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1. Introduction

The purpose of the Protected Disclosures Act 2014 (“**the Act**”) is to provide a statutory framework within which workers can raise concerns and disclose information regarding potential wrongdoing, that has come to their attention in the course of their work. The Act provides workers with significant employment and other protections if they are penalised by their employer or suffer any detriment for making a disclosure. It is important to note that in order to enjoy the protections of the Act, disclosures must be made in accordance with the Act.

This procedure has been drafted with reference to the Code of Practice and Model Whistleblowing Policy, which was published by the Workplace Relations Commission (“**the WRC**”).

2. Protected Disclosure Policy


2.1 What are Protected Disclosures and Whistleblowing?

Protected Disclosures and Whistleblowing (referred to under the Act as a “*protected disclosure*”) occurs when a worker raises a concern or discloses information which relates to a wrongdoing, and which has come to his/her attention in the course of his/her work. This may include the following wrongdoings¹:

- a) criminal activity;
- b) failure to comply with a legal obligation;
- c) miscarriages of justice;
- d) danger to health and safety of individuals;
- e) damage to the environment;
- f) misuse of public funds;
- g) oppressive, discriminatory, grossly negligent or grossly mismanaged acts by a public body; or
- h) the concealment/destruction of information in relation to any of the above.

This protected disclosure policy is intended to encourage and enable workers to raise concerns within our workplace rather than overlooking a problem or “*blowing the whistle*” externally. Under this policy, a worker is entitled to raise concerns or disclose information without fear of penalisation or threat of less favourable treatment, discrimination or disadvantage.

¹ Any wrongdoing which is part of the organisation’s function to detect, investigate or prosecute is outside the scope of the Act and this policy.

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2.2 What types of concerns should not be raised under this procedure?

A personal concern, for example a grievance around your own contract of employment, would not be regarded as a protected disclosure / whistleblowing concern and would be more appropriately processed through our Grievance Procedure. Likewise, concerns regarding workplace relationships should generally be dealt with through our Dignity in the Workplace Policy.

If you are uncertain whether something is within the scope of this policy, you should seek advice from a member of the management team, Board Secretary or alternatively the Chief Executive.

2.3 Our commitment

NSAI is committed to maintaining an open culture with the highest standards of honesty and accountability where our workers can report any concerns in confidence.

2.4 Who does this policy apply to?


This policy applies to all our workers including our employees at all levels and External Service providers, consultants/contractors, agency workers, casual workers, temporary staff and interns engaged to work / provide services on behalf of NSAI.

2.5 Aims of the policy

- To encourage workers to feel confident and safe in raising concerns and disclosing information;
- To provide workers with guidance as to how to raise those concerns;
- To provide avenues for workers to raise concerns in confidence and receive feedback on any action taken;
- To ensure that workers receive a response where possible to their concerns and information disclosed; and
- To reassure workers that they will be protected from penalisation or any threat of penalisation.

It is also important to note that this policy does not replace any legal reporting or disclosure requirements. Where statutory reporting requirements and procedures exist, these must be complied with fully.

This policy does not form part of any employee's contract of employment or service contract and the organisation may amend it at any time.

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2.6 Safeguards and Penalisation

A worker who makes a disclosure (also referred to in this document as “reporting person”), and has a reasonable belief of the wrongdoing, will not be penalised by this organisation, even if the concern(s) or disclosure(s) turn out to be unfounded.

Penalisation includes suspension/dismissal, disciplinary action, demotion, discrimination, threats or other unfavourable treatment arising from raising a concern or making a disclosure on the basis of reasonable belief for doing so. If a reporting person believes that they are being subjected to penalisation as a result of making a disclosure under this procedure, they should inform their manager/senior manager immediately.


Workers who penalise or retaliate against those who have raised concerns under this policy will be subject to disciplinary action.

Reporting persons are not expected to prove the truth of an allegation. However, they must have a reasonable belief that there are grounds for their concern. It should be noted that appropriate disciplinary action may be taken against a reporting person who is found to have raised a concern or raised a disclosure with malicious intent.

2.7 Confidentiality & Anonymity

NSAI hope that workers will feel able to voice protected disclosure concerns openly under this policy. However, if a reporting person wants to raise a concern confidentially, the Protected Disclosure Recipient (the “recipient”) will make every effort to keep the reporting person’s identity secret. If it is necessary for anyone investigating a reporting persons concern to know the reporting person’s identity, the recipient will discuss this with the reporting person before their identity is disclosed. Confidentiality may also not be possible or appropriate where it conflicts with another individual’s right to fair procedures. Again, the recipient will discuss this with the reporting person before their identity is disclosed.

