msletb

Bord Oideachais agus Oiliúna
Mhaigh Eo, Shligigh agus Liatroma
Mayo, Sligo and Leitrim
Education and Training Board

Procedural Manual for the processing and management of Protected Disclosures

DOCUMENT CONTROL SHEET

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This Procedural Manual should be read in conjunction with MSLETB Protected Disclosures Policy

Table of Contents

1 Introduction 4

2 Definitions 4

3 What is a Protected Disclosure? 4

4 Making a Protected Disclosure – Internal Procedure 5

5 Investigation 8

6 Informal Process for Addressing Reports 9

7 Formal Investigation 10

8 Outcomes 11

9 Feedback 13

10 Links to Other Relevant Documentation 14

Appendix 1: Practical Advice for Workers and other reporting persons making a Protected Disclosure 15

Appendix 2: Protected Disclosures Notification Form 16

Appendix 3: Checklist and Guidance for DP: Initial Assessment of Protected Disclosure 19

Appendix 4: Checklist and Guidance for Reviewer: Initial Assessment Process 21

Appendix 5: Checklist and Guidance for Investigator 22

1 Introduction

1.1 The purpose of this document is to set out the procedure within MSLETB for the processing and management of Protected Disclosures in the workplace.

1.2 The Protected Disclosures Act (as amended) enables workers and other reporting persons to disclose information in relation to wrongdoing in the workplace by ensuring that safeguards exist should reprisal be taken against them.

1.3 The Act requires every public body to establish, implement and maintain procedures for dealing with protected disclosures and to provide written information relating to these procedures to workers and other reporting persons.

1.4 These procedures should be read in conjunction with the MSLETB Protected Disclosures Policy.

1.5 MSLETB is committed to fostering a positive work environment. If a concern relating to potential wrongdoing in the workplace needs to be raised, MSLETB will provide the appropriate and necessary support for workers and other reporting persons raising a concern. The worker or other reporting person can be assured that the concern will be taken seriously and investigated where it is considered appropriate, using the procedures outlined in this document.

1.6 A worker who makes a disclosure will be protected from penalisation. MSLETB will not tolerate any form of penalisation of workers who make a report. Any acts of penalisation will be treated as a disciplinary matter.

1.7 Where an investigation takes place, the identity of the worker or other reporting person raising the concern will be safeguarded in so far as is practicable.

2 Definitions

A full list of definitions can be found in Section 2 of the Protected Disclosures Policy which accompanies this Procedural Manual.

3 What is a Protected Disclosure?

3.1 A protected disclosure, in the Act, is a disclosure of information which, in the reasonable belief of the worker or other reporting person, tends to show one or more Relevant Wrongdoings and came to the attention of the work in a work-related context, and is disclosed in the manner prescribed in the Act.

4 Making a Protected Disclosure – Internal Procedure

Internal reporting channels are designed in a manner that ensures that the confidentiality of the identity of the reporting person and any third party mentioned in the report is protected and prevents access thereto by persons other than those referred to in section 6(9) of the Act and any Designated Person (DP). Protected Disclosures are received in writing or orally.

The DP in MSLETB is:

Mary McDonald, Assistant Principal Officer, Head of Corporate Services

Email: MaryMcDonald@msletb.ie **Mobile: 085 8545627**

In the event that the DP listed above is not available, disclosures can be made to the Data Protection Officer (DPO), details as follows:

Celina Leonard, Data Protection Officer

Email: CelinaLeonard@msletb.ie **Mobile: 086 7871455**

4.1 Acknowledgement

4.1.1 Upon receipt of any protected disclosure the Designated Person (DP) will acknowledge receipt of the disclosure within seven (7) calendar days of receipt.

4.1.2 The acknowledgement should include:

- A link to relevant Policy and this document (that is the Procedural Manual for the processing and management of protected disclosures;
- Set expectations as to what will happen, and when, after the report has been made;
- Information will be provided on the protection of the identity of the reporting person and their protection from penalisation;
- Endeavour to set expectations as to what will happen and when;
- Information will be provided on the type of feedback on the report including:
    - the type of feedback that will be provided
    - the type of feedback that will not be provided

- the reporting person may request in writing further feedback at three-month intervals

- Personal information relating to another worker will not be provided, such as whether a disciplinary process has taken place and the outcome of any such process.

