsible for satisfying themselves that the Prescribed Person is appropriate to the subject matter of the disclosure.

7.4 Emergency or Public Disclosure

In rare and exceptional circumstances, where the situation cannot reasonably be addressed internally or through an external Prescribed Person, a Reporting Person may make a Protected Disclosure externally, including to a legal adviser, a Minister or by making a public disclosure, subject to the strict conditions set out in the Acts.

Such disclosures are protected only where the Reporting Person meets the relevant statutory requirements set out in the Acts. Depending on the circumstances, this may include situations where the Reporting Person reasonably believes that:

- the information disclosed is substantially true; and
- the Relevant Wrongdoing constitutes an imminent or serious risk to the health or safety of any person, or to the public interest; or
- there is a risk that evidence may be concealed or destroyed, or that the Reporting Person may be subject to penalisation, if the disclosure is made internally or to an external Prescribed Person.

By way of example only, emergency or public disclosures may arise where:

- there is an immediate and serious risk to the safety or welfare of students, staff or others that cannot reasonably be addressed through internal reporting channels; or
- there is a credible concern that records or evidence relating to the alleged wrongdoing may be concealed or destroyed.

Reporting Persons are advised to seek appropriate independent advice, including legal advice, before making an emergency or public disclosure.

8. Procedure for Handling a Protected Disclosure

Upon receipt of a Protected Disclosure, the School will acknowledge receipt of the disclosure in writing within seven calendar days, unless the Reporting Person has expressly requested otherwise or it is reasonable to believe that acknowledging receipt would jeopardise the protection of the Reporting Person's identity. The acknowledgement will confirm receipt of the disclosure and outline the next steps in the process.

An initial assessment will then be carried out to determine whether the disclosure falls within the scope of this Policy and the Acts, or whether it is more appropriately addressed under another policy. Where a disclosure is deemed to fall outside the scope of this Policy, the Reporting Person will be informed accordingly and advised, where appropriate, of any alternative procedures available.

Where appropriate, the School may seek clarification from the Reporting Person in order to better understand the matters raised. Any such engagement will be conducted on a confidential basis and the Reporting Person may be accompanied by a trade union representative or work colleague, if they so wish.

Follow-up actions may include clarification meetings, an internal investigation, referral to the BOM or a BOM sub-committee, the appointment of an independent investigator, or referral to appropriate authorities where required, having regard to the nature and seriousness of the matters raised.

The School is committed to dealing with all Protected Disclosures promptly and to providing feedback to Reporting Persons in accordance with the Acts. The Reporting Person will be provided with feedback on the progress and outcome of the disclosure within three months of the acknowledgement of receipt, or within such longer period as may be permitted under the Acts, subject to confidentiality, data protection and legal considerations. The School will maintain appropriate records of follow-up actions taken in accordance with the Acts.

9. Confidentiality

The School is committed to protecting the identity of the Reporting Person and to handling Protected Disclosures in a confidential manner, insofar as possible in accordance with the Acts.

A Reporting Person's identity will only be disclosed where required or permitted by law, where necessary to receive, process or follow up on a Protected Disclosure, or where the Reporting Person has given consent.

Where it becomes necessary to disclose the identity of a Reporting Person, the School will, where practicable, inform the Reporting Person in advance.

10. Protection from Penalisation

A Reporting Person will not be penalised, or threatened with penalisation, for making a Protected Disclosure in accordance with this Policy.

Penalisation means any act or omission that places the Reporting Person at a disadvantage because they made, or sought to make, a Protected Disclosure. This includes acts by management, colleagues, or any other person connected with the School.

Examples of penalisation include, but are not limited to:

- dismissal;
- disciplinary action;

- demotion;
- intimidation or harassment;
- discrimination;
- any other form of disadvantage.

Any act of penalisation may result in disciplinary action in accordance with the School's disciplinary procedure

11. False or Malicious Disclosure

A disclosure made where the Reporting Person has a reasonable belief that the information tends to show a Relevant Wrongdoing will not give rise to disciplinary action, even where the concern is not upheld following investigation.

