

FORAS NA GAEILGE

WHISTLEBLOWING ARRANGEMENTS OCTOBER 2023

Introduction

All of us at one time or another may have concerns about what is happening at work. However, when it is about unlawful conduct, a possible fraud or a danger to the public or the environment, or other serious malpractice, it can be difficult to know what to do.

You may be worried about raising such a concern and may think it best to keep it to yourself, perhaps feeling it is none of your business or that it is only a suspicion. You may feel that raising the matter would be disloyal to colleagues, managers or to Foras na Gaeilge. You may decide to say something but find that you have spoken to the wrong person or raised the issue in the wrong way and are not sure what to do next. It is worth confirming also that the protections and provisions of the 2022 act in the south are extended to certain other interested parties under certain circumstances, including board members, contractors and job candidates.

The purpose of these arrangements is to reaffirm to you that it is safe and acceptable to speak up. Foras na Gaeilge welcomes openness and honesty and it is understood that it is to the benefit of both the organisation and staff that these arrangements are in place. They also enable people to raise your concern about such malpractice at an early stage and in the right way. Rather than wait for proof, we would prefer you to raise the matter when it is still a concern.

If something is troubling you of which you think we should know about or look into, please let us know. But (for employees) if you wish to make a complaint about your employment or how you have been treated, please use the appropriate industrial relations procedures.

Foras na Gaeilge has implemented these whistleblowing arrangements for you to raise any concern where the interests of others or the organisation itself are at risk.

Clarification is available at:

- <http://www.irishstatutebook.ie/2014/en/act/pub/0014/sec0005.html#part2>
- <https://www.irishstatutebook.ie/eli/2022/act/27/enacted/en/index.html#>
- <http://www.legislation.gov.uk/nisi/1998/1763/article/3/made>

If your concern is about possible fraud, you may also wish to refer to our Fraud

Policy Statement and Fraud Response Plan, which can be found at

<http://www.forasnagaeilge.ie/fuinn/eolas-corparaideach/caipeisi-corparaideacha/polasaithe>.

If in doubt, raise it!

Our assurances to you

Your safety

Foras na Gaeilge is committed to making whistleblowing work. If you raise a genuine concern under these arrangements, you will not be at risk of losing your job or suffering any form of retribution as a result.

Good faith

Provided you are acting in good faith, it does not matter if you are mistaken. Of course, this assurance does not extend to someone who maliciously raises a matter they know to be untrue, for this differs greatly from making a mistake. However, anyone who makes a protected disclosure will not have the protection of the 2014 or 2022 acts if they do not have reasonable belief that there has been wrongdoing, and disciplinary action may be carried out against persons in that case.

Confidentiality

Foras na Gaeilge will not tolerate the harassment or victimisation of anyone who raises a genuine concern and with these assurances, we hope you will raise your concern openly. However, we recognise that there may be circumstances when you would prefer to speak to someone in confidence first. If this is the case, please say so at the outset. If you ask us not to disclose your identity, we will not do so without your consent unless required by law. You should understand that there may be times when we are unable to resolve your concern without disclosing your identity, for example where your personal evidence is essential. In such cases, we will discuss with you whether and how the matter can best proceed.

Anonymity

In order to investigate whatever issue that may be raised, it would help in the usual way if it was made known who is disclosing the information, especially in order to get further information or clarification, but all disclosures will be investigated as much as possible 'anonymously' as well. The disclosers own name will not be disclosed during the process except where it is absolutely necessary in order to investigate the issue and that will not be done without permission being received from him or her in advance. It is a disciplinary offence to disclose the discloser's name without that permission. Accordingly, although we will consider anonymous reports, these arrangements are not suitable for dealing with concerns raised anonymously.

If you are not sure about raising a concern you can get independent advice from Public Concern at Work (www.pcaaw.co.uk) in Northern Ireland or from the Protected Disclosures Commissioner (<https://www.opdc.ie/index.xml?&Language=ga>) in the Republic of Ireland, and from your trade union or staff representative group.

How to raise a concern internally

Please remember that you do not need to have firm evidence of malpractice before raising a concern. However we do ask that you explain as fully as you can the information or circumstances that gave rise to your concern.

What is a relevant wrongdoing?

Below are some examples of things that might be a relevant wrongdoing:

1. A crime;
2. A person not complying with an obligation, other than an obligation in connection with a workers employment contract, or another contract in which a worker personally undertakes to supply a service or carry out work;
3. A miscarriage of justice;
4. Danger to a person's safety or health;
5. Harm to the environment;
6. Unlawful or inappropriate use of a public body's money, its resources or of other public money;
7. An action or omission of a public body or on its behalf, which is discriminatory, extremely negligent or which would be considered as serious mismanagement; or
8. Information which shows or from which it could be understood that any material in connection with the above is concealed or destroyed, has been concealed or destroyed, or that it is likely to be concealed or destroyed.

A clear recognised channel for reporting

Step one

If you have a concern about malpractice, we hope you will feel able to raise it first with your line manager or with their immediate manager. This can be done orally or in writing. Your line manager should be given an appropriate opportunity to give you answers to questions you have raised.

