

**Protected Disclosures in the Irish Prison
Service:**

Frequently Asked Questions 2021

Q 1 What is a protected disclosure?

A For the purposes of the Act and the Policy and Procedures, a protected disclosure is a disclosure **of relevant information** which, in **the reasonable belief of the worker**, tends to show one or **more relevant wrongdoings**; and which came to the **attention of the worker in connection with the worker's employment**; and is **disclosed in the manner set out in the Act**.

Q 2 What are relevant wrongdoings?

A The following are relevant wrongdoings for the purposes of the Act, Policy and Procedures:

- (a) that an offence has been, is being or is likely to be committed;
- (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 or other contract whereby the worker undertakes to do or perform personally any work or services;
- (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;
or
- (h) that information tending to show any matter falling within any of paragraphs (a) to (g) above has been, is being or is likely to be concealed or destroyed.

Q 3 What is the purpose of the Protected Disclosure Policy?

A The Protected Disclosures Policy is designed to ensure workers can raise concerns about relevant wrongdoings which come to their attention in connection with their employment without fear of penalisation. It is also designed to provide a transparent and confidential process for dealing with the concerns raised.

Q 4 What is the Integrity at Work Pledge?

A The Irish Prison Service 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 of a worker who make protected disclosures and to responding to and acting upon such reported protected disclosures, as appropriate. The Irish Prison Service is a member of the Integrity at Work Programme (“IAW”), an initiative of Transparency International Ireland. The IAW is aimed at promoting a safer working environment for people who speak up about wrongdoing. The IAW is signed by the Director General and the Governor / Director. Click here to see the current IAW Pledge.

Q 5 Where can I get independent advice if I see wrongdoing at work?

A Transparency International Ireland (TII) operates an independent confidential free phone service for anyone considering reporting a concern or making a protected disclosure. The Speak Up helpline operates from Monday to Friday 10 am to 6 pm for free confidential and expert advice at 1800 844 866 or download TII free guide Speak Up Safely at www.speakup.ie The email address is helpline@transparency.ie. Transparency International Ireland (TII) provides free and confidential information to workers both prior to and after making a report.

A guide to making a Protected Disclosure is available [here](#)

Transparency International Ireland (TII) Legal Advice Centre is Ireland’s only independent law centre specialising in providing free legal advice to anyone who wishes to disclose a wrongdoing, particularly under the Protected Disclosures Act 2014. Callers to the Speak Up helpline who are assessed to fall under TLAC’s practice area will be referred to TLAC where appropriate and may be offered an appointment with a solicitor.

Q 6 Who do I report wrongdoing to in the Irish Prison Service?

A The Irish Prison Service encourages all workers to make disclosures internally to the Protected Disclosures Manager - Patricia McArdle, Assistant Principal. Any disclosures being made to the Protected Disclosures Manager should, where possible, be made on the Protected Disclosures Reporting Form (see Appendix 5 of the Policy) and should provide as much information as possible in relation to the alleged relevant wrongdoing:

- (i) by email to speakup@irishprisons.ie
- (ii) in person by appointment with the Protected Disclosures Manager

arranged by email to speakup@irishprisons.ie

(iii) in writing in a sealed envelope marked “Confidential: For the Protected Disclosures Manager”, PO Box 45, An Post, Main Street Longford Co. Longford.

In depth training is provided by Transparency Ireland on an annual basis to key staff members and managers from each area in the Irish Prison Service to build up an awareness, expertise and points of contacts in each Prison and Directorate.

It is recognised that on occasion it may be necessary for a protected disclosure to be made otherwise than via the form i.e. verbally. Workers who make a disclosure otherwise than by using the form are encouraged to indicate that the disclosure is being made as a protected disclosure under the Act in order to ensure the efficient assessment and/or investigation of the disclosure under the Procedures.

When a disclosure, which appears to be a protected disclosure, is made verbally it should be documented by the recipient. Where practicable, the discloser will be asked to confirm the information provided to ensure that there is clarity with regard to the information disclosed.

