



Whistleblowing (protected disclosures) policy (Global) & Procedures

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POLICY MANAGEMENT INFORMATION

Title:	<i>Whistleblowing (Protected Disclosures) Policy</i>
Author (Responsible):	<i>Director of Corporate Services</i>
Owner (Accountable):	<i>Director of Corporate Services</i>
Division:	<i>Corporate Services</i>
Contact:	<i>Director of Corporate Services</i>
Version No.	<i>3.10</i>
Status:	<i>Approved</i>
Reviewed by (Consulted):	<i>Speak up working group, ELT, Union Committee, Transparency International Ireland</i>
Approved by:	<i>Policy Steering Committee</i>
Date of approval:	<i>28th August 2019</i>
Applicable to (Informed):	<i>All workers (employees, consultants, contractors, trainees, interns and ex-workers) are covered by the law. Volunteers are not currently covered by Irish Law but Trócaire will investigate reports of concerns from volunteers as if they were protected disclosures.</i>
Communicated on:	<i>January 2021</i>
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Frequency of review:	<i>Every three years</i>
Date of next review:	<i>28th August 2022</i>
Related policies & procedures:	<i>Global Code of Conduct; Investigation Policy, Child Safeguarding Policy, Global Safeguarding Policy, Fraud, Theft, Corruption and Bribery Policy.</i>

DECISION-MAKING IN RELATION TO THE POLICY

Responsible (Author)	<i>Director of Corporate Services</i>
Accountable (Owner)	<i>Director of Corporate Services</i>
Consulted	<i>Speaking Up Working Group including Head of Internal Audit, Head of Safeguarding, HR Partner, ELT, Union Committee</i>
Informed	<i>All workers (employees, consultants, contractors, trainees, interns, ex-workers, volunteers).</i>

KEY MESSAGES

Why do we have this policy?	<i>To meet Trócaire commitments to protect those who speak up about wrongdoing and to meet Trocaire obligations under the laws of the countries it operates in.</i>
Who does this policy apply to?	<i>All Trócaire workers (including employees, consultants, contractors, trainees, interns, ex-workers, volunteers).</i>
What are the key things I need to know?	<i>You need to understand that Trócaire will seek to protect any worker who uses the appropriate channels to raise concerns about wrongdoing, abuse or professional misconduct. Any worker who seeks to prevent or penalise Trócaire workers from raising such concerns may be subject to disciplinary procedures.</i>
What are the key things I need to do?	<i>Read the Integrity at Work Pledge at Appendix B. If you wish to raise a concern about wrongdoing use the procedures outlined at Appendix A.</i>
Where can I find more information?	<p><i>Independent and confidential advice for anyone considering reporting a concern or making a protected disclosure is available via Transparency International's Ireland's Speak Up Helpline at 1800 844 866, Monday to Friday 10am to 6pm (Ireland time). You can also make an enquiry via secure online form or encrypted text. For further information, please see www.speakup.ie.</i></p> <p><i>Where appropriate, the Helpline can refer callers to access free legal advice from the Transparency Legal Advice Centre (see https://www.transparency.ie/helpline/TLAC)</i></p> <p><i>A guide to making a Protected Disclosure is also available at: https://transparency.ie/sites/default/files/14.12.02_speak_up_safely_fin_al.pdf</i></p> <p><i>These resources are available to all Trócaire workers globally.</i></p>

1. Purpose/ Introduction

The purpose of this policy is to provide an effective procedure for people to raise their concerns when they believe that abuse, wrongdoing or professional misconduct has taken place, is taking place or is likely to take place and to provide protection for those raising such concerns.

2. Definitions

For the purposes of this policy and under the Protected Disclosures Act 2014 (Ireland's whistleblowing legislation), a protected disclosure is a disclosure of information which, in the belief of the worker, shows relevant wrongdoing.

For the purposes of this policy, a worker includes employees, consultants, contractors, trainees, interns and ex-employees. Volunteers are not currently covered by Irish Law (though may in future subject to adoption of an EU Directive into Irish Law), but Trócaire will investigate reports of concerns from volunteers as if they were protected disclosures.

The term 'public interest' refers to concerns that have a wider impact than someone's 'private' employment rights and are more likely to be covered by whistleblowing protection.

