

Gaelscoil Bhrian Bóroimhe

Polasaí Sceithireachta



Réamhrá

Tá Gaelscoil Bhrian Bóroimhe tiomanta chun timpeallacht chuí a chothú san ionad oibre a spreagann cosaint ar nochtadh éagóra agus a chuireann cosaint ar fáil don fhoireann. Fáiltíonn Gaelscoil Bhrian Bóroimhe roimh oscailteacht agus macántacht agus aithníonn an scoil gur ar mhaithe leis an scoil, an fhoireann agus a gcuid oibre atá na socrúithe seo in áit. Cothaíonn an polasaí seo agus feidhmiú an pholasaí cultúr sa scoil a thugann le fios do bhaill foirne go bhfuil fáilte roimh eolas a roinnt maidir le hábhair imní nach mbeidh siad thíos leis ar aon bhealach dá bharr.

Is é an bealach is fearr chun déileáil le nochtadh ná laistigh den scoil, ach sin ráite, aithníonn Gaelscoil Bhrian Bóroimhe go mbíonn cásanna ann nach bhfuil seo indéanta i gcónaí.

Ní féidir an polasaí seo a úsáid in ionad tuairisciú dlí ná riachtanais nochtadh reachtaíochta, mar shampla dualgais chosaint leanaí ná in áit polasaithe maidir le gearáin, tromaíocht, smachtú &rl.

Baineann an polasaí seo le gach ball foirne scoile. Tá Bord Bainistíochta na Scoile freagrach as an bpolasaí seo agus tá an Príomhoide freagrach as an bpolasaí seo ar bhonn laethúil.

Cad is sceithireacht ann?

Is éard is sceitheoireacht ann ná nuair a ardaíonn ball foirne imní faoi éagóir a tháinig chun solais mar chuid dá f(h)óstaíocht. Tugtar cur síos ar na catagóirí éagóracha in Aguisín A.

Nochtadh Eolais & Creidiúint Réasúnta

Ní hionann nochtadh eolais agus líomhaintí a dhéanamh maidir le héagóir mar shampla má tá sláinte/sábháilteacht duine i mbaol. Caithfear mionsonraí a chur ar fáil nuair atá duine ag nochtadh.

Níor chóir don don bhall foirne ábhar a fhiosrú chun cruthúnas a fháil ar a n-amhras. Níl le déanamh ach an t-eolas atá acu a nochtadh, bunaithe ar chreidiúint réasúnta go bhfuil éagóir ag tarlú agus dá mbeadh díobháil a dhéanamh do dhaoine, go bhfuil gá leis an eolas sin a nochtadh.

Caithfidh an ball foirne creidiúint réasúnta a bheith acu go dtaispeánann an t-eolas atá á nochtadh éagóir. Ní chiallaíonn an téarma 'creidiúint réasúnta' go gcaithfidh an chreidiúint sin a bheith cruinn. Ní ghearrfar pionós ar bhall foirne ar bith as botún a dhéanamh, a fhad is go raibh creidiúint réasúnta acu go raibh an t-eolas a bhí á nochtadh acu ina éagóir, nó go raibh an chosúlacht ann gur éagóir a bhí ann.

Cosaint

Tugann an polasaí seo cosaint ó pionós d'aon bhall foirne as eolas a nochtadh a raibh creidiúint réasúnta acu gur éagóir a bhí ann. Ní ghlacfar le pionós ó dhuine ar bith. Ciallaíonn 'pionós' acht nó easnamh a théann i gcion ar bhall foirne, ina measc tá:

1. Fionraí nó briseadh as a bpost
2. Ísliú céime nó cosc ar dheis ardú céime
3. Aistriú freagrachta, athrú áit oibre, laghdú pá nó athraithe in uaireanta oibre
4. Gearradh smachta, iomardú nó pionós eile
5. Cóireáil éagórach
6. Comhéigniú, imeaglú nó ciapadh
7. Idirdhealú, míbhuntáiste nó cóireáil éagórach
8. Díobháil, damáiste nó cailliúint
9. Bagairt ar dhíoltas

Tá cosaint ó phionós i bhfeidhm fiú muna bhfuil an nochtadh dearbhaithe. Má bhíonn pionós ar fhostaí, caithfidh siad é seo a chur in iúl do bhainistíocht na scoile. Déanfar scrúdú ar an gcás agus glacfar na gníomhaíochtaí oiriúnacha. Gearrfaí pionós ar fhostaí ar bith a dhéanann bagairt ar bhall foirne a nochtann eolas.

