



ST. PATRICK'S CENTRE (KILKENNY)  
KELLS ROAD KILKENNY

## Policy Document

**POLICY TITLE: Whistle Blowing Policy**

Prepared by: HR Manager	Approval Date: 25.07.2015	Review Date: 25.07.2017
Policy Number 36 – Other Policies	Approved By:  Signed: <u>David Kieran</u> Operations Manager  Signed: <u>[Signature]</u> Board Member	

### Mission Statement

**To enable people to live a good life, in their own home, with supports and opportunities to become active, valued and inclusive members of their local communities.**

**To enable a supported self-directed living (SSDL) model of provision which is underpinned by our beliefs, values and vision.**

Review Date:  Revision No: _____	Amendments required: _____	New Revision Status: _____
Reviewed by:	Approved By:  Signed: _____ Operations Manager	

## **Policy Statement**

There is a duty on all employees to protect confidential information about service users and about St. Patrick's affairs generally, nevertheless where an individual discovers information which they reasonably believe shows abuse, malpractice or wrongdoing within the organisation, this information should be disclosed without fear of reprisal.

This policy is intended to assist individuals who believe they may have relevant information relating to abuse, malpractice or impropriety. Relevant information is information which, in the reasonable belief of the individual, shows wrongdoing and has come to the attention of the individual in connection with their employment. The policy is not designed to facilitate questioning of financial or business decisions taken by the organisation nor is it intended to be used to raise issues which are covered by St. Patrick's Dignity at Work policy. With a whistle blowing policy in place, it is reasonable to expect staff to use this policy to raise matters internally rather than disclose the information outside the organisation. However in limited circumstances external disclosure may be appropriate.

### **Scope:**

This policy covers appropriate disclosures by all full, part-time and relief staff at St. Patrick's Centre.

### **Other connected Policies:**

Guidelines for the Investigation & Management of Allegations of Abuse Doc Ref. SD 23A  
H.S.E. Open Disclosure National Policy Ref. QPSD-D-062-1  
St. Patrick's Centre Complaints Policy V.1. Jan 2015

### **Issues covered by this policy**

Employees are protected from any action being taken against them as a result of making a protected disclosure. If you are unsure whether your concern should be dealt with under this policy you should discuss it with your immediate manager or another member of the management team.

Protected disclosures include but are not necessarily confined to:

- witnessed or suspected abuse
- financial malpractice or impropriety or fraud
- failure to comply with a legal obligation
- commission of an offence
- unlawful or improper use of funds or resources

- act or omission that are grossly negligent or constitute gross mismanagement
- dangers to health and safety or the environment
- criminal activity
- improper conduct or unethical behaviour
- attempts to conceal or destroy information relating to any of these

### **Employee safeguards**

This policy is designed to offer protection to those employees who disclose such information provided that:

- the disclosure is made in the reasonable belief of the individual making the disclosure,
- that it tends to show abuse, malpractice or impropriety and
- that the disclosure is made to an appropriate person

No protection from internal disciplinary procedures is offered to those who choose not to use the procedure. In an extreme case, malicious or wild allegations could give rise to legal action on the part of the persons complained about.

### **Confidentiality**

The organisation will treat all such disclosures in a confidential and sensitive manner to the extent consistent with proper investigation and response. The identity of the individual making the allegation will be kept confidential as long as it does not hinder or frustrate any investigation. However, the investigation process may reveal the source of the information and the individual making the disclosure may need to provide a statement as part of the evidence required.

### **Anonymous allegations**

We encourage individuals to put their name to any disclosures they make. Concerns expressed anonymously are much less credible, but they may be considered at the discretion of the organisation. In exercising this discretion, the factors to be taken into account will include:

- the seriousness of the issues raised
- the credibility of the concern
- the likelihood of confirming the allegation from attributable sources

### **Untrue allegations**

If an individual makes an allegation in good faith which is not confirmed by subsequent investigation, no action will be taken against that individual. In making a disclosure the individual should exercise due care to ensure the accuracy of the information. If, however, an individual makes vexatious allegations, and particularly if he or she persists with making them, disciplinary action may be taken against that individual.

### **Procedures for making a disclosure**

On receipt of information of wrongdoing or malpractice, the member of staff who receives and takes note of the complaint must pass this information as soon as is reasonably possible, to the appropriate designated investigating officer as follows:

- complaints of wrongdoing or malpractice will be investigated by the appropriate director unless the complaint is against the director or is in any way related to the actions of the director. In such cases, the complaint should be passed to the chief executive for referral
- in the case of a complaint, which is connected with but not against the director, the chief executive will nominate a senior manager to act as the alternative investigating officer
- complaints against the chief executive should be passed to the chairman of the board who will nominate an appropriate investigating officer
- a complainant has the right to bypass the line management structure and take their complaint



direct to the chairman. The chairman has the right to refer the complaint back to management if he or she feels that the management without any conflict of interest can more appropriately investigate the complaint

If there is evidence of criminal activity then the investigating officer will inform the Garda Síochána. The organisation will ensure that any internal investigation does not hinder a formal Garda Síochána investigation.

#### **Timescales**

Due to the varied nature of these sorts of complaints, which may involve internal investigators and/or the Garda Síochána, it is not possible to lay down precise timescales. The investigating officer should ensure that the investigations are undertaken as quickly as possible without affecting the quality and depth of those investigations.

The investigating officer, should as soon as practically possible, send a written acknowledgement of the concern to the complainant and thereafter report back to them in writing the outcome of the investigation and on the action that is proposed. If the investigation is a prolonged one, the investigating officer should keep the complainant informed, in writing, as to the progress of the investigation and as to when it is likely to be concluded. All responses to the complainant should be in writing and sent to their home address.

#### **Investigation**

The investigating officer should follow these steps:

- full details and clarifications of the protected disclosure should be obtained
- the investigating officer should inform the member of staff against whom the allegation of wrongdoing is made as soon as is practically possible. The member of staff will be informed of their right to be accompanied by a trade union or other representative at any future interview or hearing held under the provision of these procedures;
- the investigating officer should consider the involvement of the organisation auditors and the Garda Síochána at this stage and should consult with the chairman or chief executive
- the allegations should be fully investigated by the investigating officer with the assistance where appropriate, of other individuals or bodies
- an investigation into the disclosure will be carried out by the investigating officer. This investigation will be detailed in a written report containing the findings of the investigations and reasons for the findings. The report will be passed to the chief executive or chairman as appropriate
- the chief executive or chairman will decide what action to take. If the complaint is shown to be justified, then they will invoke the disciplinary or other appropriate procedures;
- the complainant should be kept informed of the progress of the investigations and, if appropriate, of the final outcome;
- if appropriate, a copy of the outcomes will be passed to the organisation auditors to enable a review of the procedures.
- where the complainant is not satisfied that their concern is being properly dealt with by the investigating officer, they have the right to raise it in confidence with the chief executive or the chair of the board
- Where the investigation finds the allegations unsubstantiated and all internal procedures have been exhausted, but the complainant is not satisfied with the outcome of the investigation, the organisation recognises the lawful rights of employees and ex-employees to make disclosures to prescribed persons (such as the Health and Safety Authority inspectors, HIQA inspectors, HSE Confidential Recipient) or, where justified, elsewhere.