



## Protected Disclosure Policy

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## 1. Introduction

The Protected Disclosures Act 2014, enacted 15 July 2014, provides a legal framework that protects staff, partners and programme beneficiaries in raising concerns and disclosing information regarding potential wrongdoings in the workplace. The Act protects staff, partners and beneficiaries against any penalisation or detriment for making a disclosure and provides a detailed disclosure process, encouraging that disclosure be made at workplace level to the most appropriate person if possible.

This policy is intended to provide a procedure for employees, interns, volunteers and board members, partners and beneficiaries hereafter “staff”, for disclosing information related to wrongdoings in the workplace. Aidlink has a responsibility to conduct its affairs with a high standard of transparency and accountability, as well as a strong commitment to our funders, partners and the communities we work with.

Aidlink takes all malpractice very seriously, no matter who it is conducted by.

## 2. Policy Statement

Aidlink is committed to maintaining an open, honest and fair culture with the highest standards of transparency and accountability. Aidlink’s Protected Disclosure Policy encourages staff, partners and beneficiaries to raise disclosures within the workplace should the need arise. This Policy sets out a process for staff to follow and intends to assure staff that they are entitled to raise disclosures that will be dealt with the utmost respect, consideration and fairness and without fear of penalisation, less favourable treatment, discrimination or disadvantage.

## 3. Key Definitions

### Protected Disclosure

A Protected Disclosure is when a member of staff raises a concern or discloses information within the workplace under the protection and knowledge they will not face any unfair retribution for doing so.

### Whistleblowing

Whistleblowing occurs when a staff member discloses information relating to wrongdoing, illegal practices or unethical conduct that has come to their attention in the workplace.

### Penalisation

Penalisation includes suspension, lay-off, dismissal, demotion, loss of opportunity for promotion, transfer of duties, change of location of place of work, reduction in wages, change in working hours, the imposition or administering of any discipline, reprimand or other penalty (including a financial penalty), unfair treatment, coercion, intimidation, harassment, discrimination, disadvantage, injury, damage, loss or threat of reprisal.

#### 4. To whom does this Policy apply to?

This Policy applies to all Aidlink staff, interns, consultants, and volunteers; to partners and target populations of Aidlink's work. This Policy does not replace any legal reporting or disclosure requirements and where these do exist, they should be complied with full cooperation.

#### 5. Disclosures covered by Policy

Disclosures covered under this Policy should be reported if there is reasonable belief of wrongdoing that has come to your attention. Relevant wrongdoings involve the disclosure of information in relation to:

- criminal activity (e.g. child abuse, fraud, bribery, theft, etc.)
- illegality (e.g. negligence, breach of contract, breach of administrative law);
- miscarriage of justice;
- danger to health and safety or the environment;
- victimisation or bullying;
- the cover up of any of the above.

This list is not exhaustive.

#### 6. Disclosures not covered by Policy

Disclosures not covered under this Policy include any personal concerns with regards to a member of staff's own employment and should be dealt with as a grievance procedure.

#### 7. How to Make a Disclosure

Disclosures should be made directly to the CEO. If this is not appropriate given the sensitivity of the issue, disclosures should be reported to Aidlink's Board of Directors Risk Subcommittee Chairman, Mr. Liam Byrne.

Disclosures may be raised verbally or in writing. Anonymous Disclosures may be made, however, it should be noted that this may make it more difficult to investigate the disclosure.

If given verbally, a written record of the conversation will be kept and shared with the staff member who made the disclosure. In the case of a written disclosure, Aidlink asks that the following information be provided:

- Date submitted
- Subject
- Detail of wrongdoing (including date)
- Detail of whether this wrongdoing had been previously raised and to whom

#### 8. Protected Disclosure Process

Aidlink's procedure for dealing with disclosures follows three steps:

1. All disclosures will receive a formal acknowledgement.
2. A formal investigation will be carried out by the CEO and/or the Chairman of the Risk Subcommittee of the Board.

3. Results of the investigation will be reported to the Board of Directors, and if necessary, any relevant external agencies and/or authorities.

