



## Protected Disclosures (Whistleblowing) Policy

<b>1. Context</b>	<b>1</b>
<b>2. Purpose</b>	<b>1</b>
<b>3. Scope</b>	<b>2</b>
<b>4. Principles</b>	<b>3</b>
<b>5. Definitions</b>	<b>3</b>
<b>6. Policy</b>	<b>7</b>
6.1 Making an Internal Protected Disclosure to Trinity's Internal Reporting Channel	7
6.1.1 Internal Reporting Channel for the Reporting Person	7
6.1.2 Acknowledgement of Receipt	9
6.1.3 Initial Assessment	9
6.1.4 Appropriate Action	10
6.1.5 Addressing the Wrongdoing	11
6.1.6 Feedback	12
6.1.7 Review	13
6.2 Anonymous Disclosures	14
6.3 Confidentiality and Protection of Identity	15
6.3.1 Specific Circumstances Permitting Disclosure of Identity	15
6.4 Protection against Penalisation	16
6.4.1 Sanctions against Persons who Engage in Penalisation	17
6.5 Protection from Legal Liability	18
6.6 Record Management, Data Protection and Freedom of Information	18
6.6.1 Record Management	18
6.6.2 Data Protection	19
6.6.3 Freedom of Information	19
6.7 Criminal Offences	20
6.8 Annual Reporting of Information Concerning Disclosures	20
6.9 Disclosure Outside the University	21
<b>7. Policy Owner</b>	<b>21</b>
<b>8. Responsibility and Implementation</b>	<b>21</b>
<b>9. Related Documents</b>	<b>22</b>
<b>10. Document/version Control for New/Revised Policies</b>	<b>22</b>
 Appendix 1 – Disclosure Outside the University	 24
Appendix 2 – Support and Advice	28
Appendix 3 – Information to be Included in the Initial Acknowledgement of the Disclosure	29
Appendix 4 – Flowchart Summarising Protected Disclosure Internal Reporting Channel	30



## **1. Context**

Trinity College Dublin, hereinafter Trinity or the University, is committed to creating a workplace culture where workers are encouraged to speak up if they reasonably believe they have concerns about relevant wrongdoings happening at work. It is also committed to protecting the identity of workers who report those concerns and to protecting them from penalisation for having reported those concerns.

The Protected Disclosures Act 2014 (as amended) (the “Act”) empowers workers to speak up about relevant wrongdoings without fear of reprisal from their employer or a third party.

This Protected Disclosures (Whistleblowing) Policy (the “policy”) sets out the principles and procedures for making a disclosure of “relevant information” and is in place to encourage workers to come forward and raise an issue internally and to provide reassurance that the disclosure will be dealt with by the University in an appropriate manner. “Relevant information” is information which came to the attention of the worker in a work-related context and which in the reasonable belief of the worker tends to show one or more relevant wrongdoings.

This policy will be regarded as the framework for Trinity’s internal reporting procedure for the purposes of the Act<sup>1</sup>. Should any inconsistencies exist between the terms of this policy and the terms of the Act, then the terms of the Act will prevail.

## **2. Purpose**

The purpose of this policy is:

- a) To provide a mechanism for a worker to make a disclosure of relevant information.
- b) To provide protection for the worker making the disclosure.
- c) To provide the means for dealing with reports of relevant information.
- d) To give effect to the principles set out in the Protected Disclosures Act 2014 (as amended).

The definitions of ‘Protected Disclosure’, ‘Reasonable Belief’, ‘Relevant Information’ and ‘Relevant Wrongdoing’ as well as other definitions that are important to understand are set out in section 5 of this policy.

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<sup>1</sup> Per section 6 and section 6A of the Act.



### **3. Scope**

This policy applies to a worker as defined by the Act<sup>2</sup> who wishes to make a report of “relevant information” to the University. A worker is an individual who acquires information on a relevant wrongdoing in a work-related context and includes:

- a) an individual who is or was an employee,
- b) an individual who entered into or works or worked under any other contract, whether express or implied and (if it is express) whether oral or in writing, whereby the individual undertook to do or perform (whether personally or otherwise) any work or services for another party to the contract for the purposes of that party’s business,
- c) an individual who works or worked for a person in circumstances in which –
  - i. the individual is introduced or supplied to do the work by a third person, and
  - ii. the terms on which the individual is engaged to do the work are or were in practice substantially determined not by the individual but by the person for whom the individual works or worked, by the third person or by both of them,
- d) an individual who is or was provided with work experience pursuant to a training course or programme or with training for employment (or with both) otherwise than under a contract of employment,
- e) an individual who is or was a shareholder of an undertaking,
- f) an individual who is or was a member of the administrative, management or supervisory body of an undertaking, including non-executive members,
- g) an individual who is or was a volunteer,
- h) an individual who acquires information on a relevant wrongdoing during a recruitment process,
- i) an individual who acquires information on a relevant wrongdoing during pre-contractual negotiations (other than a recruitment process referred to in paragraph (h)).

This policy does not replace normal day-to-day operations or other University procedures. Action arising from the implementation of this policy may lead to the invocation of other policies or procedures.

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<sup>2</sup> Per the definition of “worker” at section 3(1) of the Act.



## 4. Principles

Trinity's Protected Disclosures (Whistleblowing) Policy is based on the following principles:

- (i) Trinity is committed to the highest possible standard of transparency, probity and accountability. It recognises that workers have an important role to play in achieving this goal. Trinity encourages workers to report relevant information where they have concerns related to the workplace.
- (ii) Trinity is committed to protecting the confidentiality of the identity of both the worker who makes a report under this policy (the "Reporting Person"), as well as any person implicated in the alleged wrongdoing ("Persons Concerned"), and any third party mentioned in a report, and to treating the information disclosed in confidence.
- (iii) The Act does not permit any form of penalisation (including the threat of penalisation), harassment or victimisation as a result of a disclosure made in accordance with the Act and Trinity will take all appropriate action to address any such issue should it occur.
- (iv) A Reporting Person should not be deterred from reporting relevant information and any individual found hindering or attempting to hinder a Reporting Person from doing so may be subject to the relevant disciplinary procedures.
- (v) The Act does not require absolute proof of any misconduct or malpractice. However the Act does require a worker to demonstrate factual information which in their reasonable belief tends to show the relevant wrongdoing that they are concerned about and this information must have come to the worker's attention in a work-related context.
- (vi) This policy contains safeguards to deter false reporting. Any Reporting Person found to be abusing the process by deliberately raising false allegations may be subject to the relevant disciplinary procedures. Where a Reporting Person has a reasonable belief but they are mistaken about their concerns they will not lose protection under this policy.