4.2 Initial assessment

4.2.1 An initial assessment, or screening process, will be undertaken by the ETB. This may be carried out by the DP. The carrying out of an initial assessment, including seeking further information from the reporting person if required, as to whether there is a *prima facie* evidence that a Relevant Wrongdoing may have occurred. The initial assessment will involve:

- An assessment of the report to determine if there is *prima facie* evidence that a Relevant Wrongdoing may have occurred and if it should be treated as a protected disclosure.
- If specialist expertise is required to analyse the information, the recipient can liaise with a member of the Senior Management Team (SMT) with the necessary expertise to assist with the initial assessment. The recipient may seek legal advice, if required to complete the assessment, in consultation with the Director of OSD. As far as reasonably possible, the recipient will not provide any information that could identify the reporting person.

4.2.2 If it is unclear whether the report qualifies as a protected disclosure, the DP will treat the report as a protected disclosure until satisfied that the report is not a protected disclosure.

4.2.3 The initial assessment process will protect the identity of the reporting person and any persons concerned.

4.2.4 The recipient has wide discretion as to how she/he/they assess the report at this initial stage. The assessment will involve a review of the information received from the reporting person and may involve meetings with the reporting person, or the Respondent, or others, or include such other measure(s) as are deemed appropriate and necessary for the fair assessment of the protected disclosure by the recipient.

4.2.5 Where the reporting person requests a meeting with the ETB for reporting purposes, the ETB shall ensure, subject to the person's agreement, that complete and accurate records of the meeting are kept in a durable and retrievable form. The ETB may document the meeting in one of the following ways:

(a) by making a recording of the conversation in a durable and retrievable form, or

(b) through accurate minutes of the meeting prepared by the staff members responsible for handling the report.

4.2.6 The ETB shall offer the reporting person the opportunity to check, amend and agree the minutes of the meeting by signing them. The ETB may, subject to the agreement of the reporting person, arrange for a note taker to be present if necessary.

4.2.7 A single disclosure may be broken down into a series of separate allegations or parts, each of which may need to be followed up separately or approached differently, dependant on circumstances.

4.2.8 In some cases, it may be necessary as part of the initial assessment to differentiate between protected disclosures and interpersonal grievances or complaints exclusively affecting the worker or other reporting person. The information provided may involve both a complaint exclusively affecting the worker or other reporting person and a protected disclosure. The report will be assessed to determine the nature of the information disclosed and the procedure or procedures that are the most appropriate to be used to investigate the individual elements of the allegation.

4.2.9 Having carried out the initial assessment and it is deemed to relate solely to a complaint exclusively affecting the worker or other reporting person, the reporting person will be encouraged to utilise other processes, for example the Grievance Procedure. The complaint will be dealt with in an appropriate manner. The reporting person will be informed that the report will not be considered under the protected disclosures policy.

4.2.10 If, having carried out the initial assessment and it has been deemed there is a mix of different issues, some involving a protected disclosure and some involving a complaint exclusively affecting the worker or other reporting person, an appropriate process will be applied to deal with each of the issues. This process may differ from case to case.

4.2.11 If, having carried out the initial assessment, the DP determines there is no *prima facie* evidence that a Relevant Wrongdoing may have occurred, the matter can be closed or referred to an internal process if appropriate, and the reporting person will be notified.

4.2.12 Having carried out the initial assessment, if the DP determines that there is *prima facie* evidence that a Relevant Wrongdoing may have occurred, the DP will take appropriate action to address the Relevant Wrongdoing. This may involve a consideration of whether the alleged wrongdoing is something that can be investigated by the ETB or not and, if so, what steps should be taken as part of an investigation.

