

Protected Disclosures Act 2014

Form PDA-2 Suitable persons

Annual Report of Statistics - External Reports made or transmitted under sections 7, 7A, 10C and 10D of the Act

Section 22(1) of the Protected Disclosures Act 2014 requires every public body to make an annual report, no later than **1 March** each year, to the Minister for Public Expenditure, NDP Delivery & Reform on the number of protected disclosures made to the public body in respect of the immediately preceding calendar year.

This table must be completed and returned to the Minister even if no protected disclosures have been received or are on hand in the calendar year that is the subject of this report.

The information provided in this table should cover **ONLY** reports made by workers to prescribed persons using the **EXTERNAL** reporting channels established under section 7(2A) of the Act or transmitted under sections 7A(1)(b)(vi), 10C(1)(b) and 10D(1)(b)(ii) of the Act. For internal reports received under section 6 of the Act, please use Form PDA-1.

Completed reports should be sent to: pdreporting@per.gov.ie by 1 March each year.

Detailed guidance on the completion of this form is set in Section 14 of the Statutory Guidance on the operation of the Protected Disclosures Act for public bodies and prescribed persons, published on November 20 and available from: www.gov.ie/protected-disclosures.

1 Identification

1.1	Name of Body:	Health Service Executive
1.2	Calendar year covered by this report:	2023

2 Reports received in calendar year

2.1	Of the reports received in the calendar year that is the subject of this report, how many were:		Instructions: "Reports" means reports that tend to show "relevant wrongdoings" (as defined in section 5(3) of the Act). The term does not refer to reports or complaints about penalisation against reporting persons .
2.1.1	Transmitted by the Protected Disclosures Commissioner under section 10C(1)(b) of the Act?	8	All reports that trigger an acknowledgement under the Act (or would have triggered an acknowledgement but the reporting person requested otherwise) should be counted.
2.1.2	Transmitted by the Protected Disclosures Commissioner under section 10D(1)(b)(ii) of the Act?	6	Where the same relevant wrongdoing is reported by the same person and reported both directly to the body and transmitted to the body by another prescribed person or the Protected Disclosures Commissioner, it should be counted as a single report under heading 3.1.1.
2.1.3	Total number of reports received	14	

3 Assessment of reports

3.1	Of the total number of reports received in the calendar year, how many were:	(a) Fully	(b) Partially	
3.1.1	Awaiting completion of assessment at year end?	0	0	Instructions: Where there is a single outcome to an assessment, please enter under column (a), Fully. Where multiple outcomes of an assessment arise (e.g. if a report contains a range of allegations which require a range of responses, please enter all that apply under column (b), Partially.
3.1.2	Assessed as warranting further follow-up?	0	4	
3.1.3	Transmitted to another prescribed person or the Protected Disclosures Commissioner?	1	0	
3.1.4	Closed because the report was clearly minor?	0	0	
3.1.5	Closed because it was a repetitive report containing no meaningful new information?	4	0	
3.1.6	Referred to another more relevant procedure?	3	4	
3.1.7	Assessed as warranting no further follow-up?	2	0	

4 Investigation of reports

4.1	How many investigations were opened in the calendar year?	4	Instructions: "Investigation", for the purposes of this exercise, refers to any form of follow-up action to a report taken to establish the veracity of the information reported. The term does not refer to investigations of claims of penalisation against reporting persons . Examples of investigations include but are not limited to: setting up of investigative committees or commissions, inspections, audits, etc.
4.2	How many open investigations were carried over from the previous year?	0	
4.3	How many investigations were closed in the calendar year?	3	
4.4	How many investigations remained open at the end of the calendar year?	1	
4.5	Of the number of investigations reported as still open in response to Q5.4, how many are:		The response to Q5.2 should also include all open investigations carried over that commenced prior to the commencement of the Protected Disclosures (Amendment) Act 2022 (i.e. before 1 January 2023).
4.5.1	Open less than 1 year?	1	
4.5.2	Open more than 1 year but less than 3 years?	0	
4.5.3	Open more than 3 years but less than 5 years?	0	
4.5.4	Open 5 or more years?	0	
4.6	What was the average length of the investigations closed in the calendar year?	14	
4.7	What was the median length of the investigations closed in the calendar year?	17	

5 Matters investigated

5.1 Of the investigations opened in calendar year reported in response to Q4.1, how many involved:

Instructions:

Where an investigation falls under more than one of the headings listed at 5.1.1 to 5.1.9, please report under each heading that applies. For example, if one investigation was opened during the year that concerned both a breach of a legal obligation and damage to the environment, enter '1' under both headings 5.1.2 **and** 5.1.5.

- 5.1.1 Criminal offences?
- 5.1.2 Breaches of a legal obligation?
- 5.1.3 Miscarriage of justice?
- 5.1.4 Endangerment of health and safety?
- 5.1.5 Damage to the environment?
- 5.1.6 Unlawful or improper use of public funds?
- 5.1.7 Acts or omissions that are oppressive, discriminatory or grossly negligent or constitute gross mismanagement?
- 5.1.8 Breaches of the EU laws within the scope of Article 2 of Directive (EU) 2019/1937 (the Whistleblowing Directive)?
- 5.1.9 Concealment or destruction of information tending to show any matter falling within items 5.1.1 to 5.1.8?

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If any investigations have been opened under heading 5.1.8 (breaches of EU law), please also complete Q6. Otherwise proceed to Q7.

6 Matters investigated - Breaches of EU laws

6.1 Of the investigations reported as opened in response to Q6.1.8 (breaches of EU law), how many involved breaches of:

Instructions:

Complete this section **ONLY** if one or more investigations have been opened in respect of breaches of the EU laws within the scope of Article 2 of Directive (EU) 2019/1937 (the Whistleblowing Directive).

