PSI

The Pharmacy Regulator

An Rialtóir Cógaisíochta

Internal Protected Disclosure (Whistleblowing) Policy

Version 5 April 2025

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1. Introduction

The Protected Disclosures Act 2014, as amended by the Protected Disclosures Act 2022 (the Protected Disclosures Acts), enables workers to raise a concern regarding potential wrongdoing in the workplace by ensuring that safeguards exist should reprisals be taken against them. The Protected Disclosures Acts requires every public body to establish and maintain procedures for dealing with protected disclosures and to provide written information relating to these procedures to workers. The Act also provides a number of distinct channels (internal, regulatory and external) through which a disclosure can be made. The Pharmaceutical Society of Ireland (PSI) is committed to fostering an environment for addressing concerns relating to potential wrongdoing in the workplace and to providing the necessary support for workers who raise genuine concerns.

2. What is Whistleblowing?

Whistleblowing occurs when a worker raises a concern or discloses information that relates to wrongdoing, illegal practices, or unethical conduct that has come to their attention through work. A protected disclosure is defined as:

"a disclosure of information which, in the reasonable belief of the worker, tends to show one or more relevant wrongdoings; came to the attention of the worker in a work-related context; and is disclosed in the manner prescribed under the Act" (Protected Disclosures Act 2014, as amended).

Our Protected Disclosures (Whistleblowing) Policy is intended to encourage and enable workers to raise concerns within our workplace rather than overlook a problem. Under this policy, a worker is entitled to raise concerns or disclose information without fear of penalisation or threat of less favourable treatment, discrimination or disadvantage.

3. Our Commitment

The PSI is committed to maintaining an open culture with the highest standards of honesty and accountability, where our workers can report any concerns in confidence.

4. Who does the policy apply to?

This policy applies to all of our workers, including employees at all levels, for example, agency workers, independent contractors, trainees, student interns working in placements in the PSI, volunteers, unpaid trainees or an individual who acquires information on a relevant wrongdoing

during a recruitment process or other pre-contractual process and office holders, e.g., Council members. It also includes former PSI workers.

5. Aims of the Policy

This policy aims to:

- Encourage you to feel confident and safe in raising concerns and disclosing information in relation to suspected wrongdoing in the course of work carried out for or on behalf of the PSI;
- Provide guidance as to how to raise such concerns;
- Reassure reporters that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken; and,
- Give effect to the obligations and provisions of the Protected Disclosure Acts.

6. What types of concerns or disclosures can be made?

A concern or disclosure should contain information which tends to show wrongdoing, such as possible fraud (see the PSI Anti-Fraud and Corruption Policy for further information), crime, danger or failure to comply with any legal obligation, which has come to your attention in connection with your employment with the PSI, seeking employment with the PSI, or membership of the Council etc. and about which you have a reasonable belief of wrongdoing. Relevant wrongdoings are broadly defined in the Protected Disclosures Acts and include the following:

- The commission of an offence;
- The failure to comply with a legal obligation other than one arising under the worker's contract;
- A miscarriage of justice;
- Endangering the health and safety of any individual;
- Damage to the environment;
- Unlawful or improper use of the funds or resources of a public body or other public monies;
- Any act or omission by or on behalf of a public body that is oppressive, discriminatory, grossly negligent or constitutes gross mismanagement;
- Any information that would tend to show that any of the above matters has been or may be concealed or destroyed and

- A breach of law, defined as acts or omissions that are either unlawful or that defeat the object or the purpose of the rules is occurring or likely to occur.

It is immaterial whether a relevant wrongdoing occurred, occurs or would occur in Ireland or elsewhere and whether the law applying to it is that of Ireland or that of any other country or territory.

Disclosures of wrongdoing may also be made by workers in respect of other relevant employment-specific or profession-specific obligations, which may not be covered by the definition of wrongdoing in the Act and may be covered by other statutory protection for disclosures.

The Guide for Making a Protected Disclosure is included in Appendix A.

