



**etb**

Bord Oideachais agus Oiliúna  
Chill Dara agus Chill Mhantáin  
*Kildare and Wicklow  
Education and Training Board*

# Kildare and Wicklow ETB

## Protected Disclosure Policy & Procedures

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## 1 Introduction

- 1.1 The purpose of this document is to set out Kildare Wicklow Education and Training Boards' (KWETB) guidance and procedures for the management of Protected Disclosures in the workplace and to outline the channels and procedures provided for reporting concerns.
- 1.2 Making a protected disclosure refers to a situation where a worker discloses information in relation to wrongdoing. This is sometimes referred to as 'whistleblowing'. For the purposes of this document such a worker is referred to as 'worker' or 'Discloser' and disclosing information in relation to alleged wrongdoing in accordance with the [Protected Disclosures Act 2014](#) is referred to as 'making a protected disclosure'.
- 1.3 This guidance document is informed by
  - the Department of Public Expenditure and Reform guidance titled "Guidance under section 21(1) of the Protected Disclosures Act 2014 for the purpose of assisting public bodies in the performance of their functions under the Act" and
  - the 'Department of Education and Skills guidance titled 'Guidance on Protected Disclosure reporting in the workplace'.
- 1.4 This documents should be read in conjunction with the [Protected Disclosures Act 2014](#) to which it relates.
- 1.5 The Senior Management Team of KWETB are fully committed to KWETB maintaining the highest standards of integrity and probity and ensuring that the culture and working environment of KWETB encourage, facilitate and support any worker of the organisation to 'speak up' on any issue that could impinge on the organisations ability to carry out its roles and responsibilities to the high standard expected. We are also committed to ensuring that any such issue raised by worker of KWETB will be dealt with professionally and appropriately, adhering to standards and principles as outlined in the Act.
- 1.6 KWETB Senior Management Team applauds workers who courageously raise genuine concerns. A worker who is mistaken in raising a concern will not suffer any form of retribution as a result of raising that concern. However, this assurance will not apply to someone who maliciously raises a concern that she/he knows to be untrue. Mischievous reporting will be taken very seriously and perpetrators will be disciplined appropriately.
- 1.7 In **all** cases the Head of Internal Audit will be notified of the contents of the disclosure, and the outcome of any screening/investigation.

## 2 The Legal Basis for the Guidance

- 2.1** Section 21 (1) of the [Protected Disclosures Act 2014](#) provides that:  
*‘Every public body shall 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.’*
- 2.2** The Act enables workers to disclose information in relation to wrongdoing (See [Section 5 - Protected Disclosures Act 2014](#).) in the workplace by ensuring that safeguards exist should reprisals be taken against them. The Act provides for a ‘stepped’ disclosure regime in which a number of distinct channels (internal, regulatory and external) are available.

## 3 Guiding Principles

- 3.1** All disclosures of wrongdoing in KWETB should, as a matter of routine, be the subject of an appropriate assessment and/or investigation and the identity of the Discloser should be adequately protected.
- 3.2** Providing that the worker discloses information relating to wrongdoing, in an appropriate manner, and based on reasonable belief, no question of penalisation will arise.

## 4 Commitment of the CE and Senior Management Team

- 4.1** The Senior Management Team of KWETB take responsibility for the successful operation of this policy and are also fully committed to observing the spirit and purposes of the 2014 Protected Disclosures Act. We view protected disclosures as a critical element in the effective governance of KWETB and in fostering a culture of honesty and ethical behaviour.
- 4.2** Specifically, we are committed to the following;
- facilitating, encouraging and promoting the disclosure of wrongdoing;
  - encouraging staff to make a protected disclosure at the earliest possible opportunity;
  - assisting, supporting and protecting workers who make protected disclosures;
  - protecting a worker’s identity in a manner consistent with the requirements of the 2014 Act and taking action where those requirements have been breached;
  - assessing any disclosures made, conducting an investigation, where warranted, and addressing all findings that require attention;
  - providing that workers are not to be penalised for reporting relevant wrongdoings; and
  - providing workers with specific guidelines as set out in these procedures as to how to make protected disclosures.