However, disclosures made maliciously, or where the Reporting Person knowingly provides false information or lacks a reasonable belief in the information disclosed, may result in disciplinary action and will not attract the protections of the Acts.

12. Support for Reporting Persons

The School recognises that making a Protected Disclosure can be a challenging process and is committed to providing appropriate support and guidance to Reporting Persons throughout the process. Reporting Persons may be accompanied at meetings by a trade union representative or a work colleague.

The School will seek to ensure that Reporting Persons are treated respectfully and that concerns raised are handled sensitively and professionally. The availability of support under this Policy does not affect the Reporting Person's entitlement to seek independent advice, including legal or trade union advice, at any stage.

13. Rights of the Person Concerned

The making of a Protected Disclosure does not, of itself, imply wrongdoing on the part of any person. Where a disclosure relates to alleged wrongdoing by an individual, the principles of fair procedures and natural justice will be observed. This includes the right to be informed of the substance of any allegations, to be given an appropriate opportunity to respond and to have the matter assessed impartially and objectively.

14. Record-Keeping and Data Protection

Records of Protected Disclosures will be maintained securely, processed in accordance with the GDPR and the Data Protection Acts 1988–2018, and retained only for as long as is necessary and proportionate.

15. Review and Monitoring

The Policy will be reviewed at least every three years.

Signed: _____

Chairperson of Board of Management

Date: _____

Signed: _____

Principal/Secretary to Board of Management

Date: _____

Appendix 1: Protected Disclosure (Whistleblowing) Report Form

Protected Disclosure (Whistleblowing) Report Form

Confidentiality Notice

A Reporting Person who makes a Protected Disclosure where they reasonably believe that the information disclosed tends to show a Relevant Wrongdoing is protected by law from penalisation. The School is committed to ensuring that Reporting Persons are treated fairly and that no disadvantage arises as a result of making a Protected Disclosure in accordance with the Protected Disclosures Acts 2014–2022.

Important Information for Reporting Persons

- You may submit this form with or without identifying yourself.
- Anonymous disclosures will be assessed in accordance with this Policy and the Acts. However, the School may be limited in its ability to provide feedback or seek clarification where contact details are not provided.
- You are not required to complete this form in order to make a Protected Disclosure. Disclosures may also be made verbally.

Section 1: Reporting Person Details (Optional)

Full Name: _____
Role / Department (if applicable): _____
Preferred Contact Method (Email / Phone): _____
Contact Details: _____
Date of Submission: _____

☐ I wish to make this disclosure anonymously

Section 2: Details of the Alleged Wrongdoing

Please provide as much factual information as possible to assist the assessment and follow-up of this disclosure.

Type of Relevant Wrongdoing

(Please tick all that apply)

- ☐ Commission of an offence
- ☐ Failure to comply with a legal obligation
- ☐ Endangerment of health or safety
- ☐ Misuse or mismanagement of public funds
- ☐ Gross mismanagement by a public body
- ☐ Concealment or destruction of information relating to any of the above
- ☐ Other _____

Date(s) of occurrence (if known): _____
Location(s): _____
Name(s) / Role(s) of person(s) involved (if known): _____

Description of the Concern

Please describe:

- What occurred or is occurring

- How you became aware of the matter

- Any relevant background or context

(Attach additional pages if necessary.)

Section 3: Supporting Information

Do you have any information that may support this disclosure?

Witnesses (if any):

Other relevant documents, emails or other records (if any):
(Please attach copies where possible.)

Section 4: Previous Reporting

Have you previously raised this concern through another internal channel?

☐ Yes - please provide details (to whom, when and any outcome):

☐ No

Section 5: Declaration

I declare that the information disclosed in this report came to my attention in a work-related context and that I have a reasonable belief that the information tends to show a Relevant Wrongdoing within the meaning of the Protected Disclosures Acts 2014–2022.

I understand that a disclosure made on the basis of such reasonable belief is protected under the Acts, even where the concern is not subsequently upheld.

Signature (if submitting with name):

Date:

Submission

This form should be submitted to the Designated Protected Disclosures Recipient in accordance with the School's Protected Disclosures Policy.