If the Risk subcommittee deem it appropriate, Aidlink will inform the staff member who made the disclosure of the outcome of the investigation. However, it should be noted that confidentiality and legal obligations may prevent us from sharing certain details of the investigation.

Disclosures will be dealt with fairly, objectively and as quickly as possible. The form and scope of the investigation will depend on the subject matter of the disclosure. Should a disclosure require a referral to the appropriate authorities, this will be undertaken immediately, as will urgent action in relation to health and safety matters.

If a concern is raised by a staff member which Aidlink concludes is not to the level of seriousness required for an investigation, no action will be taken against the staff member making the disclosure and the staff member will be protected against any penalisation. If an unfounded allegation is found to have been made with malicious intent, then disciplinary action may be taken.

#### 8.1 Disclosures outside Aidlink

This Policy intends to provide an avenue for Aidlink to deal with disclosures of wrongdoing and Aidlink is committed to dealing with these issues internally on a fair, objective and respectful basis. Aidlink acknowledges that there may be disclosures that require disclosing externally. The Protected Disclosures Act 2014 provides information on how to proceed with this. (<http://www.irishstatutebook.ie/eli/2014/act/14/enacted/en/html>)

If staff are considering an external disclosure, it is important to note that more obligations apply depending on the authority being reported to.

### 9. Data Protection

Whenever a protective disclosure is made the Protected Disclosure Recipient (PDR) must consider the rights of any person named in the report in keeping with Data Protection legislation

### 10. Protection of the Rights of the Respondent

A member of staff who raises a concern or makes a disclosure with reasonable belief of wrongdoing will not be penalised by Aidlink, even if the concern or disclosure is unfounded.

### 11. Penalisation

Any staff member who raises a concern or makes a disclosure will not be penalised for doing so, even if the claim turns out to be unfounded. Other staff members who penalise or retaliate against those who raise disclosures under this Policy will be subject to disciplinary action.

Staff are not expected to or responsible for proving the truth of allegations, however, they must have a reasonable belief that there are grounds for their concern. If disclosures are found to have been made with malicious intent, disciplinary action will be taken.

The Protected Disclosures Act 2014 provides specific remedies for staff who are penalised for making a disclosure. In the occurrence of penalisation, the staff members reserves the right to make a complaint to a Rights Commissioner of the Labour Relations Commission (now Adjudication Officers of the Workforce Relations Commission) and seek a hearing under Schedule 2, Section 12 of the Act.

## 12. Confidentiality

Aidlink is committed to the protection of the identity of any member of staff who raises a concern or makes a disclosure and ensures that such matters will be treated in a confidential and sensitive manner. The focus of the evaluation and investigation will focus on the alleged wrongdoing rather than the individual making the disclosure.

It is important to note that the Protected Disclosures Act 2014 does outline situation where confidentiality cannot be maintained. Where this is the case, the staff member will be notified that their identity may be disclosed. The Act provides that the identity of the discloser will not be shared, except where:

- The disclosure recipient shows that he or she took all reasonable steps to avoid so disclosing any such information
- The disclosure recipient reasonably believes that the discloser does not object to the disclosure of any such information
- The disclosure recipient reasonably believes that disclosing any such information is necessary for:
  - (a) The effective investigation of the relevant wrongdoing concerned,
  - (b) The prevention of serious risk to the security of the State, public health, public safety or the environment, or
  - (c) The prevention of crime or prosecution of a criminal offence, or
- The disclosure is otherwise necessary in the public interest or is required by law.

If a staff member feels that their identity is not being protected, they should notify the person investigating the disclosure.

## 13. Responsibility

The responsibility of the appropriate dealing with disclosures lies with Aidlink's Board of Directors.

## 14. Records

Written records will be kept of all preliminary evaluation and/or investigation undertaken under the Protected Disclosure Policy and will be maintained in keeping with Aidlink's Data Protection Policy.

## 15. Review

This Policy will be shared with all Board members, employees, interns and volunteers of Aidlink and will be subject to regular reviews.

## 16. Contacts

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## Policy References and Sources

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