## 5. Definitions

Term	Definition
Designated Person	The Designated Person is an impartial and competent person who is designated to diligently follow-up on reports and maintain communication with the Reporting Person and, where necessary, request further information from, and provide feedback to, the Reporting Person. The Designated Person at Trinity is normally the Secretary to the College, but in cases where it is not appropriate for the Secretary to the College to be the Designated Person, the Internal Auditor will be the Designated Person. During a period where the Secretary to the College is absent or unavailable, any reports submitted to the Secretary to the College via the internal reporting channel will be followed-up by the Deputy Secretary to the College. During a period where the Internal Auditor is absent or unavailable, any reports submitted to the Internal Auditor via the internal reporting channel will be followed-up by the Deputy Internal Auditor. A worker may in certain circumstances direct their report to the Internal Auditor via the internal reporting channel (see section 6 below). When convened, the "Protected Disclosures



	Group” and the “Special Protected Disclosures Group” are designated persons in respect of the reports that are referred to them by the Designated Person.
<b>The recipient of a report</b>	<p>The person to whom a report is made or transmitted is the recipient of the report. Where a report is made using Trinity’s internal reporting channel the recipient of the report will normally be the Secretary to the College who is the Designated Person. Where a report is made to a member of staff who is not the Designated Person the member of staff who received the report is the recipient of the report; such member of staff should promptly and confidentially and without modification transmit the report to the Designated Person, and should not otherwise than in accordance with the Act further disclose any information in the report or information that might identify the reporting person, persons concerned or third parties. Channels external to Trinity to which reports are made are the recipients of those reports.</p>
<b>Follow-up</b>	<p>Includes any action taken in accordance with this policy to assess the accuracy of the information contained in the report and, where relevant, to address the relevant wrongdoing reported, including, but not limited to, actions such as an internal inquiry, an investigation, prosecution, and action for recovery of funds or the closure of the procedure.</p>
<b>Penalisation</b>	<p>Means any direct or indirect act or omission which occurs in a work-related context, is prompted by the making of a report and causes or may cause unjustified detriment to a worker, and, in particular, includes—</p> <ul style="list-style-type: none"><li>(a) suspension, lay-off or dismissal,</li><li>(b) demotion, loss of opportunity for promotion or withholding of promotion,</li><li>(c) transfer of duties, change of location of place of work, reduction in wages or change in working hours,</li><li>(d) the imposition or administering of any discipline, reprimand or other penalty (including a financial penalty),</li><li>(e) coercion, intimidation, harassment or ostracism,</li><li>(f) discrimination, disadvantage or unfair treatment,</li><li>(g) injury, damage or loss,</li><li>(h) threat of reprisal,</li><li>(i) withholding of training,</li><li>(j) a negative performance assessment or employment reference,</li><li>(k) failure to convert a temporary employment contract into a permanent one, where the worker had a legitimate expectation that he or she would be offered permanent employment,</li><li>(l) failure to renew or early termination of a temporary employment contract,</li><li>(m) harm, including to the worker’s reputation, particularly in social media, or financial loss, including loss of business and loss of income,</li><li>(n) 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,</li><li>(o) early termination or cancellation of a contract for goods or services,</li><li>(p) cancellation of a licence or permit, and</li><li>(q) psychiatric or medical referrals.</li></ul>
<b>Protected Disclosure</b>	<p>Means a disclosure of “relevant information” made by a “worker” in the manner specified in the Act. Information is “relevant information” if in the “reasonable belief” of the worker it tends to show one or more “relevant wrongdoings” and it came to the attention of the Reporting Person in a “work-related context”.</p>



Protected Disclosures Group	<p>If the Designated Person considers it appropriate, the Protected Disclosures Group (PDG) will be convened by the Designated Person to follow up on a report received via Trinity's internal reporting channel. The PDG will normally be chaired by the Secretary to the College as the Designated Person. Together with the Designated Person, the PDG will comprise of the Vice-Provost/Chief Academic Officer and Chief Financial Officer. Should circumstances arise such that it is inappropriate for the Secretary to the College to be involved in the procedure, the PDG will be chaired by the Internal Auditor or another appropriate impartial and competent person. Where it is not appropriate for any other member to serve on the PDG an appropriate replacement (either internal or external to the University) will be appointed by the Chairperson. In circumstances where a report concerns the Provost, a "Special Protected Disclosures Group" (SPDG) will be convened in accordance with section 6.1.3 of this policy.</p>
Reasonable Belief	<p>A Reporting Person must have a "reasonable belief" that the information disclosed tends to show a relevant wrongdoing. A disclosure made in the absence of a reasonable belief will not attract the protection of the Act. Where a Reporting Person has a reasonable belief but they are mistaken they will not lose protection under this policy. Disclosures made in the absence of a reasonable belief, or which are false, may result in disciplinary action against the Reporting Person. In addition, the disclosure of a wrongdoing does not necessarily confer any protection or immunity on a Reporting Person in relation to any involvement they may have had in the wrongdoing.</p>
Relevant Information	<p>"Relevant information" is information which came to the attention of the worker in a work-related context and which in the reasonable belief of the worker tends to show one or more relevant wrongdoings.</p>
Relevant Wrongdoings	<p>The following (a)-(i) are relevant wrongdoings for the purpose of the Act:</p> <ul style="list-style-type: none"><li>(a) that an offence has been, is being or is likely to be committed,</li><li>(b) that a person has failed, is failing or is likely to fail to comply with any legal obligation, other than one arising under the Reporting Person's contract of employment or other contract whereby the Reporting Person undertakes to do or perform personally any work or services,</li><li>(c) that a miscarriage of justice has occurred, is occurring or is likely to occur,</li><li>(d) that the health or safety of any individual has been, is being or is likely to be endangered,</li><li>(e) that the environment has been, is being or is likely to be damaged,</li><li>(f) that an unlawful or otherwise improper use of funds or resources of a public body, or of other public money, has occurred, is occurring or is likely to occur,</li><li>(g) that an act or omission by or on behalf of a public body is oppressive, discriminatory or grossly negligent or constitutes gross mismanagement,</li><li>(h) that a breach has occurred, is occurring or is likely to occur, [<i>a "breach" means an act or omission –</i> <i>(a) that is unlawful and to which one or more of the following subparagraphs applies:</i>  <i>(i) the Act or omission falls within the scope of the European Union acts set out in the Annex contained in Schedule 6 of the Act concerning the following areas:</i> <i>(I) public procurement</i> <i>(II) financial services, products and markets, and prevention of money laundering and terrorist financing</i></li></ul>