Rúndacht

Tá Gaelscoil Bhrian Bóroimhe tiomanta ainm an nochtóra a choinneáil faoi rún mar aon leis an eolas.

Mar atá luaite san Acht, tá cásanna ann nach bhfuil sé indéanta i gcónaí eolas a choinneáil faoi rún, mar shampla má dhéanann an nochtóir soiléir nach bhfuil fadhb ar bith acu a bheith ainmnithe nó má tá géarghá leis don fhiosrúchán.

Má dhéantar cinneadh nach féidir ainm an nochtóra a choinneáil faoi rún, cuirfidh an scoil an nochtóir ar an eolas faoi roimh ré. Is féidir leis an nochtóir athbhreithniú a iarraidh ar an gcinneadh seo agus déanfar an t-athbhreithniú más féidir.

Nochtadh gan ainm

Nuair a choinníonn nochtóir a ainm siar, bíonn sé níos deacra an nochtadh a mheas, gníomh oiriúnach a ghlacadh, an nochtóir a choinneáil ar an eolas agus an nochtóir a chosaint. Déanfaidh an scoil fiosrú ar an nochtadh chomh fada agus is féidir ach beidh siad teoranta ina n-ábaltacht fiosrúchán a dhéanamh gan eolas a bheith acu ar ainm an nochtóra.

Nósanna Imeachta chun nochtadh a dhéanamh

Sa chéad dul síos, ba chóir nochtadh a dhéanamh trí labhairt nó trí scríobh chuig an bpríomhoide. Má labhraítear leis an Phríomhoide, ba chóir dó/dí taifead a dhéanamh agus nóta a ghlacadh den nochtadh.

Má bhaineann an nochtadh leis an Phríomhoide, ba chóir don nochtóir é a chur i scríbhinn chuig Cathaoirleach an Bhoird.

Caithfidh an té a fuair an nochtadh na céimeanna cuí a ghlacadh chun féiniúlacht an nochtóir a chosaint.

Ba cheart nochtadh a chomhlánú ar an bhfoirm in Aguisín A den pholasáí seo.

Cruinniú Measúnachta

Casfaidh an faighteoir leis an nochtóir taobh istigh de 10 lá chun an cás a phlé go rúnda. Caithfidh an faighteoir a dhéanamh soiléir ag an bpointe seo cé acu an bhfuil an nochtadh oiriúnach don pholasáí nó an mbaineann sé le rud éigin eile.

Is féidir leis an nochtóir ionadaí ó cheardchumann nó comhghleacaí ón scoil a bheith i láthair leo ag an gcruinniú. Beidh an cruinniú príobháideach agus faoi rún. Beidh dhá sprioc leis:

- a) Go bhfuil an faighteoir sásta go mbaineann an nochtadh leis an bpolasaí seo
- b) Go mbeidh an faighteoir ábalta nós imeachta oiriúnach maidir leis an nochtadh a chinntiú

Muna bhfuil an faighteoir cinnte cé acu an gcáilíonn nó nach gcáilíonn an nochtadh mar nochtadh cosanta, caithfear leis mar sin go dtí go meastar nach nochtadh cosanta atá ann.

