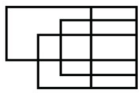


## Contents

1.INTRODUCTION.....	1
2.SCOPE OF POLICY.....	1
3.STATUS OF POLICY .....	1
4.PURPOSE.....	1
5.WHAT IS NOT IN SCOPE.....	2
6.BE ASSURED .....	3
7.CONFIDENTIALITY .....	3
8.HOW TO RAISE A CONCERN INTERNALLY .....	4
9.INITIAL ASSESSMENT.....	5
10.INVESTIGATION AND OUTCOME.....	5
11.PROTECTION AND SUPPORT FOR PERSONS MAKING A DISCLOSURE.....	6
12.EXTERNAL REPORTING CHANNELS .....	6



## 1. INTRODUCTION

The Agency is committed to high standards of openness and accountability and conducts its affairs with due regard to probity. The Agency recognises that all workers have important roles to play in achieving this objective.

This policy expresses the Agency's commitment to addressing concerns about wrongdoing that may arise and protecting workers who make reports of wrongdoing. A culture of openness and accountability is essential in order to prevent wrongdoing and to address wrongdoing when it does occur.

The aims of this policy are:

- (a) to encourage the reporting by workers of suspected relevant wrongdoing as soon as possible in the knowledge that reports will be taken seriously and investigated as appropriate;
- (b) to provide guidance as to how to raise those concerns and how those concerns will be dealt with in a clear, formal and safe manner; and
- (c) to reassure workers that genuine concerns can and should be raised, even if they turn out to be mistaken, without fear of penalisation.

The Protected Disclosures Act 2014, as amended (the "**Act**") gives legal protection to workers who make disclosures including protections against dismissal or penalised by their employer.

## 2. SCOPE OF POLICY

This policy covers all current or former permanent and fixed-term employees; officers; consultants; contractors; interns; casual workers; temporary agency employees; work experience students; directors; suppliers; volunteers, unpaid trainees, board members, shareholders; members of administrative, management or supervisory bodies; individuals who acquire knowledge of a relevant wrongdoing during the recruitment process; or individuals who acquire knowledge of a relevant wrongdoing during pre-contractual negotiations) ("**Relevant Persons**") and all individuals who acquire information on relevant wrongdoings in a work-related context.

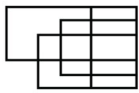
Reporting protected disclosures is specifically addressed in the Act and this policy sets out the internal reporting channels and procedures for the purposes of Section 6 of the Act.

## 3. STATUS OF POLICY

Employees should note that this policy does not form part of any contract of employment, and may be amended by the Agency from time to time.

## 4. PURPOSE

This policy is intended to apply to concerns that a Relevant Person may have regarding any aspect of the Agency's activities or the conduct of other members of the Agency that is not properly addressed within the scope of other Agency policies.

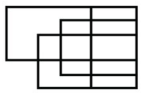


This policy covers the disclosure of information which, in the reasonable belief of the individual making the disclosure, tends to show one or more of the following wrongdoings has been, is being or is likely to be committed:

- (d) a criminal offence;
- (e) a failure to comply with any legal obligation other than one arising under the contract of employment of the person making the disclosure;
- (f) a miscarriage of justice;
- (g) the endangering of the health and safety of any individual;
- (h) damage to the environment;
- (i) unlawful or improper use of funds or resources of a public body;
- (j) an act or omission by or on behalf of a public body which is oppressive, discriminatory, grossly negligent or constitutes gross mismanagement;
- (k) an act or omission that is unlawful or that defeats the object or purpose of certain rules of the European Union in the following areas:
  - (i) public procurement;
  - (ii) financial services, products and markets, and the prevention of money laundering and terrorist financing;
  - (iii) product safety and compliance;
  - (iv) transport safety;
  - (v) protection of the environment;
  - (vi) radiation protection and nuclear safety;
  - (vii) food and feed safety and animal health and welfare;
  - (viii) public health;
  - (ix) consumer protection;
  - (x) protection of privacy and personal data, and security of network and information systems;or affects the financial interests of the European Union or the internal market; or
- (l) the deliberate concealment of any of the above matters.

## 5.WHAT IS NOT IN SCOPE

This policy should not be used to raise complaints relating to interpersonal grievances exclusively affecting a Relevant Person, namely grievances about interpersonal conflicts between a Relevant Person and another worker, or a matter concerning a complaint by a Relevant Person to, or about, the Agency which concerns the Relevant Person exclusively. In such circumstances, it is appropriate to raise complaints /



grievances under a different the Agency policy or procedure such as the Grievance Procedure or Dignity at Work Policy.

