

Protected Disclosures Policy V2.1

Introduction

The purpose of this document is to update the Western Development Commission (WDC) Protected Disclosure policy and procedures in the workplace considering changes introduced in the Protected Disclosures (Amendment) Act 2022. This policy provides and update on the relevant changes and outlines the channels and procedures provided for reporting concerns. The WDC welcomes the reporting of protected disclosures, where there are reasonable grounds to protect against malpractice.

The Protected Disclosures (Amendment) Act 2022 commenced on 1st January 2023. This new legislation makes significant changes to the operation of the legal framework for the protection of whistleblowers in Ireland, the Protected Disclosures Act 2014. These changes have important implications for employers in the public and private sectors and for persons prescribed under Section 7 of the Act.

The Act provides a robust statutory framework within which workers can raise concerns regarding potential wrongdoing that has come of their attention in the workplace in the knowledge that they can avail of significant employment and other protections if they are penalised by their employer or suffer detriment for doing so.

The Act requires every public body to establish and maintain procedures for the making of protected disclosures and procedures for dealing with such disclosures. It also requires that Public Bodies provide written information relating to the procedures established.

The Act also introduces the Office of the Protected Disclosures Commissioner and appoints the Ombudsman as the Protected Disclosures Commissioner (the "Commissioner"). The Commissioner has a role in the handling of external reports made under section 7 of the Act (as amended) and reports made to Ministers under section 8 of the Act

1. WDC Commitment

The WDC is committed to fostering an appropriate environment for addressing concerns and supporting workers in 'speaking-up' about potential wrongdoing in the workplace and to providing the necessary support for workers who raise genuine concerns. Employees are encouraged to raise genuine concerns about possible wrongdoing at the earliest opportunity, and in an appropriate way.

A worker who makes a protected disclosure is protected from penalisation (or threatened penalisation), which includes suspension, lay-off or dismissal, demotion and unfair treatment including without limitation withholding a promotion from a worker, ostracism, negative performance reviews or employment references, failure to make permanent a temporary employment contract, harming a worker's reputation or blacklisting within an industry or sector.

Any worker who has a reasonable belief that the information contained in his or her disclosure shows or tends to show a wrongdoing (see section 2.2 below for a list of the types of wrongdoing which are covered by the legislation) will be protected against penalisation even if the worker's concern is ultimately misguided or mistaken. The motivation of the worker for making a disclosure is irrelevant and disclosures will be dealt with regardless of the worker's motivation for making the disclosure so long as the worker reasonably believes that the information disclosed tended to show a wrongdoing.

However, a disclosure made in the absence of a reasonable belief will not attract the protection of the Act. In addition, disclosure of an alleged wrongdoing does not confer any protection or immunity on a worker in relation to any involvement they may have had in that alleged wrongdoing.

Where a protected disclosure is made, the following principles will apply:

- The concern will be treated seriously and investigated where it is considered appropriate following an initial assessment of the report.
- In accordance with Section 16 of the Act, where an investigation takes place, every appropriate step will be taken to safeguard the identity of the person raising the concern.
- The person raising the concern will be advised on how the issue has been assessed, including the outcome of any investigation.
- The person raising the concern will not be disadvantaged in any way for having made the disclosure, even if no wrongdoing is identified, providing the concern was based on a reasonable belief.

The WDC will take all reasonable steps to treat disclosures made in accordance with this Policy in a confidential and sensitive manner. The WDC will not disclose the worker's identity without their consent unless it is required by law or necessary for the effective

investigation of the relevant wrongdoing (see [Section 7.2](#) below for further details on "Confidentiality/Protection of Identity").

If a worker believes that he/she has been penalised for the making of a disclosure of wrongdoing in accordance with this Policy they should inform Protected Disclosure Group or other senior officer, as appropriate, to seek redress (see [Section 7.1](#) below for further details on "Penalisation")

This policy document relates to the reporting of serious wrongdoing as defined in the Protected Disclosures Act and is not intended to act as a substitute for normal day to day operational reporting. Neither is it intended to act as a substitute for existing grievance and dignity at work procedures all of which remain in place.

2. What is a Protected Disclosure

A Protected Disclosure is defined in the Protected Disclosures Act as a disclosure of information which in the reasonable belief of the worker tends to show one or more relevant wrongdoing and came to the attention of the worker in a work related context.