	<p>(III) <i>product safety and compliance;</i>  (IV) <i>transport safety;</i>  (V) <i>protection of the environment;</i>  (VI) <i>radiation protection and nuclear safety;</i>  (VII) <i>food and feed safety and animal health and welfare;</i>  (VIII) <i>public health;</i>  (IX) <i>consumer protection;</i>  (X) <i>protection of privacy and personal data, and security of network and information systems;</i></p> <p><i>(ii) the act or omission affects the financial interests of the European Union or</i>  - <i>(iii) the act or omission relates to internal market,</i></p> <p><i>or</i>  <b>(b)</b> <i>that defeats the object or purpose of the rules in the Union acts and areas referred to in paragraph (a)],</i></p> <p>(i) that information tending to show any matter falling within any of the preceding paragraphs has been, is being or is likely to be concealed or destroyed, or an attempt has been, is being or is likely to be made to conceal or destroy such information.</p> <p>It should be noted that:</p> <ul style="list-style-type: none"> <li>• A matter is not a relevant wrongdoing if it is a matter which it is the Reporting Person's function or the function of their employer to detect, investigate or prosecute and does not consist of or involve an act or omission on the part of their employer.</li> <li>• A matter concerning interpersonal grievances exclusively affecting a Reporting Person, namely grievances about interpersonal conflicts between the reporting person and another worker, or a complaint by the Reporting Person to the employer or about the employer which concerns the worker exclusively, is not a relevant wrongdoing for the purposes of the Act. The procedures under this policy are not intended to act as a substitute for normal day-to-day operational reporting or other internal employment procedures. Interpersonal grievances generally would fall to be dealt with under Trinity's internal relevant Grievance Procedure, or Trinity's Dignity and Respect Policy.</li> </ul>
<b>Reporting Person</b>	A Reporting Person means a worker who makes a report in accordance with the Act.
<b>Person Concerned</b>	A Person Concerned means a natural or legal person who is referred to in a report as a person to whom the relevant wrongdoing is attributed or with whom that person is associated.
<b>Worker</b>	Individuals who wish to make a report must meet the statutory definition of a "worker" <sup>3</sup> which is set out above under heading (3) "Scope". In the context of Trinity, examples of workers include: employees, former employees, consultants, contractors (including contractors engaging in pre-contractual negotiations), trainees, persons on work experience, interns, part-time, full-time and casual workers, agency workers, members of the Board including non-executive members, job candidates (involved in a

<sup>3</sup> Per the definition of "worker" at section 3(1) of the Act.





	recruitment process ) and current or former volunteers. The worker must have acquired the information on relevant wrongdoings in a work-related context.
<b>Work-Related Context</b>	“work-related context” is defined in the Act <sup>4</sup> as current or past work activities in the public or private sector through which, irrespective of the nature of those activities, persons acquire information concerning a relevant wrongdoing and within which those persons could suffer penalisation if they reported such information.

## 6. Policy

### 6.1 Making an Internal Disclosure to Trinity’s Internal Reporting Channel

#### 6.1.1 Internal Reporting Channel for the Reporting Person

Disclosures to the internal reporting channel must be made in writing and submitted to the Designated Person at the secure dedicated email address or postal address below.

A Reporting Person, including a worker from outside the University, such as a contractor or Agency Worker, who wishes to submit a formal written disclosure can do so by sending their report to the confidential email [protected.disclosures@tcd.ie](mailto:protected.disclosures@tcd.ie)<sup>5</sup> or by sending a hard copy of their written report in a sealed envelope clearly marked ‘Strictly Private and Confidential – Addressee only’ and ‘Protected Disclosure Channel’ to the ‘Secretary to the College (Designated Person), West Chapel, Trinity College, Dublin 2’. During a period where the Secretary to the College is absent or unavailable, any reports submitted to the Secretary to the College via the internal reporting channel will be followed-up by the Deputy Secretary to the College.

The Secretary to the College (Designated Person) is the person to whom reports may be submitted via the University’s dedicated email for receiving reports. In certain limited circumstances it may not be appropriate to submit a report to the Secretary to the College, for example if there is a conflict of interest, and should such a circumstance arise, a report can be submitted to the Internal Auditor, by post, in a sealed envelope clearly marked ‘Strictly Private and Confidential – Addressee only’ and ‘Protected Disclosure Channel’ to the “Internal Auditor (Designated Person), West Chapel, Trinity College, Dublin 2’. During a period where the Internal Auditor is absent or unavailable, any reports submitted to the Internal Auditor via the internal reporting channel will be followed-up by the Deputy Internal Auditor.

Where a report is made to a member of staff who is not the Designated Person the member of staff who receives the report should promptly and confidentially and without modification transmit the report to the Designated Person, and should not otherwise

<sup>4</sup> Per the definition of “work-related context” at section 3(1) of the Act.

<sup>5</sup> This email address will be restricted in its access to the Designated Person(s) and specific nominees from the Designated Person’s team and the confidentiality of the Reporting Person, Persons Concerned, and any third party referred to in the written disclosure will be maintained, in accordance with the provisions of the Act.





than in accordance with the Act, further disclose any information in the report or information that might identify the reporting person, persons concerned or third parties.

Workers who are considering making a report may wish to seek advice or support before doing so, and information in relation to where advice and support can be obtained is contained in Appendix 2.

The Reporting Person should be able to support their concern with factual information. Reports setting out concerns should be framed in terms of factual information that has come to the Reporting Person's attention in a work-related context which the Reporting Person reasonably believes tends to show one or more relevant wrongdoings. The disclosure should include specific details, as follows:

- (i) That the Reporting Person is making a disclosure within the meaning of the Act;
- (ii) The Reporting Person's name, position, and confidential contact details;
- (iii) What has allegedly occurred;
- (iv) When and where it allegedly occurred;
- (v) The name of the person(s) allegedly involved in the alleged wrongdoing (if any name is known and the Reporting Person considers the naming of the person necessary to expose the wrongdoing disclosed);
- (vi) Whether the alleged wrongdoing is still ongoing;
- (vii) Whether it is alleged that the University has been put at risk or suffered a loss, such as a financial or reputational loss;
- (viii) Whether the alleged wrongdoing happened previously;
- (ix) Whether the disclosure has been raised with anyone else either within the University or externally - if so, details of when/whom;
- (x) Whether there are any other witnesses;
- (xi) Whether there is any supporting information or documentation;
- (xii) How the matter came to light;
- (xiii) Any other relevant information.

Any person submitting a disclosure will be required to maintain confidentiality. This will require keeping the reporting, assessment and investigation process confidential.

The identity of the Reporting Person will be protected in accordance with the Act. See section 6.3 of the Policy for the protections that apply to the Reporting Person's identity and the exceptional circumstances that permit the identity of the Reporting Person to be disclosed.

Once a disclosure has been made in accordance with the Act, it is not possible for a Reporting Person to withdraw the disclosure. Where co-operation is withdrawn or the



Reporting Person seeks to withdraw a disclosure, the University is still required to comply with the provisions of the Act, to the greatest extent possible.

### **6.1.2 Acknowledgement of Receipt**

The Designated Person must provide an acknowledgement, in writing, to the Reporting Person of receipt of a disclosure within 7 calendar days of its receipt. The Designated Person will include the information set out in Appendix 3 with the acknowledgement of the disclosure.

