



Feidhmeannacht na Seirbhíse Sláinte
Health Service Executive

Annual Report of the Health Service Executive [HSE] in accordance with Section 22 of the Protected Disclosures Act 2014

The HSE is committed to hearing from and responding to concerns raised by employees and workers and encourages them to raise concerns. This supports us in our objectives of maintaining the highest possible standards of care for patients and clients and providing employees with a healthy and safe working environment while complying with our legal obligations.

The HSE operates under two sets of legislation and two sets of Procedures related to Protected Disclosures. These are the;

- *Health Act 2004* (as amended in 2007) and the
- *Protected Disclosures Act 2014*.

Two separate sets of Procedures also operate in relation to these sets of legislation. While the *Protected Disclosures Act 2014* introduced a number of amendments in relation to the *Health Act 2004* (as amended), the provisions in the *Health Act 2004* remain in operation. The HSE also provides a range of employee supports including employee assistance schemes and encourages disclosers and others affected to avail of these supports if required.

Concerns received from workers are processed in line with our published procedures. This includes screening to determine whether the disclosure appears to fall within the framework for Protected Disclosures; examination and investigation processes as required; implementation of any findings or recommendations; and overarching communications with relevant parties.

Section 22 of the Protected Disclosure Act 2014 requires the publication of a report each year relating to the number of Protected Disclosures made in the preceding year and also for the publication of information with regard to any actions taken in response to Protected Disclosures made.

For the purposes of this report, a Protected Disclosure may have been made under the Protected Disclosure Act 2014 or Part 14 of the Health Act 2004, as amended by the Health Act 2007. Based on the returns notified, the number of concerns raised with the Health Service Executive [HSE] under the framework for Protected Disclosures in 2019 was **61**.

- The HSE's Protected Disclosures Processes in relation to **23** cases have been completed with follow up actions underway as relevant.
- Processes in relation to a further **38** cases are ongoing.

Appendix 1 below sets out the relevant wrongdoings under the Protected Disclosures Act 2014 and the Health Act 2004 (as amended)

Relevant wrongdoings under the Protected Disclosures Act 2014

The following are relevant wrongdoings for the purposes of the Protected Disclosures Act 2014:

- a. That an offence has been, is being or is likely to be committed;
- b. 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
Perform personally any work or services;
- c. That a miscarriage of justice has occurred, is occurring or is likely to occur;
- d. That the health or safety of any individual has been, is being or is likely to be endangered;
- e. That the environment has been, is being or is likely to be damaged;
- f. 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;
- g. That an act or omission by or on behalf of a public body is oppressive, discriminatory or grossly negligent or constitutes gross mismanagement; or
- h. That information tending to show any matter falling within any of paragraphs (a) to (g) above has been, is being or is likely to be concealed or destroyed.

Relevant wrongdoings for the purposes of the Health Act 2004 (as amended)

The following are relevant wrongdoings for the purposes of the Health Act 2004 (as amended) which must be raised to the HSE Authorised Person:

- a. That the health or welfare of a person in receipt of health or personal social service has been, is or is likely to be at risk
- b. That the actions of any person employed by or acting on behalf of the HSE or a HSE funded or grant aided agency has posed, is posing or is likely to pose a risk to the health or welfare of the public
- c. That the HSE or a HSE funded or grant aided agency or a person employed by or acting on behalf of the HSE or a HSE funded or grant aided agency failed, is failing or is likely to fail to comply with any legal obligation to which the relevant body or person is subject in the performance of the relevant body's or person's functions
- d. That the conduct of the HSE or a HSE funded or grant aided agency or a person employed by or acting on behalf of the HSE or a HSE funded or grant aided agency has led, is leading or is likely to lead to a misuse or substantial waste of public funds
- e. That such evidence to the above (a) to (d) has been, is being or is likely to be deliberately concealed or destroyed. "