



An Chomhairle Leabharlanna Conduct and Compliance Procedure

Protection of Staff and Board Members who Report issues of Non-Compliance

(Protection of Whistleblowers)

An Chomhairle Leabharlanna/The Library Council

Conduct and Compliance Procedure

Protection of Staff and Board Members who report issues of Non-Compliance

Objective of Conduct and Compliance Procedure

The objective of this procedure is to encourage and facilitate disclosure of concerns over possible improper conduct in relation to irregularities in financial reporting and other matters. It provides protection to whistleblowers who make disclosures and establishes a system for the matters disclosed to be investigated and for appropriate remedial action to be taken.

Applicability

The procedure applies to all members of staff of An Chomhairle Leabharlanna, members of the An Chomhairle Leabharlanna board or any outside body or member of the public.

An Chomhairle Leabharlanna

An Chomhairle Leabharlanna was set up in 1947 and its main functions are:

- a) To provide advice and assistance to local authorities in relation to the improvement of the public library service
- b) To make such recommendations to the Minister in relation to the public library service as it sees fit; and
- c) To maintain and operate the Central Library established under Section 2 of the Public Libraries Act, 1947 (No. 40 of 1947)

Implementation of Procedure

An Chomhairle Leabharlanna implements this procedure by:

- encouraging staff, board members and stakeholders to raise matters of concern internally, so that they can be appropriately addressed by the Council;

- applying the principles of natural justice in an investigation of any matter referred to under this procedure;
- recognising that staff and board members, against whom disclosures are made, must also be supported during the handling and investigation of complaints;
- protecting anybody who raises an issue under this procedure against potential victimisation for the making of protected disclosures; and
- taking all reasonable steps to ensure the confidentiality of both the person raising the concern and the person who is subject to disclosure.

This procedure does not replace existing grievance procedures in place in An Chomhairle Leabharlanna. Also, allegations of harassment or bullying fall outside this procedure and will be handled through the Council's Dignity at Work Policy.

Definitions

In this procedure the following definitions apply:

Corrupt conduct means:

- a. conduct of a person that adversely affects, or could adversely affect, either directly or indirectly, the honest performance of an employee or board member of An Chomhairle Leabharlanna in the course of his/her duties;
- b. conduct of an employee or board member that amounts to dishonest or inappropriate performance;
- c. conduct of a current or former employee or board member of An Chomhairle Leabharlanna that amounts to a breach of public trust;
- d. conduct of a current or former employee or board member of An Chomhairle Leabharlanna that amounts to the misuse of information or material acquired in the course of the performance of his/her duties;
- e. a conspiracy or attempt to engage in conduct referred to in paragraphs (a) to (d) above.

Inappropriate Behaviour includes:

1. action causing injury, loss or damage;
2. corrupt conduct;
3. a substantial mismanagement of public resources;
4. conduct involving substantial risk to public health or safety;
5. conduct involving substantial risk to the environment;
6. conduct involving substantial risk to financial processes and reporting;

Disclosure means a disclosure where an individual believes, on reasonable grounds, that An Chomhairle Leabharlanna, an employee or board member has

engaged, is engaging in or proposes to engage in corrupt conduct or inappropriate behaviour in their capacity as a public officer or public body;

1. Making a Disclosure

Any member of the public, board or staff member can make a disclosure alleging corrupt conduct or inappropriate behaviour by An Chomhairle Leabharlanna or an employee or board member of An Chomhairle Leabharlanna to any member of management or the board of An Chomhairle Leabharlanna.

The matter will be referred to the Assistant Director, Human Resources and Finance, who has responsibility for handling such disclosures.

2. Receiving and Assessing Disclosure

The Assistant Director will assess the disclosure to ensure that:

- it relates to conduct of An Chomhairle Leabharlanna, or an employee, or board member acting in an official capacity;
- the alleged conduct concerns corrupt conduct or inappropriate behaviour;
- the person making a disclosure appears to have reasonable grounds for believing the alleged conduct has occurred.

3. Managing Disclosures

Once a disclosure has been made the Assistant Director will assess the issue to establish if the disclosure is being made in good faith.

Where the Assistant Director forms the opinion that the disclosure is being made in good faith, he/ she will notify the person who made the disclosure of that opinion and the action that will be taken.

Where the Assistant Director forms the opinion that the disclosure is not being made in good faith he/she will notify the person who made the disclosure of that opinion.

Where the Assistant Director forms the opinion that the disclosure is being made maliciously he/she will notify the person who made the disclosure and appropriate disciplinary action will be taken.