### **6.1.3 Initial Assessment**

The Designated Person will follow-up without delay on the disclosure. If the Designated Person considers it appropriate this may include convening the Protected Disclosures Group to carry out an initial assessment and follow-up diligently on the disclosure. It will not be necessary in every case to convene the Protected Disclosures Group to follow-up on a disclosure, and where the Designated Person considers that it is not necessary to convene the Protected Disclosures Group the Designated Person will continue to follow-up diligently on the disclosure in accordance with the requirements of the Act. There may be occasions where diligent follow-up by the Designated Person is commenced and the Designated Person identifies in the course of that diligent follow-up that the matter is more suitable for follow-up by the Protected Disclosures Group, in which case the Designated Person may convene the Protected Disclosures Group to continue the diligent follow-up on the disclosure.

If convened, the Protected Disclosures Group (PDG) will be chaired by the Designated Person and comprise of the Vice-Provost/Chief Academic Officer and the Chief Financial Officer.

Any individual who is the subject of a disclosure will not serve on the Protected Disclosures Group and an appropriate replacement (either internal or external to the University) will be appointed by the Chairperson. Where it is not appropriate or possible for any member to serve on the PDG an appropriate replacement (either internal or external to the University) will be appointed by the Chairperson. The members of the PDG are designated persons for the follow-up on reports that are referred to the PDG.

If the disclosure concerns the Provost, the Designated Person will request the Chairperson of the Board to establish a Special Protected Disclosures Group (SPDG) to carry out an initial assessment and to follow up diligently on the disclosure. The SPDG will consist of the Chairperson of the Board and an additional two external members of the Board, as well as the Designated Person. The SPDG will be chaired by the Designated Person or the Chairperson of the Board. Where it is not appropriate or possible for any member to serve on the SPDG an appropriate replacement (either internal or external to



the University) will be appointed by the remaining member/s of the SPDG. The members of the SPDG are designated persons for the follow-up on reports that are referred to the SPDG.

Follow-up will involve the carrying out of an initial assessment, to establish whether there is *prima facie* evidence that a relevant wrongdoing may have occurred, is occurring, or may occur. The initial assessment will be carried out by the Designated Person who was the initial recipient of the Report, or the PDG if convened, or the SPDG if convened, all of whom are Designated Persons. A Designated Person may where necessary request further information from the Reporting Person. The initial assessment should include a risk assessment of the potential exposure of the Reporting Person to penalisation, and this penalisation risk assessment should be carried out in consultation with the Reporting Person. The penalisation risk assessment should be reviewed periodically and updated where required.

The motivation of the Reporting Person for making the report is irrelevant when determining whether or not a report is a disclosure protected by the Act.

If it is unclear whether the information should be treated as a protected disclosure, the Designated Person should treat the information as such (and protect the identity of the Reporting Person) until the Designated Person/Protected Disclosures Group/Special Protected Disclosures Group is satisfied that the information is not a protected disclosure.

If, having carried out an initial assessment, it is decided that there is no *prima facie* evidence that a relevant wrongdoing may have occurred, the Designated Person/Protected Disclosures Group/Special Protected Disclosures Group will close the procedure or, if it is clear that the concern falls more appropriately within a different policy/procedure of the University, the Reporting Person will be informed that the matter may be referred to such other appropriate procedure. The Designated Person will inform the Reporting Person, in writing, as soon as practicable, of the decision and the reasons for it.

If the Designated Person/Protected Disclosures Group/Special Protected Disclosures Group decides that there is *prima facie* evidence that a relevant wrongdoing may have occurred then the follow-up on the report will continue and appropriate action will be taken to address the relevant wrongdoing having regard to the nature and seriousness of the matter concerned.

#### **6.1.4 Appropriate Action**

Where an allegation is made against a person (the “Person Concerned”), the Designated Person/Protected Disclosures Group/Special Protected Disclosures Group will ensure that



the confidentiality of the identity of the Person Concerned and any third party mentioned in the report is afforded appropriate protection. Procedures for dealing with allegations against a Person Concerned are subject to the obligations of the Act such as protecting the Reporting Person's identity and protecting the Reporting Person from penalisation. The procedures will therefore comply with the principles of natural justice and fair procedures, as is appropriate subject to the provisions of the Act.

Depending on the complexity and seriousness of the matter, the Designated Person/Protected Disclosures Group/Special Protected Disclosures Group may decide to follow-up informally on the matter or to hold an investigation (either internal or external to the University) to follow-up on the matter. Where it is decided that an investigation is required, the Designated Person/Protected Disclosures Group/Special Protected Disclosures Group should appoint such person or persons (either internal or external to the University) who they consider are most appropriately placed to investigate the particular disclosure in question (the "Investigator"). The investigation may also invoke another appropriate University Policy as well as this policy, depending on the nature of the disclosure.

The scope and terms of reference of any investigation will be determined by the Designated Person/Protected Disclosures Group/Special Protected Disclosures Group, as the case may be, prior to the investigation being carried out. The investigation procedures must comply as appropriate with general principles of natural justice and fair procedures, subject to the provisions of the Act.

The Investigator will provide a written report to the Designated Person/Protected Disclosures Group/Special Protected Disclosures Group on the findings of their investigation, which will include identifying the category of relevant wrongdoing applicable to each finding and a recommendation on outcomes for consideration by the Designated Person/Protected Disclosures Group/Special Protected Disclosures Group.

In the course of the investigation the Reporting Person who made the disclosure may be required to attend meetings in order to provide further information/clarification.

#### ***6.1.5 Addressing the Wrongdoing***

The Designated Person/Protected Disclosures Group/Special Protected Disclosures Group will determine what action, if any, should be taken by the University to address a relevant wrongdoing. Such action may include but is not limited to: changes to the way the University conducts its operations, disciplinary action (following the application of the relevant disciplinary procedure), action required in accordance with a specific University policy or procedure including the University's Fraud Policy, or a report to an appropriate party, such as but not limited to:



- The Internal Auditor;
- The Audit Committee;
- The Comptroller and Auditor General;
- The External Auditors;
- The University Insurers;
- An Garda Síochána;
- Any third party aligned with the University affected by the disclosure e.g. a funding agency or an Associated College;
- Health and Safety Authority;
- Higher Education Authority;
- Department of Further and Higher Education, Research, Innovation and Science;
- The Charities Regulator;
- The Data Protection Commissioner;
- The Information Commissioner;
- Any other relevant person or body.

If the Designated Person/Protected Disclosures Group/Special Protected Disclosures Group concludes that the Reporting Person has made false allegations, the Reporting Person may be the subject of disciplinary actions in accordance with the appropriate University policy.

When the Designated Person/Protected Disclosures Group/Special Protected Disclosures Group has taken appropriate action to address a relevant wrongdoing, the outcome of the investigation triggered by the report will, subject to legal restrictions applying concerning confidentiality, legal privilege, privacy and data protection or any other legal obligation, be conveyed in writing to the Reporting Person by the Designated Person/Protected Disclosures Group/Special Protected Disclosures Group. The Reporting Person is not entitled to a copy of an investigation report.

