

Protected Disclosures Policy

October 2024

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1. Introduction

RTÉ is committed to preserving the highest standards of integrity, transparency, probity and accountability, and recognises that everybody working on its behalf plays a key role in achieving these aims.

A Code of Business Conduct for RTÉ Employees is available on the intranet. The code establishes the principles of honesty and integrity in the conduct of business activities, loyalty to RTÉ and confidentiality.

To support these principles and in fostering a culture of openness, transparency and fairness, in which it is safe and acceptable to raise concerns, RTÉ encourages and expects employees and others to report concerns relating to a wrongdoing in the workplace or elsewhere, relating to RTÉ's operations. RTÉ wishes to emphasise that concerns raised will be taken seriously and will be dealt with appropriately and confidentially.

The purpose of this policy is to:

- Set out the procedures for raising concerns in relation to wrongdoing and suspected wrongdoing
- Encourage the reporting of suspected wrongdoing (whether coming within the scope of the Act or not) by workers in the knowledge that their concerns will be taken seriously and will be dealt with appropriately and confidentially
- Provide guidance on how to raise concerns and report wrongdoings and to set out how the concerns will be dealt with by RTÉ, and
- Reassure workers that they can report and disclose information confidentially and without fear of penalisation.

RTÉ's existing line management structure and system of internal control (both financial and operational) 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. In such instances this protected disclosures policy applies.

2. Scope

The reporting of protected disclosures is specifically addressed in the Protected Disclosures Act 2014 as amended by the Protected Disclosures (Amendment) Act 2022 (the "2022 Act") and this policy shall be regarded as an "internal procedure" for the purposes of Section 21 of the 2022 Act.

For the purposes of this policy "worker" refers to:

- Employees of RTÉ
- Other third parties (contractors, agency staff and consultants) providing services to RTÉ
- Volunteers, unpaid trainees, board members, shareholders, members of administrative, management or supervisory bodies and job applicants (where information on a relevant wrongdoing – as defined in Section 3 – is acquired during the recruitment process or during pre-contractual negotiations)

Scope Exclusions

RTÉ's existing policies and procedures in relation to grievances, harassment, disciplinary matters or other complaints are the appropriate procedures to use where these affect an individual personally and such matters are therefore outside the scope of this policy. These are "interpersonal grievances".

Allegations made by one member of staff against another should be dealt with under the procedures outlined in the Employee Handbook. Your attention is drawn to Section 4.1 (grievance procedure) and Section 4.3 (Dignity and Respect at Work Policy).

This policy should not be used for complaints relating to an individual's own personal circumstances or arising out of their work, such as the way they have been treated at work or in the course of their employment. However, allegations of systemic abuse of staff (e.g. mistreatment directed against a group of staff in a particular section, department, or division) shall be within scope of this policy.

3. Examples of Wrongdoings

A protected disclosure under this policy involves the disclosure of relevant information which came to the attention of a worker (*as defined in Section 2*) in a work-related context and which they reasonably believe demonstrates a 'relevant wrongdoing'. A relevant wrongdoing for the purposes of the 2022 Act may include information in relation to:

- a. the commission of an offence, including but not limited to the following:
 - o stealing / theft of goods and / or money belonging to RTÉ
 - o defrauding RTÉ, for example excessive or false travel and subsistence claims or timesheets
 - o forgery, for example altering documents or forging signatures
 - o fraudulent reporting or false accounting, for example, preparing fake invoices
 - o misuse or misappropriation of RTÉ funds or asset
 - o collusion with suppliers, including accepting payments or gifts of any type for preferential treatment, for example in supplier selection, tender process, etc.
 - o the above list is not exhaustive and further examples are set-out in the Code of Business Conduct document.
- b. failure to comply with any legal obligation (other than arising under a contract of employment)
- c. miscarriages of justice
- d. endangering of the health and safety of an individual
- e. damage to the environment
- f. unlawful or improper use of funds and/or resources of a public body, or of other public money
- g. an oppressive, discriminatory or grossly negligent act or omission by or on behalf of RTÉ
- h. a breach of specified EU laws (*including in relation to public procurement, financial services, products and markets, and prevention of money laundering*) or
- i. any attempt to conceal or destroy information relating to any of the above matters.

4. Protection and Assurance

RTÉ is committed to ensuring that workers can report matters which they reasonably believe show wrongdoing, in the knowledge that they will be supported and protected from any repercussions even if the concerns raised turn out to be unfounded or mistaken. RTÉ commits to following up on any concern raised in a timely way and in accordance with the requirements of the Act.

