

PAI Employee and Volunteer Protection (Whistleblower) Policy

1. Background

The Board and Chief Executive of PAI are committed to maintaining the highest standards of honesty, openness and accountability. It recognises that staff and stakeholders have an important role to play in achieving this goal.

These groups will usually be the first to know when someone inside or connected with an organisation is involved in illegal or improper activity and practices, but often they feel apprehensive about reporting their concerns. This may be because they feel that speaking up would be disloyal to their colleagues or the organisation itself. Or it may be because they do not think that their concerns will be taken seriously or they have concerns that they will be intimidated, bullied or dismissed as a result of making the allegations. However, PAI does not believe that it is in anyone's interests for those with knowledge of wrongdoing to remain silent.

PAI takes all malpractice very seriously, whether it is committed by managers, staff, board members, volunteers, suppliers or contractors.

Whistle blower is a colloquial expression to describe a person who reports suspicions in respect of some wrong doings (Ref. Murdock's Dictionary of Irish Law). This Whistleblowing Policy sets out a procedure by which concerns can be reported.

Whistle blower policy

Introduction

1.1 This statement sets out the PAI's policy and procedure for staff to raise concerns in relation to any specific knowledge, or any properly grounded suspicions, that they may have about actual, or potential, material irregularities in

a) the running of PAI; or

b) the activities of colleagues, contractors, suppliers or customers,

in so far as such activities are illegal or have a material adverse bearing on the work of these parties with PAI (commonly referred to as "whistleblowing").

1.2 PAI's existing policies and procedures in relation to grievances, harassment, disciplinary matters or other complaints are the appropriate procedures to use where injustices or discrimination affects an individual personally (see paragraph no. 3.4 below) and such matters are therefore, outside the scope of this policy and the procedures provided for under it.

PAI's existing line management structure and existing 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. Sometimes it is necessary to have an alternative reporting

line available to staff as a mechanism of last resort. In such instance, this Whistleblowing policy applies

1.3 Persons making genuine, supported, material allegations should be assured that their concerns will be treated seriously and sensitively. PAI 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.

1.4 Action by a manager or others to inappropriately deter a member of staff 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 person concerned. Likewise, staff 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. Staff 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.

2. Policy Statement

2.1 This policy describes the procedures at PAI for handling material allegations of irregularities relating to the running of PAI or to the activities of members of management, staff, contractors, suppliers or customers, where such activities adversely affect the work of these parties with PAI. 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. PAI takes such actual or alleged irregularities very seriously.

2.2 PAI has a duty to conduct its affairs with propriety having particular regard for its role as a promoter of best practice standards and good governance in the community and voluntary sector and its service commitments to its customers and the funder alike.

2.3 Allegations should be raised and dealt with through one of the routes indicated in paragraphs no. 3.4, 3.5 and 3.6 below, depending on the nature of the allegation.

2.4 Allegations of injustice or discrimination made by one member of staff against another should be dealt with under the procedures outlined in the PAI Grievance Procedures (see section 7.3 in the Employee Handbook).

2.5 Allegations about an individual's financial conduct should be made to the Chief Executive. By way of example, (although these examples are by no means exhaustive) these concerns could be regarding inappropriate ordering / financial commitments, misappropriation of

assets, materially excessive or fraudulent travel and subsistence claims or fraudulent reporting of financial matters.

2.6 Allegations about other issues. If staff members have serious concerns about perceived material irregularities in relation to the running of PAI which do not fall within paragraphs no. 3.4 and 3.5 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.

2.7 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 Audit Committee, who shall decide what action to take having regard to the particular circumstances.

2.8 The Chief Executive or Chair of the Audit and Finance Committee may request that the matter be investigated by appropriate professionals either internally or externally.

2.9 In all cases, where a material allegation has been made under paragraphs 3.5 and 3.6, the Chief Executive or the Chair of the Audit and Finance 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 Audit and Finance Committee or, if he/she has previously been involved in the matter, to the Chairperson of the Board.

2.10 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 the 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.

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

2.11 The identity of any person making an allegation under sections 3.5 and 3.6 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 forums.

2.12 Staff making allegations may, subject to any legal constraints, 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 line manager with managerial responsibility for the area in question, PAI's legal advisers, the appropriate disciplinary authority (if relevant), the Audit and Finance Committee (if relevant) and the members of the Board (if relevant). 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.

3. General

Any changes to this Guidance will be notified to staff from time to time by reference in appropriate procedures or such other method as may be determined from time to time.

4. Appendix

5. Frequently asked questions (provided by way of assisting in understanding procedure)

5.1 What sort of activities should I report using this procedure?

It is impossible to give an exhaustive list of the activities that constitute misconduct or malpractice but, broadly speaking, PAI would expect you to report the following:

- Criminal offences;
- Financial misconduct
- Failure to comply with legal obligations;
- Miscarriages of justice;
- Actions which endanger the health or safety of staff or the public;
- Actions which cause damage to the environment; and
- Actions which are intended to conceal any of the above.

It will not always be clear that a particular action falls within one of these categories and you will need to use your own judgement. However, PAI would prefer you to report your concerns rather than keep them to yourself. If you make a report in good faith then, even if it is not confirmed by an investigation, your concern will be valued and appreciated and you will not be liable to disciplinary action. However, if you make a false report, maliciously or for personal gain, then you may face disciplinary action.

5.2 How do I make a report?

You can make a report orally or in writing. PAI would normally expect you to raise your concerns internally to either:

- your line manager; or
- Chief Executive.

Which of these individuals is the more appropriate will depend on the seriousness of the malpractice and who you think is involved in it. If, under the circumstances, you do not feel comfortable about making a report directly to management, then you can report instead to:

- Chair of the Finance Committee or
- Board Treasurer.

Please say if you want to raise the matter in confidence so that appropriate arrangements can be made.

5.3 Do I need proof of wrongdoing to make my report?

PAI does not expect you to have absolute proof of any misconduct or malpractice that you report. However, you will need to be able to demonstrate and support the reasons for your concern.

5.4 Will PAI protect my identity if I make a report?

PAI will do everything possible to protect your identity, if you so wish. However, there are circumstances, for example, if your report becomes the subject of a criminal investigation or where a formal investigation is launched, you will be required to disclose your identity as necessary. Should this be the case, you will be advised at the earliest opportunity.

5.5 How will my report be investigated?

Once you have made a report PAI will acknowledge receipt of it within [5] working days.

Principles of natural justice will apply and PAI will make preliminary enquiries to decide whether a full investigation is deemed necessary. If such an investigation is necessary then, depending on the nature of the misconduct, your concerns will be either:

- investigated internally by management or
- referred to the appropriate external person (for example our external auditors, independent body/individual or the Garda Síochána) for investigation.

Subject to any legal constraints, PAI will inform you of the outcome of the preliminary enquiries, full investigation and any further action that has been taken.

5.6 What can I do if I am unhappy with the way PAI has dealt with my report?

If you are unhappy with the outcome of an investigation, PAI would prefer that you submit another report explaining why this is the case. This may be submitted to a higher level of Authority for review. For example Chair of the Audit & Finance Committee or the Board Chairperson. Your concern will be investigated again if there is good reason to do so. However, the continued reporting of unfounded or previously rejected allegations without further reason or because an individual refuses to accept the findings of investigation may be considered vexatious and subject to disciplinary proceedings.

However, it may be that you do not think that this is appropriate and wish to raise your concern with an external organisation, such as a regulator. It is, of course, open for you to do so provided you have sufficient evidence to support your concern.

PAI advises that if reporting your concern externally, you seek professional advice at your own cost.

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