



# Protected Disclosures Policy

## Contents

What is the purpose of this policy? .....	2
Who can make a report under this policy? .....	2
What can I make a report on? .....	4
How am I protected if I make a report? .....	4
How do I make a report internally? .....	5
What happens when I make a report under this policy? .....	5
Confidentiality and anonymous reports .....	6
How do I make a report externally? .....	7
Resources .....	7

## Document History

Date	Author	Comments / Changes	Version
June /22	G. McIlroy	Formatted and reviewed for presentation for Board approval	V1
<b>7/10/22</b>	<b>MMcK</b>	<b>Review ahead of GC compliance declaration</b>	<b>V2</b>

### What is the purpose of this policy?

Cycling Ireland strives to operate to the highest standards of governance and accountability. This policy has been created to:

- encourage you to report genuine concerns about potential or actual wrongdoing arising in the workplace through appropriate channels, in the knowledge that your concerns will be taken seriously and investigated, where appropriate;
- provide you with guidance as to how to raise your concerns; and
- reassure you that you can report relevant wrongdoings in confidence without fear of penalisation in the workplace.

Making a report is not an easy decision. You may be concerned about the possible implications and reprisals of a report. Cycling Ireland has established a policy to ensure that a framework exists within which you can voice your concerns without fear of retaliation.

If you are unsure whether you should report your concern, it may be helpful to discuss it with your manager if they are not in any way involved in the matter. It is important that you do not discuss your concerns with anyone involved in the matter or disclose your suspicions to anyone other than the person from whom you have requested confidential advice.

Certain types of reports made under this policy are covered by the Protected Disclosures Act 2014 (which will be amended by the Protected Disclosures (Amendment) Bill 2022).

This policy will be communicated as appropriate and will be subject to regular monitoring and review.

### Who can make a report under this policy?

You can make a report under this policy if you have a working relationship with Cycling Ireland, and you acquired information on the matter the subject of the report in a work-related context.<sup>1</sup>

<sup>1</sup> "Work-Related Context" is defined in the Protected Disclosures legislation as "current or past work activities in the public or private sector through which, irrespective of the nature of those activities, persons acquire information concerning a relevant wrongdoing and within which those persons could suffer penalisation if they reported such information"

This includes current or former:

- employees;
- temporary workers such as contractors or agency workers;
- individuals on work experience;
- members of the administrative, management or supervisory body of Cycling Ireland, including non-executive members;
- Cycling Ireland sub-committee and per diem volunteers; and
- individuals who have acquired information during the recruitment process or pre-contractual process.

## What can I make a report on?

Your report should relate to a relevant wrongdoing which has come to your attention in a work-related context and you should have a reasonable belief of wrongdoing. The following types of concerns are considered relevant wrongdoings under the Protected Disclosures legislation and fall under the scope of this policy:

- that an offence has been, is being or is likely to be committed;
- that a person has failed, is failing or is likely to fail to comply with a legal obligation, other than one arising under the worker's contract of employment or other contract whereby the worker undertakes to do or perform personally any work or services;
- that a miscarriage of justice has occurred, is occurring or is likely to occur;
- that the health or safety of any individual has been, is being or is likely to be endangered;
- that the environment has been, is being or is likely to be damaged;
- that an unlawful or otherwise improper use of funds or resources of a public body, or of other public money, has occurred, is occurring or is likely to occur;
- that an act or omission by or on behalf of a public body is oppressive, discriminatory or grossly negligent or constitutes gross mismanagement;
- that a breach has occurred, is occurring or is likely to occur; and
- attempts to suppress or conceal or destroy information relating to any of the above.

In addition, your report may relate to potential breaches of Cycling Ireland policies or procedures, including unethical behaviour, poor quality performance, incompetence and professional misconduct.

The policy does not cover matters exclusively affecting you such as an interpersonal grievance between you and another colleague, or issues relating to your own contractual arrangement with Cycling Ireland. Such matters would be more appropriately addressed through Cycling Ireland's Human Resources policies and procedures.

This policy does not replace any other legal reporting or disclosure requirements. Where statutory reporting requirements and procedures exist, these must be complied with fully.

## How am I protected if I make a report?

If you have a reasonable belief of wrongdoing and your report is a Protected Disclosure as set out in the legislation, you cannot be penalised or be the subject of any discriminatory measure prompted by making the report. You are not expected to prove the truth of an allegation. Cycling Ireland does not permit retaliation against those who have a reasonable belief of wrongdoing, who report a violation or suspected violation of the policies or procedures. If you report a concern and it later turns out that you were mistaken or if there is an innocent explanation for your concern, you will not be penalised or discriminated against as a result of making the disclosure.

If you believe that you are being subjected to penalisation because of making a disclosure under this procedure, you should inform your line manager or the CEO immediately. Individuals who penalise those who have raised concerns under this policy will be subject to disciplinary action.

You must have a reasonable belief that there are grounds for your concern. Appropriate disciplinary action may be taken against you if you are found to have made a deliberately false report. In addition, the disclosure of a wrongdoing does not confer any protection or immunity on you in relation to any involvement that you may have had in the wrongdoing.

