



WHISTLEBLOWING POLICY

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Introduction

Tigers Childcare is committed to maintaining an open culture with the highest standards of transparency and accountability in all aspects of our work when caring for and educating the children attending our services.

This policy has been designed to encourage and enable colleagues to raise, rather than overlook, genuine concerns or disclose information related to potential wrongdoing as outlined within this policy, internally, at the earliest possible stage. Tigers childcare is committed to ensuring that any colleague who raises a concern in line with this policy is legally protected from penalisation and / or unfavourable treatment.

This policy is underpinned by:

- Children First Act 2015.
- Protected Disclosures Act 2014 as amended by the Protected Disclosures (Amendment) Act 2022.

Policy Statement

An important aspect of accountability and transparency is a mechanism to allow colleagues to voice concerns in a responsible and effective manner. It is a fundamental term of every contract of employment that colleagues will not disclose confidential information about Tigers Childcare. Nevertheless, where an individual discovers information which they believe shows serious malpractice or wrongdoing then this information should be disclosed internally without fear of reprisal, and there should be arrangements to enable this to be done independently of line management.

Scope

The Whistleblowing Policy is designed to enable colleagues at Tigers Childcare to raise concerns internally and at a high level and to disclose information which the individual believes shows bad practice or misconduct in all areas including financial irregularities, breaches of legislation, mistreatment of colleagues or children or any criminal activity including suspected fraud.

This policy applies to all colleagues within the organisation, including volunteers, unpaid trainees/students, agency workers, board members (including non-executive), shareholders and members of administrative, supervisory and management bodies as well as job applicants who acquire information through the course of the recruitment process or during other pre-contractual negotiations as defined in the Protected Disclosure (Amendments) Act 2022.

Policy Aim

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

Please 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 e.g., obligation to report child protection concerns (refer to the company's Child Protection Policy) or reporting a data breach (refer to the company's Data Protection/GDPR policy).

What is Whistleblowing?

Whistleblowing occurs when a colleague raises a concern or discloses information that relates to wrongdoing, illegal practices or unethical conduct that has come to his/her attention through work. This Whistleblowing policy is intended to encourage and enable our colleagues to raise concerns within the workplace rather than overlooking a problem or feeling that appropriate channels do not exist internally to allow reporting in confidence. Under this policy, an employee is entitled and actively encouraged to "speak up" - raise concerns or disclose information - without fear of penalisation or threat of less favourable treatment, discrimination, or disadvantage.

Protected Disclosures

There are legal protections against penalisation for reporting persons in Ireland. The Protected Disclosures Act 2014 sets out how wrongdoing can be reported and how reporting persons are to be protected from penalisation. The Act was amended in 2022 and there are now new obligations employers must fulfil.

Who does the Act apply to?

The Protected Disclosures Act applies to persons in the public, private and not-for-profit sectors who report concerns about wrongdoing they have encountered in the course of their work. The protections of the act apply to:

- Colleagues
- Agency workers
- Contractors
- Trainees
- Volunteers
- Board members
- Shareholders
- Job Applicants

What wrongdoings can be reported?

- Criminal offences
- Failure to comply with a legal obligation (other than a worker's contract of employment)
- Miscarriage of justice
- Endangerment of health & safety
- Damage to the environment
- Unlawful or improper use of public funds
- Oppressive, discriminatory or negligent behaviour by a public body
- Breaches of EU law
- Concealing or destroying evidence of wrongdoing

This policy is not appropriate for dealing with issues of harassment, sexual harassment, bullying or individual grievances which may relate to dissatisfaction with workplace relationships, the work environment or a term or condition of employment. Such matters should be addressed through the appropriate procedures as set out by the Company.

Confidentiality

The company is committed to protecting the identity of the colleague raising a concern - the "reporting colleague" - and ensures that relevant disclosures are treated in confidence. The focus will be on the 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 reporting colleague is participating in an investigation into the matter being disclosed. Should such a situation arise, we will make every effort to inform the reporting colleague that his/her identity may be disclosed.

This policy will be implemented in line with the provisions of the applicable data protection legislation. Any processing of personal data carried out pursuant to this policy, including the exchange or transmission of personal data, shall be carried out in accordance with the applicable data protection legislation.

Obligations as Mandated Persons

This policy is linked to the provisions within our Child Protection Policy. Children's First Act 2015 places a legal obligation on certain people (mandated persons) to report child protection concerns at, or above a defined threshold to Tusla – Child and Family Agency. Mandated persons must inform Tusla when they have reasonable grounds for concern that a child has been, is being, or is at risk of being abused or neglected.

Mandated persons are people who have contact with children and/or families and who, because of their qualifications, training and/or employment role, are in a key position to help protect children from harm. Mandated persons include professionals working with children in education, health, justice, youth and childcare professionals.



Mandated persons have two main legal obligations under Children First Act 2015. These are:

1. To report the harm of children above a defined threshold to Tusla.
2. To assist Tusla, if requested, in assessing a concern which has been the subject of a mandated person.

Please refer to our Child Protection Policy for further information.

Safeguards and Penalisation

A colleague who makes a disclosure and has a “reasonable belief” of wrongdoing will not be penalised by the company, even if the concern or disclosure turns out to be unfounded. Penalisation includes suspension / dismissal, disciplinary action, demotion, discrimination, threats, conduct such as withholding of training, negative performance assessment, or employment references, the failure to convert a temporary contract into a permanent one, harming the workers reputation, blacklisting, early termination or cancellation of a contract for goods and services or of licences or permits and psychiatric or medical referral or other unfavourable treatment arising from raising a concern or making a disclosure on the basis of reasonable belief for doing so.