#### **6.1.6 Feedback**

Feedback is required to be provided to the Reporting Person within three months of the acknowledgement of receipt of the disclosure report. The Designated Person is responsible for providing feedback to the Reporting Person.

The Reporting Person may in writing request further feedback after the initial three-month period and, if a written request is made, the University must provide further feedback at intervals of three months until the procedure relating to the disclosure report is closed. The Reporting Person may request further feedback from the Designated Person dealing with their report.



Feedback will provide information to the Reporting Person on the action envisaged or taken as follow-up and the reasons for such follow-up. The feedback that will be provided will be subject to any restriction that might apply as regards confidentiality, data protection, legal privilege or any other legal restrictions.

No information should be communicated that could prejudice the outcome of an investigation, or any action that ensues (e.g. disciplinary or other legal action), for example, by undermining a Person Concerned's right to fair procedures.

The Reporting Person should treat any information about the investigation as confidential. Any feedback given is provided in confidence and should not be further disclosed save to a union representative, legal advisor or as part of a further disclosure via another reporting channel.

#### **6.1.7 Review**

A request for a review must be made in writing. The Reporting Person may seek a review of a decision following assessment to close the procedure or refer the matter to another procedure. The Reporting Person may also seek a review of a decision to disclose the identity of the Reporting Person (except in exceptional cases where an exception under the Act applies). The Reporting Person or any affected party, may seek a review of a decision or process in relation to the following:

- The conduct or outcome of any follow-up actions (including any investigation) undertaken in respect of the disclosure; and/or
- The conduct or outcome of any investigation into a complaint of penalisation.

The written request for a review must set out the reason(s) why a review is sought and the request should be based on objectively reasonable grounds. The written request for a review must be sent to the Designated Person who is dealing with the report and undertaking the diligent follow-up on the report, within 10 calendar days from the date of occurrence of the matter in respect of which a review is sought. During a period where the Designated Person is absent or unavailable, any written requests for a review will be followed-up by the person appointed to the role of Designated Person in their absence.

Any review will be undertaken by a person ("the reviewer") who has not been involved in the process under review and who is of a level of seniority of at least equivalent to the person who carried out the process in respect of which the review is sought. The reviewer will be appointed by the Designated Person who is undertaking the diligent follow-up on the report. A person from outside the University may be appointed to conduct the review.



The reviewer will not re-investigate the matter but will address the specific issues that the Reporting Person considers to have received insufficient consideration. The reviewer will consider:

- Whether the correct procedures were followed;
- In the case of an investigation, whether the terms of reference were adhered to;
- Whether the conclusions/findings could or could not reasonably be drawn from the information/evidence on the balance of probability.

Where a review finds significant shortcomings or failings in the process, the Designated Person who is undertaking the diligent follow-up on the report should then consider what further action(s) may or may not need to be taken in response to said findings.

Only one review about the same issue will be undertaken and no further reviews will be facilitated. The outcome of the review is final.

The Reporting Person or affected person will be advised of the outcome of the review in writing as soon as practicable.

## **6.2 Anonymous Disclosures**

A Reporting Person is encouraged to identify themselves when making a disclosure whenever possible.

An anonymous disclosure will be acted on and dealt with to the extent that is possible from the information provided. Should an anonymous allegation be investigated, it may not be possible to apply all elements of the Protected Disclosures procedures, such as providing feedback, to the Reporting Person.

A worker who makes a valid protected disclosure anonymously and who is subsequently identified and penalised for having made the disclosure may rely on the protections of the Act.

A person to whom an anonymous report is made or transmitted must make a record of receipt of the report and include such information as is necessary and appropriate for the purposes of the application of the Act should the Reporting Person be subsequently identified and penalised for having made the report.





### **6.3 Confidentiality and Protection of Identity**

The Act requires the protection of the confidentiality of the identity of both the Reporting Person who raises a concern under this policy, Persons Concerned, and any third party mentioned in a report, and to treating the information disclosed in confidence.

There are strict provisions in the Act that require the identity of the Reporting Person to be protected in accordance with the Act. The protection of identity requirement extends to protecting the identity of the Reporting Person and any information from which the identity of the Reporting Person may be directly or indirectly deduced. A Designated Person, or anyone else with whom a report is shared to allow them to carry out their functions in relation to the report, cannot disclose the identity of the Reporting Person to anyone else (or any information that might reveal the identity of the Reporting Person) without the explicit consent of the Reporting Person, other than in a number of specific cases strictly within the provisions permitted in the Act<sup>6</sup>. These specific cases are referred to in section 6.3.1 below.

Where a decision is taken to disclose the identity of the Reporting Person, the Reporting Person may seek a review of that decision prior to the disclosure of their identity except where an exception to notify them of the decision to reveal their identity applies. Certain exceptions under the Act provide that it is not a requirement to notify the Reporting Person of a decision to reveal their identity in advance of their identity being revealed (see section 6.3.1 below).

Unless an exception that permits sharing the Reporting Person's identity applies, a breach of the duty of confidentiality regarding the identity of Reporting Persons is a criminal offence (see section 6.7 Criminal Offences) and can also attract civil liability.

A Reporting Person may bring a civil claim in the Courts against a person who fails to comply with the requirement to protect their identity in accordance with the Act.

#### ***6.3.1 Specific Circumstances Permitting Disclosure of Identity***

A person to whom a report is made or transmitted may share the identity of the Reporting Person with such persons whom they reasonably consider may be necessary for the purposes of the receipt, transmission, or follow-up on the report as required under the Act. This can include where necessary a member of a team involved in the follow-up or investigation of the report, and also, for example, another staff member who may have the necessary technical expertise to assist with the investigation of the report.<sup>7</sup> It should be made clear to any such person to whom the identity of the Reporting Person

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<sup>6</sup> Per sections 16(1) and 16(2) of the Act

<sup>7</sup> Per section 16(1) of the Act



is revealed that they cannot disclose the identity of the Reporting Person and that protection of identity obligations under the Act apply.

Other specific cases where the identity of the Reporting Person may be disclosed even where the Reporting Person does not consent to their identity being revealed are set out in Section 16(2) of the Act. These specific cases are:

(a) where the disclosure is a necessary and proportionate obligation imposed by Union law or the law of the State in the context of investigations\* or judicial proceedings, including with a view to safeguarding the rights of defence of the Person Concerned; (\*The Statutory Guidance on the Protected Disclosures Act November 2023, states that this reference to “investigations” relates to: “*statutory or criminal investigation or judicial proceedings. It does not relate to internal investigations conducted by the public body or prescribed person investigations.*”)

(b) where the person to whom the report was made or transmitted—

- (i) shows that he or she took all reasonable steps to avoid disclosing the identity of the Reporting Person, or
- (ii) reasonably believes that disclosing the identity of the Reporting Person or any such information is necessary for the prevention of serious risk to the security of the State, public health, public safety or the environment;

(c) where the disclosure is otherwise required by law.

