



## **Gaelic Athletic Association - Protected Disclosure Policy**

### **1. Introduction**

The Gaelic Athletic Association is committed to the highest standards of integrity, transparency and accountability and recognises that employees, volunteers and other GAA stakeholders play an important role in achieving these aims.

The GAA aims to promote an open and accountable environment in which malpractice is deterred, stakeholders' interests are protected, and the good reputation of the organisation is maintained. This Protected Disclosure Policy is intended to encourage and enable Relevant Persons (including employees, volunteers and other GAA stakeholders) to raise concerns within the workplace.

In the event that there is a conflict between this policy and the requirements of a particular jurisdiction wherein a Reporting Person submits a report of suspected wrongdoing then the laws of that jurisdiction will take precedent over this policy.

### **2. Purpose**

The purpose of the policy is to:

- encourage the reporting by Relevant Persons of suspected relevant wrongdoing as soon as possible in the knowledge that reports will be taken seriously and investigated as appropriate;
- provide guidance as to how to raise those concerns and how those concerns will be dealt with in a clear, formal and secure manner;
- reassure Relevant Persons that genuine concerns can and should be raised, even if they turn out to be mistaken, without fear of penalisation;
- reassure Relevant Persons that their confidentiality will be protected in accordance with this policy; and
- ensure compliance by the Association with its legal obligations and applicable laws.

Employees should note that this policy does not form part of any contract of employment and may be amended by the Association from time to time.

### **3. What is in scope?**

This policy applies to all employees, workers, independent contractors, agency workers, volunteers, unpaid trainees, board members, shareholders, members of administrative, management or supervisory bodies and job applicants (“**Relevant Persons**”) and all individuals who acquire information on relevant wrongdoings in a work-related context.

A protected disclosure is a disclosure of information which, in the reasonable belief of the individual making the disclosure, tends to show one or more of the following wrongdoings has been, is being, or is likely to be, committed and this came to the attention of the Relevant Person in a work-related context:

- (a) a criminal offence;
- (b) a failure to comply with any legal obligation other than one arising under the contract of employment of the person making the disclosure;
- (c) a miscarriage of justice;
- (d) the endangering of the health and safety of any individual;
- (e) damage to the environment;
- (f) unlawful or improper use of funds or resources of a public body;
- (g) an act or omission by or on behalf of a public body which is oppressive, discriminatory, grossly negligent or constitutes gross mismanagement;
- (h) an act or omission that is unlawful or that defeats the object or purpose of certain rules of the European Union in the following areas:
  - a. public procurement;
  - b. financial services, products and markets, and the prevention of money laundering and terrorist financing;
  - c. product safety and compliance;
  - d. transport safety;
  - e. protection of the environment;
  - f. radiation protection and nuclear safety;
  - g. food and feed safety and animal health and welfare;
  - h. public health;
  - i. consumer protection;
  - j. protection of privacy and personal data, and security of network and information systems;or affects the financial interests of the European Union or the internal market; or
- (i) the deliberate concealment of any of the above matters.

The law in the six counties requires that in addition to the above the Relevant Person must have a reasonable belief that the disclosure is in the public interest and that belief must be reasonable in all the circumstances. A person acting purely in self-interest is unlikely to be protected under the legislation. Additionally, the disclosure will only amount to a protected disclosure if it is made to the right person in the right circumstances, as specified in the legislation (the Public Interest Disclosure Prescribed Persons Order (Northern Ireland) Order 1998).

#### **4. What is not in scope?**

The policy does not apply to:

- interpersonal grievances;
- a concern or complaint by a worker to his/her employer or about his/her employer, which affects the worker exclusively;
- if a worker has a concern in relation to his/her own terms and conditions of employment or working arrangements in the workplace.

In such circumstances, it would be more appropriate that the matter be dealt with through the Grievance Policy and Procedure, the rules of the Association, the Bullying and Harassment Policy and/or the Disciplinary Policy and Procedure, where appropriate.

This policy is not designed to be used to re-open any matters which have been addressed under the policies listed above; nor should it be viewed as an alternative to those procedures in respect of matters which would more appropriately be considered under them. Action arising from the implementation of this policy may lead to the invocation of those procedures.