7. What types of concerns should not be raised under this policy?

This policy does not relate to day-to-day employment complaints. It does not cover personal complaints or interpersonal grievances exclusively affecting the individual making the disclosure, namely grievances about interpersonal conflicts between the individual making the disclosure and another worker. Concerns regarding your own employment, personal circumstances in the workplace, or concerns arising from workplace relationships will be dealt with by the PSI Human Resources Team. Further information in relation to this is available in the Employee Handbook and on MyPSI.

This policy does not cover a disclosure where the worker knowingly conveys false allegations. If it transpires that a worker makes a disclosure which they know to be false or do not believe to be true, the PSI may take disciplinary or other appropriate action.

This policy also does not replace any legal reporting or disclosure requirements. Where statutory reporting requirements and procedures exist, these must be complied with fully.

8. Safeguards and Penalisation

A worker who makes a disclosure and has a reasonable belief of wrongdoing will not be penalised by the PSI, even if the concerns or disclosure turn out to be unfounded. The term “reasonable belief” does not mean that the belief has to be correct. Workers are entitled to be mistaken in their belief so long as their belief is based on reasonable grounds. Workers are not expected to prove the truth of an allegation and should not investigate matters themselves to

find proof of their suspicion. However, they must have a reasonable belief that there are grounds for their concern.

A knowingly false disclosure will not attract the protection of the Protected Disclosures Acts. In addition, disclosure of a wrongdoing does not necessarily confer any protection or immunity on a worker in relation to any involvement they may have had in that wrongdoing.

Motivation is irrelevant when determining whether or not it is a disclosure protected under the Protected Disclosures Acts. All protected disclosures should be dealt with regardless of the worker's motivation for making the disclosure, and the worker should be protected so long as the worker reasonably believes that the information disclosed tended to show a wrongdoing. However, appropriate disciplinary action may be taken against any worker who is found to have raised a concern or raised a disclosure which they knew to be false.

Examples of penalisation include any unfair or adverse treatment (whether acts of commission or omission), including suspension/dismissal, coercion, withholding of training, negative performance assessment, intimidation or harassment, disciplinary action, demotion, loss of opportunity for promotion or withholding of promotion, transfer of duties, reduction in wages or working hours, discrimination, threats, injury damage or loss, threat of reprisal, harm, including to the person's reputation, or other unfavourable treatment arising from raising a concern or making a disclosure on the basis of reasonable belief for doing so. If you believe that you are being subjected to penalisation as a result of making a disclosure under this policy, you should inform your manager or a senior manager immediately.

The PSI will take seriously all reports of penalisation, ensuring that they are fully investigated and those found to be responsible are held accountable.

9. Confidentiality

The PSI is committed to protecting the identity of the worker, raising a concern and ensuring that relevant disclosures are treated in confidence. The focus will be on the wrongdoing rather than the person making the disclosure. A person to whom a protected disclosure is made, and any person to whom a protected disclosure is referred in the performance of that person's duties, shall not disclose to another person beyond such persons authorised to receive or follow up on the disclosure concerned, any information that might identify the person by whom the protected disclosure was made. However, there are circumstances, as outlined in the Act, where confidentiality cannot be maintained, particularly in a situation where the worker is participating in an investigation into the matter being disclosed or where it is required by law.

The following are examples of specific cases in which the identity of the discloser may not be protected:

- The disclosure recipient shows that they took all reasonable steps to avoid such disclosure:
- The disclosure recipient has a reasonable belief that the discloser did not object to their identity being disclosed;
- Where the disclosure is otherwise necessary in the public interest or is required by law and
- The disclosure recipient had a reasonable belief that it was necessary for:
    (i) The investigation of the wrongdoing concerned,
    (ii) To prevent serious risk to the security of the State, public health, public safety or the environment, or
    (iii) The prevention of crime or prosecution of a criminal offence.

In the instances outlined above the reporting person shall be informed, where possible, before their identity is disclosed unless such information would jeopardise the related investigations or judicial proceedings.

The protections that apply under the legislation also apply to any other named person in a protected disclosure.

