

## Tallaght University Hospital Foundation (TUHF)

### Protected Disclosures Policy

#### Introduction

The Tallaght University Hospital Foundation ("TUHF") is committed to the highest standards of openness, probity and accountability, and recognises that its people have an important role in achieving this goal.

This policy applies to all employees, officers, consultants, contractors, interns, trainees, casual workers and agency workers ("Workers").

Workers are often the first to know when someone inside or connected with an organisation is involved in illegal or improper activities and practices. TUHF takes all malpractice very seriously, whether it is committed by senior management, staff, contractor or supplier. The Board and management do not believe that it is in anyone's interest for those with knowledge of wrongdoing to remain silent. It is therefore important that TUHF has a transparent and accessible mechanism to enable people to voice concerns in a responsible and effective manner and in confidence.

Whistleblower is a colloquial expression used to describe a person who reports or discloses concerns in respect of some wrong-doing, illegal practice or unethical conduct which has come to his/her attention. This Protected Disclosures Policy ("Policy") sets out a procedure by which concerns can be reported or disclosed and how they will be handled.

#### Concerns Covered Under this Policy

This Policy is designed to enable Workers to raise concerns in relation to any knowledge or properly grounded concerns that they may have about actual, or potential, malpractice or impropriety.

While it is impossible to provide an exhaustive list of all such wrongdoings, the following are examples of the type of wrong doing which TUHF expects Workers to report under this policy:

- Criminal offence / activity
- Financial malpractice, impropriety or fraud
- Failure to comply with legal obligations
- Actions which endanger the health and safety of Workers or the public
- Actions which cause damage to the environment
- Actions which are intended to conceal any of the above.

It is important that such concerns arise in connection with the Worker's employment/engagement with TUHF and that the Worker has a reasonable belief that the wrongdoing is occurring/has occurred or is likely to occur.

## **Concerns not Covered Under this Policy**

A personal concern or disclosure in relation to a Worker's personal circumstances in the workplace will not be dealt with under this Policy. For example, a grievance around a Worker's own contract of employment or engagement would not be regarded as a whistleblowing concern and would be more appropriately processed through our Dignity at Work Policy.

**It is important to note that this Policy does not replace any legal reporting or disclosure requirements. Where statutory reporting requirements and procedures exist, these must be complied with fully.**

## **How to Make a Disclosure**

TUHF requests that all whistleblowing concerns are reported internally using this Policy in the first instance. This will afford the TUHF the opportunity to investigate and manage any issues itself, and prevent unnecessary reputational damage where concerns are not valid. TUHF does however recognise a whistleblower's entitlement to make disclosures externally when internal procedures have been exhausted and the whistleblower is still not satisfied with the outcome.

Given the seriousness of the concerns that fall under the scope of this Policy, and the importance TUHF places on such issues, all whistleblowing concerns are to be reported directly to the CEO.

Where, for any reason, the whistleblower considers it inappropriate to refer the matter to the CEO, their concerns can be made to the Chair of the Finance, Audit, Investment and Governance Committee (FAIG). Concerns may be raised verbally in the first instance but should be followed up in writing before any action will be taken.

## **Safeguards, Penalisation, Confidentiality and Policy Abuse**

In raising a concern, the whistleblower should exercise due care to ensure the basis for and the accuracy of their information. While a whistleblower is not expected to prove the truth of an allegation, he/she should have a reasonable belief that there are grounds for their concern.

A Worker who reports or discloses a suspected wrongdoing under this Policy and has a reasonable belief of wrongdoing will not be penalised by TUHF, even if the concerns turn out to be unfounded.

Penalisation includes suspension, dismissal, disciplinary action, demotion, discrimination, threats or other unfavourable treatment.

If a Worker believes they are being subjected to penalisation as a result of making a disclosure under this Policy, he/she should inform their manager immediately.

Whistleblowers who make genuine concerns should be reassured that their concerns will be treated seriously and sensitively. If a whistleblower has a reasonable belief that there are grounds for their concern, but is not confirmed by a subsequent investigation, no action will be taken against that whistleblower. TUHF will do everything in its power to prevent any repercussions for Whistleblowers.

Anonymous concerns will not be accepted as they severely limit the ability to fully investigate an issue and to afford natural justice to all concerned (e.g. a person accused of wrong doing is entitled to know who made the complaint). However, a whistleblower's identity will be generally kept confidential until such time as the investigation process requires the source of information to be revealed.

Any persons found to have abused this Policy may be subject to disciplinary procedure, up to and including dismissal, if for example they are found to have:

- raised unfounded, unsupported, malicious and / or vexatious complaints;
- not kept the utmost sensitivity and confidentiality, both during and after the process;
- repeated concerns (outside this Policy) known to have been previously investigated and found to be false, unless new evidence is being submitted;
- inappropriately deterred a person from raising valid malpractice or impropriety concerns;
- bullied, harassed or victimised any person connected with any aspect of the whistleblowing process.

### **Procedures for Investigating Concerns / Complaints**

Concerns must be made verbally or in writing to the CEO in the first instance or to the Chair of FAIG if the Worker does not feel it appropriate to raise their concern with the CEO. If the concern is raised in writing, it must be as detailed as possible, providing relevant details, such as dates, sequence of events and description of circumstances.

The CEO / Chair of the FAIG, as the case may be, will keep a record of being made aware of the whistleblower's concern and of the subsequent action taken. They may investigate the matter themselves or request that the matter be investigated by another party, either internally or externally (e.g. auditor or a relevantly experienced investigator). The person investigating the concern will be known as the Investigating Officer.

For each concern raised, the Investigating Officer will:

- Send the whistleblower a written acknowledgement of receipt of their concern as soon as practically possible.
- Ensure the principles of natural justice apply to all those involved in the investigations throughout the process.
- Typically carry out a preliminary enquiry to determine whether a full investigation is necessary and/or if it needs to be referred to an outside body e.g. An Garda Síochána. This enquiry may involve meeting with the Whistleblower. If, on completion of the preliminary enquiry, the concern is judged to be without prima facie substance or merit, the concern may be dismissed and the whistleblower will be informed of this decision. However, sometimes the need for confidentiality or to facilitate a fair and comprehensive investigation may prevent the Investigation Officer giving the Worker specific details of the investigation. The Worker should treat any information about the investigation as confidential.
- Ensure that all investigations are undertaken as quickly as possible without affecting the quality and depth of those investigations. Keep, as appropriate, all relevant parties informed as to the progress of the investigation and as to when it is likely to be concluded.

- Produce a written report for the CEO/ Chair of the FAIG, detailing the complaint and their findings and the validity of the complaint.

### **Post Investigation & Appeal**

After receiving an Investigating Officer's report, the CEO or Chair of the FAIG, as the case may be, will decide what action is appropriate to take and arrange for it to be taken.

Subject to legal constraints and where deemed appropriate, the whistleblower and others involved in the investigation may be informed of the general outcome and actions taken/ or to be taken, but will not generally be entitled to receive a copy of the Investigating Officer's report. If the investigation concludes that a wrongdoing has occurred, those persons responsible for the wrongdoing may request a copy of the report.

In all instances, a copy of the Investigating Officer's report and actions taken will be sent to the Chair of the FAIG.

If the whistleblower is not satisfied with the way their claim has been handled, the whistleblower may contact the Chair of the Board.

### **Communication, Monitoring and Review**

This Policy will be communicated as appropriate and will be subject to regular monitoring and review.