A concern may be raised anonymously. However, NSAI does not encourage workers to make disclosures anonymously. This is because, on a practical level, it may be difficult or impossible to investigate such a concern if the recipient cannot obtain further information from the reporting person. It is also more difficult to establish whether any allegations are credible. If the reporting person raises a concern anonymously, the recipient will not be in a position to meet with the reporting person to discuss their concern further, nor will the recipient be able to update the reporting person in relation to the outcome of the investigation, if applicable.

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NSAI encourages reporting persons to put their names to disclosures, with the assurance of confidentiality where possible, in order to facilitate appropriate follow-up. This will make it easier for the disclosure to be assessed and appropriate action to be taken including an investigation, if necessary.

Reporting persons who are concerned about possible consequences if their identity is revealed should come forward to the nominated Protected Disclosure Recipient, Board Secretary or alternatively the Chief Executive (the "recipient") and appropriate measures can then be taken to preserve confidentiality.

2.8 Where can a reporting person get independent advice if they wish to make a protected disclosure?

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 also available at https://transparency.ie/sites/default/files/14.12.02_speak_up_safely_final.pdf

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.


3. Procedure

3.1 Who should a reporting person raise their concern with?

As a first step, appropriate concerns should be raised with their immediate manager or their superior, unless they are the subject of the disclosure.

NSAI encourages all workers to make disclosures internally to the designated Protected Disclosures Recipient, Board Secretary or alternatively the Chief Executive (the "recipient") to receive protected disclosures. The Protected Disclosure Recipient can be contacted as follows:

- (i) by email to (INSERT when established)
- (ii) in person by appointment with the Protected Disclosures Recipient arranged by email.

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(iii) in writing in a sealed envelope marked “Confidential: For the Protected Disclosures Recipient”, NSAI, 1 Swift Square, Northwood, Santry, Dublin 9, K67X020.

Any disclosures being made to the Protected Disclosures Recipient should, where possible, be made on the Protected Disclosures Reporting Form (see Appendix 1 of the Policy) and should provide as much information as possible in relation to the alleged relevant wrongdoing. 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.

However, should a reporting person not wish to use this route, for example, given the seriousness and sensitivity of the issues involved, the reporting person may approach the Board Secretary or alternatively the Chief Executive.

3.2 How to raise a concern

Concerns may be raised verbally or in writing. Should a reporting person raise a concern verbally the recipient will keep a written record of the conversation and provide the reporting person with a copy after the meeting. Should a reporting person raise a concern in writing they are requested to give the background and history of the concern, giving relevant details, insofar as is possible, such as dates, sequence of events and description of circumstances.


The earlier a reporting person expresses the concern the easier it will be to deal with the matter quickly.

3.3 Preliminary meeting

Having raised a concern, the recipient, will arrange a meeting to discuss the matter with the reporting person on a strictly confidential basis. The recipient will need to clarify at this point if the concern is appropriate to this procedure or is a matter more appropriate to our other procedures, for example our Grievance or Dignity in the Workplace procedures. The reporting person can choose whether or not they want to be accompanied by a colleague or a trade union representative. The companion must respect the confidentiality of the disclosure and any subsequent investigation.

In regard to confidentiality, it is important that there should be an awareness of respecting sensitive company information, which, while unrelated to the disclosure, may be disclosed in the course of a consultation or investigation process.

3.4 Assessment/Investigation

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Having met with the reporting person regarding their concern and clarifying that the matter is in fact appropriate to this procedure, the recipient will carry out an initial assessment to examine what actions need to be taken to deal with the matter. This may involve simply clarifying certain matters, clearing up misunderstandings or resolving the matter by agreed action without the need for an investigation. The recipient will also aim to give the reporting person an indication of how NSAI propose to deal with the matter.

If, on foot of the initial assessment, the recipient concludes that there are grounds for concern that cannot be dealt with at this point, the recipient will initiate an investigation which will be carried out fairly and objectively. The form and scope of the investigation will depend on the subject matter of the disclosure. In some cases, at the organisation's discretion, the recipient may appoint an investigator or team of investigators including staff with relevant experience of investigations or specialist knowledge of the subject matter. The investigator(s) may make recommendations for change to enable NSAI to minimise the risk of future wrongdoing.


The reporting person may be required to attend additional meetings in order to provide further information. It is possible that in the course of an investigation the reporting person may be asked to clarify certain matters. To maximise confidentiality, such meetings can take place off site and the reporting person can choose whether or not to be accompanied by a colleague or trade union representative.

Disclosures may, in the light of the seriousness of the matters raised, be referred immediately to the appropriate authorities. Likewise, if urgent action is required (for example to remove a health and safety hazard), this action will be taken.

