



2023

Polasaí Nochtuithe Cosanta
Protected Disclosures Policy

Gaelcoil Osraí
19856R

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Gaelscoil Osraí

Polasaí Nochtuithe Cosanta

Protected Disclosures Policy:

Cur i láthair

Introduction

Tugtar nochtú cosanta ar nochtú eolais ábhartha, gur dóigh leis an nochtóir, a léiríonn éagóir amháin nó **éagóracha ábhartha** agus a tháinig fé bhráid an nochtóra tréna c(h)uid fostaíochta. Chuir an t-Acht leasaithe (2022) leis an míniú seo, agus san áireamh, tá éagóir nó olc a tháinig fé bhraid an nochtóra “i gcomhthéasc oibre”. Tugann an sainmhíniú seo cosaint d’oibríthe deonacha, agus iarratasóirí post, agus a leithéidí, ar phionós.

Agus nochtú cosanta á dhéanamh, caithfidh an nochtóir a chreidiúint go bhfuil an nochtú fíor. Ní ghearrfar piónós ar éinne a bhí mícheart, chomh fada is go raibh bunús réasúnta aige/aici gur léirigh an t-eolas nochtaithe éagóir nó olc.

Baineann an polasaí seo le nochtú cosanta a dhéanamh, nó ‘sceithireacht’ mar a thugtar uirthi go coitianta.

Tá sé mar aidhm ag an bpolasaí seo, tacú agus cabhrú le fostaithe, a mbuairteanna a ardú, nó eolas a nochtú taobh istigh den scoil, in ionad neamhaird a thabhairt orthu, nó iad a thuairisciú lasmuigh den scoil, gan eagla a bheith orthu roimh phíonóis, idirdhealú, no mhíbhúntáiste.

*A protected disclosure means disclosure of relevant information, which in the reasonable belief of the worker, tends to show one or more **relevant wrongdoings** and which came to the attention of the worker in connection with his/her employment”. The 2022 Amended Act, added to this definition by including wrongdoings which came to the attention of the worker “in a work-related context”. This definition ensures that persons such as volunteers and job applicants are protected from penalisation.*

In making a disclosure a worker must reasonably believe the information disclosed to be substantially true. No worker will be penalised simply by getting it wrong so long as the worker had a reasonable belief that the information disclosed shows, or tends to show, wrongdoing.

This policy relates to the making of a protected disclosure, or as it is more commonly known, “whistleblowing.”

This policy is intended to encourage and enable workers to raise concerns within the school rather than overlooking a problem or reporting it 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.

An t-Acht um Nochtú Cosanta 2014

An t_Acht um Nochtú Cosanta (Leasaithe) 2022.

Tháinig an t-Acht um Nochtú Cosanta (Leasaithe) i bhfeidhm ar 1 Eanáir, 2023. Tá dualgas ar scoileanna Polasaí Nochtuithe Cosanta a bheith acu de réir an Achta. Cuireann an t-Acht leasaithe seo, breis dualgaisí ar scoileanna, córais a bheith i bhfeidhm chun tacú le hoibríthe, nochtú cosanta a dhéanamh Tá Bord Bainistíochta Ghaelscoil Osraí coinsiasach maidir le héagóracha, agus dreachtadh an polasaí seo da bharr.

The Protected Disclosures Act 2014

The Protected Disclosures (Amendment) Act 2022,

The Protected Disclosures (Amendment) Act 2022 came into effect on the 1st of January 2023. Schools are required to put a Protected Disclosure policy in place which meets the requirements of the Act. The 2022 Act places new and enhanced obligations on school to have processes in place to facilitate workers in making protected disclosures. The Board of Management of Gaelscoil Osraí takes the issue of wrongdoing seriously and as a result has drafted this policy.

Gealltanais

Commitment

Tá Bord Bainistíochta Ghaelscoil Osraí dírithe ar chultúr oscailte a chaomhnú sa scoil, le caighdeán macántachta agus freagrachta- áit gur féidir le ball fóirne buairt a thuairisciú fé rún.

