

Policy Name: Public Interest Disclosure (Whistleblowing) Policy

Policy Title:	Public Interest Disclosure (Whistleblowing) Policy
Description:	Policy to encourage employees, students or any person who works or has worked under a contract (“Relevant Person”) with Marino Institute of Education to make a Relevant Disclosure of which they become aware and to provide protection for the person making the disclosure.
Author (Position):	Chief Financial Officer
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1. Purpose of This Document

The purpose of this 'Whistleblowing' Policy is to encourage employees, students or any person who works or has worked under a contract ("Relevant Person") with Marino Institute of Education (MIE) to make a Relevant Disclosure (as defined below) of which they become aware and to provide protection for the person making the disclosure.

2. Scope of Policy

This policy intends to support a Relevant Person in making a disclosure in respect of matters which the Relevant Person reasonably believes amounts to a Relevant Disclosure within MIE.

MIE is committed to the highest possible standard of transparency, probity and accountability. It recognises that employees have an important role to play in achieving this goal. MIE undertakes to support employees who raise concerns in respect of matters which they believe to be true. This policy also contains safeguards to deter mischievous reporting. MIE has an [Anti-Fraud Policy](#) which should be read in conjunction with this policy.

For the purposes of this policy, whistleblowing is defined as the disclosure by an individual of a reasonably held belief, of serious information relating to questionable practices, the disclosure of which is perceived to be in the public interest and/or in the best interests of MIE. This information may include, but is not limited to, investigation results, findings, opinions or information obtained during the course of an individual performing their duties. This Whistleblowing Policy is intended to cover major concerns that an individual may have regarding any aspect of service provision or the conduct of other members of the MIE community which are not properly addressed within the scope of other MIE policies.

A "Relevant Disclosure" may include information regarding:

- 2.1 any unlawful act or omission which has been committed, is being committed, or is likely to be committed;
- 2.2 any significant departure from statutory or other legal requirements;
- 2.3 any material breach of MIE policies, procedures, statutes, statutory laws or regulations;
- 2.4 a miscarriage of justice which has occurred, is occurring or is likely to occur;
- 2.5 failure to comply with health and safety laws;
- 2.6 any damage to the environment which has occurred, is occurring or is likely to occur;
- 2.7 any unauthorised use of funds;
- 2.8 any fraud, corruption, improper or unethical conduct; and
- 2.9 the destruction of records or information which show or tend to show that any of the foregoing acts have occurred.

Any alleged injustice affecting an individual in a personal capacity shall be dealt with through MIE's [Problem Solving/Grievance Policy](#), the [Disciplinary Policy](#) or the [Dignity and Respect](#)

Policy Name: Public Interest Disclosure (Whistleblowing) Policy

[Policy](#) where appropriate. In the case of students, any alleged injustice shall be dealt with through the MIE [Dignity and Respect Policy](#).

This policy is not designed to be used to re-open any matters which have been addressed under the policies listed above; nor should it be viewed as an alternative to those procedures in respect of matters which would more appropriately be considered under them. Action arising from the implementation of the policy may lead to the invocation of those procedures.

3. Protected Disclosures

Persons making a Relevant Disclosure relating to a reasonably held concern should be assured that their concerns will be treated seriously. MIE does not expect absolute proof of any misconduct or malpractice. However, an individual will be expected to demonstrate and provide a reasonable basis for the concern. MIE recognises that a decision to report can be a difficult one to make and, for this reason, MIE shall provide reasonable support for any individual making such a disclosure.

MIE shall endeavour to protect any Relevant Person from detrimental consequences arising from making a Relevant Disclosure within the meaning of this policy. Where applicable, the protections set out in [Part 3](#) of the [Protected Disclosures Act 2014](#) (the “Act”) will be afforded.

A Protected Disclosure is a disclosure which in the reasonable belief of the Relevant Person, tends to relate to one or more Relevant Disclosures, and it came to the attention of the Relevant Person in connection with the Relevant Person’s employment or attendance as a student at MIE.

Students raising concerns in good faith will be protected from retribution in the form of student disciplinary proceedings or other detriments, academic or otherwise.

Any Relevant Person found abusing the process by deliberately raising false allegations or repeating allegations previously found to be unsubstantiated may be subject to disciplinary procedures.

Any individual found deterring a Relevant Person from raising genuine concerns of any material irregularity may be subject to disciplinary procedures.

A person making a reasonable but mistaken disclosure of questionable practices will not lose protection under this policy.

4. Reporting Lines for Internal Matters

An employee should raise their concerns in the first instance with:

- 4.1 the HR Manager
- 4.2 their line manager, Head of Department
- 4.3 the Chief Financial Officer (CFO) or
- 4.4 the President if for some reason the employee does not wish to discuss the matter with any of the above.

Policy Name: Public Interest Disclosure (Whistleblowing) Policy

Employees must exercise discretion and commit to keeping the reporting and investigation process confidential.

A student should raise their concerns with:

- i. their personal tutor or
- ii. the Registrar if for any reason the student does not wish to go through their personal tutor.