2.1 To whom does this policy apply

This policy is applicable to all workers in the WDC, including its offices as defined in section 3 of the Act, which includes current and former employees, independent contractors, trainees, agency staff, volunteers, Board members (paid or unpaid), shareholders and job applicants (including those in a pre-contractual stage), and members of administrative, management or supervisory bodies..

2.2 What type of disclosure is covered by this policy

A Protected Disclosure involves the disclosure of information which, in the reasonable belief of the worker making the disclosure, shows that one or more of the following relevant wrongdoings has been committed or is likely to be committed:

- Unlawful or improper use of public funds or resources.
- Financial misconduct or fraud.
- Corruption, bribery or blackmail.

- Failure to comply with any legal obligation, other than one arising under the worker's contract of employment or other contract whereby the worker undertakes to do or perform personally any work or services.
- Endangerment of the health and safety of any individual.
- Damage to the environment.
- The commission of an offence.
- Miscarriage of justice. (Breaches of EU law in specified areas (including public procurement, financial services, product safety, transport safety, environmental protection, public health, consumer protection, data protection and privacy and security of networks and information systems).
- Gross negligence or gross mismanagement by public bodies.

The concealment or destruction of information relating to any of the above. The list above is not exhaustive. A full definition of wrongdoing can be found in Section 5(3) of the Act.

2.3 What type of disclosure is not covered

The Policy does not cover personal complaints or personal grievances.

For example complains around a dispute between a worker and a manager concerning their duties or work practices should generally be dealt with under the grievance procedure. Claims by a worker that they are being bullied or harassed by a colleague should generally be dealt with under the dignity at work procedure.

The policy does not cover a disclosure where the worker knowingly conveys false, misleading, frivolous or vexatious information. If it transpires that a worker makes a disclosure, which they know to be false or do not believe to be true, the WDC reserves the right to take disciplinary or other appropriate action. In addition, persons knowingly reporting information that is false are liable to prosecution under Section 14A of the Act.

Legal Advisors are excluded from the protections of the Act in situations where information comes to their attention while providing legal advice. Where a claim to legal professional privilege could be maintained in respect of such information, the legal advisor will not be able to gain the protections of the 2022 Act.

3. Who can make a disclosure

For the purposes of the Act a worker means an individual who has acquired information on a relevant wrongdoing in a work-related context and includes serving and retired staff members, an individual on work experience, an individual who is or was a member of the administrative, management or supervisory body, a contractor, a volunteer, a job applicant.

3.1 Disclosure within the WDC – Internal Disclosure

Staff are encouraged to make disclosures internally and to use the WDC's internal procedures as outlined below. The WDC will take all reasonable steps to treat disclosures made in accordance with this Policy in a confidential and sensitive manner. Any worker who possesses information, which came to his/her attention in the course of their work in the WDC and which he/she reasonably believes tends to show one or more of the serious wrongdoings, as set out in Section 5 of this Policy, may disclose the relevant information to a dedicated email address protecteddisclosure@wdc.ie established for this purpose.

The Protected Disclosure Group (PDG) is the designated recipient for Protected Disclosures within the WDC. This dedicated email address will be monitored by the PDG, who will be responsible for receiving and initial follow up on reports, communicating with the reporting person where necessary to request further information and providing feedback to the reporting person.

The PDG will also liaise with other internal or external investigators where an investigation is deemed necessary. Workers are not required or entitled to investigate matters themselves to find proof of their suspicion and should not endeavour to do so. Workers should only disclose what they consider to be an alleged wrongdoing based on a reasonable belief that it has, is or will occur.

The term 'reasonable belief' does not mean that the belief must be correct. A worker is entitled to be mistaken in their belief, so long as their belief was based on reasonable grounds. No worker will be penalised simply for getting it wrong, so long as the worker had a reasonable belief that the information disclosed showed, or tended to show, wrongdoing. The WDC will also accept disclosures to its internal reporting channel from individuals such as contractors and their employees, agency workers or persons working for suppliers if they became aware of a relevant wrongdoing in a work-related context. These persons can make a disclosure as set out above.

