

Protected Disclosures (Whistleblowing) Policy

Please note this policy was approved by BITCI's Nominations and Governance Committee on 3rd July 2023 and is pending ratification by the BITCI Board in September 2023.

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Purpose

BITCI is committed to maintaining an open culture with the highest standards of honesty and accountability where all staff and relevant stakeholders can report any concerns in confidence.

Whistleblowing, formally known as making a protected disclosure, refers to reporting misconduct or wrongdoing within an organization. In Ireland, there are legal protections for whistleblowers to ensure they can speak up about misconduct without fear of retaliation, and in BITCI we strive to maintain an open, transparent and supportive culture in which concerns can be raised without fear.

The aim of this policy is to encourage you to feel confident and safe in raising any concerns and disclosing information, as soon as possible, in the knowledge that your concerns will be taken seriously and investigated as appropriate.

This policy complies with The Protected Disclosures Act 2014, as amended by the Protected Disclosures (Amendment) Act 2022. The latter Act transposed the Directive (EU) 2019/1937 (the EU Whistleblowing Directive) into Irish law.

Scope

This policy applies to all workers of BITCI, past and present. 'Workers' include employees, volunteers, interns, Board members, contractors, agency workers, members of administrative, management or supervisory bodies working for or on behalf of BITCI, and job applicants.

It is important to note that any concerns related to your own employment or personal circumstances in the workplace should be dealt with by way of our Grievance Procedure. Likewise, concerns regarding workplace relationships should generally be dealt with through our Equality and Diversity policy.

This policy does not replace any legal reporting or disclosure requirements. Where statutory reporting requirements and procedures arise, these must be complied with.

Policy

Whistleblowing, or making a protected disclosure, is the disclosure of information which, in the reasonable belief of the person making the disclosure, tends to show a relevant wrongdoing without fear of penalisation or threat of less favourable treatment or discrimination. The wrongdoing may have already occurred or be currently taking place, or it may be likely to take place in the future.

If you have any concerns about relevant wrongdoing, you should report those concerns in accordance with this policy.

What is a relevant wrongdoing

The following examples demonstrate what is meant by a relevant wrongdoing:

- criminal offences eg. theft
- bribery and corruption
- financial fraud or mismanagement
- failure to comply with legal obligations
- the unlawful or unauthorised use of public funds or resources
- health and safety risks including risks to the public, BITCI staff, volunteers, consultants, or the staff of partner organisations
- damage to the environment
- actions which are intended to conceal or destroy evidence of any of the above.

What is meant by reasonable belief

Although a whistleblower is not expected to prove the truth of the facts in a disclosure, they must have a 'reasonable belief' that there are grounds for their concern when making a disclosure using the internal procedure. A reasonable belief means that the belief is based on reasonable grounds. This does not mean the belief has to be correct. The individual should also not have unlawful or unethical objectives in reporting a concern.

Protection and support for whistleblowers

It is understandable that whistleblowers are sometimes worried about possible repercussions after making a disclosure. BITCI aims to encourage openness and will support staff who raise genuine concerns under this policy, even if they turn out to be mistaken.

If you make a protected disclosure under this policy you will not be penalised by BITCI, and you may also be entitled to legal immunity from any civil or criminal liability arising from making the disclosure. Penalisation could include suspension, lay-off or dismissal, demotion or loss of opportunity for promotion, transfer of duties, reduction in wages or change in location or working hours, disciplinary action, threats of reprisal or other unfavourable treatment. If you believe that you

have suffered any such treatment, you should inform at least one of the following: line manager, HR team member, member of the Senior Management Team, CEO, Chair of the BITCI Board or Chair of Nominations and Governance Committee. In the unlikely event that the matter is not remedied you should raise it formally using BITCI's Grievance Procedure.

BITCI also takes a zero-tolerance approach to harassment in the workplace; see our Bullying, Harassment and Sexual Harassment Policy for more information. Workers must not threaten, penalise, harass or retaliate against a whistleblower in any way. Anyone found to be involved in such conduct will be subject to disciplinary action.

Confidentiality

BITCI is committed to protecting the identity of whistleblowers and will, where possible, keep their identity confidential. The focus will be on the situation rather than the person making the disclosure.

However, there are circumstances where confidentiality cannot be guaranteed, and it may be necessary to disclose the identity of the whistleblower. Such circumstances include:

- the effective investigation of the relevant wrongdoing concerned
- the prevention of serious risk to the security of the State, public health, public safety or the environment
- the prevention of crime or prosecution of a criminal offence
- the disclosure is otherwise necessary in the public interest or is required by law.

If it is necessary for anyone investigating the protected disclosure to know the whistleblower's identity, we will discuss this with you first and, where wider disclosure of your identity is necessary, BITCI will make every effort to inform you that your identity may be disclosed.