Students must exercise discretion and commit to keeping the reporting and investigation process confidential.

Any other person should raise their concerns with:

- i. the HR Manager where appropriate;
- ii. the CFO;
- iii. the President where disclosures relate to any officer with a role under this policy;
- iv. the Chair of the Governing Body where disclosures relate to the President.

Any person raising a concern must exercise discretion and commit to keeping the reporting and investigation process confidential.

5. Reporting Under Existing Legislation

Relevant Persons should be mindful of the fact that reporting provisions already exist in the following Irish legislation:

- [Ethics in Public Office Act, 1995](#);
- [Protections for Persons Reporting Child Abuse Act, 1998](#);
- [Competition Act, 2002](#);
- [Garda Síochána Act, 2005](#);
- [Safety, Health and Welfare at Work Act 2005](#);
- [Employment Permits Act 2006](#);
- [Consumer Protection Act 2007](#);
- [Health Act 2004](#);
- [Communications Regulation Act, 2002](#);
- [Charities Act 2009](#);
- [Prevention of Corruption \(Amendment\) Act 2010](#); and
- [Criminal Justice Act 2017](#).

Reporting Protected Disclosures is specifically addressed in the [Disclosures Act](#). This Policy shall be regarded as an “internal procedure” for the purposes of [Section 21](#) of the Act. Should

Policy Name: Public Interest Disclosure (Whistleblowing) Policy

any inconsistencies exist between the terms of this policy in respect of Protected Disclosures and the terms of the Act, then the terms of the Act shall prevail.

6. Disclosures Procedures and Investigation

Upon receipt of any allegation made under this policy, the person receiving the complaint through the reporting lines shall pass the information to the Registrar, if the disclosure concerns an academic or research matter, or to the CFO, and to the President, as soon as is reasonably possible. The person receiving the complaint should use the checklist in [Appendix 1](#) as guidance.

Each disclosure shall be considered individually. MIE may dismiss the matter, investigate the matter, or refer the matter for consideration under a specific MIE Policy.

Academic issues shall be considered by the Registrar in consultation with the President and actioned through the appropriate MIE procedure.

On all other matters the President, in consultation with the CFO and HR Manager, as appropriate, shall decide on the course of action and what procedure will be followed, and will also determine the nature and extent of any investigation and will have access to a framework of external specialists where investigation is required and is not catered for under an existing MIE Policy. This group will also determine whether the disclosure should be the subject of referral under MIE's [Anti-Fraud Policy](#) and dealt with under the Fraud Response Procedure or notified to the following:

- 6.1 The subject of disclosure;
- 6.2 MIE's Insurers;
- 6.3 An Garda Síochána;
- 6.4 Any third party aligned with MIE affected by the disclosure;
- 6.5 Department of Education and Skills; or
- 6.6 Any other relevant authority.

7. Reporting on Retaliatory Actions (Perceived/Actual)

For the purposes of this policy, "Retaliatory Actions" means any act of discrimination, penalisation or threat of penalisation, reprisal, harassment, or vengeance, direct or indirect, recommended, threatened or taken against a Relevant Person by any person because the Relevant Person has made a disclosure pursuant to this Policy. If the Relevant Person believes that they are a victim of actual or perceived retaliatory actions as a result of the disclosure, they should report the matter directly to their line manager, Head of Department or personal tutor without delay. It shall be the responsibility of the line manager, Head of Department or personal tutor to take the necessary actions in response to this complaint, in a timely fashion, which shall include referring the matter directly to the President.

8. Sanctions Against Persons Who Engage in Retaliatory Actions

MIE will not tolerate or permit any form of retaliatory action (including the threat of retaliatory action), penalisation, harassment or victimisation as a result of a genuine disclosure and will take all appropriate action to support any Relevant Person who raises a reasonably held concern. Appropriate disciplinary action will be taken in accordance with MIE policies in the case of staff or Student Disciplinary Procedure¹, in the case of students, against any employee or student who is found to have perpetrated any Retaliatory action, harassment or victimisation.

9. Procedure in Relation to Anonymous Notifications

A Relevant Person is encouraged to identify themselves when making a disclosure whenever possible. It is not always possible to investigate anonymous disclosures, but they will be considered at the discretion of MIE. When exercising this discretion, MIE shall take into account the seriousness of the issues raised, the credibility of the concern and the capacity of MIE to investigate the allegation. Any individual who subsequently identifies themselves as the discloser shall be afforded protection under this policy where the disclosure has been made in the reasonable belief that the matter disclosed tends to show wrongdoing.

10. Confidentiality

All reasonable steps shall be taken to protect the identity of the Relevant Person. The identity of the Relevant Person may need to be disclosed:

- 10.1 For the effective investigation of the disclosure;
- 10.2 To prevent serious risk to security, public health, safety or the environment;
- 10.3 For the prevention or prosecution of a crime;
- 10.4 Where identification is required by law, or under MIE's policies and procedures;
- 10.5 Where the person accused is entitled to the information as a matter of legal right or under MIE's regulations in disciplinary proceedings; or
- 10.6 Where it is otherwise in the public interest to do so.

