



Banc Ceannais na hÉireann
Central Bank of Ireland
Eurosystem



Human
Resources

Confidential Disclosures (‘Whistleblowing’) Policy

Applicable to: All Staff Members

Policy Owner: Audit Committee

Revision History

Date of this Revision: 14 March 2017		Date of next Revision: March 2018	
Revision Number	Revision Date	Summary of Changes	Changes Marked
0.1	October 2016	Policy Revised	
0.2	March 2017	Policy Amended	

Approvals

This document requires the following approvals:

Name	Title	Date
Liz Joyce	Director, Human Resources	June 2014
Audit Committee		January 2016
Audit Committee		May 2016
Audit Committee		October 2016
Audit Committee		March 2017

Distribution

This document has been distributed to the approvers listed above, plus;

Name	Title	Date
Unite Union	Ms Maura Finnie, Chair of Unite Committee	April 2014
T&G unions	Mr John White, Chairman of T&G Staff	April 2014

1. Introduction

The Central Bank of Ireland (the Bank) is committed to the principle of public accountability and to developing a culture where it is safe and acceptable for all its employees to raise their concerns about what is happening at work if they have a reasonable belief of wrongdoing.

Employees have an important role in identifying and reporting concerns about wrongdoing which has come to their attention in connection with their employment. The Bank will investigate genuine and reasonable concerns expressed by its staff relating to perceived wrongdoing in the Bank and will ensure that employees are not discriminated against or suffer detriment as a result of raising a concern.

For the purposes of the policy, the term 'employee' includes former employees of the Bank and also includes individuals who currently work or have worked within the Bank such as external consultants, contractors, agency personnel and Central Bank Commission members.

2. Objective

The Policy lays down the procedure for staff to follow if they have concerns about any wrongdoing connected with the Bank, without fear of adverse repercussions to the individual. Certain disclosures made under this policy will constitute 'protected disclosures' for the purposes of the Protected Disclosures Act 2014. This legislation aims to provide robust statutory protections within which all workers can feel safe in raising concerns regarding potential wrongdoing that has come to their attention in the workplace.

The Policy aims to:

- Encourage employees to feel confident in raising concerns and to question and act upon such concerns;
- Provide avenues for employees to raise those concerns and receive feedback;
- Ensure that employees receive a response to their concerns;
- Reassure employees that they will be protected from possible reprisals, subsequent discrimination, victimisation or disadvantage if they had a reasonable belief that they made the disclosure in good faith.

3. Scope

This policy is intended to provide a safe and secure mechanism for employees who may wish to report any reasonable concerns that they may have about perceived wrongdoing (including suspected fraud) in, or connected with, the Bank.

This policy relates to every instance where employees/former employees of the Bank, and other individuals who work or have worked within the Bank become aware that wrongdoing has occurred, is occurring or is likely to occur in the Bank.

4. Policy Details

The following matters are examples of 'wrongdoings' for the purposes of the *Confidential Disclosures ('Whistleblowing') Policy*:

- That an offence has been, is being or is likely to be committed;
- That a person is failing to comply with a legal obligation;
- That a staff member has breached or is continuing to breach the Code of Ethics for Staff of the Central Bank of Ireland (the "**Code**") or the staff rules referenced by the Code;
- That a miscarriage of justice has occurred;
- That the health and safety of an individual is being endangered;
- That the environment is being damaged;
- That an unlawful or improper use of public funds has occurred;
- That an act or omission on behalf of a public body (including the Bank) is oppressive, discriminatory, grossly negligent or constitutes gross mismanagement;
- That information tending to show any matter relating to the above is/was concealed or destroyed.

This list is not exhaustive; in addition to the matters listed (above), there will be many other areas of concern which may be raised in line with this policy.

Any concern raised by an employee will be treated seriously, assessed on its merits and appropriately investigated. All efforts will be made to give feedback to the individual on the outcome of any investigation, subject to legal or investigatory limits. This process will be agreed on a case-by-case basis as issues such as confidentiality may need to be taken into account.

The *Confidential Disclosures ('Whistleblowing') Policy* does not apply to raising grievances about an employee's personal situation and, thus, does not replace existing procedures for personal differences or conflicts. If you have concerns in this area, you should consult the Bank's *Grievance Procedure* or with your line manager.

5. Employees who make a confidential disclosure

The Bank will not tolerate any harassment or victimisation (including informal pressures) of a discloser and will take appropriate action to protect the discloser when they raise a concern in good faith. Any evidence that an employee created difficulties for the discloser due to them raising a genuine concern, or, that an attempt has been made to cover up wrongdoing will be treated very seriously and is likely to result in disciplinary action.

If an employee makes an allegation in good faith, but the allegation is not confirmed by an investigation, no action will be taken against them. It is important that all employees understand that it is acceptable for them to raise a concern even in cases where a genuine concern turns out to be mistaken or misguided. If, however, an employee raises a matter frivolously, maliciously (i.e. the employee knows the matter to be untrue) or for personal gain, disciplinary action may be taken against them.

6. How to Raise a Concern

An employee who is concerned about a perceived wrongdoing should raise their concern in the first instance with their line manager. The earlier a concern is raised, the easier it is to take action.

