

2025

Protected Disclosures Policy

Disclosures to Prescribed Persons

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Comhairle Cathrach Chorcaí
Cork City Council



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Revision History

CURRENT DOCUMENT VERSION		
Version No:	Date:	Reasons for Issue:
1.2	3 March 2025	Changes in contact details, new legislation and Organisation Restructuring

REVISION APPROVAL			
Process Owner	Signature:	Print Name:	Date:
	Catherine Kelly	Catherine Kelly	27/03/2025
SEO/SE/ Cognate	Signature:	Print Name:	Date:
	Catherine Kelly	Catherine Kelly	27/03/2025
Director of Services	Signature:	Print Name:	Date:
	Rebecca Loughry	Rebecca Loughry	27/03/2025

PREVIOUS VERSIONS		
Version No.	Date	Reason for Issue
1.1	01/10/2020	Updated contact details and New Format for Policy and Procedures

1. Introduction/Background

Cork City Council is committed to ensuring that the culture and work environment are such that any employee/worker is encouraged and supported to report on any issue that may impact adversely on the City Council's ability to deliver a high quality service and to facilitate the disclosure of wrongdoing and the protection of an employee/worker(s) who make such disclosures.

Consistent with Cork City Council's existing policies, it is expected that any appropriate issue raised by an employee/worker with their line manager will be dealt with professionally and appropriately. This is essential to ensuring that all significant risks arising for the City Council are identified and effectively managed. In addition, an employee/worker appropriately raising any issue of concern will not be penalised for doing so.

Cork City Council will assist and support employees who disclose possible wrongdoing and intends to treat concerns raised with the utmost discretion consistent with the legal requirement to safeguard the identity of employees/workers who make such disclosure(s).

Reporting any concerns internally under the Protected Disclosures Act, 2014, as amended by the Protected Disclosures Act 2022, will promote a workplace culture of 'raising concerns' and allows the City Council to deal with the disclosure effectively.

It is expected that concerns in relation to day to day operational matters will, in the normal course of events, be brought to the attention of the relevant line manager and dealt with accordingly, or through agreed structures already established by the City Council (e.g. Health & Safety matters should be addressed through the procedures established in the Cork City Council's Health & Safety Management System). Similar considerations apply to grievances or allegations relating to matters such as harassment/bullying which are not covered by this policy, and which will remain to be dealt with under Cork City Council's Grievance Policy and Procedure and Dignity at Work Policy.

2. Relevant Legislation

This policy focuses on issues of relevant wrongdoings, as defined in the Protected Disclosures Act, 2014 as amended by the Protected Disclosures Act 2022, and the resolution of which are in the public interest. There is an important distinction to be made between raising a concern regarding relevant wrongdoings as defined in the Protected Disclosures Acts covered by this policy and other issues that may be raised relating to the normal business of the City Council which do not fall under this policy.

3. Purpose & Scope

Cork City Council has appointed Catherine Kelly, Senior Executive Officer, Corporate and Community Affairs Directorate (021) 4924202 catherine_kelly@corkcity.ie to receive Protected Disclosures as Designated Person in accordance with the Protected Disclosures Act, 2014 as amended by the Protected Disclosures Act 2022.

Cork City Council shall monitor the implementation of and compliance with the policy and will review it on a regular basis.

This policy will be reviewed annually after the date of this publication in 2025. Employees and staff representatives shall be notified of any changes.

Cork City Council is obliged, by 1st March annually, to prepare and publish a report detailing the number of protected disclosures made to the City Council in the immediately preceding year and any action taken in response to those protected disclosures. All disclosures of wrongdoing, irrespective of whether they are being dealt with formally or informally, shall be recorded and notified to a Designated Director who will report to the Chief Executive, as required. The identity of the discloser will remain confidential.

The report shall also include anonymous information in relation to the protected disclosures and the action taken by the City Council. This report shall be published in a form that does not enable the identification of the persons involved in any aspect of the disclosure, be they the discloser, or the recipient or any other person involved.

Employees/Workers making protected disclosures will be advised that he/she will be provided with periodic feedback by the Designated person, in confidence, in relation to the matters disclosed and be advised when consideration of the disclosure is complete, except in exceptional cases; this may take the form of reassurance and affirmation that the matter is receiving attention. Note that this does not require the City Council to give a complete account of what the situation is, at a particular point in time, in terms of progress.

(See paragraph 10.3.2 and 11.3 of PDA Statutory Guidance document at www.gov.ie/protected-disclosures and Section 21 of the Protected Disclosures Act 2014 for the purpose of assisting public bodies in the performance of their duties under the Act – www.irishstatutebook.ie).

4. Policy Details

The Designated person to receive disclosures and any other individual to whom the disclosure is referred in the performance of that employee's/person's duties, must take all reasonable steps to avoid disclosing to another person any information that might identify the person by whom the disclosure was made.

If a disclosure is made to a line manager in the course of their duties, the line manager is required to request the discloser to make the disclosure directly to the Designated person to receive disclosures.

The Designated person to receive a disclosure should undertake an initial screening/assessment process, (see paragraph 10.2 PDA statutory guidance document), for the purpose of assisting public bodies in the performance of their duties under the Act, following which he/she will advise the discloser as to whether the matter requires an investigation in accordance with the Protected Disclosures Act, 2014 as amended.

