



Castaheany Educate Together National School

Protected Disclosure Policy

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School Details:

Name: Castaheany Educate Together National School
Address: Ongar Village, Dublin 15
Telephone: 01 6467484/ 6467475
Email: office@castaheanyetns.ie
Roll Number: 20186F
Principal: Sheila Gaughan

The school day starts at 8.30 and finishes at 1.10 for infant classes and 2.10 for all other classes.

Background to the Policy

The Protected Disclosures Act 2014 hereafter ‘the Act’ came into effect on the 16th of July 2014. The Act places a requirement on every public body (which includes schools) to establish and maintain procedures for the making of protected disclosures by workers who are, or were employed, by the public body and for dealing with such disclosures.

Aims of this Policy:

The purpose of this policy is to comply with the Act, The Act is to protect workers from being penalised for whistleblowing about wrongdoing or potential wrongdoing that has come to the worker’s attention in the workplace. Whistleblowing is the act of reporting wrongdoing.

Definitions for the Purpose of this Policy:

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”

What are “Relevant Wrongdoings”?

“Relevant Wrongdoings” are defined exhaustively in the act and include the following: The commission of an offence; Non-compliance with a legal obligation; Threats to Health & Safety;

Misuse of Public Monies; Concealment or destruction of information relating to any of the foregoing.

What is a ‘Worker’?

“A Worker” is very broadly defined in the Act and includes employees (including temporary employees), contractors, trainees, agency staff, former employees and job seekers. The broad definition of worker will cover practically all those who are engaged to do work in schools.

Provisions of the Act include;

- A prohibition on penalising a worker who makes a protected disclosure about a broad range of ‘relevant wrongdoings’ which can be reported.
- A stepped disclosure process which encourages workers to disclose to their employers in the first instance. This stepped process is designed to encourage a worker to make a disclosure to their employer or ‘responsible person’ in the first instance, to specified third parties in certain other circumstances and to make the disclosure of information in the public domain an option of last resort. Workers must comply with the disclosure process in order for the disclosure to be classified as a ‘protected disclosure’ and for the worker to qualify for protections under the ‘Act’

Whom do you make the Disclosure to?

The vast majority of disclosures should be made to the school principal, Chairperson of the Board of Management (BOM), or the Board itself in the first place. Where this is inappropriate or impossible the Minister for Public Expenditure and Reform has published a list of “Prescribed Persons”. These are bodies that in his opinion are the appropriate ones to investigate. In relation to schools the prescribed person is the Secretary General of the Department of Education and Skills (DES).

In making a disclosure a worker must reasonably believe the information disclosed to be substantially true.

Protections available to whistle blowers

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.

Best Practice

If you as a member of staff have a genuine or reasonable concern that there is malpractice 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, or failing that to the BOM itself.

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 line management and report to the prescribed person namely the Secretary General of the DES.

Ratification & Review

This policy has been made available to school personnel, published on the school website and provided to the Parents Association. A copy of this policy will be made available to the Department of Education and Skills and the Patron, if requested. Hard copies of this, and all school policies, are available at the school on request.

This policy and its implementation will be reviewed by the Board of Management biannually.

This policy was adopted by the Board of Management of Castaheany Educate Together National School on **XXXXXXXX**.

Signed _____

Date: _____

Chairperson BOM

Signed _____

Date: _____

Principal

References

- Statutory Instrument No. 464 of 2015 Industrial Relations Act 1990 (Code of Practice On Protected Disclosures Act 2014)(Declaration)Order 2015 provides further guidance on the ‘Act’ and a ‘Model Whistleblowing Policy’
- Statutory Instrument No. 339 of 2014 – Protected Disclosures Act 2014 (Section 7 (2)) Order 2014 lists the ‘Prescribed Persons’ to whom a protected disclosure may be made
- Statutory Instrument No. 448 of 2015- Protected Disclosures Act 2014 (Disclosure to Prescribed Persons) Order 2015 amends the Schedule to the Protected Disclosures Act 2014 (Section 7(2) Order 2014 (S.I. No. 339 of 2014)