## 5 Why Are We Encouraging Disclosure of Wrongdoing?

- 5.1 People who work in KWETB will often be the first people to notice the signs of wrongdoing. They therefore play an essential part in early detection of behaviour that could damage KWETB, our shareholder and stakeholders, if it is allowed persist. Putting in place a receptive culture and appropriate procedures is central to encouraging staff to make disclosures directly to KWETB where we are best placed to address the issues raised in a timely manner and provide effective support to the worker.
- 5.2 Internal disclosures help KWETB in the following ways;
- deterring wrongdoing in KWETB
  - ensuring early detection and remediation of potential wrongdoing
  - reducing the risk of leaking of confidential information
  - demonstrating to interested stakeholders, regulators and the courts that KWETB is accountable and managed effectively
  - improving trust, confidence and morale of staff in KWETB
  - building a responsible and ethical organisational culture; and
  - limiting the risk of reputational and financial damage

## 6 What is Protected Disclosure?

- 6.1 A protected disclosure (per section 5 of the 2014 Act) is a disclosure of information which, in the reasonable belief of the worker, tends to show one or more relevant wrongdoings and came to the attention of the worker in connection with the worker's employment. It is also important to note that workers must make a disclosure in the manner set out in the Act to gain protection of the Act.
- 6.2 A protected disclosure should contain "information" which tends to show wrongdoing. The ordinary meaning of disclosing "information" is conveying facts, such as stating that particular events have occurred. This is different to simply making an allegation on the basis of a suspicion that is not founded on anything tangible.
- 6.3 Workers need not investigate matters themselves to find proof of their suspicion and should not endeavour to do so. All workers need to do, and should do, is disclose the information that they have, based on **reasonable belief** (see below Section 7) that it discloses a wrongdoing and, where the information relates to individuals, that it is necessary to disclose that information.

## 7 What is Reasonable Belief?

- 7.1 A worker must have reasonable belief that the information disclosed shows, or tends to show, wrongdoing. The term “reasonable belief” does not mean that the belief has to be correct. Workers are entitled to be mistaken in their belief, so long as their belief was based on reasonable grounds.
- 7.2 It may be quite reasonable for a worker to believe that a wrongdoing is occurring on the basis of what she or he observes. A worker may not know all the facts of the case and as noted above, the worker is not obliged to find proof of her/his suspicion. In such a case, the worker may have reasonable grounds for believing that some form of wrongdoing is occurring, but it may subsequently turn out that the worker was mistaken.
- 7.3 We, the Senior Management Team, will ensure that a worker will not be penalised simply for getting it wrong, so long as the worker had a reasonable belief that the information disclosed showed, or tended to show, wrongdoing.

## 8 Who Can Make a Disclosure?

- 8.1 Wrongdoing may come to the attention of, and a disclosure can be made by, any worker. In line with the inclusive approach, which underpins this disclosure policy, a worker is broadly set out so that any current and former worker, independent contractor, trainee, agency staff and, where applicable, a volunteer should be considered a ‘worker’ for the purposes of this policy.
- 8.2 Legal advisors, where information comes to their attention while providing legal advice, are excluded from the protections of the Act. Where a claim to legal professional privilege could be maintained in respect of such information, it will not be a protected disclosure if it is disclosed by the legal advisor.

## 9 Personal complaints Vs disclosures of wrongdoing

- 9.1 There is a distinction between a personal employment complaint and a disclosure of wrongdoing (or protected disclosure). A personal complaint or grievance is not covered by the Personal Disclosures Act 2014. A grievance is a matter specific to the worker and should be processed under the organisation’s grievance procedure. A grievance includes such matters as a complaint in respect of selection criteria for promotion, issues in respect of duties, terms and conditions of employment etc. In those cases, the normal HR or grievance procedures will apply. Alternatively, a member of staff may claim that they are being bullied or harassed by a colleague. That type of complaint will generally be dealt with under the dignity at work (or equivalent) procedure. A protected disclosure on the other hand concerns information a worker has about a relevant wrongdoing (see below section 10.1).
- 9.2 If a complaint is made of penalisation contrary to the 2014 Act, then the complaint will be dealt with professionally and sympathetically, having regard to the continued obligation to protect the identity of the Discloser under the Act.

## 10 Relevant Wrongdoings

**10.1** Section 5(3) of the 2014 Act provides protection for workers who disclose information in relation to the following wrongdoings:

- The commission of an offence
- The failure of a person to comply with any legal obligation, other than one arising under the worker's contract of employment or other contract whereby the worker undertakes to do or perform personally any work or services;
- A miscarriage of justice
- A danger to the health and safety of any individual
- Damage to the environment
- An unlawful or otherwise improper use of funds or resources of a public body, or of other public money
- An act or omission by or on behalf of a public body that is oppressive, discriminatory or grossly negligent or constitutes gross mismanagement or
- Information tending to show any matter falling within any of the preceding paragraphs (a) to (g) has been, is being, or is likely to be concealed or destroyed.