The Board of Management of this school is committed to maintaining an open culture with the highest standards of honesty and accountability where workers can report any concerns in confidence.

Aidhmeanna an pholasaí/*Aims of this policy:*

- Go mbraithfeadh baill fóirne sabhalta buairt a ardú nó eolas a nochtú
 - Córas a bheith ann buairteanna a ardú go muiníneach, agus aiseolas a bheith ar fáil fe gníomhartha
 - A chinntiú go bhfaighidh baill fóirne freagra ar a gcuid buairteanna agus eolas nochtaithe
 - Go mbeadh cinnteacht ann do bhaill fóirne, nach mbeidh piónós orthu nó bagairt fhíonóis.
-
- *To encourage workers to feel confident and safe in raising concerns and disclosing information*
 - *To provide avenues for workers to raise concerns in confidence and to receive feedback on any action taken*
 - *To ensure that workers receive a response to their concerns and information disclosed*
 - *To reassure workers that they will be protected from penalisation or any threat of penalisation*

Sainmhíniú ar oibrí scoile

Definition of school worker

- Gach fostaí reatha agus iar-fhostaithe (fostaithe buana, ar chonradh ar théarma seasta, corr-fhostaíocht agus ionadaíocht san áireamh).
 - Conraitheoirí agus saincomhairleoirí ag obair nó ag cur seirbhísí ar fáil don scoil
 - Oibrithe ghníomhaireachta
 - Daoine ar thaithí oibre
 - Páirtithe leasmhara
 - Oibrithe deonacha
 - Daoine ata ina mbaill riaracháin, bainistíochta nó maoirseachta den bhforas i mbun ghníomhaíochta
 - Iarrthóirí ionchasacha i mbun próiséis ceapacháin
-
- *All current and former employees (including permanent, temporary, fixed-term, casual and substitute);*
 - *Contractors and consultants engaged to carry out work or services for the school;*
 - *Agency workers*
 - *People engaging in work experience*
 - *Shareholders*
 - *Volunteers*
 - *Individuals who are members of the administrative, management or supervisory body of an undertaking*
 - *Prospective employees involved in the recruitment process*

Buarthaí gur féidir a ardú

Concerns that can be raised

Ba cheart go mbainfeadh buairt nó nochtadh, le héagóir nó leholc a tháinig fé do bhráid i gcomhthéasc oibre.

Áirítear na héagóracha seo leanas:

- Cointa coiriúla
- Gan cloí le dualgas dlíthiúil (seachas conradh fostaíochta an fhostaí)
- Iomrall ceartais
- Baol um Shabhailteacht agus Shláinte a chur a thionscnamh
- Damáiste a dheanamh don timpeallacht
- Míúsáid nó úsáid neamhdhleathach a bhaint as airgead poiblí
- Iompar leatromach, idirdhealaithe nó faillíoch i gcomhlacht poiblí

- Sárú dlí na hEorpa (maidir le soláthar náisiúnta poiblí; seirbhísí airgeadais, tairgí agus margaí, agus cosc ar sciúradh airgid agus maoiniú sceimhlitheora; sábháilteacht táirge agus comhlíonadh; sábháilteacht iompraíochta; sláinte phoiblí; cosaint príobhaideachta agus sonraí pearsanta, agus slándáil líonra agus córais fáisnéise; aon sárú eile a thagann salach ar leas airgeadais an Aontas Eorpaigh nó a thagann trasna ar chuspóirí dlíthe an Aontais Eorpaigh.)
- Fianaise éagóra nó oilc a scrios

Ní áiríofar gearáin a bhaineann le casaoidí idirphearsanta idir iad féin agus oibrí eile, nó a fhostóir, mar nochtú cosanta. Pléifear leis na gearáin seo ar bhealaí eile ar nós gnás casaoide aontaithe.