## How do I make a report to Cycling Ireland?

You are encouraged to report your concerns through internal channels. Cycling Ireland provides you with three channels for making a report under this policy. You can submit a report by:

- accessing Cycling Ireland's Protected Disclosures Reporting Channel online at <http://ci.whistlelink.com>
- calling the dedicated Disclosure Phone Line established by BDO/Cycling Ireland
- sending a letter, noting in the subject line that it is a "Protected Disclosure", to:  
PRIVATE AND CONFIDENTIAL "Protected Disclosure"  
Attention: Dedicated Disclosure Officer  
Cycling Ireland, The Clockhouse,  
Sport Ireland Campus,  
Snugborough Road, Blanchardstown,  
Dublin 15, D15 CXC2
- a physical meeting, which you may request using any of methods above

All reports will be handled by [BDO Ireland](#). Where ethical issues are identified, [the Chair of the Governance & Ethics Committee](#) will be consulted and will have final approval on the appropriate actions to be taken.

Your report should contain the following information:

- your name and position in Cycling Ireland (if applicable) as well as your contact details;
- your role or involvement in the incident mentioned in the report;
- a detailed description of the incident you wish to report, along with the time, date and location;
- the name and contact details of other persons who witnessed, or have further information about, the incident;
- any information you might have about similar previous incidents involving the person(s) mentioned in your report; and
- any useful documents you have in connection with the report.

## What happens when I make a report under this policy?

### **Acknowledgement & Initial Assessment**

We will acknowledge your report in writing within 7 days. Upon receipt of the report, we will conduct an initial assessment. The initial assessment will include determining if the reported matter falls within the scope of the matters to be considered under this policy. The initial assessment will also consider what actions are to be taken, including clarification of aspects of your report, or resolution of the matter by agreed action without the requirement for an investigation. We will provide feedback to you, where possible, within 3 months of the date we acknowledged receipt of your report.

We may request a meeting with you to discuss the matter. Should you agree to the meeting you can be accompanied by a colleague or a representative, should you so wish.

If the report was made via the Protected Disclosures platform (anonymous or

otherwise), communication with you will take place via the platform, unless agreed otherwise with you.

### **Investigation of the report**

If the initial assessment concludes that an investigation is warranted, we will conduct the investigation in a fair and objective manner. The form and scope of the investigation will depend on the subject matter of the report.

Where an investigation is initiated, we will, where possible, inform you of:

- how we propose to investigate the matter;
- actions taken;
- the outcome of the investigation and if no further investigation will take place; and
- the estimated timeframes in respect of the actions to be taken, with a commitment to deal with the matter as quickly as practicable.

Where requested by you in writing, we will, where possible, provide feedback at 3-month intervals until the report is closed. However, confidentiality and legal proceedings may not allow us to provide you with specific details of an investigation.

As part of the investigation process, we may request a meeting with you to discuss your report, to clarify certain matters or seek additional information. Should you agree to the meeting you can be accompanied by a colleague or a representative and the meeting can be held off site to maximise confidentiality.

Depending upon the seriousness or urgency of the matters raised, the disclosures may be referred immediately on receipt of the report (or at the investigation stage) to the appropriate authorities.

## **Confidentiality and anonymous reports**

### **Confidentiality of the disclosure**

If you raise a concern, all reasonable steps will be taken to protect your identity. Generally, your identity will not be disclosed to persons other than those authorised to receive, transmit or follow up reports without your explicit consent. This also applies to all other information from which your identity can be directly or indirectly deduced. Your identity may be disclosed in certain circumstances, such as where the disclosure is required by law<sup>2</sup>.

Where your identity is disclosed to another person, you shall be informed in writing before your identity is disclosed unless certain circumstances set out in the Protected Disclosures legislation apply, for example if such information would jeopardise any related investigations or judicial proceedings.

### **Anonymous Reports**

An anonymous report is one in which you have not shared your name or any details that could be easily used to identify you. On a practical level it may be difficult to investigate an anonymous report. Cycling Ireland is not obliged to accept or follow up on anonymous reports, under the Protected Disclosures legislation. You are encouraged to provide your name to Cycling Ireland if requested, to help Cycling Ireland properly and effectively address the matters raised in your report. If Cycling Ireland considers it appropriate to do so, it will follow-up on a matter the subject of an anonymous report.

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<sup>2</sup> Legislation sets out circumstances in which the identity of the person making the report may be disclosed.

You may make a report through the Protected Disclosures reporting system (<http://ci.whistlelink.com>). When making an anonymous report via the Protected Disclosures reporting system it is important that you note the **report number**, as the report number will be required to review any follow-up questions or feedback or submit more information. If a report is made anonymously through other channels (e.g. by telephone), Cycling Ireland will be unable to provide feedback to you.

### How do I make a report externally?

Cycling Ireland is confident that most issues can be dealt with through our internal processes, and we encourage you to report your concerns internally. However, there may be instances where you want to make a disclosure externally and under the legislation there are several ways you can do this. If you are considering an external disclosure, different obligations and criteria may apply depending on to whom the disclosure is made. Further information is available in the Resources section of this policy.

### Resources

For further information, you may wish to refer to the following links:

Further information	<a href="http://citizensinformation.ie">Protection for whistleblowers (citizensinformation.ie)</a>
Protected Disclosures Act	<a href="http://irishstatutebook.ie">Protected Disclosures Act 2014 (irishstatutebook.ie)</a>
Protected Disclosures (Amendment) Bill 2022	<a href="#">Protected Disclosures (Amendment) Bill 2022 – No. 17 of 2022 – Houses of the Oireachtas</a>
Prescribed bodies	<a href="http://irishstatutebook.ie">S.I. No. 339/2014 - Protected Disclosures Act 2014 (Section 7(2)) Order 2014. (irishstatutebook.ie)</a>
Transparency International Ireland	<a href="#">Guides   Transparency International Ireland</a>