4. Investigating Disclosures

Once the Assistant Director forms the opinion that the disclosure is being made in good faith he/she will:

- draw up terms of reference for an investigation into the allegations;

- appoint an investigator to carry out the investigation;

The investigation will be conducted in a professional manner and will uphold the principles of natural justice. The person who is the subject of the disclosure is entitled to know the allegations made against him/ her and must be given the right to respond.

All relevant parties to the matter will be heard and all submissions will be considered. All parties to the investigation may be represented at any meeting.

The identity of the person making the disclosure will, as far as is practicable, be kept confidential.

Where disclosure of the identity of the person making the disclosure cannot be avoided, the investigator will inform him/her of this.

Throughout the investigation the Assistant Director will ensure that the person making the disclosure is kept up to date on progress made in relation to his or her disclosure.

5. Reporting and Managing Investigation Outcome

Where the investigator finds that the conduct disclosed has occurred he/she may make the following recommendations:

- the steps that need to be taken by An Chomhairle Leabharlanna to prevent the conduct from continuing or occurring in the future;
- any action that should be taken by An Chomhairle Leabharlanna to remedy any harm or loss arising from the conduct, this action may include bringing disciplinary proceedings against the person responsible for the conduct, and/ or referring the matter to an appropriate authority for further consideration.

Where the investigation concludes that the disclosed conduct did not occur, the Assistant Director will report these findings to the person who made the disclosure and the person who is the subject of the disclosure.

No action will be taken against the person against whom the disclosure was made.

If it is concluded that some form of corrupt action or inappropriate behaviour, did take place, the disclosure will be treated as a disciplinary matter in accordance with the disciplinary procedure. A decision on the appropriate action to be taken will be made, having regard to the seriousness of the incident, and may range from warnings, verbal and written, to actual dismissal in accordance with the disciplinary procedure.

If the disciplinary procedure is not considered to be appropriate, training, counselling, monitoring of the workplace or other actions may be considered.

If the complaint is upheld against a non-employee, appropriate sanctions will be taken.

6. Protection of Person making a Disclosure

Where the investigator does not uphold a finding of corrupt conduct or inappropriate behaviour no action will be taken against the person making the disclosure.

Any victimization of a person making a disclosure will be considered by An Chomhairle Leabharlanna as a serious matter and disciplinary proceedings will be taken.

Where the victimization is being carried out by a staff member An Chomhairle Leabharlanna's disciplinary procedure will be invoked. Where the victimization is being carried out by a board member or an external stakeholder, appropriate action will be taken.

7. Protection of the Person against whom a Disclosure has been made

An Chomhairle Leabharlanna recognises that staff and board members against whom disclosures are made must also be supported during the handling and investigation of disclosures. This procedure aims to avoid unnecessary harm to the person against whom a disclosure has been made, and gives the individual the appropriate support, particularly as an investigation may exonerate that person, from any wrongdoing.

An Chomhairle Leabharlanna will take all reasonable steps to ensure the confidentiality of the person who is the subject of the disclosure during the assessment and investigation process. Where the investigation does not substantiate disclosures, the fact that the investigation has been carried out, the results of the investigation and the identity of the person who is the subject of the disclosure will, as far as is practicable, will remain confidential.

An Chomhairle Leabharlanna will give its full support to a person who is the subject of a disclosure where the allegations contained in a disclosure are unsubstantiated.

8. Confidentiality

A person making a disclosure is advised that it is in his/her own interest to keep disclosures confidential by only discussing related matters with authorised

persons within An Chomhairle Leabharlanna, an investigator appointed by An Chomhairle Leabharlanna or a representative accompanying a party to investigation meetings.

If a disclosure is investigated it is often necessary to interview staff members in the area where the suspected wrongdoing occurred. While efforts are made to keep the matter confidential, the conduct of these interviews may result in persons becoming aware of the disclosure, and the identity of parties to the investigation.

The Assistant Director manages a confidential and secure filing system for all files in relation to disclosures under these procedures.

Implementing and Monitoring the Code

The management and staff of An Chomhairle Leabharlanna have a duty to implement the provisions of this procedure. It is envisaged that these provisions will encourage members of staff, board or external stakeholders to disclose issues of concern within An Chomhairle Leabharlanna. The procedure seeks to protect and provide support both to the person making the disclosure and the person against whom a disclosure has been made. The principles of natural justice will apply to any investigation of matters disclosed. All matters will be treated confidentially as far as is practicable. Any victimisation of a person making a disclosure will be treated seriously and appropriate action will be taken.

Further Information

For further information on this procedure please contact:

Ms. Annette Kelly
Assistant Director.

January 2011