The term "wrongdoing" covers instances where someone working with or for Trócaire appears to be acting improperly, negligently or criminally. Trócaire intends to accept protected disclosures about wrongdoings beyond the definition in the Protected Disclosures Act. The Act defines relevant wrongdoings as follows:

- (a) that an offence has been, is being or is likely to be committed, which includes criminal activity (e.g. fraud, theft, etc.);
- (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 worker's contract of employment;
- (c) that a miscarriage of justice has occurred, is occurring or is likely to occur;
- (d) that the health or safety of any individual has been, is being or is likely to be endangered;
- (e) that the environment has been, is being or is likely to be damaged;
- (f) that an unlawful or otherwise improper use of funds or resources of a public body, or of other public money, has occurred, is occurring or is likely to occur;
- (g) that an act or omission by or on behalf of a public body is oppressive, discriminatory or grossly negligent or constitutes gross mismanagement.
- (h) 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.

Trócaire reserves the right to examine and potentially investigate any information disclosed about wrongdoing. However, it is important to recognise that there are limitations to the scope of the

legislation and that other types of disclosure may not be protected by legislation. Trocaire will also accept disclosures of information about:

- (a) abuse, exploitation or harassment;
- (b) victimisation;
- (c) penalisation;
- (d) breaches of the Trócaire Global Code of Conduct, including Safeguarding or other Trócaire policies;
- (e) the cover up of any of the above.

This list is not exhaustive.

For the purposes of this policy, penalisation means any act or omission that affects a worker to the worker's detriment. It includes but is not limited to:

- suspension, lay-off or dismissal;
- demotion or loss of opportunity for promotion;
- transfer of duties, change of location of place of work, reduction in wages or change in working hours;
- the imposition or administering of any discipline, reprimand or other penalty (including a financial penalty);
- unfair treatment;
- coercion, intimidation or harassment;
- discrimination, disadvantage or unfair treatment;
- injury, damage or loss; and
- threat of reprisal.

Under the Public Disclosure Act, a worker needs to have some facts and information on which to base a protected disclosure - this is termed a 'reasonable belief'. There is no need for a worker to carry out their own investigation. Trocaire welcomes disclosures even if the worker does not think they have sufficient information to prove wrongdoing.

Settlement agreements or other legal agreements which include confidentiality clauses or similar provisions do not prevent workers from making disclosures in the public interest under this policy.

A worker making reports which they know to be false or vexatious is a breach of the Global Code of Conduct and could result in disciplinary action.

3. Scope

This policy and procedure covers everybody working for Trócaire to deliver on its mission including all staff working in Ireland and overseas as well as trainees, interns, volunteers, contractors and consultants (see section 2 for definition of workers).

It applies whether or not the information could be deemed to be confidential and whether the alleged wrongdoing is occurring in Ireland or overseas.

Trócaire will ensure that those who raise concerns of suspected serious wrongdoing are protected from dismissal, penalisation, victimisation or any other detrimental treatment by Trócaire.

4. Policy Principles/ Policy Statement

It is essential that anyone connected with Trócaire who suspects or knows that wrongdoing has taken place, is taking place, or is likely to take place reports their concerns (see Appendix A for detailed procedure to follow). The Trócaire Global Code of Conduct includes a duty for Trócaire workers to report breaches or suspected breaches of the Code of Conduct and of other Trócaire policies. This policy provides protections for workers making such reports.

A grievance raised by an employee may or may not be a protected disclosure. The Grievance Procedure for Maynooth contracted employees is included in policy HR-031. If the grievance made includes reasonable belief of wrongdoing as per section 2 above then it is a protected disclosure and this policy should be used alongside the Grievance Procedure. If the grievance does not include reasonable belief of wrongdoing, then the Grievance Procedure alone should be used.

It is important for the person to whom wrongdoing is reported to ascertain at the outset what other policies need to be used alongside this Whistleblowing (Protected Disclosures) policy. Other policies to be used alongside this policy may include:

- the Global Safeguarding Policy,
- The Child Safeguarding Policy,
- the Fraud, Theft, Corruption and Bribery Policy,
- the Conflicts of Interest Policy
- the Complaints Policy and the Complaints Policy Staff Guide,
- the Dignity at Work Policy,
- the Grievance Procedure,
- the Disciplinary Procedure,
- the Investigation Procedure.