- 6.1.1 Public procurement?
- 6.1.2 Financial services, products and markets, and prevention of money laundering and terrorist financing?
- 6.1.3 Product safety and compliance?
- 6.1.4 Transport safety?
- 6.1.5 Protection of the environment?
- 6.1.6 Radiation protection and nuclear safety?
- 6.1.7 Food and feed safety and animal health and welfare?
- 6.1.8 Public health?
- 6.1.9 Consumer protection?
- 6.1.10 Protection of privacy and personal data and security of network and information systems?
- 6.1.11 The financial interests of the EU?
- 6.1.12 The functioning of the EU Internal Market?

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7 Proceedings initiated

- 7.1 How many proceedings were initiated on foot of investigations in the calendar year?
- 7.2 How many cases were referred to another body to initiate proceedings in the calendar year?
- 7.3 What was the **average** length (in weeks) of the proceedings that concluded in the calendar year?
- 7.4 What was the **median** length (in weeks) of the proceedings that concluded in the calendar year?

Instructions:

"Proceedings" covers all types of formal enforcement action taken by a prescribed person triggered wholly or mainly by a report of a relevant wrongdoing. Examples include: warning/improvement notices; fines or other financial penalties; and any judicial proceedings taken (civil or criminal). It **does not include** any proceedings concerning **penalisation of a reporting person**.

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"Cases referred to another body" could include referral of a matter to the DPP for prosecution.

Cases referred to other bodies to initiate proceedings should not be counted in the average and median times reported under Q7.3 and Q7.4.

8 Subject of proceedings initiated

8.1 Of the proceedings initiated or referred to another body in the calendar year reported in response to Q7.1, how many involved:

Instructions:

Where proceedings fall under more than one of the headings listed at 8.1.1 to 8.1.9, please include under each heading that applies. For example, if one set of proceedings was opened during the year that concerned both a breach of a legal obligation and damage to the environment, enter '1' under both headings 8.1.2 **and** 8.1.5.

- 8.1.1 Criminal offences?
- 8.1.2 Breaches of a legal obligation?
- 8.1.3 Miscarriage of justice?
- 8.1.4 Endangerment of health and safety?
- 8.1.5 Damage to the environment?
- 8.1.6 Unlawful or improper use of public funds?
- 8.1.7 Acts or omissions that are oppressive, discriminatory or grossly negligent or constitute gross mismanagement?
- 8.1.8 Breaches of the EU laws within the scope of Article 2 of Directive (EU) 2019/1937 (the Whistleblowing Directive)?
- 8.1.9 Concealment or destruction of evidence of any of the above wrongdoing?

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If any proceedings have been opened under heading 8.1.8 (breaches of EU law), please also complete Q9. Otherwise proceed to Q10.

9	Subject of proceedings initiated - Breaches of EU laws	
9.1	Of the proceedings reported as initiated in response to Q8.1.8 (breaches of EU law), how many involved breaches of:	Instructions: Complete this section ONLY if one or more proceedings have been initiated in respect of breaches of the EU laws within the scope of Article 2 of Directive (EU) 2019/1937 (the Whistleblowing Directive).
9.1.1	Public procurement?	0
9.1.2	Financial services, products and markets, and prevention of money laundering and terrorist financing?	0
9.1.3	Product safety and compliance?	0
9.1.4	Transport safety?	0
9.1.5	Protection of the environment?	0
9.1.6	Radiation protection and nuclear safety?	0
9.1.7	Food and feed safety and animal health and welfare?	0
9.1.8	Public health?	0
9.1.9	Consumer protection?	0
9.1.10	Protection of privacy and personal data and security of network and information systems?	0
9.1.11	The financial interests of the EU?	0
9.1.12	The functioning of the EU Internal Market?	0

10	Outcome of proceedings	
10.1	Of the proceedings reported as initiated how many resulted in:	Instructions: "Other enforcement action" refers to any other action taken to address the relevant wrongdoing other than those listed under Qs 10.1.1 to 10.1.4. It could include: formal warnings, improvement notices, confiscation of offending items/materials, closure orders, cease and desist orders etc. "Financial damage" relates to damage caused by the relevant wrongdoing reported. It does not relate to financial damage suffered by the reporting person due to penalisation .
10.1.1	Criminal prosecution?	0
10.1.2	Fines or other financial penalties?	0
10.1.3	Recovery of lost funds?	0
10.1.4	Award of damages?	0
10.1.5	Other enforcement action?	0
10.1.6	No outcome?	0
10.2	Of the proceedings reported as initiated, what (where relevant) is the estimated financial damage arising from the wrongdoing reported?	€ - For the calculation of "financial damage", the ascertainment of the damage by any public body (including the courts) should be taken into account.
10.3	Of the proceedings reported as initiated, what (where relevant) is the total value of fines and/or other financial penalties imposed as a result of these proceedings?	€ - The calculation of "financial damage" should not include any fines or other financial penalties imposed. (These are to be reported on under headings 10.3 and 10.4.)
10.4	Of the proceedings reported as initiated, what (where relevant) is the estimated amount of funds recovered as a result of proceedings?	€ - Fines and other financial penalties should not include any damages awarded to a reporting person or any fines/penalties imposed for penalisation of a reporting person.

11	Anonymous reports	
11.1	Of the total number of reports received in response to Q2, how many were made anonymously?	4
11.2	How many investigations were opened in response to anonymous reports in the calendar year?	3
11.3	How many proceedings were opened in response to anonymous reports in the calendar year?	0
11.4	How many anonymous reporting persons subsequently disclosed their identity in the calendar year?	0