If an employee does not feel comfortable raising a matter with their line manager – due to the nature of the concern, its seriousness, or for some other reason – they can raise it immediately with a [Senior Auditor and/or a member of the management team in the Internal Audit Division](#) (a

dedicated email address confidentialdisclosures@centralbank.ie – which is hosted by the Internal Audit Division - is also available for this purpose).

Former employees of the Bank (and other individuals who have worked within the Bank) should raise a concern about perceived wrongdoing via this dedicated email address. When leaving the employment of the Bank, former employees will be reminded, in writing, of the fact of this email address and will be directed towards this facility where they subsequently inquire about or express an interest in raising a concern.

In certain cases, it may be more appropriate to raise concerns with someone more senior (e.g. a member of the Operations Committee, the Chairperson of the Audit Committee or a member of the Central Bank Commission), perhaps because of the seriousness or sensitivity of the matters concerned. If an employee wishes to speak to a Director or higher grade or the Chairperson of the Audit Committee or a member of the Central Bank Commission in confidence, they should raise this with a Senior Auditor or member of the IAD management team at the outset so that they can make appropriate arrangements in this regard. A Director (or higher grade) who has received a concern under this policy may consult with a member of the Audit Committee for guidance.

Concerns may be raised verbally or in writing. Where a concern is raised verbally the following steps are to be taken by the employee raising the concern to ensure that the concern raised is acknowledged by the recipient as received in the manner intended by the employee. These steps are to ensure that the recipient is clear that what is intended as a disclosure is not construed by the recipient as a passing or casual comment.

1. The employee raising the concern sends a written communication to the recipient.

The written communication confirms:

- a. the fact that a disclosure was made (details of the disclosure need not be included, just the fact that a disclosure has been made);
 - b. that a written acknowledgement from the recipient to the employee is required.
2. The recipient responds with a written communication acknowledging receipt of the disclosure.

For the purposes of passing the information received to those responsible for investigating the concerns, the recipient of the concern may record the employee's concern in writing and should seek that the employee raising the concerns confirm that the details are accurately recorded.

Once a report of suspected wrongdoing is made to a recipient that person should pass that information promptly to his/her Head of Division or directly to the Head of Internal Audit;

A Head of Division, Director, and/or a member of the Operations Committee or the Chairperson of the Audit Committee or a member of the Central Bank Commission on receipt of a report of a suspected wrongdoing should in turn report the matter promptly to the Head of Internal Audit.

The Head of Internal Audit will:

- Record and acknowledge the concern;
- Make an assessment as to further action;
- Will determine who best to inform i.e. the Governor, the Deputy Governors, the Chief Operation Officer, Human Resources Director and Chairperson of the Audit Committee;
- Refer the matter for investigation if appropriate (the Head of Internal Audit will lead on any subsequent investigation (except in any case involving his or her division);
- Apprise the individual who raised the concern of the outcome of any investigation, if appropriate.

If an employee wishes to raise a concern about a perceived wrongdoing relating to the Internal Audit Division, they should raise their concern with any Director who will pursue the matter with the Chairperson of the Audit Committee. In these circumstances, the Chairperson of the Audit Committee may decide to engage an independent external party to investigate the matter.

Independent Advice

As part of this procedure, the Bank has engaged the services of Public Concern at Work (PCaW), a wholly independent charity which provides free and confidential advice on how to raise a concern about serious malpractice at work. All Bank employees and former employees will have recourse to this group. PCaW will also help to advise callers in circumstances where a concern should be raised with an outside body such as the Gardaí. Calls to PCaW are free on 1 800 246 133 and advice can also be sought by email on advice77@pcaw.co.uk

When speaking to PCaW, employees should be careful to ensure that they do not disclose any information that should properly remain confidential. For more information on the type of information that is confidential, employees are referred to the Central Bank's Code of Ethics and in particular the sections relating to confidentiality under Section 33AK of the Central Bank Act, 1942 as inserted by Section 26 of the Central Bank and Financial Services Authority of Ireland

Act, 2003 (Section 33AK). Employees should note that the disclosure of confidential information externally may result in disciplinary action.

7. Confidentiality

All employees involved in the investigation will be required to maintain confidentiality in relation to the concerns being raised.

Where an employee raising a concern has asked the Bank not to disclose their identity, the Bank will not do so unless required by law. Employees should be aware that there may be times when the Bank is unable to resolve a concern without revealing the employee's identity; for example, where the employee's personal evidence is essential. If so, it will be discussed with the employee whether and how the matter can best proceed.

It should be noted that where an employee seeks anonymity, it is much more difficult to fully investigate their concerns, and the Bank will not be in a position to provide feedback to them.

Employees should read this document in conjunction with the Bank's Code of Ethics and in particular the sections relating to confidentiality under Section 33AK of the Central Bank Act, 1942 as inserted by Section 26 of the Central Bank and Financial Services Authority of Ireland Act, 2003 (Section 33AK).

If you are unsure about raising a concern you can get independent advice from Public Concern at Work (see section 6 above).

8. Representation

An employee may invite their trade union representative or a work colleague to be present during any meetings or interviews in connection with the concerns raised.

9. Review of this Policy

The *Confidential Disclosures ('Whistleblowing') Policy* will be reviewed on an annual basis by the Audit Committee.