4.2.13 If it is deemed to be a protected disclosure under the Act, the recipient will write to the Respondent/s advising of the following:

- That an allegation has been made against him/her/them
- That the protected disclosure has been recorded and is being formally investigated by a named individual in order to establish the facts
- That no conclusions have been drawn until the facts have been investigated
- That he/she/they are expected to assist the investigator as far as is reasonably possible
- That the investigator wishes to interview the Respondent at a specific time and place;
- That the Respondent may have a representative of his/her/their choice present at the interview. For the purposes of this procedure, the reference in the procedures to 'representative' shall be understood to include a colleague of the staff member's choice or representation by an authorised trade union but not any other person or body unconnected with the particular school/college/centre/office where the staff member is employed. The nature of investigation meetings/hearings is such that legal representation is not required.
- They have a right to make a statement in respect of the allegation(s) made against them either orally or in writing, and
- As far as is reasonably possible, their confidentiality will be respected.

4.2.14 Some matters may be of a serious nature that the investigation may be carried out externally or by professional experts in a particular area. In some cases the matter may need to be reported to, and investigated by An Garda Síochána, or another body with the statutory power and function of the investigation of particular matters.

5 Investigation

5.1 Where the DP or recipient or Reviewer decides that an investigation is warranted, he/she/they must set out his/her/their recommendations in writing to a member of the Senior Management Team (SMT) (if the DP is not a member of SMT) as soon as reasonably possible. SMT will decide whether the disclosure should be investigated under this policy or if it is appropriate to consider under another ETB policy.

5.2 If the Director decides that the protected disclosure should be investigated under the Protected Disclosures Policy, depending on the seriousness and nature of the alleged Relevant Wrongdoing, he/she/they will ensure that the

following parties are notified where appropriate, while withholding the identity of the parties where possible and practicable to do so:

- the Chief Executive of the ETB or their nominee;
- the Department of Education or other appropriate Government Department;
- the Comptroller and Auditor General;
- the Director of the Internal Audit Unit of the ETB; and
- MSLETB Audit and Risk Committee.

5.3 If an investigation is required, the Director will consider the nature and extent of the investigation. This could consist of:

- An informal approach to address the disclosure, if the Relevant Wrongdoing alleged is relatively straightforward;
- An investigation carried out at the appropriate level in the organisational framework may be most appropriate and suitable for less serious alleged Relevant Wrongdoings;
- A detailed and extensive internal investigation of serious alleged Relevant Wrongdoings;
- An investigation conducted by an external investigator.

5.4 Legal expertise may be required to assist in the conducting of an investigation. The ETB may wish to consult with legal advisors to assist with the establishment of an investigation including drawing up terms of reference, where required.

5.5 It may be decided that an investigation may be more appropriately carried out by external parties or professional experts in a particular area. In some cases, it may be necessary to make a report to An Garda Síochána or another statutory body with the power to investigate.

6 Informal Process for Addressing Reports

6.1 The ETB may provide for an informal process to address a disclosure if the Relevant Wrongdoing alleged in the disclosure is deemed relatively straightforward or does not require consideration of the making of an adverse finding about any individual. The informal process may involve:

- Discussion with the relevant persons;
- Consideration of documentation and information;
- A broad review of issues without specific inquiry into the facts of a particular scenario.

6.2 The determination of the informal process will be recorded and the outcome of the process relayed to the reporting person in writing.

6.3 There may be occasions where an informal process has commenced but the person or persons appointed to carry out the informal process identifies during that process that the matter is more suitable for a formal investigation, in which case this will be reported to the DP.

7 Formal Investigation

7.1 Internal Investigation

7.1.1 If an investigation is merited, and where it is appropriate on the basis of the nature of the issue, the Director of OSD should liaise with the IAU-ETBs to determine whether it can undertake an investigation of the matter on behalf of the ETB, in line with the IAU-ETBs Terms of Reference. In the event the IAU-ETB is in a position to investigate this matter, the Director of OSD will seek an urgent meeting with the IAU-ETB and outline to it the nature and extent of the issue.

7.1.2 An engagement letter will issue, with the prior agreement of the Audit and Risk Committee, to the IAU-ETB within five (5) working days of that meeting and outline the anticipated timeframe for the investigation.

7.2 External Investigation

7.2.1 In an instance where the IAU-ETB is unable to provide such assistance for an external investigation or does not have the necessary expertise, the Director of OSD will arrange for the matter to be investigated by an External Investigator ("EI") (subject to the approval of the Chief Executive) using defined Terms of Reference which will be agreed between the ETB (and where necessary and appropriate, the ETB's legal advisors) and the EI.

