



Protected Disclosure (Whistle-blowing) Policy

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Introduction

Misean Cara encourages employees, members and volunteers to raise genuine concerns about possible malpractice or improprieties whenever they arise and in an appropriate way. In even the best run organisation things can go wrong occasionally and we rely on employees to let us know so that we can put things right.

Whistle-Blowing is the protected disclosure by an individual of a concern in relation to perceived malpractice or wrongdoing within an organisation. By quickly exposing malpractice and not ignoring it, whistle-blowers can:

- safeguard the integrity of Misean Cara and its stakeholders
- prevent serious long-term consequences for Misean Cara that could occur if the malpractice is ignored or is not reported

Misean Cara is committed to the highest standards of quality, probity, transparency and accountability, and encourages employees and others to report concerns about suspected wrong-doing or malpractice.

Our approach to Whistle-Blowing is, therefore, positive and open, and we will support employees, members and volunteers if they come forward with concerns that they feel need to be addressed.

Protection is offered for people who speak out against malpractice under the Protected Disclosures Act 2014. The responsibility is therefore on Misean Cara to deal with the matter, not the whistle-blower.

A protected disclosure is the disclosure of “relevant information”. To qualify as relevant information:

- A worker must reasonably believe that the information disclosed tends to show one or more “relevant wrongdoings”.
- The wrongdoing must come to the worker’s attention in connection with his/her employment. For example, a disclosure will not be protected if it relates to matters in someone’s personal life outside and unconnected to the workplace.

Purpose of this Policy

The purpose of this policy is to set out the procedures whereby employees can, in confidence, report any suspicion of suspected wrongdoing-at-work, dishonesty, or potential criminal activity within Misean Cara.

The aim of this policy is also to:

- assure you that you will be protected from possible reprisals, penalisation, threatened penalisation or victimisation if you have a reasonable belief that misconduct has taken place and where you have made a disclosure in good faith and

- ensure that each employee understands their obligation and duty to disclose a suspicion of suspected wrongdoing-at-work, dishonestly or potential criminal activity within Misesan Cara.

For employee's this policy and process should not be used for complaints relating to your own personal circumstances. Such matters should be raised with your line manager in the first instance, or if you wish to raise a grievance you should refer to the Grievance Policy/Employee Handbook.

For the purpose of this policy, a disclosure will include concerns raised in respect of:

- financial malpractice, dishonesty, bribery, money laundering, misuse of company assets, corruption or fraud
- theft, loss or damage to property, equipment or assets of Misesan Cara
- failure to comply with legal obligation which may result in criminal liability or damage to the reputation of Misesan Cara
- endangering health or safety of employees or others
- actions leading to serious environmental issues
- threats or assaults involving any Misesan Cara personnel
- suspected criminal activity
- improper conduct or unethical behaviour representing a serious breach of the systems, policies, or procedures of Misesan Cara
- serious conflict of interest without disclosure, or
- any attempt to conceal any of the above

Who does the policy apply to?

Although this policy is written primarily with Misesan Cara employees in mind, its principles also apply to other people involved with Misesan Cara such as members and volunteers. All concerns will be treated in strictest confidence and the identity of a whistle-blower will not be disclosed unless prior consent has been given or unless the law requires such a disclosure.

How do you raise a concern?

Employees, as a first step, should normally raise concerns either verbally or in writing with their immediate line manager, or their line manager's line manager or with the CEO. This may depend, however, on the seriousness and sensitivity of the issue involved and who is suspected of malpractice.

If for a valid reason an employee believes they cannot disclose a concern to one of those listed in the previous paragraph, they can report the suspected activity to the Chairperson of the Financial Oversight, Risk & Audit Committee of the Board,) (kevinjcarroll52@gmail.com) or the Board Chair (justinmkilcullen@gmail.com) who will ensure that an appropriate response is initiated.

If you are unsure as to whether or not you should report an issue, you are encouraged to seek clarification and advice as appropriate from your immediate line manager, your line manager's line manager, or the CEO.

Members and volunteers can report the suspected activity to either the CEO, the Chairperson of the Financial Oversight, Risk & Audit Committee or the Board Chair who will ensure that an appropriate response is initiated.

