



The Discovery  
Programme

Centre for Archaeology  
and Innovation Ireland

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# PROTECTED DISCLOSURES POLICY (WHISTLEBLOWING)

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## 1. Introduction

The Discovery Programme: Centre for Archaeology and Innovation Ireland (hereafter the Discovery Programme), like other bodies funded with public money, has a duty to conduct its affairs and use its resources with propriety having regard for its role as funded by a statutory agency, the Heritage Council. The Discovery Programme takes very seriously acts of alleged or actual irregularities and the protection of staff who report such acts. The aim of this policy is to provide an avenue within the Discovery Programme to deal with concerns or disclosures in regard to wrongdoing.

In compliance with its obligations under the *Code of Practice for the Governance for State Bodies* (2016) and its financial reporting to the Comptroller and Auditor General the board of the Discovery Programme has put in place the following procedures whereby workers and former workers may, in accordance with the Protected Disclosures Act 2014, raise concerns, in confidence, about possible irregularities in financial reporting or other matters, and has procedures in place to ensure meaningful follow-up of matters raised.

## 2. What is whistleblowing?

Whistleblowing occurs when an employee raises a concern or discloses information which relates to wrongdoing, illegal practices or unethical conduct which has come to their attention through work.

Under this policy an employee is entitled to raise concerns or disclose information without fear of penalisation or threat of less favourable treatment, discrimination or disadvantage.

## 3. Purpose of this policy

This policy describes the mechanism for Discovery Programme employees to report suspected misconduct or illegality and how the Discovery Programme will protect staff who make these allegations. It is also consistent with the Protected Disclosures Act 2014, and the terms of that act underpin this policy.

Matters reported may relate to material allegations in the management of the Discovery Programme or the activities of staff members, board members, contractors, suppliers or customers where such activities adversely affect the work of the Discovery Programme or where alleged illegal acts may have been perpetrated. Such material allegations may concern, for example, questions of financial malpractice, breaches of appropriate and agreed procedures or significant departure from the statutory or other requirements for good governance.

## 4. When whistleblowing (protected disclosures) applies

Existing Discovery Programme line management structures and existing systems of internal control (both financial and operational) are the usual mechanisms to assist in the detection of, or drawing attention to, irregularities of all kinds. However, in exceptional circumstances it is sometimes necessary to have an additional reporting line available to employees as a mechanism of last resort, and this is where this policy applies.

## 5. Whistleblowing (protected disclosures) principles

Persons making substantiated material allegations in good faith can be assured that their concerns will be treated seriously and sensitively. The Discovery Programme will aim to protect them provided that the allegations made are properly grounded.

Action by a manager or others to inappropriately deter an employee from raising valid concerns about a material irregularity or other significant malpractice may result in the invocation of disciplinary procedures, up to and including dismissal.

Allegations raised that are unfounded, unsupported and/or immaterial or repeated allegations previously investigated and found to be false may also be subject to disciplinary action.

An employee will not be legitimately challenged for making a protected disclosure of a suspected serious company law offence.

A disclosure of information to the Discovery Programme or to An Garda Síochána by an external party will receive protection if it is understood that no action was known to have been taken by the Discovery Programme itself to remedy the issue.

## 6. Reporting procedure

Allegations should be made through the following route:

All disclosures must be submitted in writing to the chief executive officer (CEO), giving details of the alleged act(s).

Where, for any reason, the person making the allegations considers it inappropriate to refer the matter to the CEO, material allegations can be made to the Company Secretary or where the Company Secretary is party to the allegation, to another board member.

Disclosures may, in the light of the seriousness of the matters raised, be referred immediately to the appropriate authorities (e.g. An Garda Síochána or the Comptroller and Auditor General).

Likewise, if urgent action is required (e.g. to remove a health and safety hazard), this action will be taken immediately.

The CEO/Company Secretary/board member will respond to the disclosure within five working days.

## 7. Disclosure outside the employer

It is acknowledged that there may be circumstances where an employee wants to make a disclosure externally, and the legislation governing disclosures (Protected Disclosures Act 2014) provides for a number of avenues in this regard. These include a:

- *minister of the government*

If an employee 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.

- *legal adviser*

The 2014 act allows a disclosure to be made by an employee in the course of obtaining legal advice from a barrister, solicitor, trade union official or official of an excepted body.