7.2.2 The EI, in agreement with the Director of OSD, may obtain the services of relevant professionals or experts as appropriate and as it sees fit, including but not limited to:

- Forensic Accountants
- Forensic IT
- Private Investigators
- Legal Advisors or
- Specialist analysts

7.2.3 The EI will ensure that no conflict of interest exists in terms of the services provided by third parties. The EI will have access to all information gathered by the ETB as part of its initial assessment of the Protected Disclosure. The EI is the final decision maker on all matters of fair procedures which arise in relation to the investigation.

7.2.4 The EI will commit to completing the investigation within a reasonable timeframe and as agreed with the Director of OSD and will commit to providing a copy of the investigation report to the Director of OSD within 10 working days of the completion of the investigation.

7.2.5 Appendix 5 provides a checklist/guidance to assist the investigator in carrying out their investigation. It is recommended that the investigator, whether internal or external, would use this document in completing the investigation.

8 Outcomes

8.1 Should an investigation determine that a Relevant Wrongdoing has occurred, is occurring, or is likely to occur, the findings will be addressed and appropriate action (to include reporting the matter(s) to An Garda Síochána or such other statutory body as necessary) will be taken.

8.2 Should an investigation determine that there may be a case to answer by a Respondent, the matter will be referred to the appropriate stage of the disciplinary procedure, as appropriate to that employee. The findings of the investigation may be considered and relied upon in any internal disciplinary process(es) which ensue. The Respondent's right to fair procedures will be followed as set out in the disciplinary policy.

8.3 While an investigation under this policy is different to a grievance, anti-bullying or disciplinary investigation there are certain key themes and common features and the nature of any investigation under the procedures will be informed by the procedures that normally apply in the ETB when other allegations are investigated. The ETB will be mindful that, if an investigation concludes that some form of Relevant Wrongdoing has occurred, is occurring or is likely to occur, the report that issues may be used in a subsequent disciplinary process. As a result, the investigation and the report should be able to withstand scrutiny as part of any disciplinary process and there should, where possible, be strong commonality of approach between such procedures.

8.4 In some cases the matter may need to be reported to An Garda Síochána or another body with the statutory power and function of investigation of particular matters. Any criminal element of a protected disclosure is a matter

for the criminal justice machinery of the State. If An Garda Síochána are carrying out an investigation, the ETB's investigation shall only continue once An Garda Síochána confirm that it is appropriate to do so.

8.5 The ETB reserves the right to place a Respondent on administrative leave subject to the approval of any necessary parties. a decision to place on administrative leave is precautionary in order to facilitate the investigation and does not imply any assumption of guilt or wrongdoing.

8.6 In general, where a protected disclosure is made during an investigation, disciplinary or other process, this should not affect those distinct processes, except where the investigation, disciplinary or other action represents, in essence, a form of penalisation for making a protected disclosure.

8.1 Review of Decisions

8.7.1 If the worker or other reporting person is not satisfied with

(a) The conduct or outcome of any follow-up actions (including any investigation) taken on foot of the receipt of a report,
(b) The conduct or outcome of any investigation into a complaint of penalisation, and
(c) Any decision to disclose the identity of a worker or other reporting person (except in exceptional cases).

they may bring the matter to the attention of another senior staff member in the ETB of equivalent or higher rank stating that the matter has already been considered by another senior official and outlining the reasons as to why they feel that the matter requires further investigation. Consideration may be given to appointing a person from outside the ETB to conduct the review.

8.7.2 An application for review should be made within 10 working days or receipt of the investigation report.

8.7.3 If the concerns are referred to a second recipient, that person will undertake an independent evaluation of the concerns raised. This will not be a full re-investigation of the matter in question but will address the specific issues the applicant feels have received insufficient consideration.

8.7.4 Where the review finds significant shortcomings or failings in the process, the ETB will consider if further action is needed up to and including a full review.

8.7.5 The outcome of any such review will be final with no entitlement to further internal reviews of the same issue.

9 Feedback

9.1 Notwithstanding the obligation to acknowledge receipt of a protected disclosure within seven (7) calendar days, periodic feedback to the disclosure should also be provided.