Where it is proposed to reveal the Reporting Person’s identity or information from which the Reporting Person’s identity may be deduced in accordance with (a) or (b)(ii) above, the Reporting Person will be notified in writing with reasons for the proposed disclosure prior to revealing their identity or revealing such information, **unless** the notification would jeopardise:

- (i) the effective investigation of the relevant wrongdoing concerned,
- (ii) the prevention of serious risk to the security of the State, public health, public safety or the environment, or
- (iii) the prevention of crime or prosecution of a criminal offence.

If any of (i)-(iii) above applies, then the Reporting Person will not be notified prior to the disclosure of their identity or information from which their identity may be deduced.

#### **6.4 Protection against Penalisation**

If the Reporting Person believes that they are a victim of penalisation as a result of a report they have made, they should report the matter directly to the Designated Person who is following up diligently on their report if the process is still open or to the Designated Person via Trinity’s secure internal reporting channel if the process relating to their report has closed.



Penalisation includes<sup>8</sup> any direct or indirect act or omission which occurs in a work-related context, is prompted by the making of a report and causes or may cause unjustified detriment to a worker, and, in particular, includes:

- i) suspension, lay-off or dismissal,
- ii) demotion, loss of opportunity for promotion, or withholding of promotion,
- iii) transfer of duties, change of location of place of work, reduction in wages or change in working hours,
- iv) the imposition or administering of any discipline, reprimand or other penalty (including a financial penalty),
- v) coercion, intimidation, harassment or ostracism,
- vi) discrimination, disadvantage or unfair treatment,
- vii) injury, damage or loss,
- viii) threat of reprisal,
- ix) withholding of training,
- x) a negative performance assessment or employment reference,
- xi) failure to convert a temporary employment contract into a permanent one, where the worker had a legitimate expectation that he or she would be offered permanent employment,
- xii) failure to renew or early termination of a temporary employment contract;
- xiii) harm, including to the worker's reputation, particularly in social media, or financial loss, including loss of business and loss of income,
- xiv) 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,
- xv) early termination or cancellation of a contract for goods or services,
- xvi) cancellation of a licence or permit, and
- xvii) psychiatric or medical referrals.

Appropriate action will be taken where an allegation of penalisation is reported.

Appropriate action may include disciplinary action and this is referred to at 6.4.1 below.

#### **6.4.1 Sanctions against Persons who Engage in Penalisation**

The Act does not permit any form of penalisation (including the threat of penalisation), harassment or victimisation as a result of a disclosure made in accordance with the Act and the University will take all appropriate action to support the Reporting Person.

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<sup>8</sup> Per the definition of 'penalisation' at section 3(1) of the Act.



Appropriate disciplinary action will be taken in accordance with the University's relevant disciplinary procedures against any employee who is found to have perpetrated any penalisation, harassment or victimisation against a worker.

Under the Act, penalisation against a Reporting Person or a third person connected with a Reporting Person who could suffer retaliation in a work-related context, including as a colleague or relative of the reporting person, or penalisation against a legal entity that a Reporting Person owns, works for or is otherwise connected with in a work-related context, could amount to a criminal offence<sup>9</sup>.

If a person causes detriment to another person because the other person (or a third person) made a protected disclosure, the person to whom the detriment is caused may bring a civil claim in the Courts against the person who caused the detriment<sup>10</sup>.

## **6.5 Protection from Legal Liability**

Civil legal action, with the exception of defamation, cannot be taken against a Reporting Person in respect of the making of a protected disclosure. Reporting Persons can be sued for defamation but are entitled to the defence of "qualified privilege". This means that it should be very difficult for a defamation case against a Reporting Person to succeed if the Reporting Person can show that they have made a protected disclosure in accordance with the Act and did not act maliciously. There is no other basis under which a Reporting Person can be sued in respect of a protected disclosure made in accordance with the Act.

If a Reporting Person is prosecuted for disclosing information that is prohibited or restricted to disclose, it is a defence for the Reporting Person to show that they reasonably believed they were making a protected disclosure at the time they disclosed the information.

It is not permitted to have clauses in agreements that prohibit or restrict the making of a protected disclosure, exclude or limit any provision of the Act, preclude a person from bringing proceedings under or by virtue of the Act or preclude a person from bringing proceedings for breach of contract in respect of anything done in consequence of making a protected disclosure.

## **6.6 Record Management, Data Protection and Freedom of Information**

### **6.6.1 Record Management**

Any person to whom a report is made or transmitted must keep a record of every report made to them, including anonymous reports. Records should be retained for no longer

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<sup>9</sup> Per section 14A of the Act. See also section 6.7 of this policy.

<sup>10</sup> Per section 13 of the Act.



than is necessary and proportionate to comply with the provisions of the Act or any other legislation. Access to records relating to reports whether electronic or paper records is strictly limited to those who require access. The Designated Person responsible for the diligent follow-up on the report will co-ordinate access to records.

#### **6.6.2 Data Protection**

In accordance with the Act<sup>11</sup>, all personal data must be processed in accordance with applicable data protection law. This includes, *inter alia*, the Data Protection Acts 1988-2018 and EU General Data Protection Regulation (GDPR) 2016.

Under the Act<sup>12</sup>, any personal data that is manifestly not relevant to the handling of a report should not be collected, or if it is collected accidentally should be deleted without delay.

The Act provides that, in certain circumstances and where necessary and proportionate, the rights of data subjects under data protection law may be restricted in respect of their personal data being processed for the purposes of the Act.

Examples of where a data subject's rights may be restricted include:

- i) safeguarding the important objectives of general public interest referred to in section 60(7) of the Data Protection Act 2018, and objectives relating to the effective operation of the Act and, in particular, the protections afforded by the Act;
- ii) the protection of the data subject or the rights and freedoms of others;
- iii) to the extent, and as long as, necessary to prevent and address attempts to hinder reporting or to impede, frustrate or slow down follow-up, in particular investigations, or attempts to find out the identity of Reporting Persons;
- iv) where the exercise of the right or compliance with the obligation may:
  - (a) necessitate the disclosure of information that might identify the Reporting Person where such disclosure would be contrary to section 16 of the Act, or
  - (b) prejudice the effective follow-up, including any investigation of the relevant wrongdoing concerned.

#### **6.6.3 Freedom of Information**

The Freedom of Information Act 2014 does not apply to any records relating to a disclosure made in accordance with the Protected Disclosures Act 2014 (as amended), irrespective of when the disclosure was made.

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<sup>11</sup> Per section 16B of the Act.

<sup>12</sup> Per section 16B(8) of the Act.