If you believe that you are being subjected to penalisation because of making a disclosure under this procedure, you should inform your manager / senior manager immediately.

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

What is meant by “Reasonable Belief”?

Although a colleague is not expected to prove the truth of the facts in a disclosure, they must have a “reasonable belief” that there are grounds for their concern when making a disclosure using the internal procedure. A “reasonable belief” means that the belief is based on reasonable grounds. This does not mean the belief has to be correct. The colleague must not have unlawful; and/or unethical objectives in reporting a concern.

Practices & Procedures

Procedures for making a disclosure

All colleagues in Tigers Childcare are actively encouraged to report genuine concerns. It is the responsibility of centre managers to ensure that all colleagues are aware of the opportunity and avenues available to do this. This awareness is provided in centres in the following ways:

- Whistleblowing is a dedicated section for sign-off on our Induction programme card alongside Child Protection
- Signs are displayed in our care rooms and throughout our services.

We recognise that the decision to report a concern can sometimes be a difficult one and there are a number of ways in which a disclosure can be made to ensure that all colleagues feel comfortable reporting a concern. Feeling comfortable means feeling confident, safe, assurance that confidentiality will be maintained (subject to investigation, mandated person requirements), protected from victimisation and penalisation.

1. Email whistleblowing@tigerschildcare.com
2. Make a disclosure via our colleague [intranet site](#)
3. Via our reporting system -- <https://whistleblowersoftware.com/secure/tigerschildcare> or using the QR code below



The following detail is required (where possible):

- That the disclosure is being made under this policy
- The reporting colleagues name, position within the company, place of work and confidential contact details.
- The name of the person(s), body or otherwise allegedly involved.
- A description of the relevant alleged wrongdoing.
- Information in respect of the alleged wrongdoing e.g., what is occurring / has occurred, times / dates and locations to assist the investigation into the matters raised.
- Whether or not the alleged wrongdoing is still ongoing.
- Whether the alleged wrongdoing has already been disclosed, and if so, to whom, when and what action was taken.
- Any other relevant information which will aid an investigation.

All reports will be handled in the first instance by Eve Bartley (HR Manager) and / or Margaret Birmingham (Quality Development Manager). Depending on the disclosure made, other parties may be consulted as appropriate.

How we will handle a disclosure

- We will acknowledge receipt of the report within 5 working days and feedback and follow up will be provided within 4 weeks from the date of the report received.
- Having met with you, or communicated with you via the reporting system, we will carry out an initial assessment to examine what actions we need to take 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.

- If, on foot of the initial assessment, we conclude that there are grounds for concern that cannot be dealt with at this point, we will commence 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.
- 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 this action will be taken.

It is important to us that you feel assured that a disclosure made by you under this policy is taken seriously and that you are kept informed of steps being taken by us in response to your disclosure.

In this regard we undertake to communicate with you as follows:

- We will acknowledge receipt of your disclosure and arrange to meet with you as outlined above.
- We will inform you of how we propose to investigate the matter and keep you informed of actions, where possible, in that regard 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 us from giving you specific details of an investigation.
- We will inform you of the likely time scales in regard to each of the steps being taken but, in any event, we commit to dealing with the matter as quickly as practicable.

During an investigation you may be asked to clarify certain matters. To maximise confidentiality such a meeting can take place off site, and you can choose to be accompanied by a colleague or representative.

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

It is important to note that if an unfounded allegation is found to have been made with malicious intent, then disciplinary action may be taken.

Raising a concern anonymously

A concern / disclosure may be made anonymously via our [colleague intranet site](#) or [our reporting website](#). However, on a practical level it may be difficult to investigate such a concern. The company has limited obligations to accept or follow up on anonymous reports. We encourage colleagues to put their names to allegations, with our assurance of confidentiality where possible, to facilitate appropriate follow-up. This will make it easier for us to assess the disclosure and take appropriate action including an investigation if necessary.



Any colleagues who report anonymously are still protected by the provisions of this policy.

How can the matter be taken further?

The aim of this policy is to provide an avenue within this workplace to deal with concerns or disclosures regarding wrongdoing. The company is confident that issues can be dealt with "in house" and we strongly encourage colleagues to report such concerns internally.

We acknowledge that there may be circumstances where a colleague wants to make a disclosure externally, and the associated legislation provides for several avenues in this regard. For further information on whistleblowing (including on external disclosures) you may wish to refer to the following links:

- [Transparency International Ireland "Speak Up Safely" Guide](#)
- [List of Prescribed Persons](#)
- [Citizens Information](#)
- Office of the Protected Disclosures Commissioner (due to commence operations on 1 January 2023)

It is important to note that while you only need to 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.

Communication Plan

A copy of all policies will be available during hours of operation to colleagues and parents/guardians in the Policy Folder located in Tigers Childcare.

Parents/guardians may receive a copy of the policy at any time upon request.

Parents/guardians and colleagues will receive written notification of any updates via emails and/or Child Paths.

Related Policies / Legislation / References

- Child Protection Policy
- Data Protection Policy
- Grievance Policy



- Personal Harassment Policies & Procedures
- Bullying Prevention Policy
- [Protected Disclosures \(Amendment\) Act 2022](#) .
- [EU Directive 2019/1937](#)
- [Children First: National Guidelines for the Protection and Welfare of Children](#)
- [Our Duty to Care: The Principles of Good Practice for the Protection of Children and Young People](#)
- [A Guide for the Reporting of Child Protection and Welfare Concerns](#)

Policy Review

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