9.2 Feedback ensures that the reporting person is kept informed on the process and actions arising from the report made by them. Regular feedback will help to assure the reporting person that their report has been taken seriously and the issues raised are being addressed.

9.3 Feedback is required to be provided to the reporting person within three months of acknowledgment of receipt of the report of a disclosure or if no acknowledgement is sent within three months of receipt of the report. Feedback can be provided sooner than three months if the circumstances allow. This feedback does not however, require an investigation to be completed within three months.

9.4 Where the reporting person requests in writing that they wish to receive further feedback after the initial three-month period, the ETB will do so at intervals of three months until the procedure relating to the report is closed.

9.5 When providing feedback, no information is communicated that could prejudice the outcome of the investigation or any action that ensues, for example, disciplinary, any legal action including prosecution, that may undermine the right to fair procedures enjoyed by the person against whom a report or allegation is made.

9.6 If there is no Relevant Wrongdoing identified, this will be communicated in the feedback.

9.7 If an alleged wrongdoing has been identified, this may be noted in the feedback, as well as identifying actions that have been taken, or are intended to be taken, to address the wrongdoing, and the reasons for these actions.

9.8 Any feedback given is provided in confidence as part of the reporting process.

9.9 There is no obligation on the ETB to inform the reporting person of the commencement, or process, or outcomes of any disciplinary process involving another worker which may arise on foot of an investigation occasioned by a protected disclosure. This information is confidential between the employer and the person who is the subject of a disciplinary process.

9.10 Feedback provided will comply with data protection legislation and will not override any other statutory obligation that may apply to the ETB as regards confidentiality.

9.1 Follow-up

9.11.1 Follow-up is defined as any action taken, by the recipient of the report, or a person to whom the report is transmitted, to assess the accuracy of the information and, where relevant, to address the wrongdoing reported. Follow-up may include the assessment and investigation of the report of a disclosure and actions taken to address the wrongdoing.

10 Links to Other Relevant Documentation

- HR Policies and Procedures
- Policies and Procedures - MSLETB
- Protection Disclosures Act 2014
- Protected Disclosures (Amendment) Act 2022
- Circular 0048/2018 Disciplinary Procedure for Principals and Registered Teachers
- S.I. No. 367/2020 - Protected Disclosures Act 2014 (Disclosure to Prescribed Persons) Order 2020

Employee Assistance Service (EAS):

Employees can access the Spectrum.Life wellbeing portal by signing up at link: https://wellbeingtogether.spectrum.life/login?org=ylVIIU17

Access the EAS directly:

Teacher and SNA Phone Number:

Freephone 1800 411 057

Phone Number for All Other Staff

Free phone 1800 814 243

WhatsApp & SMS: Text ‘Hi’ to 087 369 0010

Appendix 1: Practical Advice for Workers and other reporting persons making a Protected Disclosure

The ETB is committed to creating a workplace culture that supports the making of protected disclosures and provides protection for reporting persons.

Before you decide to make a protected disclosure consider the following:

- Identify all supporting information to back up your protected disclosure;
- Let the facts speak for themselves. Do not make ill-considered allegations;
- Keep in mind that people have a right to natural justice, fair procedures and to challenge the evidence against them. As the worker's or other reporting person's right to have their identity protected is not absolute, it is recommended that you frame your protected disclosure in terms of information or data that has come to your attention rather than seeking to draw conclusions about particular individuals or specific offence;
- Remember that you are a witness and not a complainant;
- Keep a careful record or factual log of relevant activities and events before and after you make a protected disclosure;
- Remember that you may be mistaken or that there may be an innocent or good explanation;
- Do not become a private detective;
- Avoid hurt to innocent parties;
- Do not personalise or act vindictively;
- Recognise that you may not be thanked by all concerned;
- Always be on guard not to embellish the information you disclose;
- Stay calm and look after your wellbeing. The Employee Assistance Service is available as a support mechanism.

Appendix 2: Protected Disclosures Notification Form

Before you complete this form, please read the Mayo, Sligo and Leitrim Education and Training Board (MSLETB) Protected Disclosure Policy and associated Procedures in full and ensure that the subject matter of your concern is covered by the legislation.