3.5 Keeping the reporting person updated

It is important that the reporting person feels assured that a disclosure made under this policy is taken seriously and that the reporting person is kept informed of steps being taken by the recipient in response a disclosure. In this regard, the recipient will communicate with the reporting person as follows:

- The recipient will acknowledge receipt of the disclosure and arrange to meet with the reporting person as outlined above;
- The recipient will inform the reporting person of how they propose to investigate the matter and keep them informed of actions, where possible, including the outcome of any investigation, and, should it be the case, why no further investigation will take place. However, it is important to note that sometimes the need for confidentiality and legal considerations may prevent the recipient from giving specific details of an investigation/outcome; and

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- The recipient will inform the reporting person of the likely time scales in regard to each of the steps being taken but, in any event, NSAI commit to dealing with the matter as quickly as practicable.

3.6 Outcome

Once the investigation is concluded, the recipient will communicate the outcome to the reporting person, where possible.

While NSAI cannot always guarantee the outcome being sought, the recipient will deal with the concern fairly and in an appropriate way. If as the reporting person you are not happy with the way in which your concern has been handled, you can raise it with the Chief Executive.

Where a concern is raised, or a disclosure is made in accordance with this policy, but the allegation is subsequently not upheld by an investigation, no action will be taken against the reporting person making the disclosure and the reporting person will be protected against any penalisation. However, it is important to note that if an unfounded allegation is found to have been with malicious intent, then disciplinary action may be taken.


4. External Reporting

The aim of this policy is to provide an avenue within this workplace to deal with protected disclosures. NSAI are confident that issues can be dealt with "in house" and strongly encourage workers to report such concerns internally. In most cases workers should not find it necessary to alert anyone externally.

The law recognises that in some circumstances it may be appropriate for a reporting person to report concerns to an external body such as a regulator. It will very rarely if ever be appropriate to alert the media. NSAI strongly encourage a reporting person to seek advice before reporting a concern to anyone externally. It is important to note however that while a reporting person need only have a reasonable belief as to wrong doing to make a disclosure internally, if a reporting person is considering an external disclosure, different and potentially more onerous obligations apply depending on to whom the disclosure is made. Different requirements need to be met in different areas, as set out below:

Other responsible person

Where a reporting person reasonably believe that the alleged wrongdoing relates to the conduct of a person other than their employer, or to something for which another person has legal responsibility, then the reporting person can make the disclosure to that other responsible person. In these circumstances a reporting person must reasonably believe that

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the relevant wrongdoing relates to that person’s conduct or something for which that person has legal responsibility.

A prescribed person

Certain persons are prescribed by Statutory Instrument Number 339 of 2014 to be the recipient of disclosures (“Prescribed Persons”). A reporting person may make a disclosure to a Prescribed Person if the reporting person reasonably believes that the relevant wrongdoing falls within the description of matters in respect of which the person is prescribed under S.I. 339. However, the 2014 Act also provides an additional requirement in this case. Reporting persons must believe that the information disclosed, and any allegation contained in it, are substantially true. For example, the following are listed as Prescribed Persons under S.I. 339:

- Registrar of Companies
- Registrar of Friendly Societies
- Chairperson and members of the Competition and Consumer Protection Commission
- Director of Corporate Enforcement
- CEO of the Health and Safety Authority
- Chief Executive of the Irish Auditing and Accounting Supervisory Authority
- Controller of Patents, Designs and Trademarks in the Patents Office
- Deputy Director of National Employment Rights Agency
- Secretary to the Board of the National Standards Authority of Ireland

A Minister of the Government

If a worker is or was employed in a public body, they may make a disclosure to the Minister on whom any function related to the public body is conferred or imposed by or under any enactment.


A legal advisor

The 2014 Act allows a disclosure to be made by a reporting person in the course of obtaining legal advice from a barrister, solicitor, trade union official or an official of an accepted body (an accepted body is the body which negotiates pay and conditions with an employer but is not a trade union as defined in Section 6 of the Trade Union Act 1941).

Alternative external disclosures (In very limited circumstances)

It is preferable in most circumstances to disclose internally within the organisation and if that is not appropriate, to one of the disclosure options above. It will rarely be appropriate to make alternative external disclosures where the disclosure could be dealt with through one of the other disclosure options above, as there are stringent requirements for alternative external disclosures to qualify as protected disclosures under the 2014 Act.