Beidh an plean gníomhaíochta atá dearbhaithe ag an bhfaighteoir ar cheann acu seo a leanas:

- (a) Cruinniú ag an bhfaighteoir agus an nochtóir chun rudaí a shoiléiriú agus toradh a aontú, nó
- (b) Fiosrúchán déanta ag an bPríomhoide, nó
- (c) Fiosrúchán déanta ag an gCathaoirleach, fo-choiste den Bhord Bainistíochta, nó
- (d) Fiosrúchán déanta ag páirtí neamhspleách atá ceadaithe ag an mBord Bainistíochta

Tá sé mar aidhm ag an bpolasaí seo go mbeadh an faighteoir i dteagmháil leis an nochtóir taobh istigh de 10 lá ón gcruinniú measúnachta chun admháil go foirmeálta go bhfuarthas an nochtadh agus toradh an chruinnithe a chur in iúl. Má tá an chuma ar an scéal don fhaighteoir gurbh fhearr tabhairt faoin nochtadh faoi phróiseas eile nó faoi nós imeachta pholasaí scoile eile, cuirfidh an faighteoir seo in iúl don nochtóir.

Tá sé de cheart ag an nochtóir athbhreithniú a iarraidh ar an gcruinniú measúnachta. Déanfaidh duine nach raibh baint acu leis an gcruinniú an t-athbhreithniú.

Ag brath ar nádúr agus ar dháiríreacht an nochtadh, d'fhéadfadh sé go gcaithfidh iad a chur faoi bhráid na n-údarás cuí.

Fiosrúchán

Nuair atá fiosrúchán ar siúl, braitheann an pháirt a bheidh ag an nochtóir san fhiosrúchán sin ar an bhfáisnéisiú atá déanta agus na sonraí atá curtha ar fáil ag an nochtóir.

Beidh an fiosrúchán déanta ina iomláine, ar mhodh cóir agus oibiachtúil atá ag teacht leis na Príomhcheartais aiceanta agus nósanna imeachta. Is iad na himscrúdaitheoirí a dhéanfaidh leagan amach an fhiosrúcháin agus a shocrófar cé a bhéarfadh cúnamh/nó a bheadh bainteach leis an bhfiosrúchán trí thagairt don ábhar atá nocht. Nuair atá an t-ábhar atá nocht bainteach le líomhaintí éagóra ar pháirt an duine, cloífead le Príomhcheartais Aiceanta agus Nósanna Imeachta maidir leis an duine sin.

D'fhéadfaí go gceapfadh na himscrúdaitheoirí go mbeadh sé riachtanach bualadh leis an nochtóir agus an fiosrúchán idir lámha acu, sa chás sin, is féidir leis an nochtóir ionadaí ó Cheardchumann nó comhghleacaí ón scoil a bheith in éineacht leo.

Is é an príomhchuspóir nó go ndéantaí an fiosrúchán go tapaidh agus go héifeachtach. De bharr faid agus nádúir an fhiosrúcháin, is féidir a chur in iúl don nochtóir i scríbhinn conas atá ag éirí leis an imscrúdú agus an tréimhse ama a ghlacfaidh sé chun é a chríochnú. Tá sé tábhachtach de bharr rúndachta agus breithiúnais dlí nach dtabharfaidh sonraí ar leith dóibh.

Cumarsáid & Taifead

Tá sé tábhachtach go mothaíonn an nochtóir cinnte go bhfuil an nochtadh atá déanta faoin bPolasaí seo glactha go dáiríre agus go mbeidh siad curtha ar an eolas maidir leis na céimeanna atá glactha mar fhreagra ar an nochtadh. Sa chás seo, rachaidh na himscrúdaitheoirí ag cumarsáid leis an nochtóir mar seo:

(a) Seolfaidh an faighteoir admháil go bhfuair siad an nochtadh agus socróidh siad bualadh leis an nochtóir mar atá leagtha amach thuas;

(b) Má bhíonn fiosrúchán ann, cuirfidh na himscrúdaitheoirí an nochtóir ar an eolas faoi na gnímh, agus más féidir, toradh ar aon fhiosrúchán. Ní thabharfaidh mionsonraí don nochtóir.

Caomhnófar taifead ar nochtuithe go cúramach chun riachtanais rúndachta a chomhlíonadh faoi Acht 2014 agus faoi dhualgais um chosaint sonraí.