Employees who report wrongdoing in line with this policy, will be protected. RTÉ will not tolerate penalisation, including bullying, intimidation, harassment, discrimination, victimisation or disadvantage, of any person who reports a concern. If someone feels that they are being subject to adverse treatment after raising a concern in line with this policy, they should report the matter immediately to a senior HR manager. Any complaint of penalisation will be assessed as appropriate and anyone who behaves adversely towards somebody who has reported a wrongdoing under this policy will be subject to disciplinary action and may also be guilty of an offence under the Act.

Similarly, action by a manager or others to inappropriately deter a worker from raising valid concerns about an irregularity or other significant malpractice will be subject to disciplinary procedures.

RTÉ confirms that the reporting person's identity will be subject to strict conditions of confidentiality and will not be disclosed by the recipient of the report ("designated person") without their prior consent or where that is necessary in the public interest or required by law. In these circumstances, the person who has made the report will, where practical, be informed before any action is taken that would identify them.

Confidentiality protection is also extended to the person(s) who is referred to in the report as potentially involved in the wrongdoing.

A person who is mistaken in raising a concern will not suffer any form of retribution as a result of raising that concern, so long as they had a reasonable belief that the information disclosed tended to show wrongdoing. However, this assurance will not apply to someone who maliciously raises a matter that they know to be untrue. The 2022 Act makes it an offence to make a report containing any information that the reporting person knows to be false.

Professional supports are available to RTÉ staff and their families and the RTÉ Employee Assistance Programme is available to any employee who makes a disclosure under this policy and to any employee accused of wrongdoing. Access details are contained on the Hub and RTÉ noticeboards.

5. Raising and Reporting a Concern

RTÉ is committed to dealing with any concerns raised by a worker under this policy and believes that most cases can be dealt with internally.

A worker may raise a concern under this policy in one of four ways:

Reporting Method	Description
Report internally	Contacting one of the individuals set out in Appendix A (<i>Contact Details</i>): the Director-General, the Head of Internal Audit or the RTÉ Group Secretary.
Report to RTÉ Board	Where, for any reason, the person making the report considers it inappropriate to report via the internal route, allegations can be made to the Chair of the Audit and Risk Committee, who shall decide what action to take, having regard for the particular circumstances. The Chair of the Audit and Risk Committee is an RTÉ Board member, independent of RTÉ day to day management.
Report via the confidential reporting line	<p>Contact the independent company, Safecall, which RTÉ has engaged to provide a confidential reporting line to raise concerns.</p> <p>Calls are handled by skilled staff and will be treated in confidence. A report of the call will be sent to a nominated RTÉ recipient (Head of Internal Audit or a nominee) and Safecall will not disclose an individual's name if they wish to remain anonymous.</p>
Report to an external party	<p>The 2022 Act provides for external reporting channels to prescribed persons, to the newly established Office of the Protected Disclosures Commissioner and to others. This is expected to apply only in rare cases and if certain conditions are met.</p> <p>For the purpose of Section 8 of the Act, where the individual is employed by RTÉ, they can make a disclosure to the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media.</p> <p>A list of other prescribed persons and or bodies for reporting certain types of concerns is available from the Department of Public Expenditure and Reform, in addition to further general independent and advice.</p> <p>In some specified circumstances it may be appropriate or required to report concerns to an external body such as a regulator or An Garda Síochána.</p> <p>It is strongly recommended that independent legal advice is obtained before making a disclosure of information to an external party.</p>

Concerns may be raised verbally or in writing. Where a concern is raised verbally, the person with whom the matter is raised may write to the person who made the disclosure confirming his or her understanding that a disclosure has been made and may ask the person who raised the matter to confirm that in writing so as to make sure that the matter is properly dealt with as a disclosure of wrongdoing.

Individuals are not required, or entitled, to investigate matters to find additional proof of their suspicion and should not endeavour to do so. Individuals should disclose the information that they have, based on a reasonable belief that it discloses a wrongdoing. Appendix 2 outlines the type of information to include in a report of a wrongdoing.

