

Protected Disclosure Policy

In response to the Protected Disclosures Act 2014

DOCUMENT MANAGEMENT

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This policy shall be reviewed and updated on an annual basis.		
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V002	Apr '17	Minor amendments following EMT feedback.
V003	Apr' 17	Governance Subcommittee Review
V004	May 17	Approved by Board 2017

If you have any questions or require clarification on any items within this policy please contact your Director or your Human Resource Manager.

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1. Introduction

A protected disclosure is a disclosure of information that in the reasonable belief of the person disclosing the information tends to show a 'relevant wrongdoing' (whistleblowing).

The definition of 'relevant wrongdoing' can include:

- Criminal offences;
- Failure to comply with legal obligations;
- Miscarriages of justice;
- Health and safety matters;
- Environmental damage;
- Unlawful or improper use of funds or resources of a public body;
- An act or omission by or on behalf of a public body which is oppressive, discriminatory, grossly negligent or constitutes gross mismanagement.

If information relating to the above matters is likely to be concealed or destroyed, this is also a 'relevant wrongdoing'.

Within this policy an employee making a protected disclosure is referred to as a discloser. Disclosing information in relation to an alleged wrongdoing in accordance with the Protected Disclosure Act 2014 is referred to as "making a protected disclosure" and the discloser is given statutory protection.

2. Statement of Intent

Special Olympics Ireland takes any relevant wrongdoing committed by employees (including those on work placements) seriously and would encourage anyone with knowledge of wrongdoing not to remain silent.

This policy is intended to provide a safe and secure mechanism for employees who may wish to report any reasonable concerns that they may have about perceived wrongdoing and sets out the procedure for staff to follow if they have concerns about any wrongdoing connected with Special Olympics Ireland, without fear of repercussions to the individual.

The Policy aims to:

- Encourage employees to feel confident in raising concerns and to question and act upon such concerns;
- Provide avenues for employees to raise those concerns and receive feedback;
- Ensure that employees receive a response to their concerns;
- Reassure employees that they will be protected from possible reprisals, subsequent discrimination, victimisation or disadvantage where the disclosure was made in good faith.

3. Concerns Covered Under this Policy

This Policy is designed to enable employees to raise concerns in relation to any knowledge or properly grounded suspicions that they may have about actual, or potential, malpractice or impropriety.

While not exhaustive, below are examples of what Special Olympics Ireland expects to be reported under this policy:

- General malpractice – such as immoral, illegal (criminal offence / activity) or unethical conduct
- Financial malpractice, impropriety or fraud
- Breaches of health and safety regulations / practice
- Failure to comply with legal obligations
- Negligence on the part of Special Olympics Ireland
- Bribery and corruption
- Actions which cause damage to the environment
- Actions which are intended to conceal any of the above.

This policy does not cover concerns or complaints about your own personal employment position. These concerns should be raised through Special Olympics Ireland's grievance procedure.

4. Scope

The Protected Disclosures Act 2014 aims to protect people who raise concerns about possible wrongdoing in the workplace. The Act, which came into effect on 15 July 2014, is often called the whistleblower legislation. It provides for redress for employees who are dismissed or otherwise penalised for having reported possible wrongdoing in the workplace.

The Act's definition of the term worker includes employees or former employees, trainees, people working under a contract for services, independent contractors, agency workers, people on work experience (or placement) and the Gardaí.

(Ref: http://www.citizensinformation.ie/en/employment/enforcement_and_redress/protection_for_whistleblowers.html)

This policy relates to every instance where the above personnel become aware that wrongdoing has occurred, is occurring or is likely to occur within Special Olympics Ireland.

Given the seriousness of the concerns that fall under the scope of this policy, all protected disclosures concerns are to be reported by the person receiving the disclosure to the CEO / Chairman of the Board / Nominated Board Member as appropriate.

5. Protections under this policy

All former and current employees of SOI (including those on permanent or fixed term contracts and work placement) are protected from victimisation, harassment or disciplinary action as a result of any disclosure, where the disclosure is made in good faith and is not made maliciously or for personal gain.

The identity of the discloser will be protected at all stages in any internal matter. However, Special Olympics Ireland cannot guarantee that the identity will be protected in any external legal action following the disclosure.

Whilst Special Olympics Ireland encourages discloser(s) to identify themselves, anonymous disclosures will be taken seriously and investigated. All employees must be aware that any anonymous disclosures may restrict the effectiveness of any protected disclosure enquiry.

6. Process for dealing with protected disclosures

SOI encourages employees to make a disclosure using the internal procedures as outlined. If an employee wishes to make an external disclosure; they must be aware of the conditions detailed in point b. below.

a. Internal

An employee who is concerned about a perceived wrongdoing should raise their concern in the first instance with their Director. Any concern raised by an employee will be treated seriously, assessed on its merits and appropriately investigated which may include interviews with all witnesses and other parties involved.