Ba chóir buairt fé leas nó cosaint paistí a ardú leis an Duine Caidrimh Ainmnithe de réir Polasaí na scoile um Chosaint Páistí.

- *Failure to comply with a legal obligation (other than a workers contract of employment)*
- *Miscarriage of justice*
- *Endangerment of health and safety*
- *Damage to the environment*
- *Unlawful or improper use of public funds*
- *Oppressive, discriminatory or negligent behaviour by a public body*
- *Breaches of EU law (including public procurement; financial services, products and markets, and prevention of money laundering and terrorist financing; product safety and compliance; transport safety; public health; protection of privacy and personal data, and security of network and information systems; breaches that otherwise affect the financial interests of the EU or defeat the purpose of EU law*
- *Concealing or destroying evidence of wrongdoing*

Complaints by a worker that concern interpersonal grievances between themselves and another worker, or their employer, will not constitute a protected disclosure. As a result, these complaints will instead be dealt with through other channels such as agreed grievance procedures.

A concern in the area of child protection and welfare should be addressed to the Designated Liaison Person in line with the school's Child Protection Policy.

Cosaint agus Pionósú

Safeguards and Penalisation

Ní chuirfidh an scoil pionós ar oibrí a dhéanann nochtú atá bunaithe ar thuairim réasúnta go raibh éagóir nó olc á dhéanamh, fiú ma léirítear ina dhiaidh sin nach raibh éagóir nó olc déanta.

Tugtar an sainmhíniú seo ar phionós:

- Fionraí
- Scaoileadh le duine
- Dífhostú

- Íslú céime
- Im eaghlú
- Ciapadh
- Idir dhealú
- Bagairt díoltais
- Traenail a choimeád siar
- Breithmheas feidhmíochta diúltach nó litir mholta diúltach
- Díobhail, le **clú duine ar bith a mhilleadh** san áireamh, go háirithe sna meáin shóisialta, nó cailliúint airgid, gnó nó ioncaim
- Dúliostú ar bhonn earnála nó aontú gnó neamhfhoirmiúil nó foirmiúil, go mbeidh de thoradh air nach bhfaighfeadh an duine fostaíocht san earnáil nó gnó amach anseo.
- Luath-chealú nó deireadh nó le conradh
- Atreorú síciatrach nó leighis

Más dóigh leat go bhfuil pionós á chur ort de bharr nochtú, ba chóir duit é sin a chur i iúil don bPríomhoide nó don gCathaoirleach.

Tógfar gníomh smachta i gcoinne oibríthe eile, a bhaineann díoltas amach nó a gheannann pionós ar an té a rinne an nochtú cosanta fen bpolasaí seo.

D'fhéadfaí gníomh smachta a thógaint i gcoinne aon oibrí a rinne nochtú cosanta go mailíseach.

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

Penalisation is defined as follows:

- *Suspension*
- *Lay-off*
- *Dismissal,*
- *Demotion*
- *Intimidation*
- *Harassment*
- *Discrimination*
- *Threat of reprisal.*
- *Withholding of training*
- *A negative performance assessment or employment reference*
- *Harm, including to the worker's reputation, particularly in social media, or financial loss, including loss of business and loss of income*
- *Blacklisting on the basis of a sector or industry-wide informal or formal agreement, which may entail that the person will not, in the future, find employment in the sector or industry*
- *Early termination or cancellation of a contract for goods or services*
- *Psychiatric or medical referrals*

If you believe that you are being subjected to penalisation as a result of making a disclosure under this policy, you should inform the Principal or Chairperson of the Board of Management immediately.

Workers who penalise or retaliate against those who have raised concerns under this policy will be subject to disciplinary action.