Protected Disclosures must be made in good faith and relate to a matter that you have reasonable grounds to be concerned about. It must not be merely intended to undermine the reputation of any colleague or MSLETB. If you make a Protected Disclosure which you know or reasonably ought to know to be false, you will be guilty of an offence under the legislation.

Section 1: Confirmation

I_____(name of person making the Protected Disclosure) wish to make a disclosure under the Protection Disclosures Act(as amended).

Section 2: Employment Details:

Position within the ETB	
Place of Work	

Section 3: Category of Relevant Wrongdoing to which the Protected Disclosures relates

Please indicate by ticking the relevant box

That an offence has been, is being or is likely being committed	
That a person has failed, is failing or is likely to fail to comply with any legal obligation, other than one arising under the worker's contract of employment or other contract whereby the worker undertakes to do or personally perform any work or services	
That a miscarriage of justice has occurred, is occurring or is likely to occur	
That the health or safety of any individual has been, is being or is likely to be endangered	
That the environment has been, is being or is likely to be damaged	
That an unlawful or otherwise improper use of funds or resources of a public body, or of other public money, has occurred, is occurring or is likely to occur	

That an act or omission by or on behalf of a public body is oppressive, discriminatory or grossly negligent or constitutes gross mismanagement	
That information tending to show any matter falling within any of the preceding paragraphs has been, is being or is likely to be concealed or destroyed	
That a breach, as defined in Article 5(1) of the Whistleblowing Directive, has occurred, is occurring or is likely to occur	

Section 4: Details on alleged Relevant Wrongdoing

Date of the alleged Relevant Wrongdoing (if known) or the date that the alleged Relevant Wrongdoing commenced	
Is the alleged Relevant Wrongdoing still ongoing	
Has this alleged Relevant Wrongdoing already been disclosed (Yes or No)	

If Yes, to whom, when and what action was taken: Please insert this information in the box below:

Section 5: Details of the Protected Disclosure

- The details provided should be factual and not speculative and should contain specific information to allow for the proper assessment of the nature and extent of the concern(s).
- Care should be taken to only include the name(s) of individual(s) directly relevant to the report.
- Care should be taken to explain any terminology, abbreviations, procedures *etc*. that may not be familiar to the reader.
- Ideally the disclosure details should address the headings below.

- The background/history to the disclosure:
- The reason for the disclosure:
- The name(s) of those believed to be involved:
- The date(s) relevant to the disclosure
- The place(s) relevant to the disclosure:
- Any other information that the worker believes is relevant to the disclosure

Section 6: Contact Details

Please provide contact details at which the DP / Initial Recipient can contact you:

Mobile Number	
Email Address	
Signature	
Date	

Appendix 3: Checklist and Guidance for DP: Initial Assessment of Protected Disclosure

No	Action	Yes/No
1	Have you read and familiarised yourself with the content of the ETB Protected Disclosures Policy and Procedural Manual for Processing and Management of Protected Disclosures?	
2	Have you taken particular note relating to your responsibilities concerning the avoidance of the disclosure of information that might identify the person by whom the Protected Disclosure was made?	
3	Have you given a copy of the Protected Disclosures Policy to the worker or other reporting person and advised them that their concerns will be treated seriously?	
4	Has the worker or other reporting person adequately demonstrated to you that the matters they are raising fall into one of the categories set out in section 4.1 of the Protected Disclosures Policy?	
5	If the answer to question number 4 is 'No' have you advised the worker or other reporting person that the subject matter of the disclosure must refer to one of the matters set out in section 4.1 in order for the Protected Disclosures Policy to apply?	
6	If the answer to question number 4 is 'Yes' have you advised the worker or other reporting person that you will carry out an initial assessment and revert with an indication as to whether, in your view, the matter requires a formal investigation?	
7	Have you explained the difference between an initial assessment and a full investigation?	
8	Have you explained that in the event of a conclusion that an investigation is required that the appropriate member of the SMT will decide the nature of an appropriate investigation?	
9	Have you explained to the worker or other reporting person the limits on confidentiality as set out in the Protected Disclosures (Amendment) Act 2022?	
10	Where practicable, if the worker or other reporting person is a verbal discloser has the DP recorded the disclosure in writing and has the worker or other reporting person signed the record to confirm that it is accurate?	
11	Have you informed the worker or other reporting person in advance of a decision that it is necessary to disclose information that may or will disclose their identity?	
12	Have you advised the reporting person that you will maintain communication with them and, where necessary, ask for further information from them and provide feedback to that reporting person?	