**10.2** The information must come to the attention of the worker in connection with his/her employment. However, if the disclosure involves either the worker's or the employer's function to detect or investigate or prosecute, the protections of the 2014 Act do not apply, unless it involves an act or omission on the part of the employer. A protected disclosure is voluntary.

## 11 Motivation

**11.1** Motivation is irrelevant when determining whether or not it is a disclosure protected by the 2014 Act. All protected disclosures will be dealt with regardless of the worker's motivation for making the disclosure, and the worker should be protected so long as the worker reasonably believes that the information disclosed tended to show a wrongdoing.

**11.2** However, a disclosure made in the absence of a reasonable belief will not attract the protection of the 2014 Act and, in exceptional circumstances, could result in disciplinary action against the Discloser. In addition, disclosure of a wrongdoing does not necessarily confer any protection or immunity on a worker in relation to any involvement they may have had in that wrongdoing.



## 12 Making a Protected Disclosure

There are a number of steps that must be considered when making a protected disclosure;

- [12.1 Decide whom to make the disclosure to](#)
- [12.2 Requirements when making a protected disclosure](#)
- [12.3 Assessment of the disclosure](#)
- [12. 4 Review of the assessment](#)
- [12. 5 Investigation](#)
- [12.6 Feedback to the Discloser](#)

### 12.1 To whom to make the disclosure

- The worker must make a disclosure in the manner set out in the Act to gain the protection of the Act and higher standards apply when the protected disclosure is made externally.
- Under the 2014 Act, protected disclosures can be made in the following ways:

#### 12.1.1 Internal Disclosure to KWETB

12.1.1.1 Though KWETB workers are not obliged to make a protected disclosure internally before making it externally, they are strongly encouraged to do so. This provides an opportunity for us to address issues in a timely manner and provide support to the worker. All internal disclosures will be taken seriously and the worker making the disclosure will receive appropriate protection.

Any KWETB Worker wishing to make a Protected Disclosure should contact KWETB's Protected Disclosures Officer.

The PDO in KWETB is Joe Kelly, Director of Organisation Support and Development, Kildare and Wicklow ETB, Level 5, Áras Chill Dara, Devoy Park, Naas, Co. Kildare. Email: [JoeKelly@kwetb.ie](mailto:JoeKelly@kwetb.ie)

In the event the Worker does not want to make the Protected Disclosure to the PDO for whatever reason, the Worker should instead contact the Chief Executive to make the Protected Disclosure.

Please see [Appendix 1: Protected Disclosure Process](#)

### 12.1.2 External Disclosure outside KWETB

While it is anticipated that the vast majority of disclosures will be made within KWETB, the Act recognises that in certain circumstances this may be inappropriate or impossible. The legislation provides for five avenues of disclosure with different requirements needed to be met in different cases:

- **A responsible person outside KWETB**

If the worker reasonably believes that the wrongdoing relates to a person other than the worker's Employer or where that responsible person has legal responsibility for something in respect of which a wrongdoing may have occurred.

- **A prescribed person (i.e. as prescribed by Statutory Instrument 339/2014)**

Such as the Comptroller and Auditor General, the Data Protection Commissioner, etc. In such cases, an additional requirement applies: the Discloser must believe that the information disclosed and any allegations contained in it are 'substantially' true.

- **A Minister of the Government**

On whom any functions relating to the public body (i.e. The Department of Education and Skills) is conferred or imposed by or under any enactment.

- **A legal advisor**

A protected disclosure can be made by a worker in the course of obtaining legal advice from a barrister, solicitor, trade union official or an official of an excepted body.

- **Disclosure in other Cases**

There are stringent requirements for alternative external disclosures (for example seeking to disclose directly to the media) to qualify as protected disclosures under Section 10 of the Protected Disclosures Act. These include but are not limited to the following conditions;

- The relevant wrongdoing is of an exceptionally serious nature
- Information disclosed and any allegations contained in it, are 'substantially' true
- The disclosure is not made for personal gain
- In all the circumstances of the case, it is reasonable for the worker to make the disclosure
- And any one of the following conditions are met;
  - The worker reasonably believes she/he will be subjected to penalisation for making the disclosure if made by other means mentioned above, and/or
  - Where no relevant person is 'prescribed' for the purposes of Section 7 of the Act in relation to the relevant wrongdoing, the worker reasonably believes that it is likely that evidence relating to the wrongdoing will be concealed or destroyed if the worker makes a disclosure by other means mentioned above.
- The worker has previously made a disclosure of substantially the same information

**(Please refer to Section 10 of the Act for a full understanding of what is covered here)**

Once KWETB is made aware of a disclosure through an external agent as above, the CE will identify an appropriately qualified person to carry out a thorough review (followed by investigation if required) as per existing process. KWETB is not obliged to report back its findings or status of the review/investigation to the external agent except in the case of a Government Minister or Prescribed Person as above.