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

Rúndacht

Confidentiality

Tá an Bord Bainistíochta dírithe ar aitheantas an té a dhéanann an nochtú a chosaint, agus cinnteoidh an Bord go mbeidh rúndacht ag baint leis an nochtú. Beidh béim ar an éagór in ionad an duine a dhéanann an nochtú. Uaireanta, beidh gá, mar a luaitear an Acht, an duine a ainmniú, i gcás oibrí a bheith páirteach i bhfiosraithe san nochtú. Inseofear don oibrí go *mbeidh a (h) ainm á scaoileadh roimh ré.*

The Board of Management 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 on 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 which has been disclosed. Should such a situation arise, the Board will inform the worker that his/her identity may be disclosed.

Nochtú gan ainm

Anonymous raising of concerns

De réir Acht leasaithe 2022, níl aon dualgas ar Bhord, glacadh le nochtú gan ainm. I gcás go nglacann an Bord le nochtú gan ainm, agus go mbeidh ainm an duine a rinne an nochtú ar eolas in a dhiaidh sin, bainfidh an cosaint ar phionós leis/léi

Under the 2022 Act there is no obligation on schools to accept and follow up on anonymous reports. However, where a school does accept an anonymous report and where a worker's identity subsequently becomes known, the protection against penalisation will extend to them.

Nós Imeachta

Procedure

1. Buairt a ardú go hinmheánach/Raising a concern internally

Moltar buairt a ardú leis an bPríomhoide ar dtús.

Muna bhfuil an bealach seo oiriúnach, mar shampla i gcás dáiríreacht nó mothálacht an nochtá, nó ma bhaineann an nochtú leis an bPríomhoide, moltar don oibrí dul go dtí an Cathaoirleach nó an Bord Bainistíochta.

Is féidir buairt a ardú ó bhéal nó i scríbhinn.

Má bhíonn an buairt ardaithe ó bhéal, cuirfear cuntas i scríbhinn ar fáil don oibrí i ndiaidh an chruinnithe.

I gcás buairt i scríbhinn, ba chóir an cúlra agus stair an eachtra a thabhairt, i dteannta dátaí, an t-ord inar thárla eachtraí, agus cur síos ar eachtraí. Moltar buairt a ardú i scríbhinn.

Ba chóir buairt a ardú, a luaithe agus is féidir, ionas gur feidir deileáil leis chomh tapaidh agus is féidir.

As a first step, appropriate concerns should be raised with the Principal.

However, should a worker not wish to use this route, for example given the seriousness and/or sensitivity involved, or if the concern relates to the Principal, he/she should approach the Chairperson of the Board of Management.

Concerns may be raised verbally or in writing.

Should a worker raise a concern verbally, a written record of the conversation will be taken and he/she will be provided with a copy after the meeting. If the concern is raised in writing, the background and history should be given, and should include relevant details such as dates, sequence of events and description of the circumstances. Workers will be encouraged to raise concerns in writing.

Concerns should be expressed as early as possible to enable the matter to be dealt with as quickly as possible.

2. An buairt a mheas/ Assessing the concern

Eagrófar cruinniu chun an buairt a phlé a luaithe agus is féidir i ndiaidh don buairt a bheith ardaithe.

Beidh an cruinniu rúnda.

Cinntefear an mbaineann an buairt leis an bPolasaí seo, nó le polasaí eile ar nós Dignit san Ionad Oibre nó Cosaint Paistí.

Is féidir leis an oibrí atá ag ardú an bhuartha, comhghleacaí nó ionad cheardchumainn a bheith ina t(h)eannta.

A meeting will be arranged to discuss the concern as soon as possible after the concern has been raised.

This meeting will be on a strictly confidential basis.

At this point, clarification is made as to whether the concern is appropriate to this policy or is more appropriately addressed under other procedures such as the Dignity at Work Policy or the Child Protection Policy.

The worker making the concern may be accompanied to this meeting by a colleague or trade union representative.

3. Ag deileáil leis an mbuairt/ *Dealing with the concern*

Más léir, tar éis an buairt a mheas, go bhfuil cúis buartha nach féidir a réiteach, cuirfear fiosrúchán ar bun, ar bhonn cothrom cóir.