Gníomh Smachtaithe

Nuair a bheidh nochtadh déanta de réir an Pholasaí seo, ach muna seasann an fiosrúchán leis an eolas atá nochtá, beidh an nochtóir cosanta in aghaidh aon phionóis. Sin ráite, ní chosnaítear faoi Acht 2014 aon nochtadh a dhéantar nuair atá easpa d'aon chreidiúint réasúnta ann, agus d'fhéadfaí go mbeadh smachtú in aghaidh nochtóra i gceist. Chomh maith le sin, nuair a nochtann nochtóir éagóir, ní thabharfaíonn sé aon chosaint don Nochtóir sin má bhí baint acu leis an éagóir.

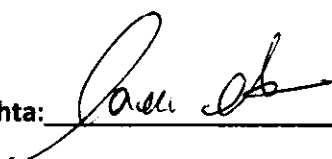
Nochtadh Seachtrach

Is é aidhm an pholasaí seo ná modhanna a chur ar fáil don fhoireann scoile nochtadh a dhéanamh maidir le héagóir. Tá an Bord Bainistíochta muiníneach go bhféadfaí déileáil le ceisteanna dá leithéid 'laistigh den scoil' agus baill foirne a spreagadh chun ábhar a nochtadh ar an gcaoi seo. Tuigeann an Bord gurbh fhéidir go mbeadh cúinsí ann inar mhaith leis an mball foirne nochtadh a dhéanamh lasmuigh, agus cuireann an reachtaíocht na rialúcháin nochtá ar fáil dóibh chun seo a dhéanamh.

Tá sé tábhachtach a aithint nach bhfuil de dhíth ar an mball foirne ach creidiúint réasúnta a bheith acu chun nochtadh a dhéanamh taobh istigh den scoil. Ach, má tá ball foirne chun an nochtadh a dhéanamh lasmuigh, tá dualgais éagsúla i gceist ag brath ar cé leis a dhéanfar an nochtadh.

Márta 2023

Sínithe ag Cathaoirleach an Bhoird Bhainistíochta:

 28/2/23

Aguisín A

Foirm Nochtadh Cosanta d'Imscrúdú Inmheánach

1. Is mian liom, _____, nochtadh a dhéanamh faoin Acht um Nochtadh Cosanta 2014.

2. Catagóir - cuir tic taobh le do rogha(nna)

- Cion Coiriúil
- Gan oibleagáid dhlíthiúil a chomhlíonadh
- Iomrall Ceartais
- Sláinte agus Sábháilteachta duine a chur i mbaol
- Damáiste don Timpeallacht
- Úsáid neamhdhleathach den chiste poiblí
- Gníomh leatromach, idirdhealú nó cion faillí
- Ceilt nó scrios ar fhaisnéis a bhaineann le hábhar thuasluaite

3. Dáta na hÉagóra, an dáta a thosaigh sé agus an bhfuil sé ag dul ar aghaidh go fóill?

4. An bhfuil nochtadh déanta ar an éagóir seo cheana? Má bhí, cé leis, cén uair agus cén toradh a bhí air?

5. Sonraí faoin nochtadh (caithfear a bheith cúramach nach bhfuil ainm duine ar bith eile luaite ach amháin iad seo a bhfuil baint acu leis an tuairisc) agus aon eolas eile a bhaineann leis an nochtadh:

6. Tabhair sonraí teagmhála le do thoil le go mbeidh faighteoir in ann teagmháil a dhéanamh leat:

Seoladh: _____

Uimhir Ghutháin: _____

Seoladh Ríomhphoist: _____

Síniú an nochtóra: _____

Dáta: _____

Gaelscoil Bhrian Bóroimhe



Whistleblowing (Protected Disclosures in the Workplace) Policy

Introduction

The school is committed to fostering an appropriate environment in the workplace that encourages exposure of wrongdoing and provides protection for staff who undertake this exposure. The school welcomes openness and honesty and the school recognises that these arrangements are in place for the benefit of the school, the staff and their work. This policy and the implementation of the policy fosters a culture in the school that shows staff members that they are welcome to share information regarding concerns and that this will not harm them in any way as a result.

