



Éilis Fallon
Committee Secretariat
Committee of Public Accounts
Leinster House
Dublin 2 D02 XR20

14th June 2021

Your Ref: S0365 PAC33

Dear Ms Fallon,

I refer to your recent letter of the 24th May 2021 regarding the correspondence the committee considered in relation to the University of Limerick and Protected Disclosures.

As requested please find enclosed an information note in relation to the roles and responsibilities of the Department of Further and Higher Education, Research, Innovation and Science in this case.

Yours sincerely,

A handwritten signature in blue ink that reads "Jim Breslin".

Jim Breslin
Secretary General

Information Note for the Public Accounts Committee
University of Limerick Protected Disclosure

Role and Responsibilities of the Department of Further and Higher Education, Research, Innovation and Science with reference to Section 8 of the Protected Disclosures Act 2014:

Where a disclosure is made to the Minister under Section 8 of the Protected Disclosures Act 2014, the correspondence is managed in line with the Department's processes and procedures. The role of the Department in such cases is to, in the first instance, determine whether the matter being disclosed should be treated as protected disclosure having regard to the provisions of the Protected Disclosures Act 2014.

Once a determination is made by the Department that a disclosure falls within the ambit of the Act, the matters raised are subject to examination in line with the Department's procedures. In the case of protected disclosures made by employees of higher education institutions, it is the Department's procedure to refer the disclosure to the Chief Executive Officer (CEO) of the Higher Education Authority (HEA) for review and examination. The CEO of the HEA is the designated official for dealing with protected disclosures in the higher education sector. In line with Section 16 of the Protected Disclosures Act 2014, it is Departmental procedure to request the HEA to protect the discloser's identity in any communication with the relevant higher education institution.

The HEA undertakes an examination of the issues raised in line with its own procedures, engaging as appropriate with the relevant higher education institution. Upon completion of the examination, the HEA advises the Department as to whether it is satisfied that the issues disclosed have been addressed satisfactorily by the higher education institution. Should the HEA consider that the issues raised have not been satisfactorily addressed by the higher education institution, the HEA may advise the Department of any further action the Department may consider taking to ensure that all matters raised are fully investigated.

The Department of Further and Higher Education, Research, Innovation and Science currently operates on an agreed shared services basis with the Department of Education in relation to the recording and reporting of protected disclosures received. However, as a newly formed Department and noting the EU Whistleblowing Directive due to be transposed later this year, the Department is planning a review of its current processes in dealing with protected disclosures. To that end, the Department will be working with Transparency International Ireland, the Irish chapter of the worldwide movement against corruption, who are strong advocates in the area of protected disclosures, to review and update, where necessary, the Department's current processes and procedures.

Department Role in the case of the UL Protected Disclosure:

As set out in my letter to the Committee of 14th May 2021 (Your ref: S0262 PAC 33), the specific disclosure referred to has been the subject of several reviews and investigations and there is an ongoing mediation process underway.

I can advise that the Department has received correspondence over recent months from the discloser outlining other issues pertaining to the University, requesting that the issues set out be dealt with as a protected disclosure. In line with its protected disclosures procedure, the Department has reviewed the issues outlined in the correspondence received. It is the Department's position that the issues outlined do not fall within the scope of the Protected Disclosures Act 2014 but would be more appropriately addressed by way of the University's Internal Grievance procedures.

In recent correspondence, reference was made by the discloser to a desire to submit a disclosure to the Minister orally. In that regard, in correspondence dated 1 April, the discloser was advised that the Minister requested arrangements be made for officials to meet with the discloser as soon as possible in order to facilitate that request. This offer remains open to the discloser. Details were also provided to the discloser of the Transparency Legal Advice Centre (TLAC), an independent law centre specialising in providing free legal advice to anyone who wishes to disclose wrongdoing as provided for under Irish Law particularly under the Protected Disclosures Act 2014. Contact details were provided for TLAC and its free and independent Speak Up helpline available from Transparency International Ireland who assist those wishing to disclose wrongdoing in accordance with the Protected Disclosures Act 2014.

The discloser has also contacted the Department and advised of a wish to make a complaint about the Department's handling of their Protected Disclosure. The Department has made available a specified senior official or alternates, without prior involvement, for the purpose of receiving such a complaint. This is in line with the Department's Complaints Policy.

Department of Further and Higher Education, Research, Innovation and Science
11th June, 2021