This policy does not include a wrongdoing which it is in a Relevant Person's function to detect, investigate or prosecute.

If a Relevant Person is uncertain whether something is within the scope of this policy, he/she should seek advice from the Head of Internal Audit and/or the Human Resources Department. Where it is not appropriate for a Relevant Person to discuss matters with the Head of Internal Audit and/or the Human Resources Department (e.g. if the complaint concerns this person/s), the Relevant Person may seek advice from the Office of the Ard Stiúrthóir and/or his/her manager.

It is important to note that this policy does not replace any legal reporting or disclosure requirements. Where statutory reporting requirements and procedures exist, these must be complied with fully as appropriate.

## **5. Safeguards and Prohibition of Penalisation**

Protection will be given to any Relevant Person, who makes a protected disclosure within the meaning of this policy, to ensure that they are not the victim of any penalisation or victimisation by any party.

Examples of penalisation include the following acts and omissions:

- (a) suspension, lay-off or dismissal,
- (b) demotion, loss of opportunity for promotion or withholding of promotion,
- (c) transfer of duties, change of location of place of work, reduction in wages or change in working hours,

- (d) the imposition or administering of any discipline, reprimand or other penalty (including a financial penalty),
- (e) coercion, intimidation, harassment or ostracism,
- (f) discrimination, disadvantage or unfair treatment,
- (g) injury, damage or loss,
- (h) threat of reprisal,
- (i) withholding of training,
- (j) a negative performance assessment or employment reference,
- (k) failure to convert a temporary employment contract into a permanent one, where the worker had a legitimate expectation that he or she would be offered permanent employment,
- (l) failure to renew or early termination of a temporary employment contract,
- (m) harm, including to the worker's reputation, particularly in social media, or financial loss, including loss of business and loss of income,
- (n) blacklisting on the basis of a sector or industry-wide informal or formal agreement, which may entail that the person will not, in the future, find employment in the sector or industry,
- (o) early termination or cancellation of a contract for goods or services,
- (p) post-termination victimisation such as refusal to provide a reference;
- (q) cancellation of a licence or permit, and
- (r) psychiatric or medical referrals.

If a Relevant Person believes that he/she has suffered any form of detrimental treatment, victimisation or penalisation as a result of making a disclosure under this policy, he/she should notify the Head of Internal Audit and/or the Human Resources Department immediately. Where it is not appropriate for a Relevant Person to notify the Head of Internal Audit and/or the Human Resources Department (e.g. if the complaint concerns this person/s), the Relevant Person should notify the Office of the Ard Stiúrthóir and/or his/her manager.

Any person, who penalises or retaliates against Relevant Person(s) that have made a protected disclosure under this policy, will be subject to disciplinary action in accordance with the Disciplinary Policy and Procedure and/or the rules of the Association as applicable.

## **6. Confidentiality**

The Association is committed to protecting the identity of any Relevant Person, who makes a protected disclosure, and shall ensure that relevant disclosures are treated in confidence in so far as possible.

All reasonable steps shall be taken to protect the identity of the Relevant Person. The Association will not disclose the identity of the Relevant Person to anyone else (or any information that might reveal the identity of the Relevant Person) without the explicit consent of the Relevant Person, other than strictly

within the provisions permitted by law. However, this does not include people who the Designated Person reasonably considers it may be necessary to share the identity with for the purposes of the receipt, transmission, or follow-up of the report. This can include a member of a team involved in follow-up or investigation of the report, and also, for example, another employee or position holder who may have the necessary technical expertise to assist with the investigation of the report. Each person who becomes aware of the identity of the Relevant Person has a similar obligation to protect the identity of the Relevant Person. In certain circumstances, the Association may be compelled by law to reveal the identity of a Relevant Person.