In this event MIE shall inform the Relevant Person prior to revealing their identity.

11. Reporting on Outcomes & Feedback

The MIE Officer to whom the original report was made shall, where appropriate, communicate to the Relevant Person whether the matter will be investigated further, whether the matter has been investigated and what action has been taken or whether no action is to be taken.

On completion of any investigation, a written report shall be presented by the appropriate investigator to MIE's Audit Committee² containing the following information:

¹ See [Disciplinary Policy](#)

² See [Audit Committee Terms of Reference](#)

Policy Name: Public Interest Disclosure (Whistleblowing) Policy

- 11.1 A description of the Disclosure and the findings of the investigation;
- 11.2 The effect the disclosure had on MIE;
- 11.3 The means of perpetrating the malpractice or impropriety;
- 11.4 Measures taken to prevent a recurrence;
- 11.5 Action required to strengthen future responses under this Policy;
- 11.6 A conclusion as to the way forward; and
- 11.7 Any other relevant material.

In the case of a disclosure where it is determined that there is no prima facie case to answer, only the fact of the disclosure and not its content will be reported to the Audit Committee. Where MIE reasonably believes that a deliberately false disclosure is made, it may invoke its Disciplinary Procedure or take any other appropriate action against the Relevant Person and report in accordance with the [Disciplinary Policy](#).

12. Related Documents

- 12.1 [Anti-Fraud Policy](#)
- 12.2 [Problem Solving/Grievance Policy](#)
- 12.3 [Disciplinary Policy](#)
- 12.4 [Dignity and Respect Policy](#)
- 12.5 [Audit Committee Terms of Reference](#)

Appendix 1

1. Checklist for Staff Receiving a Relevant or Protected Disclosure

Relevant Persons may make their disclosure to any officer or staff member of Marino Institute of Education (MIE). The Policy extends to persons beyond those to whom protections are afforded under the [Protected Disclosures Act 2014](#).

Accordingly, a checklist has been prepared in respect of Relevant Disclosures and Protected Disclosures. It will be for the Disclosure Recipient to determine whether the disclosure made is a Relevant or a Protected Disclosure.

2. Is the Disclosure made by a Person, rather than a Company or Organisation?

A disclosure can be made by a student, volunteer, service user, staff member or any person who works for and on behalf of MIE pursuant to a contract. Different protections attach to those different categories of persons making disclosures from a statutory perspective. It is MIE's policy that all persons making disclosures shall not be subject to any penalisation or victimisation for having made the disclosure.

3. Has the Disclosure been made in Writing or Verbally or in Person?

There is no prescribed formula by which a disclosure is required to be made. When a disclosure is made, please ensure that the disclosure is subsequently put into writing (by the person making the disclosure). It should be noted that under the terms of the [Protected Disclosures Act 2014](#), all disclosures relating to MIE should be made to MIE at first instance.

4. Is the Disclosure about MIE, related entity of MIE, or an employee of MIE?

A disclosure will be a Relevant Disclosure only if it falls within the definition set out in the [Scope of the Policy](#) and relates to MIE, MIE personnel and/or MIE policies. Any other disclosure made to any staff member of MIE should not be dealt with under this policy. If you are in doubt regarding the nature of the disclosure please consult the HR Manager, Chief Financial Officer or Registrar as appropriate or, if you are unsure as to the appropriate contact, please contact the President.

5. What is the Disclosure based on?

A Relevant Disclosure must be based on a reasonably held belief held by the Relevant Person making the disclosure. The Relevant Person should be asked, where appropriate, for details of the basis of their reasonably held belief. This test has a very low threshold. If it is at all possible that the person making the disclosure has some reasonable grounds for their belief, err on the side of caution and assume that they do have reasonable grounds.

6. Anonymous Disclosures

As a general rule anonymous disclosures will not be investigated. MIE may deviate from this rule where the President believes it is appropriate to do so.

7. Checklist for Acting on Relevant Disclosures

When satisfied that a relevant disclosure has been made, it should immediately be referred to the Registrar if the disclosure made relates to an academic or research issue, or to the Chief Financial Officer or HR Manager (“Disclosure Recipient”) in all other circumstances, with a copy in all cases to the President.

Any documentation provided to you/or other form of evidence should be immediately given to the Disclosure Recipient.

You must not mention the disclosure to anyone except for the Disclosure Recipient. Do not talk to any other staff about the disclosure.

Do not send information relating to the disclosure to any person other than the relevant Disclosure Recipient. Do not contact the person about whom the disclosure is made or tell them about the complaint.

Do not disclose the identity of the person making the disclosure (save to the Disclosure Recipient).

Advise the person making the disclosure that you have notified the Disclosure Recipient and that the Disclosure Recipient will follow up regarding next steps.

This document will be reviewed at three yearly intervals. It may be reviewed between such intervals in the event of legislative or other relevant developments.