### 12.1.3 Certain Special Cases – Defined Categories of Information

The 2014 Act makes particular provision for disclosures in the areas of law enforcement, security, defence, international relations and intelligence. Section 17 of the Act should be consulted further when a disclosure of such information is contemplated.

## 12.2 Requirements

### 12.2.1 For the Discloser

Disclosures should ideally be made in writing and at a minimum:

- State that the disclosure is being made under the Protected Disclosure procedures
- Provide the Discloser's name, position in the organisation, place of work and confidential contact details
- The date of the alleged wrongdoing (if known) or the date the alleged wrongdoing commenced or was identified
- Whether or not the wrongdoing is still ongoing
- Indicate whether the wrongdoing has already been disclosed and if so to whom, when and what action was taken and
- Provide relevant information in respect of the relevant wrongdoing

Please see [Appendix 2: Practical Advice](#)

### 12.2.2 For the Recipient

12.2.2.1 The Recipient must keep a detailed record of the assessment process, particularly in respect of verbal disclosures. In cases of verbal protected disclosures, the Recipient should capture the above information in a record, again in such a manner as protects the identity of a Discloser. The Recipient should show the draft record of the assessment to the Discloser to provide the Discloser an opportunity to comment on it before finalising it.

12.2.2.2 The Recipient must make all reasonable efforts to ensure that the identity of the Discloser is protected unless the Discloser consents to disclose his or her identity or unless other conditions in the Act are not met.

## 12.3 Assessment of the disclosure

12.3.1 When a disclosure of alleged wrongdoing is made, the Recipient must carry out an initial screening **assessment** as soon as practically possible in order to ascertain the facts and determine whether or not it should be treated as a protected disclosure, having regard to the provisions of the 2014 Act.

12.3.2 If it is deemed to be a valid, protected disclosure, the Recipient should then consider whether the alleged wrongdoing is something that can or should be investigated or not, and, if so, what form such an investigation should take. This could consist of an informal approach for less serious wrongdoings, a detailed and extensive investigation of serious wrongdoings, or an external investigation by another body.

12.3.3 When a Protected Disclosure is confirmed as a valid Protected Disclosure the Recipient must inform the following people and keep them updated throughout the process;

- CE
- Head of Internal Audit

- Principal Officer, Schools Financial & ETB Financial, Administrative and Personnel Unit
- Chairperson of KWETB Board
- Corporate Governance & Compliance Manager

12.3.4 The identity of the Discloser should not be revealed.

## 12.4 Review of an assessment

12.4.1 Where a Recipient has made an assessment that further action or investigation is not warranted, the Discloser has the right to ask the Recipient for a review of that assessment. In such an event, the Recipient shall communicate to the CE that a review has been requested. The CE shall arrange for a **Review Group** (comprising appropriate trained senior managers and possible legal advisor if deemed necessary) to review the assessment and advise the Recipient.

12.4.2 The CE shall let the Recipient know who will carry out the assessment and the Recipient shall forward to the Review Group the disclosure file for their decision. The Review Group shall carry out the review of the assessment as soon as practically possible with the Recipient informing the Discloser of the result as soon as practicable.

## 12.5 Investigation

12.5.1 Where a Recipient or a subsequent Review Group reports that an investigation is warranted in respect of a disclosure, the CE will arrange as soon as is practicable, that an investigation is commenced.

12.5.2 Investigations in case of an alleged serious wrong-doing will be carried out, as appropriate depending on the nature and scale of the alleged wrongdoing by;

- An appropriately qualified and independent person nominated CE
- In cases where the matters may be of such seriousness that the investigation will more appropriately be carried out externally or by professional experts in a particular area; this could include investigators from any approved framework in place for the Civil Service/Public Services.
- In some areas the matter may need to be reported to, and investigated by An Garda Síochána or another body with the statutory power and function of investigation in particular areas or
- The Internal Audit Unit

12.5.3 In the case of a relatively minor alleged wrong-doing, however, the investigation will in general be carried out at the level appropriate and in the departmental framework most appropriate and suitable.