3.2 Disclosures to the Minister for Department of Rural and Community Development (DRCD)

WDC Staff may under specific circumstances make a disclosure to the Minister of DRCD as the relevant Minister for the WDC. Disclosures can be made to Protected_Disclosures@drcd.gov.ie

The Minister may designate a relevant person to monitor this mailbox. To make a disclosure to the Minister, the worker must reasonably believe that the information disclosed tends to show one or more relevant wrongdoings; and one or more of the following must also apply:

- The worker has previously made a disclosure of substantially the same information to their employer, other responsible person, prescribed person, as the case may be, but no feedback has been provided to the worker in response to the disclosure within the period allowed, or, where feedback has been provided, the reporting person reasonably believes that there has been no follow-up or that there has been inadequate follow-up.
- The worker reasonably believes the head of the public body concerned is complicit in the relevant wrongdoing reported.
- The worker reasonably believes that the disclosure contains information about a relevant wrongdoing that may constitute an imminent or manifest danger to the public interest, such as where there is an emergency situation or a risk of irreversible damage. To ensure that the relevant Minister is aware of the worker's intention, it is recommended that the worker specify when making a disclosure under this channel that it is a disclosure to the Minister who has responsibility for the area being complained about. named Minister under section 8 of the Protected Disclosures Act 2014.

All reports received through the Ministerial reporting channel will be transmitted to the Protected Disclosures Commissioner who will ensure that the report is sent to the most appropriate person to deal with the concern raised.

It is up to the reporting person to ensure that they meet the conditions set out above to qualify for making a disclosure to the Minister. The Act places no obligation on the Minister to make any determination as to whether the reporting person has complied with the requirements for reporting to a Minister under Section 8(2) of the Act.

The only obligation on the Minister is to transmit the disclosure to the Protected Disclosures Commissioner within 10 calendar days of receipt. The Minister will not act

on the contents of the disclosure or engage in correspondence with the reporting person. Any further queries or correspondence from the reporting person following transmission should be referred to the Commissioner.

3.3 Disclosure outside the WDC – External Disclosure

The Act allows a worker to make a disclosure to persons other than their employer in certain circumstances.

1. Other responsible person

Where a worker reasonably believes that the alleged wrongdoing relates to the conduct of a person other than his/her employer, or to something for which another person has legal responsibility, then the worker can make the disclosure to that other person.

2. A prescribed person

Certain persons are prescribed by Statutory Instrument No. 367 of 2020 ("S.I. 367") to be the recipient of disclosures ("prescribed persons"). A worker may make a disclosure to a prescribed person if the worker reasonably believes that the relevant wrongdoing falls within the description of matters in respect of which the person is prescribed under S.I. 367. However, the 2014 Act also provides an additional requirement in this case. The worker must believe that the information disclosed, and any allegation contained in it, are substantially true (this is a higher standard than is required for disclosure to your employer)

For information, the following Officers of Agencies and Offices of the Department are amongst those listed as prescribed persons under S.I. 367

- Registrar of Companies
- Registrar of Friendly Societies
- Chairperson & Members of the Competition and Consumer Protection Commission
- Director Corporate Enforcement Authority
- Chief Executive of the Health and Safety Authority
- Chief Executive of the Irish Auditing and Accounting Supervisory Authority
- Chief Executive of the National Standards Authority of Ireland
- Controller of the Intellectual Property Office of Ireland

- Director of Workplace Relations Commission

3.4 Disclosures to the Protected Disclosures Commissioner – External Disclosure

The Protected Disclosures (Amendment) Act 2022 created the Office of the Protected Disclosures Commissioner. The Commissioner's primary duty is to refer any reports received under the Act to the most appropriate prescribed person. Only as a last resort will the Commissioner directly follow-up on a report. The Commissioner may receive disclosures by means of external reporting channels, which must meet the same criteria as the external reporting channels for prescribed persons. The Commissioner will also receive disclosures which have been transmitted onwards from Government Ministers.

Receipt of a report

When the Commissioner receives a report, it must be acknowledged within 7 days. The Commissioner has 14 calendar days (more in exceptional circumstances) to identify the prescribed person which the Commissioner considers appropriate and transmit the report to them.

Alternatively, where the Commissioner considers there is no appropriate prescribed person; or having considered the nature of the wrongdoing the Commissioner is of the opinion that the report should not be transmitted to the prescribed person due to the risk of serious penalisation against the reporting person or that evidence of the wrongdoing would be concealed or destroyed the Commissioner may refer the report to another suitable person. The Commissioner will inform suitable persons of their obligations under the Act when a report is transmitted to them.

The reporting person will be notified, as soon as practicable, of the transmission of the report and the reasons for doing so, as well of any extension to the 14 day period referred to above. Only where a prescribed person or other suitable person cannot be identified will the Commissioner accept the report and notify the reporting person. Once the report has been accepted, the Commissioner must perform an initial assessment, feedback and follow-up. A person to whom a report is transmitted by the Commissioner may notify the Commissioner within 7 calendar days of receipt that they are of the opinion the report does not come within their remit, and the reasons for this. The Commissioner may not accept this opinion; or accept this opinion and transmit the disclosure to another prescribed person / suitable person; or where no prescribed person / suitable person can be identified, accept the report and follow-up.