The screening process should involve an assessment of the disclosure to seek to determine whether or not it should be treated as a protected disclosure, having regard to the PDA 2014 Act as amended by the PDA Act 2022. If it is unclear whether the disclosure qualifies as a protected disclosure, the Designated person should treat the disclosure as a protected disclosure and protect the identity of the discloser in accordance with the procedures. The disclosure should be assessed to determine the nature of the information disclosed and the procedure or procedures that is/are most appropriate to be used to investigate the matter. If, having assessed the disclosure, there is a mix of different issues (some involving a protected disclosure, some involving a personal employment complaint) then an appropriate process/processes should be applied to deal with the issues. The process to be applied may differ from case to case.

The screening/assessment process should consider whether the alleged wrongdoing is something that can or should be investigated or not (Procedure for Investigation of a Disclosure). If an investigation is required, the appropriate **Director of Services** should consider the nature and extent of the investigation.

In the event that the Designated person is of the view that any further investigation is not required, the Designated person should advise the discloser of his/her assessment and the basis for the assessment, insofar as is possible.

As it is not possible to know at the time, whether a disclosure will subsequently be deemed protected under the Protected Disclosures Act, the Designated person should keep a written record of his/her actions, including timelines, under this section.

Employees/Workers should be advised by the Designated person that the following conditions must apply to an employee/worker's disclosure:

- It must have come to their attention in connection with their employment and
- they must have a reasonable belief that the information disclosed tends to show a wrongdoing.

Note that a disclosure of any wrongdoing which is the employee/worker's or the employee/worker employers' function to detect, investigate or prosecute does not come within the terms, or attract the protections and redress of the 2014 Act as amended (unless it involves an act or omission on the part of the employer).

Employees/Workers should be advised that they will not be penalised or caused to suffer detriment for making a report of possible wrongdoing which subsequently turns out to be incorrect provided the employee/worker had a 'reasonable belief' that the information being reported showed or tended to show one or more of the relevant wrongdoings.

5. Roles & Responsibilities

Employee/Worker

An Employee/Worker makes a disclosure outlining wrongdoing.

Designated Person to Receive Disclosures

Cork City Council has appointed the following person to receive Protected Disclosures in accordance with the Protected Disclosures Act, 2014 as amended. The contact details for the Designated Person (designated to receive disclosures in Cork City Council) is as follows; Catherine Kelly, Senior Executive Officer, Corporate and Community Affairs Directorate (021) 4924202 catherine_kelly@corkcity.ie.

Disclosure is received by Designated person, initial screening and assessment takes place, consideration and assessment of wrongdoing, investigation.

The Disclosure will be provided with feedback from the Designated person concerning general information in relation to the matters disclosed and be advised when consideration of the disclosure is complete.

Director of Services

Matter should be referred to appropriate Director of Services for examination, investigation and outcome. Investigations carried out will be impartial and conducted in a manner fully consistent with due process.

Member of Senior Management Team

Any review will be conducted by a delegated member of the Senior Management Team. The outcome of review will then be communicated to the employee/worker.

6. Monitoring/ Review/ Reconciliation

A system of review is available in respect of the following:

- i. Any decision made to disclose the identity of the discloser (except in exceptional cases);
- ii. The outcome of any assessment/investigation undertaken in respect of the protected disclosure; and
- iii. The outcome of any assessment/investigation in respect of any complaint of penalisation.

Any review will be conducted by a delegated member of the Senior Management Team. Where a decision is taken to disclose the identity of the discloser, where possible, the discloser will be offered a review before their identity is disclosed. Note that there is no entitlement to two reviews of the same issue.

A specific process will be drawn up for handling the review which requires that parties not involved in the original process re-evaluate the findings and consider any additional evidence provided.

The outcome of the review will then be communicated to the employee/worker.

7. Communications Plan

Cork City Council is obliged, by the 1st March annually, to prepare and publish a report detailing the number of protected disclosures made to the City Council in the immediately preceding year and any action taken in response to those protected disclosures. All disclosures of wrongdoing, irrespective of whether they are being dealt with formally or informally, shall be recorded and notified to a Designated Director who will report to the Chief Executive, as required. The identity of the discloser will remain confidential.

Records created, maintained and stored by the City Council as part of the Protected Disclosure Policy and Procedures shall comply with the requirements of confidentiality under the 2014 Act as amended and with the relevant National Records Retention Policy and any other relevant records retention policies.

The full PDA Statutory Guidance document can be read at www.gov.ie/protected-disclosures.

Please note:

Cork City Council is confident that issues can be dealt with internally and strongly encourages workers to report such concerns internally in accordance with this policy. There may, however, be circumstances where a worker may not wish to raise their concern internally or if they have grounds to believe that an internal report they have made has not been followed-up properly. The Protected Disclosures Act sets out a number of alternative external channels for workers to raise concerns. It is important to note, however, that if a worker is considering making a disclosure using these other channels, different and potentially more onerous obligations may apply. Workers are advised to seek professional advice before reporting externally.

The conditions applying to reporting to a prescribed person are set out in section 7 of the Protected Disclosures Act. Prescribed persons are designated by the Minister for Public Expenditure, NDP Delivery and Reform to receive reports of wrongdoing in respect of matters they regulate or supervise. If a worker wishes to make a report to a prescribed person, in addition to having a reasonable belief that the information they report tends to show a relevant wrongdoing, they must also reasonably believe the information they report is substantially true and that the relevant wrongdoing they wish to report falls within the description of matters for which the person is prescribed. A full list of prescribed persons and a description of the matter for which they have been prescribed can be found at: [www.gov.ie/prescribed\[1\]persons/](http://www.gov.ie/prescribed[1]persons/).

The prescribed person is the head of the Organisation/public body and the external reporting channel for Cork City Council is protected_disclosures@corkcity.ie which will reach the Designated person for Cork City Council.