



Introduction

The HSE welcomes the raising of concerns and is committed to creating a culture within which its employees and other workers feel safe in speaking up and confident that their concerns will be taken seriously. It also provides an opportunity to identify potential issues and address risks to the organisation. The HSE will ensure that those who raise concerns are afforded the protections required pursuant under the Protected Disclosures Act 2014 (as amended 2022).

The HSE's Authorised Person is responsible for overseeing the HSE's Protected Disclosures Framework and for assessing the concerns, referring protected disclosures for examination and investigation, monitoring and reporting on outcomes and on compliance with the framework. In 2022, the HSE also established a National Office for Protected Disclosures [NOPD] which is responsible for the end to end management of protected disclosure cases. The NOPD has worked with colleagues across the HSE throughout 2023 to bring protected disclosures to appropriate conclusion while protecting the reporting persons involved.

This report is in two parts:

- **Part One** provides data on the scope of activity and outcomes of disclosures made under the Protected Disclosures Act 2014, as amended (the Act) to the HSE.
- **Part Two** complies with the statutory reporting requirements of the Act.

1 Protected Disclosures and the HSE

1.1 Introduction

The following sections provide some detail as to activity concerning protected disclosures in the HSE in 2023.

1.2 Making a protected disclosure

Under the Protected Disclosures Act 2014 (as amended 2022), workers can make disclosures to any manager and to a range of other parties including relevant Government Ministers, prescribed bodies and other parties. The concerns are raised by workers who provide information which came to their attention in connection with their employment and which in their reasonable belief tends to show one or more relevant wrongdoings.

While reporting persons may not be fully clear about the relevant wrongdoing heading under which their concern relates, in general they tend to fall within the following wrongdoing headings:

- 1) That the health or safety of any individual has been, is being or is likely to be endangered;
- 2) 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;
- 3) That an act or omission by or on behalf of a public body is oppressive, discriminatory or grossly negligent or constitutes gross mismanagement;
- 4) A combination of those outlined above.

1.3 Protected Disclosures made to the HSE in 2023

Since early 2023 the HSE has centralised the receipt and initial assessment of disclosure reports within the NOPD. Any manager receiving a purported protected disclosure must forward the material to the NOPD for logging, statutory contact with the reporting person, initial assessment and appropriate referral for follow-up.

Each report received is assessed against the Act and additional information sought from the reporting person if required. Reasons that disclosure reports have been deemed inappropriate for follow-up under the HSE protected disclosures procedures (not a protected disclosure) include:

- Insufficient information to fully assess, reporting person did not engage or supply further information on request
- The reporting person was not a worker under the Act
- The information was not obtained in a work related context
- The information amounted to an exclusively personal workplace grievance
- The information amounted to a dispute with the worker’s employer in relation to their contract of employment

The tables below provide more detail on the protected disclosures received during 2023, including analysis of the disclosures by relevant alleged wrongdoing.

Table 1: Total number of Protected Disclosures 2023

Total Reports 2023	
Total Received	98
Total Assessed	95
Total: In Assessment at Year End	3
Determination following Assessment	
Total: Not a Protected Disclosure	46
Total: Protected Disclosures	49
Total protected disclosures 2023	49
Cases closed	32
Open Protected Disclosures at Year end	17

Table 2: Protected Disclosures by category of primary alleged wrongdoing in 2023

Health or Safety Endangerment	21
Legal Obligation	5
Offence	2
Oppressive/Discriminatory/Grossly Negligent/Gross Mismanagement	8
Unlawful/Improper use of Funds or Resources	12
Environmental Damage	1
Total protected disclosures 2023	49

Table 3: Summarises the action taken by the HSE for every report received in 2023

Initial assessment	Considered a Protected Disclosure	Considered not a Protected Disclosure
98 Reports received of which 95 were subject to a full assessment to determine whether they are protected disclosures within the meaning of the Act. This included, in many cases, engaging directly with the reporting person. 3 Reports remained in assessment at year end.	49 of the 98 reports were determined to be protected disclosures after assessment. These reports were then referred to the relevant senior accountable person in the area the alleged wrongdoing occurred, for their further examination/investigations.	46 of the 98 reports were determined not to be suitable for follow-up as a protected disclosure after assessment. Each of these reports were then referred to the relevant senior accountable person for review and management outside the protected disclosures framework where appropriate. Alternatively, reporting persons were referred to more appropriate procedures where relevant.

The most direct route for a worker to make a protected disclosure to the HSE is directly to the NOPD. However where a disclosure is made to persons other than the NOPD, the material is provided to the NOPD as the designated office to receipt and assess disclosure reports. The below table shows the various routes to the NOPD that disclosures have taken in 2023.

Table 4: Route to the Protected Disclosures Reporting Channel in 2023

Route to NOPD	Open as of 31 December 2023	Closed in 2023
Office of the CEO	1	5
Directly from worker	12	14
Via PD Commissioner	1	8
Via PD Lead/Service Manager	3	5
Total	17	32

Note: The Office of the Protected Disclosures Commissioner (OPDC) referred 14 matters to the HSE in 2023, nine of these were determined to be protected disclosures following assessment.

1.4 Follow-up of reports

The HSE had **166** follow up procedures open during 2023, relating to the **49** follow-up procedures opened in 2023 and the **117** follow-up procedures opened in previous years, which remained open at the start of 2023. **126** follow-up procedures were closed in 2023. The HSE had **40** follow-up procedures open at the end of 2023.