12.5.4 A Discloser may seek a review of the outcomes of an investigation. The CE will arrange for a review of the outcome of the investigation by a person who has not been involved in the initial assessment and/or review of the initial assessment and/or the investigation

## **12.6 Feedback to the Discloser**

- 12.6.1 The overriding requirement when providing feedback is that no information is communicated that could prejudice the outcome of the investigation or any action that ensues it (e.g. disciplinary, or other legal action, including prosecution) for example, by undermining the right to fair procedures enjoyed by the person against whom a report or allegation is made.
- 12.6.2 Subject to the previous paragraph, workers making a protected disclosure should be provided with periodic feedback in relation to the matters disclosed and be advised when consideration of the disclosure is complete, except in exceptional cases. This does not require a complete account of what the situation is at a particular point in time in terms of progress, but generally give reassurances and affirmation that the matter is receiving appropriate attention.
- 12.6.3 Any information and feedback should be provided in confidence. There is no obligation to inform the Discloser of the progress, or outcome, of any disciplinary process involving another worker which may arise on foot of an investigation occasioned by a protected disclosure. In general, such information is confidential between the employer and the worker who is the subject of a disciplinary process. A Discloser should be informed that appropriate action has been taken but is not generally entitled to know what the action was.

## **13 Rights of the respondent in an investigation**

- 13.1 Where an individual worker in KWETB (the Respondent), is the subject of an investigation, the principles of natural justice and fair procedure will apply. The Head of HR will arrange that appropriate supports and protections are available as and when appropriate.
- 13.2 The Respondent's right to fair procedure may include a right to challenge the evidence against him/her. That right will need to be balanced against the rights contained in the 2014 Act, such as the Discloser's right to have his/her identity protected (which is, nevertheless, not absolute and may not be applied, for example, in cases where the disclosure Recipient reasonably believes that this is necessary for the effective investigation of the wrongdoing concerned).
- 13.3 Whether it is necessary to disclose the identity of the Discloser, or not, will depend on the facts of the case. The Recipient will need to consider all facts in determining whether a protected disclosure can be investigated or not. Where a decision is taken to disclose the identity of the Discloser, where at all possible, the Discloser should be offered a review before his/her identity is disclosed.

## 14 Protecting Disclosers from penalisation: Definition of penalisation for having made a disclosure

- 14.1** Penalisation of a worker who makes a protected disclosure will not be tolerated by KWETB and workers who feel that they are being subjected to adverse treatment should report the matter immediately to management. The Senior Management Team of KWETB commit to assess/investigate such notifications and to take appropriate action where necessary.
- 14.2** The definition of penalisation includes:
- Suspension or dismissal
  - Demotion or loss of opportunity for promotion
  - Transfer of duties, changes of location of place of work, reduction in wages or change in working hours (jurisprudence, or subsequent to the enactment of the legislation, clarifies that transfers of duties in the Civil Service context does not necessarily amount to penalisation under the Act)
  - The imposition or administration of any discipline, reprimand or other penalty (including a financial penalty)
  - Unfair treatment
  - Coercion, intimidation or harassment
  - Discrimination, or disadvantage
  - Injury, damage or loss: and
  - Threat of reprisal
- 14.3** If a Discloser considers that he or she has been penalised as a result of having made a protected disclosure, or wishes to appeal a decision to disclose his or her identity, the Discloser should inform the Head of HR and/or the Head of Division in which the worker works. The Head of HR and/or Head of Division will arrange for the matter to be considered, remediated where appropriate, investigated as necessary and assess if and what appropriate disciplinary proceedings are necessary.

## 15 Anonymous disclosures

- 15.1** An anonymous disclosure is where a Discloser withholds their identity, and a confidential disclosure is where identity is protected by the Recipient. Anonymous disclosures made by workers are not excluded from the protection of the 2014 Act. Anonymous disclosures will be acted upon to the extent that this is possible, although the ability to investigate may be constrained in the absence of the knowledge of the identity of the Discloser.
- 15.2** It should be noted that keeping the Discloser informed and protecting a Discloser from penalisation may be difficult or even impossible to apply unless the worker's anonymity lifts. Furthermore, a worker cannot obtain redress under the 2014 Act without identifying themselves.