Ag braith ar thromchúiseacht an bhuartha, d'fhéadfaí é a athreorú go dtí údarás eile ar nós na Gardaí. Má bhíonn gníomhú riachtanach láthaireach, tarlóidh sé gan mhoill.

Coimeádfear an té a rinne an nochtú san eolas mar seo leanas:

- Aitheantas i scríbhinn go bhfuil buairt léirithe taobh istigh de 7 lá
- Cruinniú eagraithe
- Eolas féin bhfiosrúchán a thabhairt
- Eolas fé gníomh nó gan gníomh a bheith tógtha, de bharr fiosrúchán a thabhairt
- An tréimhse ama a bheidh i gceist, agus aiseolais á thabhairt lastigh de thréimhse ama réasúnta, níos luaithe na trí mhí tar éis an t-aitheantas i scríbhinn a bheith tugtha.
- Beidh an duine/foras lenár ardaíodh an buairt, freagrach as athleanúint dhíograiseach, cumarsáid leanúnach agus aiseolas don té a d'ardaigh an buairt.

If, following this initial assessment, it is concluded that there are grounds for concern that cannot be dealt with at this point, an investigation will be carried out in a fair and objective manner.

Depending on the seriousness of the concern, the matter may be referred immediately to the appropriate authorities, e.g. An Garda Síochána. If urgent action is required, action will be taken without delay.

The worker who raised the concern will be kept informed of the procedure, as follows:

- *The receipt of the concern/disclosure will be acknowledged in writing.*
- *The meeting outlined above will take place*
- *The proposal as to how the matter will be investigated will be communicated*
- *Whatever actions, or none, decided upon as a result of the investigation will be communicated*
- *The timescale for the above steps will be communicated, providing feedback to the reporting person within a reasonable period, being not more than three months from the date the acknowledgement of receipt of the report*
- *The person or body to whom the disclosure was made, will diligently follow-up, maintain communication and provide feedback to the reporting person*

4. Buairt a ardú go seachtarach

Raising a concern externally

Ardófar formhór nochtaithe ó bhéal nó i scríbhinn leis an bPríomhoide nó le Cathaoirleach an Bhoird Bhainistíochta.

Nuair nach bhfuil an bealach seo oiriúnach, is é Ard Rúnaí an Roinn Oideachais agus Scileanna, an duine forordaithe don nochtú.

The vast majority of disclosures should be made, orally or in writing, to the school Principal or to the Chairperson of the Board of Management (BOM).

Where this is inappropriate or impossible, the Prescribed Person is the Secretary General of the Department of Education and Skills (DES).

Cumarsáid

Communication

Cuirfear an polasaí seo in iuil d'fhostaithe tré córas scoileanna Aladdin.

This policy will be communicated to workers by being on the Aladdin Student Management System.

Review

Athbhreithniú

Déanfar athbhreithniú air i rith na scoilbliana 2026/2027, nó níos luaithe má bhíonn athraithe ó thaobh dlíthe nó cleachtais.

The policy will be reviewed during the school year 2026/2027 or earlier should changes in legislation or practice dictate otherwise.

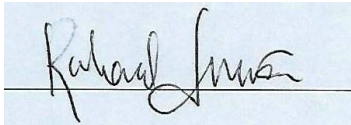
Daingniú

Ratification

Ghlac Bord Bainistíochta Ghaelscoil Osraí leis an bpolasaí seo ag cruinniú ar 2 Feabhra, 2023

This policy was ratified by the Board of Management at its meeting on 2nd February, 2023.

Síithe:

A handwritten signature in black ink on a light blue background. The signature appears to be "Robert Jones" written in a cursive style.

Cathaoirleach

Síithe:

A handwritten signature in black ink. The signature is "Siobhán Ní Chéicora" written in a cursive style.

Príomhoide, Gaelscoil Osraí.