The best way to deal with a disclosure is within the school, but that said, the school recognises that there are situations where this is not always possible.

This policy cannot be used in place of legal reporting or legislative disclosure requirements, for example child protection duties or in place of policies regarding complaints, bullying, discipline etc.

This policy applies to all school staff. The School Management Board is responsible for this policy and the Principal is responsible for this policy on a daily basis.

What is whistleblowing?

Whistleblowing is when a member of staff raises concerns about wrongdoing that has come to light as part of their work. The categories of wrongdoing are described in Appendix A.

Disclosure of Information & Reasonable Belief

Disclosing information is not the same as making allegations of wrongdoing for example if someone's health/safety is at risk. Details must be provided when a person makes a disclosure.

The staff member should not investigate a matter to find proof of their suspicions. All that needs to be done is to disclose the information they have, based on a reasonable belief that an injustice is occurring and that if people were to suffer as a result, that information needs to be disclosed.

The staff member must have a reasonable belief that the information being disclosed shows wrongdoing. The term 'reasonable belief' does not mean that belief must be accurate. No staff member will be penalised for making a mistake, as long as they had a reasonable belief that the information they were disclosing was a wrongdoing, or appeared to be a wrongdoing.

Protection

This policy protects any member of staff from punishment for disclosing information they reasonably believed to be wrongful. Punishment from anyone will not be tolerated. 'Punishment' means an act or omission affecting a member of staff, including:

1. Suspension or dismissal
2. Demotion or denial of promotion opportunity
3. Transfer of responsibility, change of place of work, reduction of pay or change in working hours
4. Discipline, reprimand or other punishment
5. Unfair treatment
6. Coercion, intimidation or harassment
7. Discrimination, disadvantage or unfair treatment
8. Injury, damage or loss
9. Threat of retaliation

Protection from punishment applies even if the disclosure is not confirmed. If an employee faces punishment, they must inform the school management of this. The situation will be investigated and appropriate action will be taken. Any employee who threatens a staff member who discloses information will be punished.

Confidentiality

Gaelscoil Bhrian Bóroimhe is committed to keeping the whistleblower's name confidential along with the information.

As stated in the Act, there are situations where it is not always possible to keep information confidential, for example if the whistleblower makes it clear that they have no problem being named or if it is absolutely necessary for the investigation.

If it is decided that the whistleblower's name cannot be kept confidential, the school will inform the whistleblower in advance. The whistleblower can request a review of this decision and the review will be carried out if possible.

Anonymous disclosure

When a whistleblower withholds their name, it becomes more difficult to assess the disclosure, take appropriate action, keep the whistleblower informed and protect the whistleblower. The school will investigate the disclosure as far as possible but will be limited in their ability to investigate without knowing the name of the whistleblower.

Disclosure Procedures

In the first instance, a disclosure should be made by speaking or writing to the principal. In this case, the Principal should record and note the disclosure.

If the disclosure relates to the Principal, the whistleblower should put it in writing to the Chair of the Board.

The person who received the disclosure must take appropriate steps to protect the identity of the discloser.

A disclosure should be completed on the form in Appendix A of this policy.

Assessment Meeting

The recipient will meet with the whistleblower within 10 days to discuss the situation confidentially. The recipient needs to make it clear at this point whether the disclosure is appropriate to be proceeded with through this policy or whether something else applies.

The whistleblower can have a trade union representative or a colleague from the school present with them at the meeting. The meeting will be private and confidential. It will have two goals:

- a) That the recipient is satisfied that the disclosure applies to this policy
- b) That the recipient will be able to ensure a suitable procedure in relation to the disclosure

If the recipient is unsure whether or not the disclosure qualifies as a protected disclosure, it will be treated as such until it is determined not to be a protected disclosure.

