



Whistleblowing Policy

Cúirt Choill Mhinsí, Bóthar Bhaile Átha Cliath, Port Laoise, Contae Laoise, R32 DTW5
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Whistleblowing Policy

1. What is Whistleblowing?

Whistleblowing occurs when a worker raises a concern or discloses information which relates to wrongdoing, illegal practices or unethical conduct which has come to his/her attention through work.

This policy is intended to encourage and enable workers to raise concerns within our workplace rather than overlooking a problem or “blowing the whistle” externally. Under this policy a worker is entitled to raise concerns or disclose information without fear of penalisation or threat of less favourable treatment, discrimination or disadvantage.

2. Who does this policy apply to?

This policy applies to all employees Aquaculture Licences Appeals Board (“the Board”). The Protected Disclosures Act 2014 (“the 2014 Act”) which deals with whistleblowing also applies to individuals who enter into a contract with the Board to carry out work or provide a service to the Board. The 2014 Act also applies to people whose services are provided to the Board by a third party, for example as secondees from the Department of Agriculture, Food & the Marine or through a recruitment agency.

3. What types of concerns can be raised?

A concern or disclosure made under this policy should relate to a relevant wrongdoing such as possible fraud, crime, danger or failure to comply with any legal obligation which has come to your attention in the workplace and/or during the course of your employment with the Board and about which you have a reasonable belief of wrongdoing.

Relevant wrongdoings which fall within the scope of this policy are defined by the legislation as:

- a) an offence, has been, is being or likely to be committed;

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- b) a person has failed, is failing, or likely to fail to comply with any legal obligation **other than** under the worker's contract of employment;
- c) that a miscarriage of justice has occurred etc.;
- d) that the health or safety of any person has been, is or is likely to be endangered;
- e) that the environment has, is being or likely to be damaged;
- f) that an unlawful or otherwise improper use of funds or resources of a public body, or of other public money, has, is or is likely to occur;
- g) that an act or omission by or on behalf of a public body is oppressive, discriminatory or grossly negligent or constitutes gross mismanagement; or
- h) that information tending to show any matter outlined above has, or is likely to be concealed or destroyed.

4. What types of concerns should not be raised under this Procedure?

A personal concern, for example a grievance around your own contract of employment or issues in relation to workplace relationships would not be regarded as a whistleblowing concern and would be more appropriately processed through our Grievance Procedure, Equality Policy, Health and Safety Policy or other appropriate policy.

5. Safeguards and Penalisation

A worker who makes a disclosure and has a reasonable belief of wrongdoing will not be penalised by the Board, even if the concerns or disclosure turn out to be unfounded.

Penalisation includes suspension/dismissal, disciplinary action, demotion, discrimination, threats or other unfavourable treatment arising from raising a concern or making a disclosure on the basis of reasonable belief for doing so. If you believe that you are being subjected to penalisation as a result of making a disclosure under this procedure, you should inform either the Chairperson of the Board or the Chairperson of the Board's Audit Committee immediately. Workers who penalise or retaliate against those who have raised concerns under this policy will be subject to disciplinary action.

Workers are not expected to prove the truth of an allegation. However, they must have a reasonable belief that there are grounds for their concern. While the Board welcomes the submission of all genuine disclosures, it will nevertheless view very seriously any false, malicious, frivolous or vexatious allegations that are made under this policy. It should be noted that appropriate

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disciplinary action will be taken against any worker who is found to have raised a concern or raised a disclosure with malicious intent.

6. Confidentiality

The Board is committed to protecting the identity of the worker raising a concern and ensures that relevant disclosures are treated in confidence. The focus will be on the wrongdoing rather than the person making the disclosure.

However there are circumstances, as outlined in the Act, where confidentiality cannot be maintained particularly in a situation where the worker is participating in an investigation into the matter being disclosed. Should such a situation arise, we will make every effort to inform the worker that his/her identity may be disclosed.

7. Raising a Concern Anonymously

A concern may be raised anonymously. However, on a practical level it may be difficult to investigate such a concern. We would encourage workers to put their names to allegations, with our assurance of confidentiality where possible, in order to facilitate appropriate follow-up. This will make it easier for us to assess the disclosure and take appropriate action including an investigation if necessary.

8. Procedure: Raising a Concern

(a) Who should you raise your concern with?

As a first step, appropriate concerns should be raised with your line manager. If however, your concern relates to this person, you should raise your concern with the Chairperson of the Board. If your concern relates to the Chairperson, you should raise your concern with the Chairperson of the Audit Committee. You may also raise a concern with any member of the Board.

(b) How to raise a concern

Concerns may be raised verbally or in writing. Should you raise a concern verbally we will keep a written record of our conversation and provide you with a copy after our meeting. Should you raise a concern in writing we would ask you to give the background and history of the concern, giving

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relevant details, insofar as is possible, such as dates, sequence of events and description of circumstances.

Having raised your concern with us, we will arrange a meeting to discuss the matter with you on a strictly confidential basis, normally within 10 working days of receipt of your disclosure. The purpose of the meeting is to enable you to explain your concern and discuss the circumstances surrounding it. The meeting will also enable us to clarify if the concern is appropriate to this procedure or if it is a matter more appropriate to our other procedures, for example our Grievance Procedure. You can choose whether or not you want to be accompanied by a colleague or a trade union representative.

(c) How we will deal with your disclosure

Having met with you in regard to your concern and clarified that the matter is in fact appropriate to this procedure, we will carry out an initial assessment to examine what actions we need to take to deal with the matter. This may involve simply clarifying certain matters, clearing up misunderstandings or resolving the matter by agreed action without the need for an investigation.

On foot of the initial assessment, it may be appropriate for us to conduct an investigation into the matter which will be carried out fairly and objectively. The form and scope of the investigation will depend on the subject matter of the disclosure. We may, at our discretion, engage the services of a suitably skilled external third party to assist with the investigation.

Disclosures may, in the light of the seriousness of the matters raised, be referred immediately to the appropriate authorities. Likewise if urgent action is required (for example to remove a health and safety hazard), this action will be taken.

It is important to us that you feel assured that a disclosure made by you under this policy is taken seriously and in this regard we undertake to communicate with you as follows:

- We will acknowledge receipt of your disclosure and arrange to meet with you as outlined above;
- Where possible, we will inform you of how we propose to deal with the matter and keep you informed of actions, including the outcome of any investigation. However, it is important to note that sometimes the need for confidentiality and legal considerations may prevent us from giving you specific details of an investigation.
- We will inform you of the likely time scales in regard to each of the steps being taken but in any event we commit to dealing with the matter as quickly as practicable.

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(d) How the matter can be taken further

The aim of this policy is to provide an avenue within this workplace to deal with concerns or disclosures in regard to wrongdoing. Workers are encouraged to report any concerns they have internally so that any such concerns may be addressed. There may be circumstances where a worker wishes to make a disclosure externally, and the 2014 Act provides for a number of avenues in this regard.

9. Communication, Monitoring and Review

This policy will be communicated as appropriate and will be subject to regular monitoring and review in consultation with our workforce.

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