3.5 A legal adviser

The 2014 Act allows a disclosure to be made by a worker in the course of obtaining legal advice from a barrister, solicitor, trade union official or official of an excepted body (an excepted body is a body which negotiates pay and conditions with an employer but is not a trade union as defined in Section 6 of the Trade Union Act, 1941).

3.6 Alternative external disclosures (in very limited circumstances)

It is preferable in most circumstances to disclose to the employer and, if that is not appropriate, to one of the disclosure options at 3.2-3.5 above. It will rarely be appropriate to make alternative external disclosures where the disclosure could be dealt with through one of the other disclosure options above, as there are stringent requirements for alternative external disclosures to qualify as protected disclosures under the 2014 Act.

The protections will only be available if the following conditions are met:

- 1) The worker must reasonably believe that the information disclosed, and any allegation contained in it, are substantially true; and
- 2) The disclosure must not be made for personal gain; and
- 3) At least one of the following conditions at (i) to (iv) must be met:
 - (i) At the time the disclosure was made the worker reasonably believed that they would be penalised if they made the disclosure to the employer, a responsible person, a prescribed person or a Minister; or
 - (ii) Where there is no relevant prescribed person, the worker reasonably believed that it was likely that evidence would be concealed or destroyed if the worker made the disclosure to the employer or responsible person; or
 - (iii) The worker has previously made a disclosure of substantially the same information to the employer, a responsible person, a prescribed person or a Minister; or
 - (iv) The wrongdoing is of an exceptionally serious nature; and
 - (v) In all these circumstances, it is reasonable for the worker to make an alternative external disclosure. The assessment of what is reasonable takes account of, among other things, the identity of the person to whom the disclosure is made, the seriousness of the wrongdoing, whether the wrongdoing is ongoing or likely to occur in future, whether any action had been taken in cases where a

previous disclosure was made and whether the worker complied with any procedures in place when making that previous disclosure.

4. . Roles and Responsibilities

Overall responsibility for implementing legislation, policies and guidance pertaining to protected disclosures rests with the Board.

The WDC has established a Protected Disclosures Group (PDG) consisting of

- Chair of the Audit and Risk Committee
- Chief Executive of the WDC
- Financial Controller
- Other business areas may also have a role depending on the nature of the case

Each member of the PDG is a Designated Person pursuant to section 6A of the Disclosures Act.

The PDG will have responsibility for assessing submissions, and referring cases, where applicable, to the appropriate area for investigation. (See [Appendix B](#))

A person (a 'reporting person') making a report of a concern (a 'disclosure') must have a reasonable belief that a wrongdoing occurred.

5. How to make a disclosure

The WDC recommends that the disclosure be submitted on the template at [Appendix A](#) and should include the following at a minimum:

- Date submitted
- Date of the alleged wrongdoing
- Detail of alleged wrongdoing including whether it is ongoing, what has occurred and how.
- Names of any person allegedly involved (if appropriate)
- Detail of whether the wrongdoing was previously raised and to whom
- Confidential contact details of the discloser (as appropriate)

- Any other relevant information The detail of the disclosure should be sufficient to enable a person without prior knowledge to understand the issue. Disclosures should be submitted to the dedicated email address protecteddisclosure@wdc.ie

5.1 Anonymous Disclosures

Anonymous disclosures made also be submitted via the Office of the Protected Disclosures Commissioner, who may facilitate follow-up while maintaining anonymity.

Reports or concerns expressed anonymously will be acted upon to the extent that this is possible given the constraints in obtaining further information on the alleged wrongdoing when it is received anonymously. The WDC encourages workers to identify themselves in making a report to facilitate a full investigation, where it is deemed such an investigation is warranted.

Workers should note, however, that important elements of these Procedures (e.g. keeping the discloser informed and protecting a discloser from penalisation) may be difficult or impossible to apply unless the worker is prepared to identify themselves. Also, a worker cannot obtain redress under the 2014 Act without identifying themselves.

5.2 Assistance with making a Disclosure

Transparency International Ireland run a [Speak Up helpline](#) where reporting persons can seek advice - including legal advice, information, and/or advocacy support to people looking to report wrongdoing.