The action plan declared by the recipient will be one of the following:

- a) A meeting of the recipient and the discloser to clarify matters and agree an outcome, or
- b) An inquiry made by the Principal, or
- c) An inquiry made by the Chairman, a sub-committee of the Board of Management, or
- d) An inquiry carried out by an independent party approved by the Board of Management

An aim of this policy is for the recipient to contact the discloser within 10 days of the assessment meeting to formally acknowledge receipt of the disclosure and communicate the outcome of the meeting. If it appears to the recipient that the disclosure would be better handled under a different process or school policy procedure, the recipient will notify the discloser.

The whistleblower has the right to request a review of the assessment meeting. The review will be done by someone who was not involved in the initial meeting.

Depending on the nature and seriousness of the disclosure, it may need to be referred to the appropriate authorities.

Inquiry

When an investigation is underway, the whistleblower's role in that investigation depends on the disclosure made and the details provided by the whistleblower.

The inquiry will be carried out in its entirety, in a fair and objective manner that is in line with natural justice and procedures. The outline of the inquiry will be drawn up by the investigators and it will be decided who will assist/or be involved in the inquiry by reference to the material disclosed. When the material disclosed is related to allegations of wrongdoing on the part a person, natural justice and procedures will be followed in relation to that person.

The investigators may consider it necessary to meet with the whistleblower while the inquiry is in progress, in which case the whistleblower can be accompanied by a Trade Union representative or a colleague from the school.

The main objective is that the inquiry is carried out quickly and efficiently. Due to the length and nature of the investigation, it is possible to inform the whistleblower in writing how the investigation is progressing and the time it will take to complete it. It is important due to confidentiality and legal requirements not to give them specific details.

Communication & Records

It is important that the whistleblower feels assured that the disclosure made under this policy is taken seriously and that they are informed of the steps taken in response to the disclosure. In this case, the investigators will communicate with the whistleblower as follows:

- a) The recipient will send an acknowledgment of receipt of the disclosure and arrange to meet with the discloser as set out above;
- b) If there is an investigation, the investigators will inform the whistleblower of the actions, and if possible, the outcome of any investigation. Details will not be given to the whistleblower.

Disclosures will be carefully recorded to comply with confidentiality requirements under the 2014 Act and data protection obligations.

Disciplinary Action

When a disclosure has been made in accordance with this policy, but the inquiry does not support the information disclosed, the whistleblower will be protected against any penalties. That said, the 2014 Act does not protect any disclosure made where there is a lack of any reasonable belief and the discloser may be disciplined. Also, when a whistleblower exposes wrongdoing and they were involved in the wrongdoing themselves, they will not be given any protection.

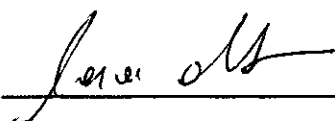
External Disclosure

The aim of this policy is to provide school staff with the means to disclose wrongdoing. The Board of Management is confident that such issues could be dealt with 'within the school' and encourage staff members to disclose material in this way. The Board understands that there may be circumstances where the member of staff would like to disclose outside, and the legislation provides the disclosure controls for them to do this.

It is important to recognise that the staff member only needs to have a reasonable belief to make disclosures within the school. However, if a member of staff is to make the disclosure outside, there are different requirements depending on who the disclosure will be made to.

28 March 2023

Signed: Cathaoirleach an Bhoird Bhainistíochta:

 28-3-23

Appendix A

Protected Disclosure Form for Internal Investigation

1. I, _____, wish to make a disclosure under the Protected Disclosure Act 2014.

2. Category – put a tick next to your choice(s)

- Criminal Offence
- Failure to comply with a legal obligation
- Miscarriage of Justice
- Endangering a person's Health and Safety
- Damage to the Environment
- Illegal use of public funds
- Oppressive, discriminatory or negligent act
- Conceal or delete information related to one or more of the above subjects

3. Date of wrongdoing, the date it started and is it still going on?

4. Has this wrongdoing been exposed before? If so, with whom, when and what was the result?

5. Details of the disclosure (care must be taken that the name of no one other than those involved in the alleged wrongdoing is mentioned) and any other information relating to the disclosure:

6. Please provide contact details so that the recipient can contact you:

Address: _____

Telephone Number: _____

Email address: _____

Signature: _____

Date: _____