The Designated Person should always ensure that the identity of the Relevant Person is only ever shared on a “need to know” basis and only where it is necessary to carry out proper follow-up of a report. However, there are certain circumstances where the identity of a Relevant Person may need to be disclosed, for example:

- The person to whom the disclosure was made or transmitted shows that he/she took all reasonable steps to avoid such disclosure;
- The person to whom the disclosure was made or transmitted had a reasonable belief that it was necessary for the prevention of serious risk to the security of the State, public health, public safety or the environment;
- Where the disclosure is otherwise required by law;
- Where the disclosure is a necessary and proportionate obligation imposed by European Union law or the law of the State or other legal requirement in the context of investigations or judicial proceedings, including with a view to safeguarding the rights of defence of the person concerned.

If a Relevant Person is concerned that their identity is not being protected, he/she should notify the GAA Data Protection Officer.

## **7. Making a Disclosure Anonymously**

The Association does not encourage Relevant Persons to make disclosures anonymously, as proper investigation may be more difficult or impossible if the Association cannot obtain further information from the Relevant Person. It is more difficult to establish whether such allegations are credible.

The Association may at its sole discretion investigate anonymous disclosures in exceptional circumstances under the procedures set out in this policy. There is no obligation on the Association to accept and follow up on anonymous reports made under this policy. However, where a Relevant Person makes a disclosure under this policy by way of an anonymous report and is subsequently identified, the Relevant Person will be afforded the protections under the appropriate, applicable laws. E.g. Protected Disclosures Act 2014 (as amended) and/or Public Interest Disclosure (Northern Ireland) Order 1998.

## **8. Protected Disclosure Procedure**

### **Making a report**

All disclosures by a Relevant Person should be made in writing by email to: [disclosures@gaa.ie](mailto:disclosures@gaa.ie).

The dedicated email address will be accessible to, and monitored by, a suitable, impartial person or persons on behalf of the Association, who will acknowledge receipt of a reported concern(s) within seven days and then assign the matter to a suitable, impartial person or person(s) to follow-up on the concern(s) reported (the “Designated Person”).

The Relevant Person 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 setting out an individual’s concerns should be factual (to the best of their knowledge) and should 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:

- a) that the report is a protected disclosure and is being made under the Protected Disclosure procedure;
- b) the Relevant Person’s name, position in the organisation, place of work and confidential contact details;
- c) the date(s) of the alleged wrongdoing (if known) or the date(s) that the alleged wrongdoing commenced or was identified;
- d) whether or not the alleged wrongdoing is still ongoing;
- e) whether the alleged wrongdoing has already been disclosed and, if so, to whom, when, and what action was taken;
- f) information in respect of the alleged wrongdoing (what is occurring / has occurred and how) and any supporting information;
- g) the name of any person(s) allegedly involved in the alleged wrongdoing (if any name is known and the Relevant Person considers that naming an individual is necessary to report the wrongdoing disclosed); and
- h) any other relevant information.

The earlier that a Relevant Person raises a concern, the easier it will be for the Association to deal with the matter quickly and effectively.

However, a Relevant Person is not required or entitled to investigate matters themselves to find proof of their suspicions and should not endeavour to do so.

If a Relevant Person feels that he/she is unable to raise the matter via the dedicated email address or if he/she has done so and believes that his/her concern has not been addressed, or if he/she prefers not to raise it via the dedicated email address for any other reason, the Relevant Person should contact the Ard Stiúrthóir.

Upon receipt of a report, the Ard Stiúrthóir shall designate a suitable, impartial person as the Designated Person. In such circumstances, the Designated Person will acknowledge receipt of the report within seven days.

### **Initial Assessment**

Once a concern is raised by a Relevant Person, the Designated Person will carry out an initial assessment to determine whether the reported concern(s) falls within the scope of the Protected Disclosure Policy and, if so, whether there is evidence that a relevant wrongdoing may have occurred. If necessary to make an initial assessment, the Designated Person will seek further information from the Relevant Person.

If, having carried out the initial assessment, the Designated Person decides that there is no evidence that a relevant wrongdoing may have occurred, the Designated Person will close this procedure or, if it is clear that the concern falls more appropriately within a different policy/procedure of the Association, the Designated Person will inform the Relevant Person that it should progress the matter in accordance with that procedure. The Designated Person will inform the Relevant Person, in writing, as soon as practicable, of the decision and the reason(s) for it.