Of the follow-up procedures carried over as open in to 2024, **17** have been open for less than one year, **16** have been open for between one and three years, **4** have been open between three and five years, and **3** have been open more than five years.

1.5 Matters followed-up

The **49** follow-up procedures opened in 2023 related to **77** allegations of wrongdoing contained with the 49 reports.

Table 5: Wrongdoings alleged

Alleged wrongdoing	Number
Criminal offences	4
Breaches of a legal obligation	14
Miscarriage of justice	0
Endangerment of health and safety	23
Damage to the environment	1
Unlawful or improper use of public funds	19
Acts or omissions that are oppressive, discriminatory or grossly negligent or constitute gross mismanagement	12
Breaches of the EU laws within the scope of Article 2 of Directive (EU) 2019/1937 (the Whistleblowing Directive)	0
Concealment or destruction of information about any of the above wrongdoing	4

1.6 Outcome of follow-up procedures

Of the **126** follow-up procedures closed in 2023, **73** were closed fully because no wrongdoing was found or insufficient evidence of wrongdoing could be found. The wrongdoings were upheld in **26** cases and partially upheld in **23** cases. **4** procedures were closed as duplicate reports to the OPDC.

In the 49 cases above where wrongdoing were partially or fully upheld the following actions were taken to address the matters upheld.

Table 6: Actions taken to address wrongdoings upheld

Actions taken by Category	Number
Further proceedings or sanctions were opened	14
Transmitted to another Body for further follow-up	2
Recovery of funds	1
Changes to policies and/or procedures	9
Matters addressed within existing policies	23
Total Action taken	49

Matters that were addressed within existing policies and/or procedures related to ensuring adherence to policy or the provision of training etc. The one protected disclosure follow-up procedure recovered funds of €3,700,000.

1.7 Anonymous reports

Of the **98** disclosure reports received by the HSE in 2023, **35** were received anonymously. Of the **49** follow-up procedures opened in 2023, **15** were in response to anonymous reports. No reporting person that made an anonymous disclosure report subsequently identified themselves to the HSE.

1.8 Protected disclosures that remain open as of the 31 December 2023

The HSE received **366** reports under the protected disclosures framework between 2017 and 2022. While **68%** of reports received were closed prior to 31 December 2022, **117** remained open on 01 January 2023. As of 31 December 2023 this figure was reduced to **23**. **49** additional protected disclosures were opened in 2023 and **32** of these were closed, leaving a total carryover in to 2024 of **40**.

Table 7: Protected Disclosures Open as of 31 December 2023

	2017	2018	2019	2020	2021	2022	Total	2023
Disclosure Reports Received	78	52	61	54	65	56	366	49
Total Open to End 2022	2	7	8	23	31	46	117	NA
Total Open to End 2023	0	3	0	4	9	7	23	17
Total 2017 - 2022	23						Total	40

1.9 NOPD Priorities for 2024

The NOPD is now the independent centre point of access and specialism, setting a standardised approach both in NOPD and in services for ensuring compliance with the legislation and delivering best practice service for internal and external stakeholders. The NOPD's key priorities for 2024 include:

- **Monitoring and Reporting Systems:** Developing effective monitoring, recording and reporting systems for Protected Disclosures in response to the increased reporting requirements under the Act. This will also support our ability to capture and share the learning from Protected Disclosures.
- **Outcome Reporting:** Gathering information on investigation outcomes and are putting processes in place to share relevant learning from the disclosures received.
- **Communication and Information:** Developing of clear and simple guidance documentation for all workers.
- **Investigations:** Continuing to develop processes for properly investigating relevant wrongdoings.

2 Statutory information pursuant to section 22(5) of the protected disclosures Act 2014, as amended.

2.1 Statement pursuant to section 22(5)(a) of the Act

The HSE, as a public body, confirms that it has in place an internal reporting channel and procedure for the receipt and management of protected disclosures that is in compliance with the Act.

2.2 Information provided to the Minister

Section 22(5)(b) of the Act requires the HSE to publish the information separately provided to the Minister for Public Expenditure NPD Delivery and Reform pursuant to section 22(1) of the Act. The information provided to the Minister was provided in the format as prescribed by the Minister in two reports:

- PDA-1 Disclosure reports received by the HSE via its internal reporting channel
- PDA-2 Disclosure reports transmitted to the HSE by the Office of the Protected Disclosures Commissioner (ODPC) where the ODPC determined that the HSE was a suitable person pursuant to section 10C(1)(a)(ii) or 10D(1)(b)(i)(I) of the Act

Please note that these data differ from the data reported in Part 1 of this report as the data required by the Minister under section 22(1) of the Act are concerned with subsets of the data available to the HSE. In addition, the tables are not expected to reconcile with totals due to the nature of the questions asked in the legislation and statutory guidance.

[PDA-1 Disclosure reports received by the HSE via its internal reporting channel](#)

[PDA-2 Disclosure reports transmitted to the HSE by the Office of the Protected Disclosures Commissioner \(ODPC\)](#)

Making a disclosure within the HSE: Reports of alleged wrongdoing can be directed in confidence to the Office of the Authorised Person, HSE, Dr Steevens' Hospital, Dublin 8, D08 W2A8, or by email to protected.disclosures@hse.ie. Initial contact and guidance may be made by phone, Tel: 01 635 2202 [Office hours: 10am to 1pm & 2pm to 5pm Monday to Friday]. Additional information on making a report and the HSE's Protected Disclosures Procedures can be found at <https://www.hse.ie/eng/about/who/protected-disclosures/>