6. Receiving a Disclosure

Disclosures should be submitted to the internal reporting channel protecteddisclosure@wdc.ie. Access to this mailbox is restricted to ensure confidentiality and is monitored by the PDG.

On receipt of a disclosure, the recipient will convene a meeting of not less than two members of the PDG to assess the disclosure; determine if it is a protected disclosure; and refer it to the appropriate channel for investigation.

Other Department Managers may have a role subject to the agreement of the members of the PDG and depending on the nature of the case. If any member of the PDG has a conflict of interest in relation to a disclosure, they must declare it and absent themselves from the case.

Details of the steps to be taken by the PDG following receipt of a disclosure are set out in [Appendix B](#).

During this initial assessment, the PDG may contact the reporting person if further information or clarification is required.

If, on preliminary examination, the allegation is judged to be wholly without substance or merit or the matter does not meet the criteria of a protected disclosure (e.g. where the issue is a personal grievance or complaint), the allegation may be dismissed and the person who made the report will be informed accordingly, provided with a clear explanation for how this decision was arrived at and where necessary advice on the appropriate steps to take.

If, on preliminary examination, there appears to be prima facie substance to the allegation, the matter may:

- Investigated informally for less serious wrongdoing
- Be the subject of a full investigation
- Be referred to an outside body, including An Garda Síochána or another body with the statutory power and function of investigation of particular matters.

The PDG will manage the process from the receipt of the disclosure and initial assessment up to issuing an acknowledgement within 7 days of receipt. If it is determined that the matter disclosed meets the criteria of a protected disclosure under the 2014 Act, the matter will be referred for investigation (see [section 6.1](#) Investigating a Disclosure) and the discloser will be notified of this development. Where the PDG will advise the discloser of this conclusion and offer advice on the appropriate steps to take.

6.1 Investigating a Disclosure

The nature of the investigation will vary depending on the seriousness of the matter disclosed and may include referral to an outside body, including An Garda Síochána.

There may be instances when, when the issue is deemed straightforward and may be resolved without requiring a full external investigation, another Department Manager may be involved, depending on the nature of the case. This is determined by the agreement of all members of the PDG, who will identify a suitable person within the WDC to conduct the investigation, based their specific skills, experience and independence from the matters being reported.

The WDC can also use an external investigator if that is deemed necessary. Where it is proposed to refer the matter to an investigator, the worker reporting the concern will be notified of the name and contact details of the person investigating the matter. It is important to note that some matters may be of such seriousness that the investigation will more appropriately be carried out externally or by professional experts in a particular area.

Where a full investigation is warranted, it will be thorough including interviews with all the witnesses and other parties involved where necessary. Statements from all parties will be recorded in writing and a copy given to the person making the statement for confirmation of its accuracy.

Where it is necessary to interview individuals during the investigation, they are entitled to be accompanied by a colleague or staff representative, should they so wish.

Feedback will be provided to the person making a report as soon as is practicable but within 3 months of the date of acknowledgement of the report as specified by the Act. Feedback will be general in nature and no information will be shared that would breach the legal rights of any person who has been accused of wrongdoing or compromise the investigation of the case. At the end of the investigation the person will be informed of the general outcome of the investigation. In line with Section 6B of the Act, feedback will be provided initially within 3 months of acknowledgement and where the matter remains open, at least every 3 months thereafter until the case is resolved.

It should be noted that fair and due process requires any person accused of wrongdoing should be made aware of and given the opportunity to respond to any allegations made against them.

Any persons who receive a disclosure under the Protected Disclosures Act outside of the internal reporting channel must forward it to the dedicated email address protecteddisclosure@wdc.ie.

The PDG will also notify the Board of the receipt of the disclosure, the nature of the information contained in the disclosure and once concluded, the decision transmitted to the reporting person, consistent with the statutory requirement to protect the confidentiality of the worker who has made the disclosure.

7. . Protection of the rights of the respondent

Where an allegation is made against an individual (the respondent), the principals of natural justice and fair procedures will be complied with. The respondent will be included in the investigation process and made aware of the details of any allegation against him/her in so far as is possible having regard to the requirements of confidentiality contained in the Act and will be given the opportunity, as part of a full investigation, to put forward their case in response to the allegation(s).

7.1 Penalisation (including dismissal and detriment)

The Act provides specific remedies for workers who are penalised for making a disclosure. Penalisation means any act or omission that affects a worker to the worker's detriment and 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.