This policy does not include a wrongdoing which it is in a worker's function or the Agency's function to detect, investigate or prosecute and does not involve an act or omission on the part of the Agency.

If a Relevant Person is uncertain whether something is within the scope of this policy, they should seek advice from his/her line manager. Where it is not appropriate for the employee to discuss matters with his/her line manager (e.g. if the complaint concerns that person), the employee can seek advice from the CEO.

## **6.BE ASSURED**

The Agency's strong commitment to this policy means that Relevant Persons can raise concerns about wrongdoing in the knowledge that they will be supported and protected from repercussions. If a Relevant Person raises a genuine concern under this policy, we will ensure that he/she will not be at risk of suffering any form of penalisation as a result. Provided that a Relevant Person has a reasonable belief that wrongdoing has occurred, is occurring or is likely to occur, it does not matter if he/she is mistaken.

There is no question of a Relevant Person having to prove anything. A Relevant Person should not pursue their own investigations, however well intended, as a flawed or improper investigation could compromise the Agency's ability to take effective action.

## **7.CONFIDENTIALITY**

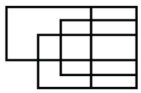
We hope that Relevant Persons will feel able to report concerns openly; however we understand that a Relevant Person may wish to raise a concern in confidence under this policy.

If a Relevant Person asks the Agency to protect his/her identity by keeping their identity confidential, we will not disclose it without his/her consent. However, the Agency cannot guarantee full anonymity and the identity of a Relevant Person may need to be disclosed in certain circumstances, for example:

- (a) where the disclosure is a necessary and proportionate obligation imposed by law in the context of investigations or judicial proceedings, including with a view to safeguarding the rights of defence of others;
- (b) where the person to whom the report was made took all reasonable steps to avoid disclosing the identity of the Relevant Person or reasonably believes that disclosing the identity of the Relevant Person or any such information is necessary for the prevention of serious risk to the security of the State, public health, public safety or the environment; or
- (c) where the disclosure is required by law.

In these circumstances, the Relevant Person will be notified, in writing, before their identity is disclosed, unless such notification would jeopardise:

- (a) the effective investigation of the disclosure;
- (b) the prevention of serious risk to security of the State, public health, public safety or the environment; or
- (c) the prevention or prosecution of a crime.



We do not encourage Relevant Persons to make disclosures anonymously, as proper investigation may be more difficult or impossible if we cannot obtain further information from the Relevant Person. It is more difficult to establish whether such allegations are credible. However, where a Relevant Person who makes a disclosure under this Policy by way of an anonymous report and is subsequently identified, the Relevant Person will be afforded the protections under the Act.

Employees who are concerned about possible penalisation if their identity is revealed should come forward to his/her line manager and appropriate measures can then be taken to preserve confidentiality. Where it is not appropriate for the employee to discuss their concerns with his/her line manager (e.g. if the complaint concerns the line manager), the employee can discuss their concerns with the CEO or CEO.

## **8.HOW TO RAISE A CONCERN INTERNALLY**

The CEO has overall responsibility for this policy and for reviewing the effectiveness of actions taken in response to concerns arising under this policy. Any person raising a concern must exercise discretion and commit to keeping the reporting and investigation process confidential.

All disclosures by a Relevant Person must/should be made in writing to the CEO(Authorised/Designated Recipient)

If a Relevant Person feels that he/she is unable to raise the matter with the CEO, or if he/she has done so and believes that the CEO has not addressed his/her concern, or if he/she prefers not to raise it with them for any reason, the Relevant Person should contact one of the following:

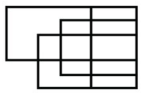
- (i) the Chair of the Board; or
- (ii) another member of the Board.

Should this situation occur the person to whom the disclosure is made may take the role of the CEO in the procedures that follow.

The Relevant Person will need to be able to demonstrate and support the reasons for their concerns and provide evidence of their concerns where such evidence is available.

Any reports setting out an individual's concerns should be factual (to the best of their knowledge) and should address the following key points to the extent that such information is known to the individual in relation to a wrongdoing that has occurred, is occurring or is likely to occur:

- (a) what has occurred;
- (b) when and where it occurred;
- (c) who was involved;
- (d) has the Agency been put at risk or suffered loss as a result;
- (e) has it happened before;
- (f) has it been raised with anyone else either within the The Agency or externally;
- (g) if so, when/whom;
- (h) are there any other witnesses;



- (i) is there any supporting information or documentation; and
- (j) how the matter came to light.

The person to whom the disclosure has been made will acknowledge, in writing to the Relevant Person, the disclosure not more than 7 days after receipt of the disclosure.

