



Comhlacht Cultúir na Gaillimhe
Galway Culture Company

Whistleblowing Policy

Policy Statement

The organisation is committed to the highest standards of openness, probity, and accountability, as well as the highest possible ethical standards in all of its practices. To achieve this, it encourages employees and Members of the Board to use internal mechanisms for reporting any malpractice or illegal acts or omissions by its employees and Members of the Board. We therefore view it as extremely important to have a mechanism in place to enable employees and Members of the Board to voice concerns in a responsible and effective manner.

The organisation is committed to dealing with all genuine concerns raised appropriately, openly, responsibly and professionally. Persons raising genuine concerns are commonly known as "Whistle-blowers".

For the purpose of this policy:

- Whistleblowing is raising a genuine concern, which in the reasonable belief of an employee shows relevant wrongdoing within an organisation.
- A Whistle-blower is a person who raises a genuine concern about wrongdoing.
- A disclosure is the method in which the concern is raised, and can either be verbally or in writing to a Manager or Director.
- An investigation is the next step of the process and has the aim of determining an outcome on whether the disclosure is substantiated or not substantiated. Further action may or may not be required.

Scope

This policy has been designed to enable all employees and Members of the Board of the organisation, including contractors, volunteers, agency employees, former employees and former Members of the Board and job seekers to raise genuine concerns safely and appropriately, and to disclose information which they believe shows malpractice or impropriety without fear of victimisation. Concerns raised may include:

- The commission of an offence
- A miscarriage of justice
- Non-compliance with a legal obligation
- Health and safety threats
- Misuse of public monies
- Mismanagement by a public official
- Damage to the environment
- Concealment or destruction of information relating to any of the above

Examples of such relevant wrongdoings might include misrepresentation or misuse of the organisation's information, finances or other assets, unacceptable behaviour towards colleagues or the public, or action contrary to the business or activities of the organisation.

Genuine concerns could relate to any part of the organisation in which an employee works, or a related organisation. For example, an employee could become aware of, and feel it necessary to bring to someone's attention, a cause for genuine concern relating to another organisation.

This policy is not designed to question financial or business decisions taken by the organisation. This policy complements other internal policies (including Grievance, Dignity at Work, and Equal Opportunities) already in place. There are no definitive rules about which procedure to use in which circumstances. The general principles are as follows:

- If the issue relates to genuine concerns where the interests of others or the organisation itself is at risk, then the Whistleblowing Procedure should be followed.
- If the issue causing concern relates to a management decision or conditions or services, which affect the employee personally, it is probably more appropriate to raise it as a grievance under the Grievance Procedure.
- If the issue relates to bullying, victimisation or harassment of employees and Members of the Board then the Dignity at Work Procedure should be used.

The key message to all employees and Members of the Board, however, should be "raise your concern, even if you are unsure".

Employees and Members of the Board may, quite normally, be worried about raising such issues or may prefer to keep their genuine concerns to themselves, perhaps feeling that it is none of their business or that it is only an unsupportable suspicion. They might feel that raising the matter would be disloyal to colleagues, Managers or to the organisation. They may fear the consequences of possibly speaking to the wrong person or raising an issue in the wrong way and being unsure of what to do next.

This procedure enables all employees and Members of the Board to raise their genuine concerns about malpractice at an early stage and in the right way. This policy is intended to encourage employees and Members of the Board to raise genuine concerns they may have relating to the organisation.

Protection and Confidentiality

Employees and Members of the Board who engage in whistleblowing are protected by the Protected Disclosures Act 2014, provided the disclosure is made with reasonable belief of malpractice or impropriety. The organisation takes this extremely seriously; no employee who raises a whistleblowing concern will suffer any detrimental treatment as a result of raising a concern. Detrimental treatment includes dismissal, disciplinary action or penalisation by the organisation, threats or intimidation to the individual, or any other unfavourable treatment connected with raising a concern. If an employee feels they have suffered any such treatment, they should raise it formally through the Grievance Procedure.