It is important to note however that while you need only have a reasonable belief as to wrongdoing to make a disclosure internally, if you are considering an external disclosure, different and potentially more onerous obligations apply depending on to whom the disclosure is made.

## 8. Raising a concern anonymously

A concern may be raised anonymously. However, on a practical level it may be difficult to investigate such a concern. The Discovery Programme encourages employees to put their names to allegations, with an assurance of confidentiality where possible, in order to facilitate appropriate follow-up. This will make it easier to assess the disclosure and take appropriate action including an investigation if necessary.

## 9. Confidentiality

The Discovery Programme is committed to protecting the identity of the employee raising a concern and ensures that relevant disclosures are treated in strictest confidence. The focus will be on the alleged wrongdoing rather than the person making the disclosure.

However, there are circumstances, as outlined in the act, where confidentiality cannot be maintained particularly in a situation where the employee is participating in an investigation into the matter being disclosed. Should such a situation arise, the Discovery Programme will make every effort to inform the employee that their identity may be disclosed.

## 10. Investigation

The following procedure will apply:

- The CEO/ Company Secretary/board member, having consulted where considered necessary other qualified and expert persons, will initiate an investigation and set down a timetable and terms of reference for it, which will be subject to a board resolution.
- Qualified and expert persons external to the Discovery Programme may be invited to conduct or assist in the fact-finding investigation.
- The person making the disclosure and any person/people against whom allegations are made will be interviewed separately.
- The investigator(s) may meet other persons whom they consider relevant.
- The person making the disclosure and any person against whom an allegation is made may be accompanied by a representative at the interviews if they so wish.
- Confidentiality will be maintained as far as practicable. Witnesses will be expected to respect the privacy of the parties involved by refraining from discussing the allegations with anyone.

## 11. Post-investigation

On completion of the investigation, the investigator(s) will produce a written report. This report will be made available to all board members, and the recommendations or findings of the report may be adopted through a resolution.

The outcome of the investigation will be communicated to the parties concerned.

If, following investigation, an allegation/complaint is found to be valid, then appropriate action will be taken.

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 employee making the disclosure and the employee will be protected against any penalisation.

Any report made in good faith shall be treated as such by the Discovery Programme, even if the allegations are subsequently unproven. However, if an investigation shows that frivolous, malicious or false allegations have been made, these will be treated as a disciplinary matter by Discovery Programme.

## 12. Appeals

In the event that the person making the disclosure is dissatisfied with the investigation process, an appeal may be made to the chairperson of the board.

The reason and grounds for the appeal should be outlined in writing and forwarded to the chairperson within ten days of the formal issuing of the report. The appeal will be heard by the chairperson and/or members of the board within ten days of the appeal.

The outcome of the appeal will be issued within ten days of the appeal being heard.

## 13. Principles

Throughout the investigation the following will apply:

- The principles of natural justice will apply at all times.
- The principles underpinning the Discovery Programme's Disciplinary Procedure and Dignity at Work Policy will apply.
- In all cases, any individual or group against whom an allegation/complaint is made will be presumed to be innocent until evidence suggests otherwise.
- Matters relating to the investigation may not be discussed with anyone outside of the investigation process.
- Confidentiality must be upheld in so far as is practicable.
- All materials relating to the investigation and subsequent report will be retained as confidential documents by the Discovery Programme for a minimum of six years.

## 14. An Garda Síochána involvement

Where it is necessary for An Garda Síochána involvement, the internal Discovery Programme procedure will still be completed and all information shall be shared with the gardaí, where requested.

Where the gardaí request original documents, copies of the document shall be kept by the Discovery Programme.

The grounds for An Garda Síochána involvement and possible prosecution will not necessarily be the same grounds that justify an internal investigation.

## 15. Communication, monitoring and review

This policy will be communicated as appropriate and will be subject to regular monitoring and review in consultation with our workforce and their representatives.

## 16. Annual reports

A confidential record shall be maintained of all allegations received and investigations carried out under this policy.

An annual report will be prepared and submitted to the board in relation to protected disclosures received in the preceding calendar year.

The annual report shall maintain the anonymity of all those involved. It shall include information on the number of allegations:

- received
- referred to another procedure
- investigated and dismissed
- upheld and actions taken.