In the case of workers employed outside the Republic of Ireland and the UK, it is important for the person to whom wrongdoing is reported to ascertain at the outset what the local legal requirements are concerning whistleblowing (protected disclosures), and to apply these.

The motivation of the worker in making a disclosure is irrelevant and does not invalidate the protections afforded by this policy and by law. So long as the worker has reasonable belief that wrongdoing has taken place their motivation for reporting wrongdoing is irrelevant.

Trócaire is a member of the Integrity at Work programme, a Transparency International Ireland initiative. As part of its commitment to protecting workers who make protected disclosures, Trócaire has signed and complies with the Integrity at Work Pledge to ensure that workers reporting wrongdoing will not face penalisation and that action will be taken in response to the concerns raised. A copy of the Integrity at Work Pledge is attached at Appendix B.

This policy is designed to be in compliance with protected disclosures (whistleblowing) legislation in the jurisdictions where Trócaire operates, primarily the Protected Disclosures Act 2014 in the Republic of Ireland, but also the UK’s Public Interest Disclosures Act 1998. Outside of Ireland and the UK, the application of relevant in-country legislation and regulation must also be considered.

5. Roles/ Responsibilities

Role (s)	Responsibilities
Managers	Have an obligation to ensure that workers are informed about this policy as well as the applicable law for whistleblowing and protected disclosures
Managers receiving reports from workers based outside of the UK and Ireland.	Have an additional obligation to understand the local applicable law concerning protected disclosures (whistleblowing), inform workers according and apply local law

6. Related Documents

This policy has been written to support and complement the Global Code of Conduct. It upholds the principles of the Code of Conduct and should be read and used in conjunction with the Code of Conduct and other relevant policies such as investigations policies and policies relevant to specific wrongdoing such as the Global Safeguarding Policy, Child Safeguarding Policy and the Bribery, Fraud and Corruption Policy.

Appendix A: Procedures

1. The Procedure

There are different ways of making a disclosure:

- Internally, to Trócaire;
- to a 'prescribed body' (for example, the Charity Regulator in Ireland); or
- to other third parties under specified conditions set out in legislation.

Trócaire strongly encourages you to make disclosures internally.

There are additional requirements if you choose to use external channels, for example if reporting to a prescribed person, the worker must reasonably believe that the relevant wrongdoing falls within the description of matters for which the person is prescribed and they must reasonably believe that the information disclosed and any allegation contained in it are substantively true.

If you are not sure or you need guidance, independent and confidential advice for anyone considering reporting a concern or making a protected disclosure is available via Transparency International's Ireland's Speak Up Helpline at 1800 844 866, Monday to Friday 10am to 6pm (Irish time). Enquiries can also be made via secure on line form or encrypted text. For further information see www.speakup.ie

In most cases, workers should raise any concerns with their line manager. This may be done **orally or in writing (which includes email)**. A worker does not need to be certain about the facts in their disclosure, it is sufficient that the worker has reasonable belief that the information provided may tend to show one or more relevant wrongdoings and the information came to the attention of the worker in connection with their employment. Certain types of wrongdoing need to be reported to designated individuals. For example, safeguarding concerns should be reported to the Safeguarding Focal Person, the Country Director or the Designated Child Protection Officer (depending on location). The specific policy for the relevant category of alleged wrongdoing should be consulted for further guidance.

If for some reason, (e.g. the manager may be implicated) this is not possible, they should speak to a more senior manager. For overseas-based workers this may be a manager based in Ireland.

2. Taking an issue forward

There may be circumstances when the person raising the concern feels unable to do so with the relevant line manager, for example when he/she feels that his/her line manager is involved, or that he/she has previously raised this concern and feels that no action has been taken about his/her concern.

In these circumstances, he/she should contact a more senior manager such as the Head of Region, the Head of Finance, the Head of Internal Audit, the Head of Safeguarding, the Director of Corporate Services, CEO or another member of the Executive Leadership Team or, if he/she believes that the

matter cannot be dealt with within the management structure of Trócaire, the chairperson of the Audit and Risk Committee will be the point of contact.