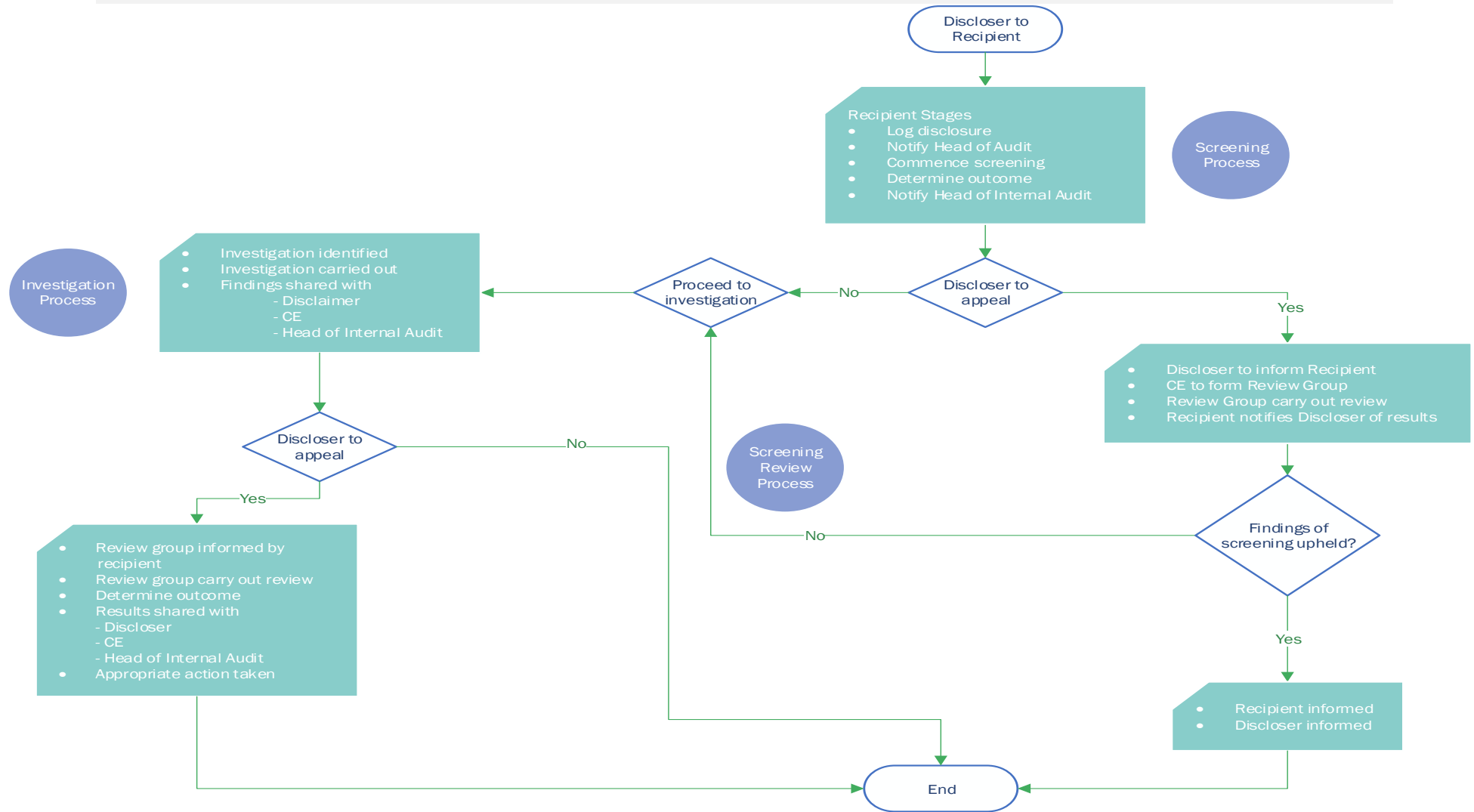
## 16 Protecting the identity of the maker of a protected disclosure

- 16.1** There is a legal obligation on the Recipient of a disclosure to keep the disclosure's identity confidential. A Discloser whose identity has been compromised can take an action if the Discloser suffers any loss by reason of such a compromised identity. The identity of the Discloser must be protected. Those involved in the processing of a protected disclosure must take care that in relation to document security and filing (whether digital or manual) the Discloser's identity is protected.
- 16.2** Where a decision is taken that is necessary to disclose information that may or will disclose the identity of the Discloser, the Discloser will be consulted, and where possible, the Recipient will gain the informed consent of the Discloser, prior to any action being taken that could identify them. In any event the Discloser will be informed of any decision to disclose information in advance, except in exceptional cases. The Discloser may seek a review of this decision by the Review Group.
- 16.3** The Recipient of a disclosure must not disclose to another person any information that might identify the Discloser except when:
- The Recipient shows that he or she took all reasonable steps to avoid disclosing the identity of a Discloser
  - The Recipient has a reasonable belief that the Discloser does not object to the revelation of identity
  - The Recipient had a reasonable belief that it was necessary for the investigation of the wrongdoing concerned
  - To prevent serious risk to State security, public health, public safety and the environment or
  - To prevent crime or the prosecution of a criminal offence, crime or is warranted by the public interest
  - Where the disclosure is otherwise necessary in the public interest or is required by law
- 16.4** Where it is decided that it is necessary to disclose information that may or will disclose the identity of the Discloser, the Discloser should be informed of this decision in advance of the disclosure, except in exceptional cases. The Discloser should also be informed of the applicable review process, which may be invoked by the Discloser in respect of this decision.

