

**How to make a Protected Disclosure to Tusla for Persons or Workers in the following sectors:**  
**Early Years Services**  
**Children’s Residential Centres (private / voluntary sector)**  
**Alternative Education**

**What has changed for workers in Tusla’s regulated sectors**

If you are a worker in an early years setting, in a private or voluntary children’s residential centre, or an alternative education setting, you may wish to tell Tusla about what you believe to a “relevant wrongdoing” within the meaning of the Protected Disclosures Act 2014.

The CEO of Tusla is now a “prescribed person” and may by law accept “protected disclosures” from workers in the sectors it regulates. This means that a worker who tells Tusla about something they believe to be a “relevant wrongdoing”, may receive certain protections against retaliation for having done so.

A person who makes a protected disclosure (sometimes referred to as a “whistleblower”) is protected by law. They should not be treated unfairly or lose their job because they have made a protected disclosure.

Tusla welcomes information that may help to address any shortcomings in registration, supervision, inspection or associated regulations within the sectors it regulates.

This guide is to assist those who wish to make a disclosure, who are not directly employed by Tusla, but work in the following regulated areas:

- Early Years Service;
- Children’s Residential Centres (private/voluntary sector)
- Alternative Education.

If you work with Tusla and wish to make a disclosure, please refer to [Tusla’s Protected Disclosure policy](#).

## What is a protected disclosure

Making a protected disclosure (also known as “whistleblowing”) is where a worker discloses information in relation to wrongdoing.

When making a protected disclosure, a person must reasonably believe that the relevant wrongdoing falls within the description of the regulated activity, and that the information disclosed is substantially true. If the worker is subsequently penalised by their employer or dismissed on account of raising concerns about possible wrongdoing in their workplace, the Protected Disclosures Act 2014 provides a range of remedies.

## What types of things can I disclose

Information that shows that a “relevant wrongdoing” is, has, or may be taking place. If you are concerned about something within your workplace that may show anything from the list below, please contact us.

Information that may show a relevant wrongdoing that relates to

- registration, supervision, and inspection of early years services
- registration and inspection of children’s residential centres (private and voluntary sector only)
- registration of children in receipt of education in a place other than a recognised school and the carrying out of assessments under section 14 of the Education (Welfare) Act 2000 (No. 22 of 2000).

A list of relevant wrongdoings is provided within the legislation<sup>1</sup> and includes:

- (a) The commission of an offence;
- (b) The failure of a person 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) A miscarriage of justice;

---

<sup>1</sup> Section 5(3) Protected Disclosures Act 2014

- (d) A danger to the health and safety of any individual;
- (e) Damage to the environment;
- (f) An unlawful or otherwise improper use of funds or resources of a public body, or of other public money;
- (g) An act or omission by or on behalf of a public body that is oppressive, discriminatory, or grossly negligent or constitutes gross mismanagement; or
- (h) Information tending to show any matter falling within any of the preceding paragraphs a to g has been, is being, or is likely to be concealed or destroyed.

### **How do I make a disclosure to Tusla**

Email: [ceo@tusla.ie](mailto:ceo@tusla.ie)

Write to: Chief Executive Officer, Brunel Building, Heuston South Quarter, Dublin 8

Please include

- that the disclosure is being made under the Protected Disclosures Act
- the relevant regulated sector you are making the disclosure under
- your name, position in the organisation, place of work and confidential contact details (please note we will take anonymous disclosures, but our ability to act on these can be limited if we cannot check certain details with you as the discloser)
- the date (if known) of the alleged wrongdoing (if known) or the date the alleged wrongdoing commenced or was identified;
- whether or not the alleged wrongdoing is still ongoing;
- whether the alleged wrongdoing has already been disclosed and if so, to whom, when, and what action was taken;
- information in respect of the alleged wrongdoing (what is occurring/has occurred and how) and any supporting information;

- the name of the person(s) allegedly involved in the alleged wrongdoing (if any name is known and the worker considers that naming an individual is necessary to expose the wrongdoing disclosed); and
- any other relevant information.

### **What can I expect when I make a disclosure**

- Confidentiality

We will take all reasonable steps to avoid disclosing any information that might identify you. However this may not always be possible and we may have to disclose your identity where we reasonably believe that:

- you do not object to the disclosure of any such information; or

- the disclosure is necessary for:

- (a) effective investigation of the relevant wrongdoing concerned; or

- (b) the prevention of serious risk to the security of the State, public health, public safety or the environment; or

- (c) the prevention of crime or prosecution of a criminal offence, or

- (d) the disclosure is otherwise necessary in the public interest or is required by law

- Protection from Penalisation

The Protected Disclosures Act 2014, provides that where an individual makes a disclosure which they reasonably believe is substantially true that they are protected from penalisation including dismissal or other forms of penalisation.

- Communication

Tusla will acknowledge receipt of your disclosure within 7 days. Where possible, once the disclosure is screened and accepted Tusla will provide feedback on any action taken, having regard to legislative obligations, confidentiality around the best interests of children, and any other investigations or regulatory action.

## What will Tusla do

Together with our commitment to you in terms of confidentiality and communication, Tusla will carry out a *preliminary evaluation* of the information received. This means we will assess whether it can be considered under the Protected Disclosures Act 2014. Following the preliminary evaluation, a decision will be made as to whether the disclosure warrants a full investigation.

Where appropriate, the Tusla regulatory function or department, will screen the information to assess a course of action which may include but is not limited to

- meet with discloser and discuss the details of the disclosure
- contact the service provider
- conduct an inspection
- meet with relevant stakeholders or employees
- notify An Garda Síochána, the Comptroller and Auditor General, Tusla's child protection and welfare services, or other state agencies or government departments of relevant wrongdoing in the public interest or as required by law

Tusla provides an annual report of protected disclosures in summary format:

<https://www.tusla.ie/staff/protected-disclosures/protected-disclosures-annual-reports/>

For more information on how the protected disclosures process operates, please see [Tusla's Protected Disclosures Policy](#).

## What if I make a disclosure that turns out to be untrue

The worker must reasonably believe that the information disclosed and any allegation in it is substantially true.<sup>2</sup> The term "reasonable belief" does not mean that the belief has to be correct. A worker is entitled to be mistaken in their belief, so long as their belief was based on reasonable grounds. A worker may not know all the facts of the case and the worker is not obliged to find proof of their suspicion.

It is important to note that in situations where a worker makes a disclosure not in compliance with the Act<sup>3</sup>, the protections under the Act will not be available to the worker. It

---

<sup>2</sup> Section 7(1)(b)

<sup>3</sup> Protected Disclosures Act 2014

is also important to note that a deliberate false disclosure will not be protected and that a worker could leave him or herself open to disciplinary action in that regard.

### **Personal complaints and grievances**

Personal work-related grievances are generally not covered by the Protected Disclosures legislation. Protected disclosures are not intended to act as a substitute for normal day to day operational reporting or other internal employment procedures. Personal complaints should generally be dealt with under the internal grievance, or dignity at work, procedures.

### **Does this affect any other reporting provisions**

Mandatory reporting, including the requirement to report under Children First, is in no way affected by the provisions of the Protected Disclosures Act. Anyone with an obligation to report under Children First must continue to do so. Further information and a link to our Tusla Portal is available here: <https://www.tusla.ie/children-first>