The Designated Person is responsible for the assessment of all disclosures in a timely and appropriate manner. For the avoidance of doubt, the Designated Person shall be entitled to obtain advice and to seek any specialist expertise required.

### **Investigation**

If, having carried out an initial assessment, the Designated Person decides that there is evidence that a relevant wrongdoing may have occurred, the Designated Person will then appoint such person or persons (either internal or external to the Association), who is or are most appropriately placed to investigate the particular disclosure in question (the “**Investigator(s)**”) and such investigation may be carried out under an appropriate Association Policy, depending on the nature of the disclosure.

The scope and terms of reference of any investigation will be determined by the Association prior to the investigation being carried out. The Relevant Person may be invited to attend meeting(s) in order to provide further information. The Relevant Person is entitled to be accompanied by a work colleague or

a member of their GAA unit at any meeting(s) if he/she so wishes. The Investigator(s) will draft a report on the investigation (the “**Report**”).

The Report will be sent to the Designated Person, who will determine what (if any) action should be taken by the Association. Such action could include changes to the way the Association conducts its operations, referring a person for disciplinary action under the Disciplinary Policy and Procedure, referral of the matter for consideration under a specific Association policy or procedure, or a report to an appropriate third party, such as the relevant public authority.

The Designated Person will provide feedback to the Relevant Person within a reasonable time, being not more than 3 months from the date the acknowledgement of receipt of the report was sent to the Relevant Person. Feedback should include information on the progress of the investigation and its likely timescale. However, as a result of the need for confidentiality and in order to comply with the General Data Protection Regulations 2018, UK General Data Protection Regulations and/or the Data Protection Act 2018 and/or other legal requirements, the Association may be prevented from giving the Relevant Person specific details of the investigation, personal information relating to another person, or any action taken as a result. The Relevant Person should treat any information about the investigation as strictly confidential and it should not be disclosed further. Any breach of this confidentiality may result in disciplinary action.

If the Investigator(s) conclude(s) that the Relevant Person has made a false or malicious complaint, then disciplinary action may be taken in accordance with the Disciplinary Policy and Procedure and/or the rules of the Association as appropriate.

## **9. Protected Disclosure outside of the Association**

The aim of this policy is to provide a clear and effective reporting procedure within the workplace to deal with concerns in relation to wrongdoing. The Association is confident that issues can be dealt with “in house” in accordance with the Association’s policies and procedures and Relevant Persons are encouraged to report concerns internally.

The law recognises that in some circumstances it may be appropriate for Relevant Persons to report concerns to an external body such as a regulator. We strongly encourage Relevant Persons to seek advice before reporting a concern to anyone external to the Association.

The Association acknowledges that there may be circumstances where a Relevant Person wants to make a disclosure externally. A Relevant Person may make a disclosure to a prescribed person or the Protected Disclosures Commissioner if the Relevant Person reasonably believes that the relevant wrongdoing is within the remit of the prescribed person and the information the Relevant Person



discloses and any allegation in it are substantially true. In general, prescribed persons have regulatory functions in the area which are the subject of the allegations.

Details on how the law applies in the 26 counties and a full list of prescribed persons by sector is available on the Government's website: [www.gov.ie](http://www.gov.ie).

Details on how the law applies in the 6 counties and a full list of prescribed persons is available at <https://www.economy-ni.gov.uk/publications/public-interest-disclosure-guidance>.

### **10. Sanctions against persons who engage in retaliatory actions**

The Association will not tolerate or permit any form of retaliatory action (including the threat of retaliatory action), penalisation, harassment or victimisation as a result of a disclosure and will take all appropriate action to support any Relevant Person who raises a reasonably held concern.

Appropriate disciplinary action will be taken in accordance with the appropriate policy and procedure against anyone who is found to have perpetrated any retaliatory action, harassment or victimisation. Any person, who penalises or retaliates against Relevant Person(s) that have made a protected disclosure under this policy, will be subject to disciplinary action in accordance with the Disciplinary Policy and Procedure and/or the rules of the Association as applicable.