



Code: QA414  
Title: **Protected Disclosure Policy**  
Date: 06/05/2020  
Approval: UMT  
Version No: 2

## 1.0 Purpose

To provide a mechanism for reporting, investigating and remedying any wrongdoing or malpractice in the University. To set out a procedure to enable any employee, or any person who works or worked under contract for the University, agency workers for the University, and any individuals provided with work experience by the University (hereinafter referred to as a or the “*Worker*”) to make a disclosure in respect of reasonably suspected malpractice or wrongdoing (“*Relevant Information*”) and to provide a protection for the Worker making the disclosure. To give effect to the principles set out in the *Protected Disclosures Act 2014, as may be amended*.

## 2.0 Description

This Policy is intended to assist individuals who believe they have *Relevant Information* relating to malpractice or wrongdoing. It is not designed to challenge financial, policy or business decisions lawfully taken by the University nor should it be used to reconsider any matters, which have already been addressed or can be raised under harassment, complaint, disciplinary, academic or other University procedures. Should the disclosure relate to fraud, or suspected fraud, those raising a concern should, in the first instance, follow the [QA403 Fraud](#).

*Relevant Information* may include information in relation to:

- the commission of an offence;
- failure to comply with any legal obligation;
- miscarriages of justice;
- endangering of the health and safety of an individual;
- damage to the environment;
- unlawful or improper use of funds and/or resources of a public body, or of other public money;
- an act or omission of a public body which is oppressive, discriminatory, grossly negligent or constitutes gross mismanagement; or
- the fact that information tending to show any matter falling within any of the above matters has been, is being or is likely to be concealed or destroyed.

## 2.1 Procedure for Protected Disclosures

A *Worker(s)* is expected to use this Policy rather than disclose the *Relevant Information* outside the University. However, in limited circumstances, as set out in Section 2.1.2 below, external disclosure is permissible.

### 2.1.1 Internal Disclosures (Disclosures made to persons within the University)

An internal disclosure will be protected where there is disclosure of *Relevant Information*, which in the reasonable belief of the *Worker*, shows one or more wrongdoings, and came to the attention of the *Worker* in connection with their employment. Disclosures of *Relevant Information* should be made to the relevant Line Manager or Head of Unit. If for any reasonable grounds, the individual does not wish to report to their Line Manager or Head of Unit, he/she may escalate the reporting in the following manner: (a) to the Vice-President for Equality & Diversity of the University, or (b) to the Registrar of the University if for any reason a *Worker* does not wish to report the matter to the Vice-President for Equality & Diversity. A *Worker* from outside the University, such as contractor or Agency Worker may make a disclosure to the Vice-President for Equality & Diversity or Registrar of the University.

### 2.1.2 External Disclosures (Disclosures made to persons outside the University)

A *Worker* can make a disclosure to the Minister for Education and Skills. An external disclosure can also be made to a Prescribed Person if there is disclosure of *Relevant Information*:

- which in the reasonable belief of the *Worker* shows one or more wrongdoings;
- the *Worker* reasonably believes that the allegations are substantially true;
- such wrongdoings came to the attention of the *Worker* in connection with their employment.

The list of Prescribed Persons is available in S.I. No. 339 of 2014 (as amended by SI 448/2015 and SI 490/2016) and as may be further amended

### 2.1.3 Making a Disclosure to any person other than a Prescribed Person

A disclosure made to any person other than internal or a Prescribed Person must satisfy the following criteria:

- The information disclosed is substantially true;
- The disclosure is not made for personal gain (excluding any rewards payable under any enactment);
- In all circumstances of the case, it is reasonable for the *Worker* to make the disclosure when any one of the following applies:
  - That at the time of the disclosure the *Worker* reasonably believed they would be subjected to penalisation by the University if they made an internal disclosure;
  - That the *Worker* previously made a internal disclosure of substantially the same information;
  - That the *Relevant Information* is of an exceptionally serious nature.

A disclosure must also be reasonable bearing in mind:

- the identity of the person to whom the disclosure is made;
- the seriousness of the *Relevant Information*;
- Whether the *Relevant Information* is continuing or is likely to occur in the future;
- Any action taken or which might reasonably be expected to have been taken by the person to whom the previous disclosure was made.

## 2.2 Making a Disclosure, Assessment, Investigation and Outcome

### 2.2.1 Disclosures to be made in writing

All disclosures by the *Worker* to the recipient should be made in writing. Any reports setting out a *Workers'* concerns should be factual (to the best of their knowledge), include all available evidence, and should address all key points to the extent that such information is known to the *Worker* in relation to a wrongdoing that has occurred, is occurring or is likely to occur. The University may consider a verbal disclosure at its discretion.

### 2.2.2 The Protected Disclosures Group

The Vice-President for Equality & Diversity, Chair of the Protected Disclosures Group (the 'PDG') has overall responsibility for reviewing the effectiveness of actions taken in response to concerns. The PDG is responsible for the assessment and investigation of all disclosures in a timely and appropriate manner.

### 2.2.3 Membership of the PDG

Membership of the PDG will include the following:

1. Vice-President for Equality & Diversity (Chair) (unless the subject of the disclosure in which case the Deputy President and Registrar);
2. Deputy President and Registrar (unless the subject of the disclosure in which case the Bursar);
3. Two of the following (unless the subject of the disclosure or a conflict of interest arises) selected by the Vice-President for Equality & Diversity and/or the Deputy President and Registrar:
  - a. Human Resources- Senior Representative of HR;
  - b. Academic matters- the Secretary for Governance and Academic Affairs;
  - c. Research matters - the Vice-President for Research and Innovation;
  - d. Financial matters - Bursar; or
  - e. Any other member of the University Management Team (excluding the President); or
  - f. Head of School or other senior academic.