Employees and Members of the Board must not threaten, victimise or retaliate against whistle-blowers in any way. Anyone involved in such conduct will be subject to disciplinary proceedings.

If an investigation under this policy concludes that a disclosure has been made maliciously, vexatious, in bad faith, or with a view to personal gain, the whistle-blower may be subject to disciplinary action. Those choosing to make disclosures without following this procedure or anonymously may not receive the protection outlined in this policy.

The organisation will not tolerate the harassment or victimisation of anyone who raises a genuine concern. However, it is recognised that someone may have good reasons to prefer to raise a genuine concern in confidence under this policy. If an employee asks for their identity to be protected, by keeping their confidence, the organisation will make every effort to treat

all disclosures in a confidential and sensitive manner. Exceptional effort will be made to keep the identity of the employee confidential at all times. Only in exceptional cases will the individual's identity be disclosed; primarily where prior agreement has been reached with the employee or where it is believed necessary in order to:

- Complete a full and proper investigation
- To prevent serious risk or damage
- To prevent a crime or to prosecute a criminal offence

In such circumstances, the organisation will endeavour to enter into dialogue with the employee in advance to discuss how to proceed.

Where there is uncertainty as to whether a disclosure is a "protected disclosure" it will be presumed to be a "protected disclosure", unless the contrary can be proven.

Raising a Whistleblowing Concern Internally

The organisation hopes that in many cases the employee will be able to raise any disclosures with their line manager, in the first instance. However, if the employee would prefer not to raise it with them for any reason, they should contact a Director or the CEO. The employee may make the disclosure in person or put the matter in writing if they prefer.

The organisation may at its discretion nominate an additional third party to hear disclosures. Should such a measure be put in place, employees and Members of the Board will be notified and provided with the necessary contact details.

After the disclosure has been made clear, an investigation will take place as a next step.

Investigation of Disclosures

All disclosures will be fully investigated, where possible by an appropriate Director with relevant experience of investigations who is not connected with the case. A nominated third party may be requested to conduct the investigation where an independent party is required. The whistle-blower may be asked to attend a meeting to discuss the concern. They may be accompanied by a colleague. The companion must respect the confidentiality of the employee's disclosure and any subsequent investigation.

The organisation will endeavour to keep the employee updated on the progress of the matter and the outcome of the investigation. The employee should appreciate however that it may not always be possible or appropriate to tell them detail of any action, but they will be informed if action is taken.

If the employee is not happy with the way in which their concern has been handled, they can raise it with another Director if they have not already done so.

Raising Concerns Externally

An employee should endeavour, in the first instance, to raise any concerns internally. It is the organisation's intention that employees and Members of the Board will not find it necessary to alert anyone externally.

However, the organisation accepts that in certain circumstances it may be necessary to raise a concern externally, for example if the employee is not satisfied with an internal response to a disclosure.

Other Disclosures

In exceptional circumstances only, it may be appropriate to raise a protected disclosure in the public domain, e.g. to the media. Employees and Members of the Board are strongly advised to seek legal advice prior to making a disclosure in the public domain.

In order for such a disclosure to be protected the employee must:

- Reasonably believe that the information disclosed is substantially true
- The disclosure is not made for personal gain
- The making of the disclosure is in all the circumstances reasonable.

In addition, one or more of the following conditions must be met:

- At the time of making the disclosure the employee reasonably believes that he/she will be subject to penalisation and detriment by his/her employer if the disclosure was made to the employer
- In a case where there is no prescribed person in relation to the relevant wrongdoing, the employee reasonably believes that evidence will be destroyed/concealed if the disclosure is made to the employer
- The employee has previously made a disclosure of substantially the same nature to either his employer or prescribed person and no action was taken
- The relevant wrongdoing is of an exceptionally serious nature

Monitoring and Recording

Information regarding concerns raised under the Whistleblowing Policy will be collected for monitoring purposes.