13	Have you acknowledged receipt of the protected disclosure within seven (7) calendar days of that receipt by the worker or other reporting person?	
14	Have you followed up diligently with the worker or other reporting person in relation to the matters disclosed where it is appropriate to do so and within the timeframe of three months?	
15	If you have arrived at the view that an investigation is not appropriate, have you advised the worker or other reporting person, in so far as is possible, the basis for arriving at that conclusion?	
16	Have you explained to the worker or other reporting person that if they are not happy with a decision not to pursue the matter further that they can seek a review of that decision by an independent reviewer?	
17	Have you provided the Director of OSD with the following information: 1. Date protected disclosure received; 2. Recipient Name (DP in most instances); 3. Category of alleged Relevant Wrongdoing; and 4. Confirmed whether you have carried out the initial assessment and the outcome of that assessment?	
18	If your decision has been appealed by the worker or other reporting person, have you passed all relevant papers to the Reviewer and informed the Worker of the contact details of the new Reviewer?	
19	Have you considered the Respondent's constitutional right to natural justice and fair procedures at all times during your initial assessment of the protected disclosure?	

Appendix 4: Checklist and Guidance for Reviewer: Initial Assessment Process

No	Action	Yes/No
1	Have you read and familiarised yourself with the content of the ETB Protected Disclosures Policy and Procedural Manual for Processing and Management of Protected Disclosures?	
2	Has the DP provided you with relevant material including any additional views of the disclosure regarding the initial assessment process?	
3	Has the worker or other reporting person requested a review of the initial assessment in writing outcome within five working days from receipt of the DP decision?	
4	Have you explained to the worker or other reporting person that in the event you decide an investigation is required, the matter will be investigated and this will be referred to another officer for investigation?	
5	Where appropriate and necessary, have you advised the DP/initial recipient of the protected disclosure or the Director of OSD of the outcome of the review as soon as reasonably practicable?	
6	Have you considered the Respondent's constitutional right to natural justice and fair procedures at all times during your review of the initial assessment of the protected disclosure?	

Appendix 5: Checklist and Guidance for Investigator

No	Action	Yes/No
1	Have you read and familiarised yourself with the content of the ETB Protected Disclosures Policy and Procedural Manual for the processing and management of Protected Disclosures?	
2	Have you taken particular note relating to your responsibilities concerning the avoidance of the protected disclosure of information that might identify the person by whom the protected disclosure was made?	
3	Have you agreed to MSLETB Terms of Reference and have they been circulated to the relevant parties?	
4	Have you met with the worker or other reporting person and advised them that their concerns will be treated seriously?	
5	Have you advised the worker or other reporting person that you are investigating the protected disclosure and that you will provide feedback in accordance with the timelines outlined in the Act?	
6	Have you explained to the worker or other reporting person the limits on confidentiality as set out in the Act?	
7	Are you familiar with the procedures for conducting an investigation taking account of the principles of natural justice?	
8	Where appropriate to do so, have you advised the worker or other reporting person of the outcome of the investigation and explained, in so far as possible the reasons for your decision?	
9	Where the worker or other reporting person is advised of the outcome of the investigation, have you advised the worker or other reporting person that if they wish to have a review of the outcome of the investigation, they must do so in writing within 10 days?	
10	If you arrived at the conclusion that in making their protected disclosure the worker or other reporting person did not have reasonable belief in the wrongdoing, have you referred the matter to the Director of OSD?	
11	Have you forwarded a copy of the report in relation to Q9 to the Director of OSD?	
12	Have you forwarded a copy of the final report to the Director of OSD?	
13	Have you considered the Respondent's constitutional right to natural justice and fair procedures at all times during your involvement with the investigation of the protected disclosure?	