### 2.2.4 Procedure

Upon receipt of any disclosure in writing, the recipient shall pass the *Relevant Information* on to the Vice-President for Equality & Diversity. If for any reason a *Worker* has specified that he/she does not wish to report the matter to the Vice-President for Equality & Diversity, a recipient can pass the *Relevant Information* to the Deputy President and Registrar. An initial assessment of the disclosure will be made by the Vice-President for Equality & Diversity or the Deputy President and Registrar to determine whether it falls within the scope of this policy and whether it is necessary to carry out an investigation into the disclosure. In some cases, disclosures may be passed immediately to the appropriate authorities depending on the seriousness of the allegation. The *Worker* shall, where appropriate, be informed as to whether the matter shall be investigated further and what action has been taken or whether no action is to be taken.

If the Vice-President for Equality & Diversity or the Deputy President and Registrar decides that the disclosure falls within this policy and it must be investigated, the scope and terms of reference of any investigation will be determined by the PDG prior to the investigation being carried out and a Member of the PDG will be appointed as an Investigator. The PDG may be assisted by persons outside of the PDG and legal advice shall be available to the PDG if requested. During the course of the investigation the *Worker* may be required to attend meetings in order to provide further information to the PDG. The appointed Investigator will draft a report on his/her investigation. In some instances, the PDG may

at its discretion appoint an external third party to investigate the matter in circumstances where the third party has relevant and necessary specialised knowledge.

The Investigator's Report will be sent to the PDG and the PDG (excluding the member who carried out the investigation) will determine what, if any, action should be taken. The PDG will endeavor to keep the *Worker* who made the disclosure informed of the progress of the investigation. In some cases, the need for confidentiality or to facilitate a fair or comprehensive hearing may prevent the PDG giving him/her specific details. The *Worker* must treat any information about the investigation as strictly confidential. Following any investigation and subsequent decision made, a written report shall be submitted by the PDG to the President. The PDG shall also determine whether the disclosure should, where appropriate, be the subject of a referral to an external body or to any University advisors.

#### **2.2.5 Confidentiality**

The University will take all reasonable steps to protect the identity of the *Worker*, however, the identity may need to be disclosed in circumstances including, but not limited to - the effective investigation of the disclosure; prevention, investigation or prosecution of a crime; or where disclosure is required by law.

#### **2.2.6 Anonymous Notifications**

A *Worker* is encouraged to identify himself/herself when making a disclosure, whenever possible. The University shall not generally investigate anonymous disclosures but such disclosures may be considered at the discretion of the University. When exercising this discretion, the University shall take into account the seriousness of the issues raised, the credibility of the concern and the capacity of the University to investigate an anonymous allegation.

#### **2.2.7 Protection and Support for Workers Making Disclosures**

The University shall not tolerate or permit any form of detrimental treatment as a result of a disclosure of a reasonably held concern and shall take all appropriate action to support any *Worker* who raises such a concern. A *Worker(s)* who makes a disclosure will not suffer any detrimental treatment or penalisation as a result of raising a concern. Section 11 and Section 12 of the *Protected Disclosures Act 2014*, as may be amended, provides details on the legislative protections to employees who make a disclosure. If a *Worker* believes that he/she has suffered any such detrimental treatment, he/she should immediately inform his/her Line Manager, or Head of Unit, where appropriate. In instances where the Line Manager or Head of Unit is involved in the alleged penalisation, the *Worker* should report the matter to the Vice-President for Equality & Diversity in his/her role as Chair of the PDG or directly to the Registrar. In accordance with the *Protected Disclosures Act 2014*, the *Worker* may also present a complaint to the Rights Commissioner if they feel that the University has contravened the protections provided under the *Protected Disclosures Act 2014, as may be amended*.

If the PDG or the University reasonably believes that a false disclosure is deliberately made, it may take appropriate action against a *Worker(s)* in accordance with the appropriate University regulations and disciplinary procedures.

#### **2.2.8 Annual Report**

The Vice-President for Equality & Diversity shall maintain a record of all allegations received and investigations carried out by the PDG. An Annual Report will be published, once approved by the University Management team, publication shall not be later than 30th June in each year.

### 3.0 Responsibilities

Name	Responsibility
Vice-President for Equality & Diversity	Policy Owner and responsibility for the periodic review of the policy; Chair of the Protected Disclosures Group; Decides whether a disclosure falls within scope of the Policy; Reviews the effectiveness of actions taken in response to concerns arising.
Deputy President and Registrar	Decides whether a disclosure falls within scope of the Policy; Member of PDG.
The Protected Disclosures Group	Assessment, investigation and decision on disclosures in a timely and appropriate manner.
Line Manager or Head of Unit	Pass Relevant Information on to the Vice-President for Equality & Diversity or to the Deputy President and Registrar for assessment as appropriate.
Worker(s)	Compliance with Policy.

### 4.0 Related Documents

1. [QA403 Fraud](#)
2. Protected Disclosures Act 2014, [as may be amended.](#)  
<http://www.irishstatutebook.ie/2014/en/act/pub/0014/index.html>