10. Raising a Concern Anonymously

There is a difference between an anonymous disclosure (where identity is withheld by the discloser) and a confidential disclosure (where identity is protected by the recipient). A concern may be raised anonymously under the Act.

However, on a practical level, it may be difficult to investigate such a concern. The Act does not place an obligation to accept and follow up on anonymous disclosures. We would encourage workers to put their names to allegations, with our assurance of confidentiality where possible, in order to facilitate appropriate follow-up. This will make it easier for us to assess the disclosure and take appropriate action, including an investigation if necessary. A worker who has disclosed a wrongdoing cannot obtain redress under the Act without identifying themselves.

11. Receiving Disclosures from outside of the PSI

In addition to PSI employees being able to make protected disclosures to the PSI itself, the Registrar has been prescribed by the Minister for Public Expenditure and Reform as a person to whom protected disclosures may be made. Disclosures may be made to the PSI in respect of wrongdoings relating to the regulation of pharmacists and pharmacies in Ireland. This facilitates

workers not employed by the PSI to disclose information in relation to pharmacists and pharmacies to the PSI, provided this information has come to the attention of the worker in connection with his/her employment. A person making a disclosure is not obliged to reveal their identity. Further details are available in the PSI's External Protected Disclosures Policy, available on the PSI website.

12. Records

Records of concerns raised, including the outcome, will be maintained in line with the PSI's Record Retention Policy and Data Protection Statement, available on MyPSI. These records will be maintained in a confidential and secure environment. A summary report outlining the number of protected disclosures received by the PSI will be included each year in the PSI Annual Report and published on the PSI website.

13. Review

If a reporting person is not satisfied with the outcome of the initial assessment, they can request a review of that decision in writing within three weeks of the original decision, and it will be reviewed in as far as possible by a person designated by the Registrar who has not been involved in the initial assessment, investigation or decision. Reviews can be made in respect of the following:

- Any decision made to disclose the identity of the discloser (except in exceptional cases);
- The outcome of any assessment/investigation undertaken in respect of the protected disclosure and
- The outcome of any assessment/investigation in respect of any complaint of penalisation.

Where a decision is taken to disclose the identity of the discloser, where at all possible, the discloser should be offered a review before their identity is disclosed. The review process should ensure that there is no entitlement to two reviews in respect of the same issue.

14. Role of the Audit and Risk Committee

The Audit and Risk Committee has responsibility for the oversight of the PSI's Internal Protected Disclosure (Whistleblowing) Policy. Reports should be made by the Protected Disclosure Officer or a designated person to the Audit and Risk Committee, in respect of internal protected disclosures.

15. Independent Support and Advice

There are a number of agencies that can provide confidential support and advice to workers considering making a protected disclosure. Information about what wrongdoings can be reported as protected disclosures, how to make a protected disclosure and how to obtain protection from penalisation for having made a protected disclosure can be found on the Department of Public Expenditure and Reform website and the Citizens Information website. The Transparency International Ireland Legal Advice Centre provides free legal advice to anyone who wishes to disclose wrongdoing, particularly under the Act. Workers can access this via the Speak Up helpline on 1800 844 866.

A worker could also seek advice from their trade union or solicitor about the operation of the Act prior to making a disclosure. When the worker seeks advice from a trade union, barrister or solicitor about the operation of the Act, this discussion is also a 'protected disclosure'. (It is sufficient to be protected that the purpose of the discussion was that the worker was seeking advice about the operation of the legislation). Advice on the operation of the Act can be sought at any stage including in advance of making a protected disclosure and during the subsequent process.

This policy is intended to provide information and should not be regarded or used as a substitute for legal advice.

Support can also be provided to workers via the PSI's Employee Assistance Programme. Information on workers' rights and entitlements under employment legislation can be found on Workplace Relations Commission.

