
Annual Report of Protected Disclosures Received in 2020

Section 22 of the Protected Disclosures Act 2014 requires the publication of an annual report by public bodies about the number of Protected Disclosures received in the preceding year and of actions taken in response. This is the annual report of Tusla, the Child and Family Agency (“the Agency”) for the period 1 January 2020 to 31 December 2020.

1 2020 cases

In 2020, the Agency received one protected disclosure. In response, corrective and preventive actions were identified and progressed.

In addition, 2 investigations were concluded, 1 case review was conducted, and 1 case was screened out at preliminary evaluation phase.

2 Policy

In 2020 the Agency drafted a revised policy and conducted a comprehensive stakeholder consultation to inform the management of disclosures going forward. The revised policy is due to be launched in 2021, reflecting learning through practice and new legislative developments.

3 Legislative developments

Under SI 367/2020, signed into law on 24 September 2020, the CEO of Tusla became a “prescribed person” under the Protected Disclosures Act 2014. This means that the CEO may now receive protected disclosures from workers in early years’ settings and other entities regulated by Tusla. No disclosures have been received to date under this mechanism.

4 The whistleblowing directive

EU Directive 2019/1937 is due to be transposed by December 2021 and will introduce a number of changes including strict timeframes, clarity on the role of “prescribed persons”, and extending the definition of penalisation. The Agency is preparing for the introduction of this directive and compliance measures will be reflected in its revised policy.

5 Interagency working

Throughout 2020, the Agency has continued to work with other Government departments and agencies including the Department of Public Expenditure and Reform, the HSE and the Office of Government Procurement on disclosure matters and associated processes.

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