## **6.7 Criminal Offences**

In accordance with section 14A of the Act, a number of breaches of the protections provided by the Act constitute a criminal offence. A person commits an offence if they:

- a) hinder or attempt to hinder a worker in making a report;
- b) penalise or threaten penalisation, or cause or permit any other person to penalise or threaten penalisation against a Reporting Person, a facilitator, a third person who is connected with the Reporting Person and who could suffer retaliation in a work-related context, including as a colleague or a relative of the Reporting Person; or against any legal entity the Reporting Person owns or works for or is otherwise connected with in a work-related context;
- c) bring vexatious proceedings against any person or legal entity referred to at (b);
- d) breach the duty of confidentiality regarding the identity of Reporting Persons;
- e) make a report containing any information that the Reporting Person knows to be false, or
- f) fail to comply with the requirement to establish, maintain and operate internal reporting channels and procedures.

If convicted, fines up to €250,000 or imprisonment for up to 2 years, or both, may be imposed.

## **6.8 Annual Reporting of Information Concerning Disclosures**

Annually, in the Hilary term, subject to the confidentiality provisions of the Act a summary report of any investigations triggered by the making of a report, undertaken in the previous calendar year, will be presented by the Secretary to the College (or where appropriate by another Designated Person) to the Audit Committee. It may contain some or all of the following information:

- A description of the Disclosure and a summary of the findings of the investigation;
- The effect the Disclosure had on the University;
- The means of perpetrating the malpractice or impropriety;
- Measures taken to prevent a recurrence;
- Action required to strengthen future responses under the Policy;
- A conclusion as to the way forward; and
- Any other relevant material.

In the case of a disclosure where it is determined that there is no *prima facie* case to answer, only the fact of the disclosure and not its content will be reported to the Audit Committee.

In keeping with the Act, the Secretary to the College, on behalf of the University, will prepare and provide to the Minister for Public Expenditure, Infrastructure, Public Service Reform and Digitalisation, not later than 1<sup>st</sup> March in each year a report in such format as



the Minister may specify containing information required by the Minister in relation to the immediately preceding year. The required information will be provided in a form which does not enable the identification of the Reporting Person or Persons Concerned. When the summary report of any investigations triggered by the making of a report, undertaken in the previous calendar year, is being presented to the Audit Committee a copy of the report made to the Minister will also be presented to the Audit Committee by the Secretary to the College (or where appropriate by another Designated Person).

A report must be published on the Trinity website (and in any other format that Trinity considers appropriate) by 31<sup>st</sup> March each year in respect of the previous calendar year containing the following information:

- A statement that Trinity has established internal reporting channels and procedures in accordance with the Act;
- The information provided to the Minister.

The requirement to publish the report on the website may be met by incorporating the required information into Trinity's Annual Report, if the Annual Report will be published on Trinity's website by the statutory deadline of 31<sup>st</sup> March.

If no reports have been received or were processed in the year in question, a nil report must still be made to the Minister and this information published.

## **6.9 Disclosure Outside the University**

The Act provides that a Reporting Person can make a disclosure to persons other than their employer in certain circumstances. The aim of this policy is to provide a means by which workers can safely and securely raise concerns about relevant wrongdoing and to give certainty that all such concerns will be dealt with appropriately, and workers are encouraged to report concerns internally in the first instance. It is important to note that if a worker is considering making a disclosure externally, that higher standards apply and the Act requires that extra conditions must be met. Important information about making reports outside of the University and the extra conditions that must be met is set out in Appendix 1 of this policy.

## **7. Policy Owner**

The Secretary to the College is the owner of this policy.

## **8. Responsibility and Implementation**

The Provost has overall responsibility for the procedures for internal reporting of Protected Disclosures within Trinity. The Secretary to the College is responsible for monitoring the implementation of this policy.





## 9. Related Documents

### Codes of Governance

[Code of Practice for the Governance of State Bodies 2016](#)

### Policies and Procedures (as amended from time to time)

- [Fraud Policy](#)
- [Dignity and Respect Policy](#)
- [Records Management Policy](#)
- [Data Protection Policy](#)
- [Relevant Grievance Procedures](#)
- [Ethics Policy](#).

### Relevant Legislation

- [Protected Disclosures Act 2014](#)
- [Protected Disclosures \(Amendment\) Act 2022](#)
- [Directive \(EU\) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of European Union law.](#)
- [S.I. No. 367 of 2020](#)
- [S.I. No. 524 of 2023](#)
- [S.I. No. 375 of 2023](#)

### Relevant Guidance Documentation

See: <https://www.gov.ie/en/publication/e20b61-protected-disclosures-act-guidance-for-public-bodies/>

- Protected Disclosures Act: Statutory guidance for public bodies and prescribed persons, November 2023
- Protected Disclosures Act: Key messages for employers
- Protected Disclosures Act: Key messages for workers.

## 10. Document/version Control for New Policies

The Protected Disclosures (Whistleblowing) Policy will be reviewed by the Secretary to the College annually or as required.

Approved by: Board

Date policy approved: 22 June 2016

Date of next review: 4 June 2025

Officer responsible for review: Secretary to the College



## **Document Control for Revised Policies**

- 10.1 Date of initial approval: 22 June 2016
- 10.2 Date revised policy approved: 4 June 2025
- 10.3 Date policy effective from: 4 June 2025
- 10.4 Date of next review: 2026



## APPENDIX 1: Disclosure Outside the University

The means by which a disclosure may be made outside the University are set out in the Protected Disclosures Act 2014 as amended by the Protected Disclosures (Amendment) Act 2022 and are summarised below:

- (a) **Other responsible person:** Where a Reporting Person reasonably believes that the wrongdoing relates to the conduct of a person other than the Reporting Person's employer, or to something for which a person other than the Reporting Person's employer has legal responsibility, then the Reporting Person can disclose to that other person.
- (b) **A prescribed person:** Certain persons are prescribed by the Minister for Public Expenditure, Infrastructure, Public Service Reform and Digitalisation to receive disclosures in respect of matters they regulate or supervise. The list of prescribed persons is available at <https://www.gov.ie/prescribed-persons>. The Chief Executive of the Higher Education Authority is the prescribed person on all matters relating to the planning and development of education and research in the University and all matters relating to funding of the University, and the Secretary of the Standards in Public Office Commission on all matters relating to the supervision of the Ethics in Public Office Acts insofar as they apply to office holders. The conditions applying to reporting to a prescribed person are set out in section 7 of the Act. It should be noted that in order for a disclosure to a prescribed person to be protected under the Act, additional conditions must be met. The additional conditions are that the Reporting Person must reasonably believe that the information disclosed and any allegations therein are substantially true and also that the Reporting Person reasonably believes that the relevant wrongdoing falls within the remit of the prescribed person. These conditions are in addition to the requirement for the report to disclose "relevant information", which is information that came to the attention of the Reporting Person in a work-related context and which in the reasonable belief of the Reporting Person tends to show one or more relevant wrongdoings.
- (c) **A Relevant Minister of the Government** – A worker currently or formerly employed by a public body may make a report to a relevant Minister; a "relevant Minister" means a Minister of the Government with responsibility for the public body concerned in whom functions, whether statutory or otherwise, as respects that public body, are vested, or a Minister of State to whom any such function is delegated. The conditions applying to reporting to a Minister or a Minister of State are set out in section 8 of the Act. In order for a disclosure to a Minister or a Minister of State to be protected under the Act the