16. Contact Details

Designated Individuals	Contact Details
Protected Disclosure Officer (Internal Channel)	Ms. Aoife Mellett aoife.mellett@psi.ie 01 218 4007
Protected Disclosure Officer (External Channel)	Ms. Damhnait Gaughan protecteddisclosure@psi.ie 01 2184066
Registrar (Prescribed Person for the profession of pharmacy and pharmacies)	Ms. Joanne Kissane Joanne.kissane@psi.ie 01 2184000

17. Review and Approval of the Internal (Protected Disclosure) Whistleblowing Policy

This policy will be communicated as appropriate, and the procedures made under it will be subject to periodic review at least every three years.

Revision	Date	Description	Approved by
1	Dec 2016	Guide to Making a Protected Disclosure	Council
2	15 March 2023	PSI Internal Protected Disclosure Policy	Audit & Risk Committee
3	23 March 2023	PSI Internal Protected Disclosure Policy	Council
4	18th March 2025	Review of PSI Internal Protected Disclosure Policy	Audit & Risk Committee
5	24th April 2025	Review of PSI Internal Protected Disclosure Policy	PSI Council

Appendix A: Guide to Making a Protected Disclosure

1. Who should you make your disclosure to?

A worker must make a disclosure in the manner set out in the Protected Disclosures Acts to gain the protections of the Acts. Higher standards apply when a protected disclosure is made externally. As a first step, appropriate concerns should be raised with the PSI's Protected Disclosures Officer, following the steps outlined below. The contact details for the Protected Disclosure Officer can be found in Section 16 of this policy. In circumstances where the subject of a protected disclosure relates to the actions of the Protected Disclosure Officer, then the intent to make a disclosure should be made directly to the Registrar, who will designate a person(s) to receive and manage the protected disclosure. Any processing of personal data carried out under the Act will be carried out in accordance with Data Protection legislation.

Receipt of a protected disclosure must then be reported to the Audit and Risk Committee at the next available meeting by the Protected Disclosure Officer, Registrar or designated person(s).

2 How to make a protected disclosure?

The earlier you express the concern, the easier it will be to deal with the matter quickly. Concerns may be raised verbally or in writing. Should you raise a concern verbally, we will keep a written record of our conversation and provide you with a copy after the meeting. Should you raise a concern in writing, we would ask you to provide the background and history of the concern, giving relevant details insofar as possible, such as dates, sequence of events, and description of circumstances. Should you raise a concern in writing, we would ask you to:

1. Indicate that you are making a protected disclosure;
2. Provide your name, place of work, position in the organisation and confidential contact details;
3. Provide the date of the alleged wrongdoing (if known) or the date the alleged wrongdoing commenced or will commence or was identified;
4. Provide details as to whether the alleged wrongdoing is still ongoing;
5. Provide details as to whether the alleged wrongdoing has already been disclosed and, if so, to whom, when, and what action was taken;
6. Provide information in respect of the alleged wrongdoing and any supporting documentation
7. Provide the name of any person (s) allegedly involved in the alleged wrongdoing (if you believe this is necessary to expose the wrongdoing) and

8. Provide any other information that you think may be relevant.

3. How will we respond to disclosures raised?

Having raised your protected disclosure:

1. An acknowledgement of receipt of the disclosure will be made within seven days.

2. An initial assessment will be carried out by the designated person responsible for managing the disclosure, e.g., the Protected Disclosure Officer or person(s) designated by the Registrar, which may include seeking additional information from you. The designated person will aim to complete the initial assessment within 30 days, with due consideration to the nature of the disclosure and the issues arising.
3.
    a. If having carried out such an initial assessment, the designated persons decides that there is not sufficient evidence that a relevant wrongdoing may have occurred, they will notify you as soon as practicable of that decision and the reasons for it, and the procedure will be closed. If appropriate, they may refer you to such other procedure, such as a grievance procedure, as may be applicable.

    b. If, during the initial assessment, it appears that the PSI has already investigated the disclosure or issues related to the disclosure under a different policy, the designated person may need to review these findings before determining if further steps need to be taken under this policy.

    c. If, having carried out such an initial assessment, it is decided that there is sufficient evidence that a relevant wrongdoing may have occurred, the PSI may need to investigate further and will, in any event, take appropriate action to address the relevant wrongdoing, having regard to the nature and seriousness of the matter concerned and the available information.