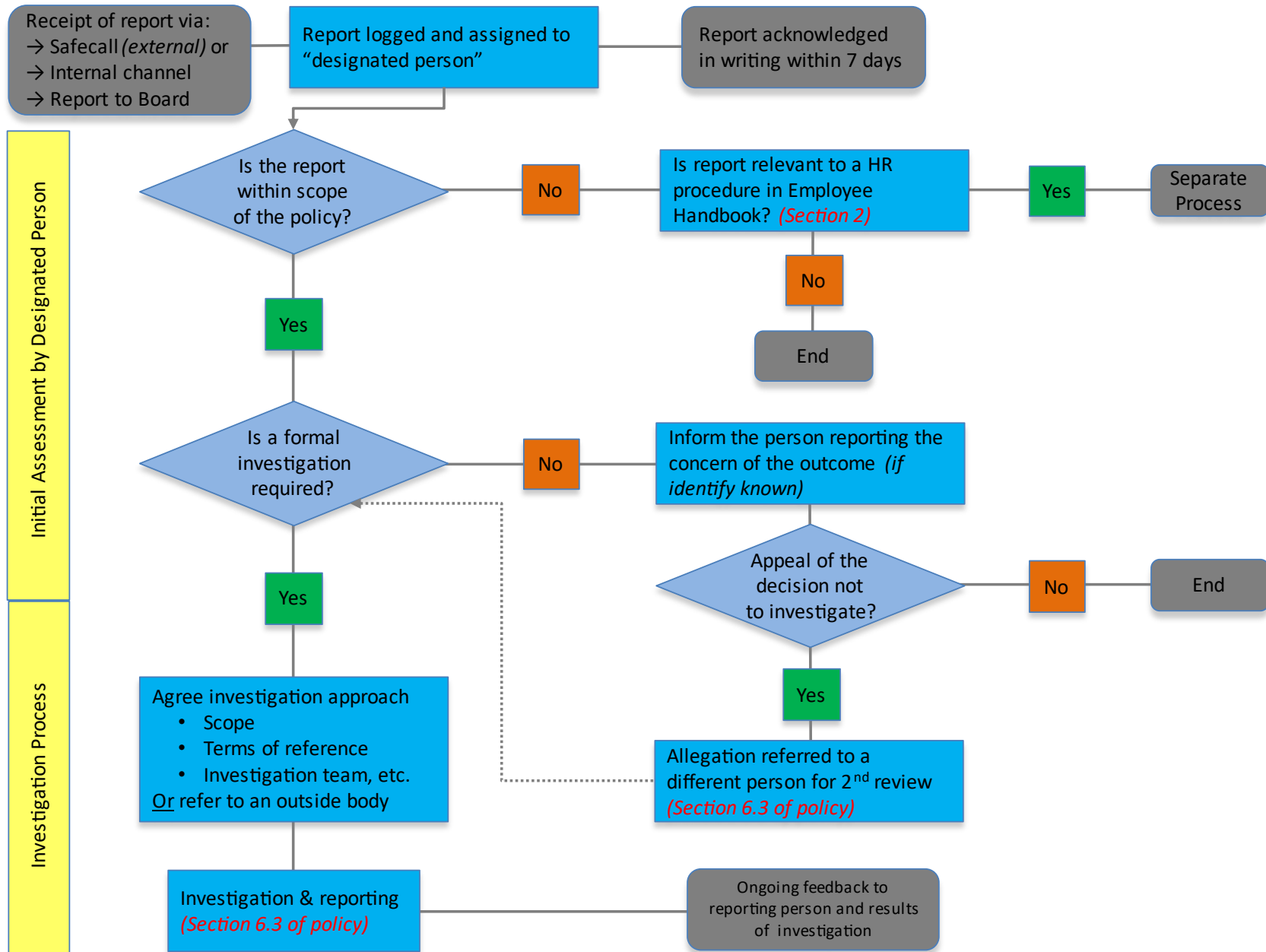
Workers are entitled to be mistaken in their belief, so long as their belief was based on reasonable grounds. No worker will be penalised simply for getting a suspicion wrong, provided it was based on reasonable grounds and not reported for vexatious reasons.

While the 2022 Act provides that there is no obligation to accept and follow-up on anonymous reports, RTÉ acknowledges that, in certain limited cases, a worker may wish to raise a concern on an anonymous basis, without identifying himself / herself to the individual receiving the complaint. Anonymous complaints are therefore also permitted under this policy. However, individuals should note that anonymity may impede a quick or thorough investigation, or the success of any later prosecution.

6. Process for Handling Reports

6.1. Allegations may be raised via one of the routes explained in Section 5. A **decision tree** summarising the process is set out overleaf. (The investigation process is a more comprehensive than summarised overleaf and the format of each investigation will depend on the circumstances of the case.)

6.1 (Cont'd) Handling a report under the Protected Disclosures Policy – High Level Decision Tree



- 6.2. RTÉ will acknowledge reports made in line with this policy, in writing, to the reporting person within 7 days of receipt of the report. The report will then be assigned to a designated impartial person ('designated person').

The designated person will be tasked with maintaining communication with the reporting person, requesting further information where necessary and will be required to diligently follow up on the report. This includes the provision of feedback within a reasonable period and, in any case, within 3 months, and if requested by the reporter in writing, at 3-month intervals, until such time as the procedure relating to the report is closed. It also includes the carrying out of an initial assessment.