Trócaire will take all reasonable measures to maintain confidentiality (see point 5 below on confidentiality). Any worker who makes a Protected Disclosure and who believes their confidentiality has been breached should report this to their line manager or another appropriate person.

Trócaire will not ask a worker (or former worker) to waive their right to make a protected disclosure under any circumstances.

3. Management responsibility

Managers have a responsibility to treat concerns raised seriously. They have a responsibility to ensure reports of wrongdoing are recorded and that they are investigated thoroughly by the appropriate person(s) under Trócaire policy and in accordance with Trócaire's values and policies.

Managers must make themselves aware of other appropriate Trócaire corporate and local policies and procedures, such as the Global Safeguarding Policy, the Child Safeguarding Policy, the Fraud, Corruption and Bribery policy, and in each case decide whether one or more of these should be used alongside this policy.

The manager dealing with the allegation will acknowledge receipt of the disclosure within seven days and will diligently follow-up on the disclosure and endeavour to ensure that feedback is given to those who raise concerns on what action/s have been taken to address them as soon as possible but, as a minimum, within three months, as stipulated in the new EU Whistleblowing Directive. However, there may be circumstances where, given the confidential nature of the allegations or the material covered, it will not always be possible to give feedback on actions taken.

Where feedback is possible this will be given as soon as possible. Some situations may be resolved promptly; others may take longer because they require formal investigation or hearings. The Complaints Policy includes timelines for providing feedback.

Management have an obligation to ensure that workers are informed about this policy as well as the applicable law for whistleblowing and protected disclosures.

4. Protection

All workers working with Trócaire are protected by this policy to ensure consistency and transparency for all those working towards Trócaire's Vision, Mission and Values.

Any concerns raised will be investigated carefully and thoroughly. Trócaire will ensure that fair treatment will be followed at all times. Any person accused of alleged wrongdoing will have the right to put their account of events forward at the earliest opportunity.

All those who raise concerns will be treated fairly and have the right to be represented at any time by a union representative or a colleague not acting in an official capacity and have a right to seek independent advice.

If a worker believes they have been penalised for making a protected disclosure they should report this to their line manager or another senior manager as soon as possible.

If someone tries to prevent an individual from making a confidential report or penalises that person for raising their concerns, Trócaire will treat this as a serious disciplinary offence which will be investigated in accordance with Trócaire's disciplinary policy and procedure.

5. Confidentiality

The identity of the persons who raise concerns will be kept confidential as far as possible. If the person concerned has a personal interest in the matter, they must disclose this at the outset.

However, due to the nature of some investigation processes it may not be possible to retain complete confidentiality. This includes situations where the police are involved, where statutory child protection procedures need to be adhered to, or when disciplinary investigations are held and individuals need to make a statement, which may be seen by third parties. In relation to safeguarding issues, Trócaire adopts a survivor centred approach which will guide the process for dealing with the disclosures made.

6. Anonymous reporting

Anonymous reporting is where an individual sends a letter or other correspondence or makes a phone call to management and makes an allegation or statement without leaving their name. Confidential reporting is where an individual makes an allegation or statement to management, but wants their identity kept secret from those that they have accused of wrongdoing/misconduct. Anonymous reporting is very difficult to act upon, as there may be no or little corroborated evidence to substantiate the allegations. However, this does not mean that there is no wrongdoing or misconduct taking place. Management will carry out pre-investigation work and initiate formal proceedings if corroborating evidence is found.

Trócaire understands that some people may wish to report their concerns anonymously and accepts that this may occur from time to time. Anonymous reporting can make it difficult to clarify the issues, substantiate claims and investigate concerns properly. It may be possible to communicate with an anonymous discloser where they have provided a means of communicating e.g. an email address. However, Trócaire encourages people to put their name to disclosures where possible.

7. Feedback and outcome of the investigation

Feedback and the progress of any concerns raised will be given as soon as possible. Some situations may be resolved promptly, whilst others may take longer because they require formal investigation or hearings. It may not be possible to give detailed feedback, particularly in relation to sensitive cases. Workers should be advised of any delays or difficulties in providing feedback. If the individual is not satisfied with the response they have received, they can raise the matter with the Director of Corporate Services.