All reasonable steps will be taken to protect workers from penalisation. Workers who experience any act of penalisation should notify their Line Manager or CEO and the notification will be assessed and investigated, and appropriate action taken, where necessary.

Claims of penalisation will be dealt with separately to any reported disclosure. Such complaints will normally be dealt with through the HR function of the WDC and will be progressed without delay by the appropriate person. Workers who believe they have been penalised for making a protected disclosure can bring a claim before the Workplace Relations Commission. This claim must be made within 6 months of the penalisation.

In claims for penalisation before the Workplace Relations Commission, the alleged penalisation shall be deemed to have been as a result of the reporting person having made a protected disclosure, unless the employer proves that the act or omission was justified on other grounds.

Where dismissal has occurred following a protected disclosure, a worker may apply to the Circuit Court for interim relief pending the determination of the WRC Claim.

7.2 Confidentiality/Protection of identity

The WDC will take all reasonable steps to treat disclosures made in accordance with this Policy in a confidential and sensitive manner. The WDC will not disclose information that might identify the worker who made the disclosure unless it is required by law or necessary for the effective investigation of the relevant wrongdoing.

The 2014 Act provides that a disclosure recipient (which in this context includes any person to whom a disclosure is referred in the performance of their duties) must not disclose to another person any information that might identify the reporting person, except where:

- (i) the disclosure recipient shows that he or she took all reasonable steps to avoid so disclosing any such information;
- (ii) the disclosure recipient reasonably believes that the reporting person does not object to the disclosure of any such information;
- (iii) 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;
- (iv) the disclosure is otherwise necessary in the public interest or is required by law.

Where it is necessary to disclose the identity of the reporting person, they will be contacted and, where possible, provide consent, prior to any action being taken that could identify them.

Where it is decided that it is necessary to disclose information that may or will disclose the identity of the reporting person, they should be informed of this decision. The reporting person may request a review of this decision and a review should be carried out, where practicable before any such disclosure of information is made.

All reasonable steps will be taken to protect the identity of the reporting person, except as set out in points (i) to (iv) above. Workers who are concerned that their identity is not being protected should notify the person assessing/investigating their disclosure. Such notifications will be assessed and/or investigated and appropriate action taken where necessary.

8. Review of Decisions

The Reporting Person may seek a review of the following:

- Any decision made to disclose the identity of the Reporting Person (except in exceptional cases).
- The conduct or outcome of any initial assessment/investigation undertaken in respect of the protected disclosure; and
- The outcome of any assessment/investigation in respect of any complaint of penalisation.

Reviews will be undertaken by a nominated person appointed by the Chairperson of the Board. The reviewer will be a person not previously involved in the assessment or investigation, to ensure independence. Where a decision is taken to disclose the identity of the Reporting Person, where at all possible, the Reporting Person will be offered a review before their identity is disclosed.

9. Records

Written records, including timelines, in relation to any assessment and/or investigation undertaken will be maintained. Records of concerns raised, including the outcome, will be maintained by the PDG, for a minimum of five years after the closure of the case.

10. Reporting

The WDC will provide an annual report to the Minister for Public Expenditure and Reform (PER) by **1st March** each year which will include the required reporting information in respect of the preceding calendar year to pdconsultation@per.gov.ie

The information required by the Minister for PER will be provided in such a way that it does not enable the identification of reporting persons or persons concerned. This information will be published online by the Minister, in aggregate form.

The WDC will also publish a report by 31 March each year in respect of the previous calendar year on the www.westerndevelopment.ie. This report will contain the same information as required for the report to the Minister for PER and a statement confirming that the WDC has in place external reporting channels and procedures as required.

11. Further information /Review of Guidance

The PDG is responsible for the implementation of the WDCs Protected Disclosures Policy. This policy document replaces the organisations existing Protected Disclosures Policy from 2021. The policy will be reviewed at minimum of two-year intervals or when required by the Board.

The Protected Disclosures Act 2014 can be downloaded at:
<http://www.oireachtas.ie/viewdoc.asp?fn=/documents/bills28/acts/2014/a1414.pdf>

The Protected Disclosures (Amendment) Act, 2022 can be accessed at:
[Protected Disclosures \(Amendment\) Act 2022 \(irishstatutebook.ie \)](http://www.irishstatutebook.ie/eli/2022/act/12/enacted/en/html)

12. Amendments

These Procedures may be revoked, replaced, or amended at any time and you will be informed of any changes that are implemented.