4. The designated person may, as necessary, arrange a further meeting or meetings with you to discuss your concern. You may bring a colleague to any meetings under this policy. Your companion must respect the confidentiality of your disclosure and the process undertaken.

5. In some cases, we may appoint an independent investigator with relevant investigative experience or specialist knowledge of the subject matter.

6. We will provide feedback to you within a reasonable period and no longer than three months from the date of acknowledgement of your disclosure. Further feedback will, as necessary, be provided at intervals of three months until the procedure is closed.

Disclosures may, in light of the seriousness of the allegations, be referred to the appropriate authorities or such prescribed person under legislation as may be appropriate.

In circumstances where an investigation does not conclude that any relevant wrongdoing has taken place or where the person making the disclosure is mistaken or unaware of all the facts surrounding the issues raised, the designated person will explain that the concerns are unfounded.

Sometimes, the need for confidentiality may prevent us from giving you specific details of the investigation and/or any outcome or disciplinary action taken as a result. You should treat any information about the investigation as confidential.

If you make a report in accordance with this policy, but the information or allegation is subsequently not confirmed by the investigation, no action will be taken against you. You will be fully protected from any less favourable treatment, penalisation or victimisation.

Where a person knowingly submits false information under this policy then that person may be subject to disciplinary action. In instances where a person suffers damage resulting from a reporting person having knowingly reported false information then the reporting person may be found liable by the Courts.

4. External Channels for Making Protected Disclosures

We acknowledge that there may be circumstances where an employee wants to make a disclosure externally, and the Act does provide a number of avenues in this regard. However, to make a disclosure internally, you need only have a reasonable belief as to wrongdoing, while if you are considering an external disclosure, different and potentially more onerous obligations apply depending on whom the disclosure is made. The options are as follows:

A prescribed person: Certain persons are prescribed by Statutory Instrument 367 of 2020. This includes the heads of senior officials of a range of statutory bodies. A worker may make a protected disclosure to a prescribed person if the worker reasonably believes that the relevant wrongdoing falls within the description of matters in respect of which the person is prescribed under SI 367. However, the worker must believe that the information disclosed and any allegation contained in it are substantially true.

A Minister of the Government: If a worker is or was employed in the PSI, the Minister for Health has statutory functions in relation to the PSI.

A legal adviser: The Protected Disclosures Act allows a protected disclosure to be made by a worker in the course of obtaining legal advice from a barrister, solicitor, trade union official or official of an excepted body[1].

A journalist: A disclosure made to another external person, for example, a journalist, may be a protected disclosure if it meets these conditions:

1. You must reasonably believe that the information disclosed and any allegation contained in it are substantially true and

2. One of the below applies:

    a) You previously made a report to another person specified, but no appropriate action was taken in response to it;
    b) You reasonably believe that there is an imminent or manifest danger to the public interest
    c) There is a risk of penalisation if the report was made through other channels, and
    d) There is a risk of the report being effectively addressed if the report was made through other channels, such as where you reasonably believe that key evidence will be concealed or destroyed.

A body, office or agency of the European Union (EU): A worker can report a relevant wrongdoing which is a breach of EU law to a relevant institution, body, office or agency of the EU.

Disclosure to the Office of the Protected Disclosures Commissioner: You can make a protected disclosure to the Office of the Protected Disclosures Commissioner. This office was set up under the Protected Disclosures Amendment Act 2022. The Office of the Protected Disclosures Commissioner will identify a prescribed person or another suitable person competent to take appropriate action to follow up on your disclosure. Where no other suitable person with the required competence can be identified by the Office of the Protected Disclosures Commissioner, the Commissioner will follow up directly on the report.

[1] An excepted body is a body which negotiates pay and conditions with an employer but is not a trade union as defined in section 6 of the Trade Union Act 1941.