Once the investigation is complete appropriate action will be taken to resolve the issue. This may involve taking disciplinary action if a clear case of wrongdoing can be proved and reporting to the police if a criminal offence such as fraud or theft has been committed. Cases of serious wrongdoing may result in dismissal.

8. Nominated persons

If there are concerns that workers feel they cannot raise through line management and they wish to contact the CEO or the Audit & Risk committee chairperson, then they should use the following contact channels:

- Country Director – if applicable
- CEO
- Head of Safeguarding
- Head of Internal Audit
- Audit & Risk Committee Chairperson – Details in the Annual Report
<https://www.trocaire.org/about/accountability/our-finances>
- Organisation & Human Resources Committee Chairperson – Details in Annual Report
<https://www.trocaire.org/about/finances>

9. Further Support and Resources Available

- Trócaire is a member of the Integrity at Work programme, a Transparency International (TI) Ireland initiative. Independent and confidential advice for anyone considering reporting a concern or making a protected disclosure is available via TI Ireland's Speak Up Helpline at 1800 844 866, Monday to Friday 10am to 6pm. You can also make an enquiry via secure online form or encrypted text. For further information, please see www.speakup.ie.
- Where appropriate, the helpline can refer callers to access free legal advice from the Transparency Legal Advice Centre (see <https://www.transparency.ie/helpline/TLAC>)
- A guide to making a Protected Disclosure is also available at:
<https://www.transparency.ie/helpline/guides>
- Trócaire workers may seek legal advice before and after making a protected disclosure under this policy. They may also seek assistance through their trade union representatives.
- Trócaire workers may also find it useful to use the Employee Assistance Programme for personal support when dealing with Protected Disclosures. Details on the Employee Assistance Programme can be found here <https://trocaire.app.box.com/file/281438618039>

Appendix B: Integrity at Work Pledge

THE INTEGRITY AT WORK PLEDGE

Trócaire recognises the importance of developing an ethical workplace and the valuable contribution of those who raise concerns about wrongdoing. We commit to not penalising, or permitting penalisation against, a worker who reports risks or incidents of wrongdoing and to responding to or acting upon those concerns.

In committing ourselves to this pledge we will work towards implementing a 'whistleblowing'/protected disclosures policy and procedures which:

- a. Promote the reporting of wrongdoing or the risk of harm to a responsible person inside the organisation or external bodies as appropriate.
- b. Provide comprehensive information about the types of disclosures that can be made, by whom and in respect of what.
- c. Encourage our workers to seek professional advice both prior or subsequent to making a report.
- d. Assure our workers that any report will be dealt with in the strictest confidence and that their identity or identifying information will not be disclosed to third parties unless required by law or necessary for the purposes of conducting an investigation.
- e. Provide our workers with sufficient notice and a timely explanation in the event that his or her identity is to be disclosed to a third party.
- f. Confirm that reports will be acted upon within a reasonable time frame and take whatever remedial action is deemed necessary by the organisation to address any wrongdoing or the risk of wrongdoing that might have been identified in response to the report.
- g. Commit to keeping any worker who makes a report informed of the progress of investigations.
- h. Provide for appropriate disciplinary action to be taken against anyone found to have penalised a worker for (i) having reported wrongdoing or (ii) refusing to engage in wrongdoing.
- i. Additionally, the organisation commits to record anonymised data each year on i) the number of reports made to it under the Protected Disclosures Act 2014, ii) the nature of each report, iii) the number of complaints of retaliation against workers who have made disclosures and iv) the action taken in response to each report.
- j. Share this data (as set out in paragraph i) with our Board of Directors (or other relevant governance body) or with the Minister of Public Expenditure and Reform (where appropriate).
- k. Ensure that our managers and responsible persons are aware of our commitments under this Pledge and related policies and procedures and are adequately trained in handling a report.
- l. Publicise our commitment to the Integrity at Work initiative with our workers and other relevant stakeholders.

Details of our Protected Disclosures Policy and Procedures can be found on our website at (www.trocaire.org)

Caoimhe de Barra
Chief Executive Officer

Bishop William Crean
Chairman