Reporting Person must disclose “relevant information” and also one or more of the following additional conditions must be met:

- The Reporting Person has previously made a disclosure of substantially the same information to the University, or another responsible person, or prescribed person, or the Protected Disclosures Commissioner or relevant Minister/Minister of State, as the case may be, but no feedback has been provided to the Reporting Person in response to the disclosure within the feedback 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 Reporting Person reasonably believes the head of the public body concerned is complicit in the relevant Wrongdoing reported;
- The Reporting Person 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.

- (d) **Disclosure to the Protected Disclosures Commissioner:** A disclosure may be made to the Protected Disclosures Commissioner who will refer any disclosures received under the Act to the most appropriate prescribed person (or other suitable person, if a prescribed person cannot be identified). Only where an appropriate prescribed person or other suitable person cannot be identified will the Protected Disclosures Commissioner (“the Commissioner”) act as recipient of last resort. The conditions applying to reporting to the Commissioner are set out in section 7 of the Act. In order for a disclosure to the Commissioner to be protected under the Act an additional condition must be met. The additional condition is that the Reporting Person must reasonably believe that the information disclosed and any allegation contained in it are substantially true. This condition is in addition to the requirement for the report to disclose “relevant information”, which is information that came to the attention of the Reporting Person in a work-related context and which in the reasonable belief of the Reporting Person tends to show one or more relevant wrongdoings.
- (e) **A legal advisor:** The Act provides that a disclosure is made under section 9 of the Act if it is made by a worker in the course of obtaining legal advice (including advice relating to the operation of the Act) from a barrister, solicitor, trade union official or official of an excepted body.
- (f) **Reporting to Relevant Institutions of the EU:** The conditions applying to reporting “breaches” to relevant institutions, bodies, offices or agencies of the EU are set out in section 7B of the Act. The report must relate to “breaches” and a summary definition of “breaches” is set out at “h” in the definition of relevant wrongdoings at section 5 of this



policy. In order for a report on “breaches” to be protected under the Act, there are additional conditions that must be met. These are:

- the Reporting Person has reasonable grounds to believe that the information on breaches reported was true at the time of reporting and that such Information falls within the scope of EU Directive 2019/1937.

These conditions are in addition to the requirement for the report to disclose “relevant information”, which is information that came to the attention of the Reporting Person in a work-related context and which in the reasonable belief of the Reporting Person tends to show one or more relevant wrongdoings.

A number of these EU institutions have formal channels for receiving reports from Reporting Persons. A Reporting Person wishing to make such a report should contact the institution concerned for information in this regard.

(g) **Alternative external disclosures (in very specific circumstances):** As previously indicated, the aim of this policy is to provide a means by which workers can safely and securely raise concerns about relevant wrongdoings and to give certainty that all such concerns will be dealt with appropriately. We encourage workers to make disclosures internally to the University or in the alternative to those listed from (a) to (f) above. External disclosures made outside of the University or outside those listed from (a) to (f) above will only be protected in specific circumstances and where the disclosure meets stringent further conditions that must be met as set out in the Act. Such a report will only be protected if the following conditions are met:

- The Reporting Person is disclosing “relevant information”;
- The Reporting Person reasonably believes that the information disclosed in the report, and any allegation contained in it, is substantially true, **and** that at least one of the following conditions is met:
  - (i) the Reporting Person has previously made a disclosure of substantially the same information in the manner specified in sections of the Act that relate to reporting to their employer, or to another responsible person, or to a prescribed person, or to the Commissioner or to a Relevant Minister, as the case may be, **AND** no appropriate action was taken in response to the report within the feedback period; **OR** has previously made a disclosure of substantially the same information in the manner specified in section 7B of the Act (see (f) above) **OR**
  - (ii) the Reporting Person reasonably believes that
    - (I) the relevant wrongdoing concerned 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 **OR**



(II) if the Reporting Person were to make a report to a prescribed person, to the Commissioner, to relevant institutions, bodies, offices or agencies of European Union, or to a Relevant Minister:

(A) there is a risk of penalisation **OR**

(B) there is a low prospect of the relevant wrongdoing being effectively addressed, due to the particular circumstances of the case, such as where evidence may be concealed or destroyed or where a prescribed person may be in collusion with the perpetrator of the wrongdoing or involved in the wrongdoing.



## **APPENDIX 2: Support and Advice**

### **a) Internal Support**

- i. For information on how to make a report under the Act, you should contact the **Secretary to the College** (see <https://www.tcd.ie/secretary/people/>) or alternatively, the **Internal Auditor** (see <https://www.tcd.ie/internalaudit/people/>).

- ii. **Employee Assistance Programme (EAP)**

**Inspire Workplaces Counselling Services** provide the University's EAP service. This confidential service provides support, advice and information on a wide range of emotional, personal or work related issues. See <https://www.tcd.ie/hr/staff-wellbeing/employee-assistance.php> for further details.

### **b) External Support**

- i. **Transparency International Ireland**

Transparency International Ireland (TII) operates a free Speak-Up Helpline that offers support and advice (including legal advice) for Reporting Persons who have reported or plan to report wrongdoing. Further information and contact details can be obtained from TII's website: <https://transparency.ie/helpline>

- ii. **Trade Unions**

For Reporting Persons who are members of a trade union, many unions offer free legal advice services on employment-related matters, including protected disclosures.





### **APPENDIX 3: Information to be Included in the Initial Acknowledgement of the Disclosure**

The acknowledgment should endeavour to set expectations early as to what will happen and when.

In particular:

- The acknowledgment should provide further information about the protected disclosures process and enclose or link to the procedures that will apply to the handling of the report.
- Information should be provided in relation to the protection of the identity of the reporting person (and the limits of that protection) and protection from penalisation.
- Information in relation to feedback should include the type of feedback that will be provided, as well as the type of feedback that will not be provided, and that the reporting person may request in writing further feedback at three month intervals. It should be made clear that personal information relating to another worker will not be provided, such as whether a disciplinary process has taken place and the outcome of any such process.
- The acknowledgment should signpost the reporting person to any advice or support services that may be available to them (e.g. the Transparency International Ireland helpline, any employee assistance services, their trade union, etc.).



## APPENDIX 4: Flowchart Summarising Protected Disclosure Internal Reporting Channel