Process for making a Protected Disclosure

1. You should raise your concern with your line manager. You can also raise a concern with a Designated Person. For the purposes of this policy, all members of the Senior Management Team, including the CEO, are Designated Persons.
2. If your concern cannot be raised with any of the Senior Management Team, you should raise the concern with the Chair of BITCI's Board.
3. You can request contact details for the Chair of the Board from a Designated Person ie any member of the Senior Management Team.
4. Concerns may be raised verbally or in writing. If you raise a concern verbally, a written record of the conversation will be provided to you after the meeting. Written concerns should contain relevant details such as the nature of your own role, dates, sequence of events and description of circumstances.
5. Two people from BITCI's senior management team, and/or Board will be assigned to oversee and manage the process. These two individuals, referred to as the Investigation Team, should not be connected to the disclosure in any way.
6. A meeting will be arranged between you and the Investigation Team to discuss the matter on a confidential basis. You can choose whether you want to be accompanied by a colleague or third-party representative. This and any subsequent meetings may be conducted offsite to maximise confidentiality.

7. After this meeting, an initial assessment to examine next steps will be carried out.
8. The initial assessment may result in simply clearing up misunderstandings or resolving the matter by agreed action without the need for an investigation, or it may be determined that the concern raised is a matter more appropriate to our other policies, such as our Grievance Procedure.
9. If there are grounds for concern that cannot be dealt with at this point, an investigation will be conducted.
10. Disclosures may, in the light of the seriousness of the matters raised, be referred immediately to the appropriate authorities.
11. Depending on the outcome of the assessment and investigation, suitable actions will be taken to resolve the concern.
12. Measures will be taken against a worker where an investigation finds sufficient evidence to conclude that the concerns raised by the discloser was justified. This may include formal disciplinary action or other appropriate intervention deemed necessary to prevent a recurrence of the 'relevant wrongdoing'. Prior to any disciplinary action being taken, a fair disciplinary hearing will be held in line with BITCI's disciplinary procedure.
13. Where an investigation is inconclusive or the concern is not upheld, there will be no negative inference against any party to the concern raised. All parties to the disclosure will be expected to continue working as normal and to conduct themselves in an appropriate manner at work.

Guidance for the manager receiving a disclosure

If the person receiving a disclosure is unsure of how this concern should be handled, they should seek guidance from the CEO or the Chair of the Board to ascertain if it qualifies as a protected disclosure, a grievance or an external complaint so that the correct policy can be implemented. Line Managers and Designated Persons, ie the Senior Management Team will receive training on how to deal with a disclosure.

Communication throughout the process

A disclosure made under this policy will be taken seriously and we will endeavour to keep lines of communication open throughout. We will:

- maintain names of Designated Persons i.e. the Senior Management Team and Board members on the BITCI website
- acknowledge your disclosure within 7 days of receipt and arrange to meet with you as outlined above
- inform you of how we propose to investigate the matter
- inform you of actions taken. Please note that sometimes the need for confidentiality and legal considerations may prevent us from giving you specific details of an investigation
- inform you of the likely time scales regarding each of the steps being taken
- outline the outcome of the assessment and/ or investigation within 3 months of the disclosure
- share disclosures and actions with the Chair of BITCI's Board.
- Where requested, BITCI will provide you with further feedback at 3 month intervals thereafter for up to 1 year.

Outcomes of a protected disclosure

- We cannot guarantee the outcome that you the discloser may be seeking, however we will do our utmost to deal with your concerns fairly and in an appropriate way.
- If an unfounded allegation is found to have been made with malicious intent, then disciplinary action will be taken.
- If you are not happy with the way in which your concern has been handled, you can raise it with the CEO. Alternatively, you may contact the Chair of the BITCI Board.

Raising a concern anonymously

A protected disclosure can be made anonymously. However, on a practical level, it is more difficult or impossible to investigate a concern if we cannot obtain further information from the discloser. BITCI encourages anyone reporting relevant wrongdoings to put their names to their disclosures in order to facilitate appropriate follow-up.

External disclosures

The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying relevant wrongdoings in the workplace. However, we acknowledge that avenues for making disclosures externally are available to workers in certain circumstances, as set out in the Protected Disclosures Act 2014.

The Charities Regulator may be an avenue for making an external disclosure. In 2020 the Chief Executive of the Charities Regulator was specified as a 'prescribed person' for the purpose of receiving disclosures of relevant wrongdoings in respect of all matters relating to the regulation of charities. Guidance is available on their website.

Position of the person who is the subject of a protected disclosure

A person who is the subject of a protected disclosure under this policy is entitled to, and will, be treated fairly and in accordance with due process. In this regard:

- the identity of any person who is the subject of a protected disclosure will remain confidential where this is possible and reasonable, subject to the requirements of any investigation, this policy and applicable law.
- line managers and Designated Persons who receive a protected disclosure in accordance with this policy will act fairly towards any person who is the subject of that disclosure.
- the person who is the subject of the protected disclosure will be formally advised of the outcome, where appropriate; and
- where the allegations are not substantiated, a person who is the subject of the disclosure will be entitled to continue in his/her role as if no allegation was made.

BITCI will endeavour to ensure that the policy is communicated to all workers and relevant stakeholders and will review the policy periodically and update it in line with legislative changes. This policy is available to view on the BITCI website.