Step two

If, for whatever reason, you feel that raising it with your line manager or their immediate manager is not appropriate or it has not worked, please raise the matter with your programme manager or with one of the following:

- The Director of Corporate Services, ([01]6398400, soheidhin@forasnagaeilge.ie)
- The Deputy Chief Executive and Director of Education Services, ([028] 90890970, pdeeds@forasnagaeilge.ie)
- The Director of Development Services, ([01]6398400, bmacraith@forasnagaeilge.ie)
- The Director of Lexicography, Publishing and Terminology Services (074)9560113, enichorrain@forasnagaeilge.ie)

If you want to raise the matter in confidence, please say so at the outset so that appropriate arrangements can be made. Specific responsibility and training in dealing with whistleblowing have been given to these persons.

For the sake of simplicity and clarity, the Director of Corporate Services above is the person with lead responsibility for dealing with information disclosure in the organisation.

Step three

If these channels have been followed and you believe there is an ongoing risk, or in the case of a party who is not an employee of Foras na Gaeilge and is covered by the 2022 act, or you feel the matter is so serious that you cannot discuss it with any of the above, you can raise your concern directly with:

- The Chief Executive, Seán Ó Coinn, ([01] 6398400 socoinn@forasnagaeilge.ie)
- The Chairperson, Regina Uí Chollatáin (comhalta1@forasnagaeilge.ie)
- The Chairperson of the Audit Committee, Kevin Ó hEadhra (comhalta2@forasnagaeilge.ie)

See also the section under **External Disclosures** below.

How we handle the matter

Once you have told us of your concern, Foras na Gaeilge will look into it to assess initially what action should be taken. This may involve an informal review, an internal inquiry or a more formal investigation. If it is decided that a formal investigation is necessary the overall responsibility for the investigation will lie with the Chief Executive, Chairperson or designated board member. Senior officers in the

sponsoring departments will be made aware as soon as a formal investigation is taking place. In any event, we will tell you who is dealing with the matter, how you can contact him or her, the timescales of the approach and whether your further assistance may be needed. If you request, we will write to you summarising your concern and setting out how we propose to handle it.

When you raise the concern you may be asked how you think the matter might best be resolved. If you do have any personal interest in the matter, we do ask that you tell us at the outset. If your concern falls more properly within the grievance procedure we will tell you.

Foras na Gaeilge will give you as much feedback as we properly can, and if requested, we will confirm it in writing. However, we may not be able to tell you the precise action we take where this would infringe a duty of confidence owed by us to someone else.

Independent advice

If you are unsure whether or how to raise a concern or you want confidential advice at any stage, you may of course contact your union. If your query is in connection with the South you may also contact the Protected Disclosures Commissioner at <https://www.opdc.ie/index.xml?&Language=ga>. If your query is in connection with the North, there is the independent charity Public Concern at Work at (020) 7404 6609 or by email at helpline@pcaw.co.uk. Their lawyers can talk you through your options and help you raise a concern about malpractice at work. For more information, you can visit their website at www.pcaw.co.uk.

External disclosures

While Foras na Gaeilge hopes that we have given you the reassurance you need to raise your concern internally with us, we recognise that there may be circumstances where you can properly report a concern to an outside body. In fact, it is important to us that you do not keep fraud secret and we would prefer you raise a matter with the appropriate regulator – the sponsoring departments, the Comptroller and Auditor General or the Northern Ireland Audit Office for example – than not at all.

The Protected Disclosures Commissioner or Public Concern at Work and/or your trade union will be able to advise you on such a choice and on the circumstances in which you could safely contact an external organisation. In exceptional circumstances it could arise that an external disclosure is appropriate under the legislation in both jurisdictions and those circumstances are set out in the extracts below:

<http://www.legislation.gov.uk/nisi/1998/1763/article/3/made>

<http://www.irishstatutebook.ie/2014/en/act/pub/0014/sec0005.html#part2>

<https://www.irishstatutebook.ie/eli/2022/act/27/enacted/en/index.html#>

Conclusion

Although Foras na Gaeilge cannot guarantee that we will respond to every subject in the way you may wish, we will expect to handle the subject fairly and appropriately. By using these whistleblowing arrangements you will help us to achieve this.

Please note that this document has been developed to meet best practice and comply with the best practice in both jurisdictions in which Foras na Gaeilge operates and that it adheres to the relevant legislation, north and south, respectively the Public Interest Disclosure (NI) Order 1998 in the south, which provides employment protection for whistleblowing and, in the south, the Protected Disclosures Act 2014 and 2022, and Section 5 of the Standards in Public Office Act, 2001, which provides a similar protection. For further information on the law, see:

<http://www.opsi.gov.uk/si/si1998/19981763.htm>

<http://www.irishstatutebook.ie/2014/en/act/pub/0014/>

<https://www.irishstatutebook.ie/eli/2022/act/27/enacted/en/index.html#>

<http://www.irishstatutebook.ie/2001/en/act/pub/0031/index.htm>

This policy will be reviewed annually. **The next review review will take place in October 2024.**

This version was approved on 16 October 2023.