An initial assessment will be carried out to determine whether the report falls within the scope of this policy, having regard for the provisions of the 2022 Act, and whether it is necessary to carry out an investigation into the disclosure.

Some reports could involve a mix of different issues (some involving a protected disclosure and some involving a personal employment complaint). The report will be assessed to determine the nature of the information disclosed and the procedure that is most appropriate to be used to investigate the matter. It may be necessary to separate the different elements of a disclosure and determine whether any specific disclosure of information relating to a relevant wrongdoing has taken place.

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) until satisfied that the information is not a protected disclosure.

- 6.3. 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 in writing by the designated person and may re-make the allegation to the Chair of the Audit and Risk Committee (*see Appendix A*) or, if they have previously been involved in the matter, to the Chair of the Board¹. (Please note, in the case of anonymous allegations, it may not always be possible to contact the individual making the allegation).

If the initial assessment finds that there is prima facie substance to a complaint:

(i) the matter may:

- a) be the subject of a formal investigation (the scope and terms of reference will be determined prior to the investigation being carried out); and/or
- b) be considered under the appropriate stage of the disciplinary procedures; and/or
- c) be referred to an outside body including the Garda Síochána.

(ii) the person or persons against whom an allegation is made must be informed of the allegation and the evidence supporting it and must be allowed full opportunity to comment before the investigation is concluded.

¹ Allegations should be addressed, in writing, to Chair of the RTÉ Board, c/o Office of the Group Secretary, 3rd Floor Administration Building, Donnybrook, Dublin 4 or by e-mail to companysecretary@rte.ie

All material, genuine allegations, including those dismissed after preliminary examination, and the results of their investigation, will be reported to the Audit and Risk Committee.

- 6.4. Individuals making allegations shall (if their identify is known) be informed by the designated person 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.
- 6.5. The investigation report is confidential to the investigator, the Director-General, the member(s) of the leadership team with managerial responsibility for the area in question, RTÉ's legal advisers, the appropriate disciplinary authority (if relevant) and the Audit and Risk 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.

7. Updates

Any changes to this Guidance shall be notified on the RTÉ Intranet or using such other method as may be determined from time to time.

The Board of RTÉ approved this policy at its meeting on 25 October 2024.

Appendix A – Contact Details

Refer to Section 5 for further details.

1. Report Internally

Director-General

Allegations of wrongdoings should be addressed, in writing, to the Director-General, 3rd Floor Admin Building, RTÉ, Donnybrook, Dublin 4 or kevin.bakhurst@rte.ie

RTÉ Group Secretary

Allegations of wrongdoings should be addressed, in writing, to Robert Shortt, 3rd Floor Admin Building, RTÉ, Donnybrook, Dublin 4 or robert.shortt@rte.ie

Head of Internal Audit

Allegations of wrongdoings should be addressed, in writing, to the Head of Internal Audit, 2nd Floor Admin Building, RTÉ, Donnybrook, Dublin 4 or peadar.faherty@rte.ie

2. Report to RTÉ Board

Allegations should be addressed, in writing, to Noreen O’Kelly, Chair of the RTÉ Audit and Risk Committee, c/o Office of the Group Secretary, 3rd Floor Administration Building, Donnybrook, Dublin 4 or, alternatively, protecteddisclosures@rte.ie

3. Report via the Confidential Reporting Line

Safecall can be contacted via the phone number below, via the e-mail rte@safecall.co.uk or via the web reporting portal at www.safecall.co.uk/report



4. Report to an External Party

Further guidance available from the The Protected Disclosures Commissioner at: <https://www.opdc.ie/en/>

A list of prescribed persons available at the following link: [gov - Protected Disclosures \(Whistleblowing\): List of prescribed persons \(www.gov.ie\)](http://gov.ie)

Appendix B – Guidance to Assist in Disclosure

The individual making the disclosure will need to be able to demonstrate and support the reasons for their concerns and provide evidence of their concerns where such evidence is available. Any reports should be factual (to the best of their knowledge) and should, as far as possible, address the following key points to the extent that such information is known to the individual in relation to a wrongdoing that has occurred, is occurring or is likely to occur:

Details that should be included in a disclosure:

It is recommended that, at a minimum, disclosures should include the following details:

- what has occurred (or is thought to have occurred)
- when it occurred
- where it occurred
- who was involved?
- how RTÉ has been put at risk or suffered a loss as a result
- has it been raised with anyone else either within RTÉ or externally? If so, details of when/whom?
- are there any other witnesses?
- is there any supporting information or documentation?
- Where applicable, the discloser's name, position in the organisation, place of work and confidential contact details