Q 7 What protections do I have?

A All reasonable steps will be taken to protect workers from penalisation. Workers who consider that they have experienced any act of penalisation should notify the Protected Disclosures Manager as soon as possible. The Protected Disclosures Manager will acknowledge receipt of the complaint within five working days, or where this is not reasonably practical, as soon as possible. The Protected Disclosures Manager will arrange for an independent investigation of the complaint of penalisation.

Q 8 I am worried people will talk about me for making a Protected Disclosure?

A The Act provides that a disclosure recipient (which includes any person to whom a disclosure is referred in the performance of his/her duties) must not disclose to another person any information that might identify the discloser, save as provided for in paragraph 10.1 of the Policy.

Workers are prohibited from attempting to determine the identity of a disclosure and from speculating as to any such discloser’s identity. Where the Irish Prison Service has reasonable cause to consider that an employee has attempted to determine the identity of a disclosure or speculated as to any such individual’s identity, such employee may be subject to disciplinary action, up to and including dismissal.

Q 9 How will the Protected Disclosure be dealt with by the Irish Prison Service?

A A summary of the independent steps which will be taken where a worker makes a protected disclosure within the meaning of the Act is set out at Appendix 4 of the

Policy. The steps include referral to independent external assessors and investigators.

Q 10 How is the process for investigating protected disclosures independent from the Irish Prison Service?

A It is not the function of the Protected Disclosures Manager to assess, investigate or review any protected disclosure as the assessment/investigation/review as required will be carried out independently. The Department of Public Expenditure and Reform have established a framework through the OGP with service provider(s) to provide a range of third party investigative services and this will be drawn from.

Q 11 Will the Irish Prison Service publically report on Protected Disclosures?

A The Irish Prison Service is required to publish an annual report setting out the number of protected disclosures received in the preceding year and the action taken (if any). This report must not result in persons making disclosures being identified. The Protected Disclosures Manager will be required to submit the organisation's standalone Annual Report on Protected Disclosures each year and publish it on the Irish Prison Service the website www.irishprisons.ie

Q 12: Can a worker make a disclosure to their local manager, for example to the Assistant Governor or Governor rather than going to the Protected Disclosures Manager (PDM)?

A: Section 16.2 of the IPS policy says: "A worker who wishes to make a protected disclosure as defined in these Procedures should address such disclosure to the Protected Disclosures Manager. In the event that a worker makes a disclosure, which could constitute a protected disclosure, to an employee of the Irish Prison Service other than the Protected Disclosures Manager, such person shall notify the Protected Disclosures Manager of the disclosure without delay".

The rationale for having all potential protected disclosures go through the PDM is to ensure that the process regarding the assessment of the disclosure by the assessor/investigator/reviewer and the OGP Framework process are used correctly, feedback is given in a regular and consistent manner and also the process is standardised throughout the Service. This ultimately offers greater protection to the discloser.

Q 13: I am considering making a Protected Disclosure, what role does the Staff Support Officer/Employee Assistance Officer play in this process?

A: The SSO and EAO can advise where to seek assistance in making a Protected Disclosure. ie. Transparency International Ireland and the IPS Protected Disclosure Manager. The SSO/EAO can only offer emotional support whilst the officer(s) is

going through the disclosure process. They are not in a position to offer any advice in relation to the content of a protected disclosure. The SSO/EAO may well recommend to you that you avail of the support services provided by Inspire Workplaces.

The Employee Assistance Programme and the independent counselling service are available at all times to Irish Prison Service employees, including those who make a protected disclosure and those involved in the investigation of a protected disclosure.

The Irish Prison Service is a member of the Integrity At Work programme (IAW), an initiative of Transparency International Ireland. The IAW is aimed at promoting a safer working environment for people who speak up about wrongdoing.

Independent and confidential advice is available to workers (who have made or are considering making a disclosure) via TI Ireland's speak up helpline at 1800 844 866, Monday to Friday 10 am to 6 pm for more information click

<https://transparency.ie/helpline>