## 17 Annual Report

- 17.1** No later than 30<sup>th</sup> June each year, KWETB will publish a report on protected disclosures in the previous year. Specifically, such a report will outline:
- The number of protected disclosures made to KWETB
  - The resulting action and
  - Any other action and information requested by the Minister for Education and Skills

**APPENDIX 1: STANDARD PROTECTED DISCLOSURE PROCESS**





## APPENDIX 2: PRACTICAL ADVICE

Before you decide to make a protected disclosure consider the following;

- Seek independent advice from an experienced individual, organisation or legal source
- Consider the risks and outcomes before you act
- Let the facts speak for themselves – don't make ill-considered allegations
- Remember that you may be mistaken or that there may be an innocent or good explanation
- Do not become a private detective
- Avoid hurt to innocent parties
- Don't personalise or act vindictively
- Recognise that you may not be thanked by all concerned
- Remember that you are a witness, and not a complainant
- Talk to your family or close friends about your decision. The solidarity of key people will be a very important support mechanism
- Keep a careful record or factual log of relevant activities and events before and after you make a protected disclosure
- Identify all supporting information to back up your disclosure
- Always be on guard not to embellish your charges
- Keep in mind that people have a right to natural justice, fair procedure and indeed to challenge the evidence against them. As the Discloser's right to have his/her identity protected is not absolute, it is recommended that you frame your protected disclosure in terms of information or data that has come to your attention rather than seeking to draw conclusions about particular individuals or specific offences.
- Stay calm and look after your well-being!

**APPENDIX 3: PROTECTED DISCLOSURE NOTIFICATION FORM**

Before you complete this form, you should read the KWETB Protected Disclosure Policy & Procedures document in full and ensure that the subject matter of your concern is covered by the legislation. Please note that protected disclosures must be made in good faith and relate to a matter that you have reasonable grounds to be concerned about. It must not be merely intended to undermine the reputation of any colleague or KWETB. If you make a protected disclosure which you know or reasonably ought to know to be false you will be guilty of an offence under the legislation.

1. I, ..... (name of worker making the protected disclosure) wish to make a disclosure under the Protection Disclosures Act 2014

2. Grade .....

Place of work .....

3. Category of Wrongdoing

- A criminal offence
- A failure to comply with a legal obligation
- A miscarriage of justice
- The endangering of an individual's health or safety
- Damage to the environment
- Unlawful or otherwise improper use of public funds
- Fraudulent activity
- That an act or omission is oppressive, discriminatory or grossly negligent or constitutes gross mismanagement
- Concealment or destruction of evidence relating to the above.

4. Date of the alleged wrongdoing (if known) or the date the alleged wrongdoing commenced .....

5. Is the alleged wrongdoing still ongoing .....

6. Has this alleged wrongdoing already been disclosed, if so, to whom, when and what action was taken

.....  
.....  
.....  
.....  
.....

7. Details of the protected disclosure (*care should be taken to only include the name(s) of individual(s) directly relevant to the report*)

.....  
.....  
.....  
.....  
.....

8. Please provide contact details at which the Recipient can contact you:

Address .....

.....

.....

.....

Tel no. ....

Email .....

Worker's signature .....

Date .....

#### APPENDIX 4: INITIAL RECIPIENT OF A DISCLOSURE - CHECKLIST

1. Have you read and familiarised yourself with the content of the KWETB's Protected Disclosures Policy and Procedure?
2. Have you taken particular note relating to your responsibilities concerning the avoidance of the disclosure of information that might identify the person by whom the disclosure was made?
3. Have you given a copy of this Guidance to the Discloser and advised them that their concerns will be treated seriously?
4. Has the Discloser adequately demonstrated to you that the matters he/she is raising fall into one of the categories set out in [Section 10: Relevant Wrongdoing](#)
5. If the answer to question number 4 is 'NO' have you advised the Discloser that the subject matter of the disclosure must refer to one of the matters set out at 4.' What type of disclosure is covered by the Guidance'?
6. If the answer to question number 4 is 'YES' have you advised the Discloser that you will carry out an initial screening and revert with an indication as to whether, in your view, the matter requires a formal investigation?
7. Have you explained the difference between an initial screening and a full investigation?
8. Have you explained that in the event of a conclusion that an investigation is required the matter will be investigated and that this may be referred to another officer for investigation if it is considered more appropriate?
9. Have you explained to the Discloser the limits on confidentiality as set out in the Protected Disclosures legislation?
10. Where practicable, if the Discloser is a verbal discloser has the Discloser confirmed the information provided is correct?
  