The protections will only be available if the following conditions are met:

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1. A reporting person must reasonably believe that the information disclosed, and any allegation contained in it, are substantially true;
2. The disclosure must not be made for personal gain; and
3. At least one of the following options below must be met:
 - a. At the time the disclosure was made the reporting person reasonably believed that they would be penalised if they made the disclosure to their employer, a responsible person, a prescribed person or a Minister; or
 - b. Where there is no relevant prescribed person the reporting person reasonably believed that evidence would be concealed or destroyed if the reporting person made the disclosure to the employer or responsible person; or
 - c. The reporting person previously made a disclosure of substantially the same information to the employer, a responsible person, a prescribed person or a minister; or
 - d. The wrongdoing is of an exceptionally serious nature; and
 - e. In all these circumstances it is reasonable for the reporting person to make an alternative external disclosure.


The assessment of what is reasonable takes account of, among other things, the identity of the person to whom the disclosure is made, the seriousness of the wrongdoing, whether the wrongdoing is on-going or likely to occur in the future, whether any action has been taken in cases where a previous disclosure was made and whether the reporting person complied with any procedures in place when making that previous disclosure.

5. Review of Decisions

In the event that the reporting person is not satisfied with:

- a. a decision made to disclose their identity;
- b. the outcome of any assessment/investigation undertaken in respect of the disclosure; or
- c. the outcome of any assessment/investigation in respect of any complaint or penalisation.

The reporting person may bring the matter to the attention of the Chief Executive stating that the matter has already been considered by another recipient and underlining the reasons as to why the reporting person feel that the matter requires further investigation. In the event that the concerns are referred to a second recipient, that person will undertake an independent evaluation of the matter following which he/she will advise the reporting person of the outcome of the review. The decision of a second recipient will represent a final internal decision on the matter.

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6. Communication, Monitoring and Review

This policy will be communicated as appropriate and will be subject to regular monitoring and review in accordance with updates issued by the WRC and in consultation with our workforce and their representatives.




7. Records


Written records, including timelines, in relation to any assessment and/or investigation undertaken will be maintained.

Records of concerns raised, including the outcome, will be maintained for a minimum of five years after the closure of the case. These records will be maintained in a confidential and secure environment. A summary report of all protected disclosures will be included in our annual report.

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8. Summary – Raising a Concern

- STEP 1** **Are you aware of a wrongdoing in the workplace?**  Consider whether you are aware of a wrongdoing in the organisation. See list of wrongdoings (a-h) at clause 2.1.
- STEP 2** **To whom/how should you raise your concern?**  Consider to whom you should report your concern. NSAI encourage workers to report their concerns internally in the first instance, to their immediate manager. In certain more limited circumstances it is possible to make a disclosure externally.
- NSAI do not encourage workers to make disclosures anonymously. On a practical level, this makes the investigation of your concern very difficult. NSAI will however protect your confidentiality insofar as is possible.
- STEP 3** **Orally or in writing?**  Consider whether you will raise your concern orally or in writing. If you wish to raise your concern in writing, please see clause 3.2 which outlines the kind of detail you should include.

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STEP 4 Initial meeting



After you have raised your concern, the recipient will meet with you to discuss this further. You may choose to bring a colleague or trade union representative to this meeting.

The recipient will consider at that stage whether our Grievance or Dignity in the Workplace procedures would be more appropriate in relation to your concern.

STEP 5 Investigation



If the recipient concludes that there are grounds for concern, an investigation will be carried out fairly and objectively. Please see clause 3.4 for further details.

STEP 6 Keeping you up-to-date



The recipient will aim to keep you informed as matters progress, in so far as possible. For further details, please see clause 3.5.


STEP 7 Outcome



Once the investigation is concluded, the recipient will communicate the outcome to you, where possible.

If you are unhappy with the outcome of the investigation, please contact the Chief Executive.


If the recipient concludes that you have made false allegations maliciously or with a view to personal gain, you will be

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subject to disciplinary proceedings.

Appendix 1

Protected Disclosure Form	
<p>Introduction</p> <p>NSAI welcomes reporting of disclosures under the Protected Disclosures Policy, which is a component of the governance infrastructure as it seeks to deter, prevent and detect fraud and other potential wrongdoings.</p> <p>Prior to completing this form, a reporting person should;</p> <ol style="list-style-type: none"> i. Consider whether the Protected Disclosures Policy is the appropriate policy under which to report the concern. ii. Ensure that the report is being made in relation to a matter that the reporting person have reasonable grounds to be concerned about. 	
<p>Name of worker (Reporting Person) reporting the concern: (Anonymous reports will be considered but are not encouraged)</p>	
<p>Confidential Contact Details</p>	
Telephone/Mobile Number	
Email Address	
<p>Details of alleged wrongdoing including dates, if applicable. (insofar as possible detail background / history of concern; details; dates etc. Care should be taken to only include the name(s) of individual(s) directly relevant to the report)</p>	

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Has alleged wrongdoing been reported previously: (If so please specify when and to whom)	
Signature and Date	