When making a disclosure you must reasonably believe that the information disclosed, and any allegation contained in it, is substantially true. The disclosure must not be made for personal gain.

If an employee does not feel comfortable raising a matter with their Director – due to the nature of the concern, its seriousness, or for some other reason – they can raise it immediately with another Director/ CEO / Chairman of the Board / Nominated Board Member.

Concerns may be raised verbally in the first instance but should be followed up in writing before any action will be taken. A protected disclosure form should be completed as per Appendix A (attached).

The Discloser can also submit their protected disclosure form by mail. Postal reports (named or anonymous) should be sent to CEO / Chairman or Nominated Board Member Special Olympics Ireland,

National Sports Campus, Snugborough Road, Blanchardstown Dublin 15, Ireland. Reports should be marked Private and Confidential, with the reference 'Protected Disclosure'.

b. External

A disclosure made to an appropriate external regulatory authority, for example, The Charity Regulator or Charities Commission for Northern Ireland, may be a protected disclosure if it meets a number of conditions:

- You must reasonably believe that the information disclosed, and any allegation contained in it, are substantially true
- The disclosure must not be made for personal gain
- At least one of these conditions must be met:
 - At the time you make the disclosure you must reasonably believe that you will be penalised if you make the disclosure to the employer, a prescribed body-
 - Where there is no relevant prescribed body, you reasonably believe that it is likely that the evidence will be concealed or destroyed if you make the disclosure to the employer.
 - You have previously made a disclosure of substantially the same information to the employer, a relevant prescribed body.
 - The wrongdoing is of an exceptionally serious nature.

In all these circumstances, it is reasonable for you to make the disclosure to an external person. The assessment of what is reasonable takes account of, among other things, the identity of the person to whom the disclosure is made, the seriousness of the wrongdoing, and whether any action had been taken in cases where a previous disclosure was made.

c. Procedures for Investigating Concerns

The person receiving the disclosure will keep a record of being made aware of the discloser's concern and of the subsequent action taken.

They may investigate the matter themselves or request that the matter be investigated by another party, either internally or externally (e.g. auditor or a relevantly experienced investigator). The person investigating the concern will be known as the Investigating Officer.

For each concern raised, the Investigating Officer will:

- Send the discloser a written acknowledgement of receipt of their concern as soon as practically possible.
- Ensure the principles of natural justice apply to all those involved in the investigations throughout the process.
- Establish if the concern falls under the scope of this policy.

If the concern does not fall under the Protected Disclosure Policy, but falls within the scope of another policy you will be directed towards the appropriate personnel e.g. HR Manager.

- Carry out a preliminary enquiry to determine whether a full investigation is necessary and/or if it needs to be referred to an outside body e.g. An Garda Síochána.

If, on completion of the preliminary enquiry, the concern is judged to be without merit, the concern may be dismissed and the discloser will be informed of this decision.

- Ensure that all investigations are undertaken as quickly as possible without affecting the quality and depth of those investigations.
- Produce a written report for the CEO and Board of Directors, detailing the complaint and their findings and the validity of the complaint.

All efforts will be made to give feedback to the individual at appropriate intervals, subject to legal or investigatory limits. This process will be agreed on a case-by-case basis as issues such as confidentiality may need to be taken into account.

7. Possible outcomes after reporting a concern

There will be no adverse consequences for anyone who reports a Protected Disclosure concern.

The following actions may be taken after investigation of the concern;

- Disciplinary action (up to and including dismissal) against the wrongdoer dependant on the results of the investigation; or;
- No action if the allegation proves unfounded.

Subject to legal constraints and where deemed appropriate, the discloser and others involved in the investigation may be informed of the general outcome and actions taken/ or to be taken, but will not generally be entitled to receive a copy of the Investigating Officer's report.

If you are not satisfied with the way in which your concern has been handled you can raise it with the Chairman or Nominated Board Member.

8. Document Retention

A central record of all protected disclosures will be held by the CEO who will report on the outcome of investigations to the Board of Directors. Records will be retained or destroyed in line with the company's document management procedures.

APPENDICES

A. Protected Disclosure Form

The information contained in this document is confidential and may be privileged.

Name of Discloser:		
Confidential contact number:		
Email Address:		
Details of alleged wrongdoing including dates, if applicable: (Care should be taken to only include the name(s) of individual(s) directly relevant to the report)		
Has the alleged wrongdoing being reported previously: (if so please specify when and to whom including verbal communications, communications to external parties)		
Please detail any personal interests in the matter: (E.g. if you or your relatives are involved)		
Date:		
Signature:		