Version 1.0	July 2020	New Policy
Version 2.0	July 2023	New Policy
Version 2.1	October 2025	Updated Policy

Appendix A: Protected Disclosures Reporting Form

The WDC welcomes the reporting of disclosures under the Protected Disclosures Policy. The Protected Disclosures Policy is part of the WDC's approach to good governance as it seeks to deter, prevent and detect fraud and other significant malpractices.

Before completing this form, you should:

- a. Consider whether the Protected Disclosures Policy is the appropriate policy under which to report your concern (matters of private interest may be reported under grievance or bullying and harassment policies through the Human Resources Unit)
- b. Ensure that the report is being made in relation to a matter that you have reasonable grounds to be concerned about.

Reports should be submitted to an appropriate person as outlined in the WDC's Protected Disclosures Policy. Ideally all reports should be submitted to the dedicated mailbox for disclosures protecteddisclosure@wdc.ie

Note – When making a protected disclosure, you should only disclose as much information as is necessary to report the wrongdoing and should not access, process, disclose or seek to disclose information about individuals that is not necessary for the purpose of disclosing the wrongdoing.

Protected Disclosures Form Form for use, when making a Protected disclosure to the Western Development Commission

Note: Protected Disclosures to a the WDC must be in writing in accordance with the Act.

Please refer to the Western Development Commission Policy on the Protected Disclosure of matters relating to the Western Development Commission in accordance with the provisions of the legislation outlined in the Act:

Name:

Address:

Email:

Contact No.

The Date of the Disclosure:

Please respond to the following questions:

1. Details of alleged wrongdoing including dates, if applicable:

(Care should be taken to only include the name(s) of individual(s) directly relevant to the report.)



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(Information provide here should be of sufficient detail to enable a person without prior knowledge to understand the issue/s being raised.)



2. Has the alleged wrongdoing been reported previously:
(if so please specify when and to whom)

3. Any other relevant information

Signed: _____

Date: _____

Appendix B: Guidance for investigation of disclosures

This Appendix provides guidance for senior officers in the WDC who are responsible for investigating alleged serious wrongdoing under the Protected Disclosures Acts 2014 & 2022. The Act provides protection for workers from penalisation by their employer for having made a disclosure in accordance with its provisions. The WDC's Policy on Protected Disclosures in the Workplace reflects the provisions and intent of the legislation.

Your task as the investigator

Not all matters raised by a staff member may merit a full investigation, and, in most cases, your own experience will be sufficient to inform you as to whether the matter is of sufficient seriousness to merit further investigation. Examples of where an investigation may not be required include cases where the officer reporting a wrongdoing does not have access to all of the relevant facts or where a simple misunderstanding has arisen.

1. Assessment of a Protected Disclosure

- When a disclosure of alleged wrongdoing is made to any one of the designated recipients, that individual will convene the PDG as per the [Section 3.1](#) on Internal Disclosures above.
- The PDG will acknowledge the disclosure to the Reporting Person within 7 days of receipt of the disclosure.
- The PDG will carry out an initial assessment and may seek further information from the Reporting Person as to whether there is prima facie evidence that a relevant wrongdoing has occurred.
- The recipient(s) will treat all disclosures as protected (and protect the identity of the Reporting Person in accordance with the procedures) until the assessment is complete.
- The assessment process will include the following steps:
 - Clarifying the basis of the concerns raised with the worker and establishing what evidence is available to support the concern.
 - Gauging the risk associated with the issue and taking immediate action if the alleged wrongdoing involves a serious loss or danger to others.
 - Carrying out all relevant enquiries promptly, sensitively and discreetly, ensuring to protect the identity of the Reporting Person (if it is necessary

to reveal the worker's identity to undertake an effective enquiry, the PDG will consult with the Reporting person in the first instance).

- If it is determined that the matter disclosed meets the criteria of a protected disclosure under the Disclosures Act, the matter will be referred for investigation (see [section 2](#) Investigation of a Protected Disclosure following).
- Where the assessment concludes that the matter does not meet the criteria of a protected disclosure (e.g. where the issue is a personal grievance or complaint) the PDG will advise the Reporting Person of this conclusion and offer advice on the appropriate steps to take.

