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OFFICE OF THE MINISTER FOR JUSTICE AND EQUALITY

Mr. Sean Fleming, T.D.,
Chairman,
Committee of Public Accounts,
Leinster House,
Dublin 2,
D02 XR20.

17 May 2018

Our Ref: 1213122611
Your Ref: PAC31-I-894

Dear Chairman,

I refer to your correspondence dated 1 May 2018 reference PAC32-I-894 regarding the Public Accounts Committees discussions on the Protected Disclosures Policy review taking place by the Irish Prison Service. You sought clarifications on the process put in place to appoint the protected disclosure manager and the reporting procedure that the protected disclosure manager will adhere to. Clarification was also sought on whether he/she will provide a standalone annual report or as part of the annual report of the Irish Prison Service.

Overall responsibility for the IPS Protected Disclosures Policy and Procedures rests with the Director General of the Irish Prison Service. The Protected Disclosures Manager is the Governor of the Irish Prison Service's Compliance Unit. The Protected Disclosures Manager or their nominee is independent in the performance of their functions. Under the updated IPS Protected Disclosures Policy which is planned to come into effect on 5 June, the dedicated Protected Disclosures Manager is available to receive possible protected disclosures from IPS staff. Such disclosures will be sent to a dedicated external assessor, who will assess if the disclosure is to be treated as a protected disclosure under the Protected Disclosures Act. If it is, it will be forwarded to an external investigator drawn from the panel of investigators established by the Department of Public Expenditure and Reform for investigation. Transparency International Ireland have been consulted with by the IPS in relation to the policy.

Under Section 22 of the Protected Disclosure Act 2014 each public body is required to publish an annual report setting out the number of protected disclosures received in the preceding year and the action taken (if any). This report must not result in persons making disclosures being identifiable. The Protected Disclosures Manager will be required to prepare a standalone Annual Report on Protected Disclosures each year and publish it on the Irish Prison Service the website www.irishprisons.ie, to include:

1. The number of disclosures made to him/her under the Protected Disclosures Act 2014
2. The nature of each disclosure
3. The status of the disclosure, i.e. assessment, investigation or completion stage.

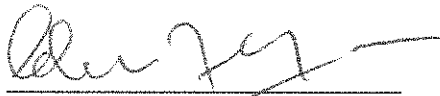
The Protected Disclosure Manager will also report on:

4. The number of complaints of penalisation against workers who have made disclosures
5. The actions taken in response to each report.

In addition the Director General of the Irish Prison Service has reported and will continue to report on the number and nature of reports made to the Irish Prison Service under the Protected Disclosures Act 2014 in the Annual Report of the Irish Prison Service each year.

I trust this is helpful to the Committee.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Charlie Flanagan', with a horizontal line drawn underneath it.

Charlie Flanagan TD
Minister for Justice and Equality