



## **IHRC WHISTLEBLOWING POLICY**

(Introduced February 2012)

### **Introduction**

The IHRC is committed to maintaining the highest standards of honesty, openness and accountability and does not believe that it is in anyone's interests for those with knowledge of wrongdoing not to come forward.

The IHRC takes all malpractice very seriously, whether it is committed by Commissioners, Staff, Suppliers or Contractors.

The IHRC's existing policies and procedures in relation to grievances, bullying and harassment, disciplinary matters or other complaints are the appropriate procedures to use where injustices or discrimination affects an individual personally and such matters are therefore outside the scope of this policy.

The IHRC's existing divisional and management structure and system of internal financial control are the normal and correct mechanisms to detect and/or draw attention to irregularities of all kinds.

However, in exceptional circumstances it is sometimes necessary to have an alternative reporting line available to staff as a mechanism of last resort. In such instance, this Whistleblowing policy applies.

Persons making genuine, supported, material allegations should be assured that their concerns will be treated seriously and sensitively. The IHRC will provide reasonable support to all persons making genuine, supported, material allegations and will aim to protect them from detriment, provided that at all times the person making the allegation has acted in good faith and that the allegations made are material and are properly grounded. Anonymous allegations will not be entertained under any circumstances.

Action by a manager or colleague to inappropriately deter a potential complainant 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 against the manager or other colleague concerned. Likewise, complainants abusing the process by raising unfounded, unsupported and / or immaterial allegations or repeating allegations previously investigated and found to be false will also be subject to the invocation of disciplinary procedures action, up to and including dismissal. Persons who make a genuine, supported material complaint in good faith, in ignorance of the fact that the same complaint

has already been investigated and proven to be false, need have no concerns in this regard however.

### **Policy Statement**

This policy describes the procedures at the IHRC for handling material allegations of irregularities relating to the running of the IHRC or to the activities of members of the Commission, management, staff, contractors, suppliers or customers, where such activities adversely affect the work of these parties with the IHRC have the potential to damage the IHRC. Such material allegations may concern, *inter alia*, questions of financial malpractice, serious breaches of appropriate and agreed procedures, or significant departures from the statutory or other requirements for good governance. The IHRC takes such actual or alleged irregularities very seriously.

The IHRC, like other public bodies, has a duty to conduct its affairs with propriety having regard for its unique role as a national standard reviewing body and its service commitments to its customers and the public alike.

Allegations should be raised and dealt with through one of the routes indicated in paragraphs below, depending on the nature of the allegation.

ONE - Allegations of injustice, discrimination, bullying or harassment made by one member of staff against another should be dealt with under the procedures outlined in the IHRC Grievance and Disciplinary Procedures or Bullying and harassment policy, as appropriate.

TWO - Allegations about an individual's financial conduct should be made to the Chief Executive i.e. regarding materially excessive or fraudulent travel and subsistence claims, inappropriate ordering / financial commitments, misappropriation of assets or fraudulent reporting of financial matters.

### THREE - Allegations about other issues

If staff members have serious concerns about perceived material irregularities in relation to the running of the IHRC which do not fall within paragraphs ONE and TWO above, they should be reported to the Chief Executive. By way of example (although these examples are by no means exhaustive) these concerns could be regarding the material breach of significant procedures, improper departures from good governance, serious and substantial concerns regarding potential criminal activities.

Where, for any reason, the person making the allegation considers it inappropriate to refer the matter to the Chief Executive, material allegations can be made to the Chair of the Finance, Audit, Risk and General Purposes (FARGP) Committee, who shall decide what action to take having regard to the particular circumstances.

The Chief Executive or Chairman of the FARGP may request that the matter be investigated by way of an Internal Audit or internal review by other appropriate professionals either

internally or externally and if appropriate reported to Comptroller and Auditor General's office or Garda Síochána.

In all cases, where a material allegation has been made under paragraphs TWO and THREE, the Chief Executive or the Chair of the FARGP Committee, as appropriate, will make a record of its receipt and of the subsequent action taken. If, on preliminary examination, the allegation is judged to be wholly without substance or merit, the allegation may be dismissed. The person making the allegation will be so informed and may re-make the allegation to the Chair of the FARGP Committee or, if he/she has previously been involved in the matter, to the President.

If the preliminary investigation finds that there is *prima facie* substance to a complaint,

(i) the matter may:

- a) be considered under the appropriate stage of the disciplinary procedures;
- b) be the subject of a formal investigation; and/or
- c) be referred to an outside body including An Garda Síochána.

(ii) the person or persons against whom a material allegation is made must be informed in writing of the allegation and all of the evidence supporting it and must be allowed full opportunity to comment before the investigation is concluded, to comply with the principles of natural justice.

(iii) All material, genuine allegations, including those dismissed after preliminary examination, and the results of their investigation, will be reported to the FARGP Committee.

The identity of any person making an allegation under sections TWO and THREE above may be kept confidential, as appropriate, until a formal investigation is launched. Thereafter the identity of the person making the allegation may not be kept confidential. In addition a person may be required to co-operate with investigating authorities and to give evidence to a Court or other fora.

Staff making allegations may be informed of the general outcome of the investigation and of the person and/or Committee to whom the report of the investigation is issued, but are not entitled to receive a copy of the report. The report is confidential to the investigator, the Chief Executive, the members of the Board, the Executive with managerial responsibility for the area in question, the IHRC's legal advisers, the appropriate disciplinary authority (if relevant) and the FARGP Committee. The person against whom the allegation is made will be informed of the outcome of the investigation and will be entitled to receive a copy of the report if the investigation concludes that a breach has occurred.

### **General**

This policy will be kept under periodic review and any changes will be notified to staff and Commissioners.