11. Have you informed the Discloser in advance of a decision that it is necessary to disclose information that may or will disclose their identity you will afford them the option of having that decision reviewed by the Review Group?
12. Have you provided the Discloser with periodic feedback in relation to the matters disclosed?
13. In the event that you have arrived at the view that an investigation is not appropriate have you advised the Discloser, in so far as is possible, the basis for arriving at that conclusion?
14. Have you explained to the Discloser that if he/she is not happy with a decision not to pursue the matter further you can refer the matter to a Review Group who will review that decision?
15. Have you provided Corporate Governance the following information  
  1. Date disclosure received
  2. Recipient Name
  3. Category of disclosure and requested a Ref No. and having carried out the screening the outcome of that screening?
16. Have you formally advised the Head of Internal Audit of the receipt of the disclosure, the nature of the information contained therein and the outcome of your screening?
17. If a decision has been made by the Review Group that it is more appropriate for another officer to carry out the investigation have you passed all relevant papers to that new Recipient and informed the Discloser of the contact details of the new Recipient?

## APPENDIX 5: INVESTIGATION OF A DISCLOSURE - CHECKLIST

1. Have you read and familiarised yourself with the content of KWETB's Protected Disclosures Policy and Procedures?
2. Have you discussed with the Review Group, if appropriate, whether you should continue with the investigation or the investigation is more appropriate to another Officer?
3. Have you taken particular note relating to your responsibilities concerning the avoidance of the disclosure of information that might identify the person by whom the disclosure was made?
4. Have you met with the Discloser and advised them that their concerns will be treated seriously?
5. Have you advised the Discloser you are investigating the disclosure, that you will keep him/her advised of the progress of the investigation as appropriate and that when your investigation is completed you will advise him/her of the outcome of that investigation?
6. Have you explained to the Discloser the limits on confidentiality as set out in the Protected Disclosures legislation?
7. Have you explained to the Discloser that if he/she is not satisfied with a decision not to pursue the matter further you can refer the matter to the Review group on his/her behalf for an examination of the investigation process and that this examination represents a final 'internal' decision on the matter?
8. Are you familiar with procedures for conducting an investigation taking account of the principles of natural justice?
9. Have you advised the Discloser of the outcome of your investigation and explained, in so far as is possible, the reasons for your decision?
10. If you arrived at the conclusion that in making his/her disclosure the Discloser did not have a reasonable belief in the wrongdoing have you referred the matter to the Review Group?
11. Have you forwarded a copy of the report to the Review Group?
12. Have you forwarded a copy of the final report to the Head of Internal Audit?
13. Have you notified Corporate Governance of the date of the decision?

## APPENDIX 6: REVIEW GROUP – CHECKLIST FOR A REVIEW OF THE SCREENING PROCESS

1. Have you read and familiarised yourself with the content of KWETB’s Protected Disclosures Policy and Procedure in the Workplace?
2. Has the Recipient provided you with relevant material including any additional views of the disclosure regarding the screening process?
3. Have you explained that in the event of a conclusion that an investigation is required, the matter will be investigated and that this may be referred to another officer for investigation if it is considered more appropriate?
4. Have the Review Group reversed the decision?
5. If the answer to question number 4 is ‘NO’ have you informed the Recipient of your decision?
6. If the answer to question number 4 is ‘YES’ have you have you informed the Recipient of your decision and appointed a new Recipient if necessary and appropriate?
7. Have you advised the Recipient generally within 10 working days (and no later than 16 working days) of the outcome of the review?
8. If a new Recipient has been nominated have all of the relevant papers been forwarded to the new Recipient?

## APPENDIX 7: REVIEW GROUP – CHECKLIST FOR AN EXAMINATION OF INVESTIGATION PROCESS

1. Have you advised the Recipient that the decision of the Review Group will represent a final “internal” decision on the matter?
2. Have you advised the recipient that this is **not** a re-investigation of the disclosure but an examination of the investigation process?
3. Have you advised the recipient of the decision of the Review Group?
4. Have the following people been notified that an examination of the investigation process is taking place and the outcome of that examination?
  - CE
  - Head of Internal Audit
  - Principal Officer, Schools Financial & ETB Financial, Administrative and Personnel Unit
  - Chairperson of KWETB Board
  - Corporate Governance & Compliance Manager