All persons reporting an incident under this policy must:

- disclose the information in good faith and believe it to be substantially true; and
- not act maliciously or make false allegations; and
- not seek any personal gain as a result of the allegation

Where a disclosure is made in good faith but does not result in a finding that the person has carried out any wrongdoing or has been dishonest or has been involved in potential criminal activity no further action will be taken.

Where disclosures are found to have been made maliciously or for personal gain or for some other improper motive, disciplinary action may be initiated against the individual who made the disclosures concerned.

Issues raised under the policy will be investigated by a nominated person (see Appendix1) and reported to the Secretary of the Board and CEO.

Guidelines for disclosure information to be provided when reporting an allegation:

- Name and position of person(s) whom the allegation relates to;
- details of the specific allegation including dates, times, known facts etc.;
- how the activity/suspected activity was identified;
- location of any further evidence/information which may be of assistance to the investigations team;
- your name and contact details (this is optional - however we would encourage employees, members and volunteers to identify themselves when making a complaint, as it will help the investigative process. This information will, as far as possible, be kept confidential). However, if you raise a complaint or concern and after an investigation, it is determined that the complaint was made maliciously, or

recklessly, your identity may be disclosed and you may face disciplinary action, up to and including dismissal.

Investigation

Preliminary inquiries will be carried out by the recipient of the complaint. They will review the report to establish if there is prima facie substance to it and consider an appropriate course of action. Possible courses of action may include:

- carrying out a formal investigation if deemed necessary or appropriate. This may be done by Mísean Cara senior management or the audit committee
- refer the issue to an outside body such as Mísean Cara's external auditors or another independent body
- in serious cases the matter may be referred to the Gardaí for investigation
- if the report is adjudged to be wholly without substance, or merit, a decision may be taken not to investigate the matter further
- it may be considered under the appropriate stage of the disciplinary procedures

All bona-fide reports will be reported as a matter of course to the board. Subject to any legal constraints the person making the report will be informed of the general outcome of the preliminary enquiries, full investigation and any further action that has been taken.

Person(s) against whom the report is made

The person(s) will be informed in writing of the report with the evidence supporting it within a reasonable number of working days of the conclusion of the preliminary enquiry. They will be advised that an investigation is being carried out with a view to establishing the facts.

The investigation will be conducted thoroughly, objectively, with sensitivity and confidentiality with due respect for the rights of the person(s) involved any witnesses or other relevant person(s). They will be allowed a full opportunity to comment before the investigation is concluded taking account of the rules of natural justice. The investigation will be carried out and completed as quickly as possible within an agreed timeframe.

They will be informed of the outcome of the investigation as soon as possible after its conclusion and will be entitled to receive a copy of the report if the investigation concluded that a breach has occurred. This breach will then be dealt with in a manner which is proportionate to its gravity.

Where a person against whom a report is made is dissatisfied with the outcome or aspects of the process the matter should be raised by them in accordance with the Mísean Cara grievance procedure.

Appeals

If you make a complaint under this policy and you are not satisfied with the outcome, you should submit another report outlining the reasons why and submit this to a more senior level of responsibility for review. For example, if you submitted the report to your line manager initially, you should submit the report to the CEO. If your appeal is upheld your concerns will be investigated again as per the procedure outlined in this policy. Please note that continued reporting of unfounded or previously rejected reports without further reason or because the individual refuses to accept the findings of the investigation may be subject to disciplinary proceedings.

If it is not appropriate to submit your concerns internally, you have the opportunity to submit them to an external organisation such as the Charities Regulatory Authority or Irish Aid. Mísean Cara advises that if you are reporting your concern externally, you should first seek appropriate professional advice e.g. from your solicitor.

This policy should be read and complied with in conjunction with Mísean Cara's Anti-Fraud Policy that deals with financial matters, Conflict of Interest Policy, Safeguarding Policy, relevant Human Resource policies, and the Protected Disclosures Act 2014.

Review

This policy will be reviewed every two years or if legislation changes, to ensure it remains up-to-date and consistent with developments in good practice. All Mísean Cara employees are welcome to contribute their experiences and opinions as part of this, and stakeholders will be notified of any revisions that are made.

Version	Date	Approved by Board
1	Mar-15	Mar-15
2	Sep-18	Nov-18
3	Nov-20	Dec-20

Appendix 1