2. Investigation of a Protected Disclosure

- Where the assessment by the PDG concludes that the matter reported meets the criteria of a protected disclosure, it will be referred for investigation. The nature of the investigation will vary depending on the seriousness of the matter disclosed and may include referral to an outside body, including An Garda Síochána.
- In some instances, where the issue is deemed to be straightforward and capable of resolution without resort to a full external investigation, the PDG may conduct the investigation. In such cases the investigation and conclusion will, however, be the subject of validation by the external agency.
- Cases may occasionally be investigated by an external agency that WDC will procure for this purpose. This will provide the necessary level of experience, expertise, and independence.
- In all cases, the Reporting Person will be informed by the PDG of the chosen route of investigation. Regardless of which route the investigation takes, it will embody the following principles:
 - a. The investigation will be carried out in a manner which is fully consistent with the principles of natural justice.
 - b. Evidence will be sought from any relevant witnesses.
 - c. The investigation will assess whether the disclosure report is based on a reasonable belief but ungrounded; based on reasonable belief and grounded; or a deliberately false report.

- d. The WDC will take appropriate action if the disclosure is grounded;
- e. If the disclosure is deliberately false, the WDC may consider disciplinary action.

On completion of the process the PDG will report the outcome, including details of the action taken, to the Reporting Person

Should you require any particular guidance in relation to fair procedures you should seek advice from the [Speak Up Helpline](#) (Transparency Ireland) or procure legal advice.

3. Keeping the reporting person informed

Where the protected disclosure is a matter being investigated, communications will be maintained with the Reporting Person. The PDG will provide feedback to the Reporting Person within three months of the date of acknowledgment of the disclosure, and every three months thereafter until the matter is closed. Where a report is made anonymously, acknowledgment and feedback to the Reporting Person may not be possible. Where a Reporting Person provides a means of maintaining communications such as an anonymised email address, feedback will be provided.

The overriding requirement when providing feedback is that no information is communicated that could prejudice the outcome of an investigation or any action that may ensue (e.g. enforcement, or other legal action, including prosecution).

There is no obligation to inform the Reporting Person of the progress, or outcome, of any disciplinary process involving another worker which may arise on foot of an investigation arising out of a protected disclosure. In general, such information is confidential between the employer and the worker who is the subject of the disciplinary process. The Reporting Person will be informed and assured that appropriate action has been taken but is not generally entitled to know what that action was.

4. Rights of the Person Concerned in an investigation

The general principles of natural justice and fair justice procedures will apply in respect of any person who has been accused of wrongdoing and may be the subject of any investigation (the "Person Concerned"). The WDC will take great care in providing information to the Reporting Person to ensure that it does not breach the legal rights of the Person Concerned. The WDC will arrange that appropriate supports and protections are available as and when appropriate.

It is important to note that the principles of natural justice do not require a Person Concerned to be notified of the receipt of an allegation. Nor does the Person Concerned have the right to know the identity of the worker who has made the report.

Where an investigator wishes to question or seek information from the Person Concerned, the person is entitled to be given details of what is alleged and given the opportunity to respond and to contest the allegation.

In the interests of natural justice, the Person(s) Concerned will be informed in writing of the allegation and all of the supporting evidence, and will be allowed full opportunity to comment at an appropriate stage in the process and before the investigation is concluded.

The Person Concerned is entitled to be informed of the outcome of the investigation and is entitled to a copy of the investigation report if it concludes that wrongdoing has occurred.

5. Outcomes following an investigation

The following are potential outcomes on conclusion of the investigation of the matter disclosed:

- a. The disclosure is upheld or partly upheld leading to:
 - i. The malpractice being stopped and the system weaknesses identified and addressed or the concern being addressed in so far as is reasonable.
 - ii. Disciplinary action being taken against the wrongdoer depending on the results of the investigation; and
 - iii. The matter being referred to an outside body, including An Garda Síochána.
- b. The disclosure is not upheld leading to:
 - i. No action if the allegation is based on a reasonable belief but proves to be unfounded.
 - ii. Disciplinary action being considered against the Reporting Person in the event of the claim being found to be malicious or otherwise not based on a reasonable belief. If the outcome of the investigation of a disclosure is not to the satisfaction of the worker that reported the issue, then s/he has the right to seek a review.



Appendix C: Key Contacts

Committee	Position	Contact	Telephone and Email
Board	Chair of the Board	Eugene Cummins	087 288 6907 eugenecummins@wdc.ie
Protected Disclosure Group (PDG)	CEO	Allan Mulrooney	087 3343713 allanmulrooney@wdc.ie
	Chair of Audit and Risk Committee	Paul McGonigle	086 811 6983 paulmcgonigle@wdc.ie
	Financial Controller	Mary Duffy	087 9058012 maryduffy@wdc.ie



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