## 9. INITIAL ASSESSMENT

Once a Relevant Person has made a disclosure under this Policy, the CEO will carry out an initial assessment to determine whether there is evidence that a relevant wrongdoing may have occurred. If necessary to make an initial assessment, the CEO will seek further information from the Relevant Person. If, having carried out the initial assessment, the CEO decides that there is no evidence that a relevant wrongdoing may have occurred, the CEO will close this procedure or, if it is clear that the concern falls more appropriately within a different policy/procedure of the Agency, the Relevant Person will be informed that it should progress in accordance with that procedure.

The CEO will inform the Relevant Person, in writing, as soon as practicable, of the decision and the reasons for it.

The CEO is responsible for the assessment and investigation of all disclosures in a timely and appropriate manner.

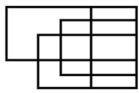
## 10. INVESTIGATION AND OUTCOME

If, having carried out an initial assessment, the CEO decides that there is evidence that a relevant wrongdoing may have occurred and that an investigation is necessary the CEO will then appoint such person or persons (either internal or external to the Agency) who is or are most appropriately placed to investigate the particular disclosure in question (the “**Investigator(s)**”).

The scope and terms of reference of any investigation will be determined by the Agency prior to the investigation being carried out. The Relevant Person may be invited to attend additional meetings in order to provide further information. The Relevant Person is entitled to take a colleague with him/her to any meeting if he/she so wishes. The Investigator(s) will draft a report on the investigation (the “**Report**”).

The Report will be sent to the CEO, who will determine what (if any) action should be taken by the Agency. Such action could include changes to the way the Agency conducts its operations, disciplinary action (following the application of the Disciplinary Procedure), referral of the matter for consideration under a specific Agency policy or procedure, or a report to an appropriate third party, such as An Garda Síochána.

The CEO will provide feedback to the Relevant Person within a reasonable time, being not more than 3 months from the date the acknowledgement of receipt of the report was set to the Relevant Person. Feedback should include information on the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent the Agency from giving the Relevant Person specific details of the investigation or any action taken as a result. The Relevant Person should treat any information about the investigation as strictly confidential. Any breach of this confidentiality may result in disciplinary action up to and including dismissal.



Where the Relevant Person so requests in writing, the CEO will provide further feedback at intervals of 3 months until such time as the procedure concerned is closed.

It should be noted that fair and due process requires that any person accused of wrongdoing should be made aware of and given the opportunity to respond to any allegations made against them.

If the Investigator(s) conclude(s) that the Relevant Person has made a false or malicious complaint, he/she may be subject to disciplinary action in accordance with the Agency's disciplinary policies, procedures and regulations.

If a person suffers damage from the making of a report where the Relevant Person knowingly reported false information then that person has a right of action in tort against the Relevant Person.

## **11. PROTECTION AND SUPPORT FOR PERSONS MAKING A DISCLOSURE**

If a worker makes a protected disclosure, he/she is protected by law against any form of detrimental treatment or penalisation as a result of raising a concern. The Agency aims to encourage openness and will support a Relevant Person who raises a genuine concern under this policy, even if they turn out to be mistaken. A Relevant Person who makes a disclosure under this policy must not suffer any detrimental treatment as a result of raising a concern.

If a Relevant Person believes that he/she has suffered any such treatment, he/she should inform the Chair immediately. If the matter is not remedied, the Relevant Person should raise it formally using the Agency's Grievance Procedure.

## **12. EXTERNAL REPORTING CHANNELS**

A worker may make a disclosure to one of the prescribed persons listed in Protected Disclosures Act 2014 (Disclosure to Prescribed Persons) Order 2020. In general, prescribed persons have regulatory functions in the area which are the subject of the allegations. Examples are the Central Bank, The Health and Safety Authority and the Data Protection Commission. A full list of [prescribed persons by sector is available on gov.ie](#).

A worker may make a disclosure to a prescribed person if the worker reasonably believes that the relevant wrongdoing is within the remit of the prescribed person and the information the worker discloses and any allegation in it are substantially true.

A worker may also make a disclosure to the Protected Disclosures Commissioner if the worker reasonably believes that the relevant wrongdoing falls within the description of matters in respect of which the prescribed person by reason of the nature of their responsibilities or functions appear appropriate to be the recipient of the disclosure and that the information disclosed, and any allegation contained in it, are substantially true.

A worker may make a disclosure to a prescribed person or the Protected Disclosures Commissioner if the worker reasonably believes that the information disclosed, and any allegation contained in it, are substantially true.