Protected Disclosures

Section 22 Annual Report 2023

An tSeirbhís Chúirteanna
Courts Service

Introduction

The Courts Service is required under Section 22 of the Protected Disclosures Act 2014 to publish an annual report in relation to the number of protected disclosures made to it in the preceding year, and the action taken in response to any such protected disclosures. The publication of the data in the report must be provided in a way that protects the identity of reporting persons.

The Courts Service is strongly committed to maintaining an open, transparent and ethical workplace culture. This includes facilitating a work environment where workers are encouraged and supported to raise disclosures regarding wrongdoing or potential wrongdoing in the workplace and any matter that may impact adversely on the ability to carry out our statutory functions.

We are committed to protecting any person who makes a disclosure from penalisation, or other adverse treatment, when making a disclosure in good faith, based on a reasonable belief that a wrongdoing has occurred, even if the disclosure is found to be misguided or mistaken. Incidents of adverse treatment toward a person making a disclosure regarding potential wrongdoing in the workplace will be investigated and may be subject to sanction under the Civil Service Disciplinary Code.

The Courts Service Protected Disclosures Policy has been drafted to support the implementation of the Act. A Protected Disclosures Designated Person is available to provide information to Workers. Where it is intended to communicate the concern directly to the designated person for protected disclosures, the report can be forwarded to a confidential email address at protecteddisclosures@courts.ie which enables workers to securely report concerns of wrongdoing.

As part of our commitment to an ethical and transparent workplace, the Courts Service is a member of the 'Integrity at Work' programme, a Transparency International (TI Ireland) initiative. Workers are directed to TI Ireland's independent and confidential advice service, available via their 'Speak Up' helpline at 1800 844866, Monday to Friday, 10am to 6pm, or by emailing helpline@transparency.ie, or visiting speakup.ie., where callers may be able to access free legal advice from the Transparency Legal Advice Centre.

Report

The Protected Disclosures (Amendment) Act 2022 commenced operation on 1 January 2023. The new legislation established the Office of the Protected Disclosures Commissioner (OPDC).

This annual report reflects all reports of alleged wrongdoing received by the Courts Service in 2023.

Further to this requirement, the Courts Service confirms that **2 internal reports** were received in accordance with the provisions of the Protected Disclosures Act 2014 (as amended) during 2023. These reports were not acknowledged within the statutory timeframe. In response, the Courts Service appointed a Protected Disclosures Officer and implemented procedures to ensure compliance with its obligations under the Act.

The Courts Service further confirms that **1 external report** was received in accordance with the provisions of the Protected Disclosures Act 2014 (as amended) during 2023.

This report was transmitted by the Protected Disclosures Commissioner under section 10C(1)(b) of the Act. The report was acknowledged within the timeframe specified in the legislation. The report was forwarded to the Designated Person for further action. The outcome was communicated to the individual.

No anonymous reports were received/assessed by the Courts Service in 2023.

Appendix 1 provides details of Internal Reports received and assessed by the Courts Service in 2023.

Appendix 2 provides details of External Reports made or transmitted under sections 7, 7A, 10C and 10D of the Act received and assessed by the Courts Service in 2023.

Appendix 1

Protected Disclosures Act 2014

Form PDA-1

Annual Report of Statistics - Internal Reports made under section 6 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 made in the calendar year that is the subject of this report.

The information provided in this table should cover **ONLY** reports made by workers connected to the public body using the **INTERNAL** reporting channels established under section 6(3) of the Act. For reports received under other sections of the Act, please use Form PDA-2

1 Identification

1.1	Name of Public Body:	Courts Service
1.2	Calendar year covered by this report:	2023

<u>**Instructions**</u>:
"Reports" means reports that tend to show "relevant wrongdoings" (as defined in section 5(3) of the Act). The term **does <u>not</u> refer** to reports or complaints about **penalisation against reporting persons**. All reports that trigger (or will trigger) an acknowledgement under the Act should be counted.

2 Reports received in calendar year

2.1	How many reports were received via internal reporting channels in the calendar year?	2

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
3.1.2	Assessed as warranting further follow-up?	0	0
3.1.3	Referred to another more relevant procedure?	2	0
3.1.4	Closed with no further action taken?	0	0

Instructions:
Where there is a single outcome to an assessment, please enter under column (a), Fully. Where multiple outcomes 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.

4 Follow-up of reports

4.1	How many follow-up procedures were opened in the calendar year?	0
4.2	How many open follow-up procedures were carried over from the previous year?	0
4.3	How many follow-up procedures were closed in the calendar year?	0
4.4	How many follow-up procedures remained open at the end of the calendar year?	0

Instructions:
"Follow-up procedures" means any form of follow-up action to a report taken to establish the veracity of the information reported. This could include an investigation, audit, inspection, etc. The term **does not refer** to follow-up or investigation of claims of **penalisation against reporting persons**.

The response to Q.5.2 should also include all open follow-up procedures carried over that commenced prior to the commencement of the Protected Disclosures (Amendment) Act 2022 (i.e. before 1 January 2023).

4.5 Of the number of follow-up procedures reported as still open in response to Q4.4, how many are:

4.5.1	Open less than 1 year?	0
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 (in weeks) of the follow-up procedures closed in the calender year?	0

4.7	What was the **median** length (in weeks) of the follow-up procedures closed in the calender year?	0	

5 Matters followed-up

5.1 Of the follow-up procedures opened in calendar year reported in response to Q4.1, how many involved:

5.1.1	Criminal offences?	0	**Instructions**: Where a follow-up procedure 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 a follow-up procedure was opened during the year that concerned both a breach of a legal obligation and damage to the environment, this shoud be recorded under both headings 5.1.2 **and** 5.1.5. If any follow-up procedures have been opened under heading 5.1.8 (breaches of EU law), please also complete Q6. Otherwise proceed to Q.7.
5.1.2	Breaches of a legal obligation?	0	
5.1.3	Miscarriage of justice?	0	
5.1.4	Endangerment of health and safety?	0	
5.1.5	Damage to the environment?	0	
5.1.6	Unlawful or improper use of public funds?	0	
5.1.7	Acts or ommissions that are oppressive, discriminatory or grossly negligent or constitute gross mismanagement?	0	
5.1.8	Breaches of the EU laws within the scope of Article 2 of Directive (EU) 2019/1937 (the Whistleblowing Directive)?	0	
5.1.9	Concealment or destruction of information tending to show any matter falling within items 6.1.1 to 6.1.8?	0	

6 Follow-up of matters related to breaches of EU law

6.1 Of the follow-up procedures reported as opened in response to Q5.1.8 (breaches of EU law), if any, how many involved breaches of:

Instructions: Complete this section **ONLY** if one or more follow-up prcedures 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?	0
6.1.2	Financial services, products and markets, and prevention of money laundering and terrorist financing?	0
6.1.3	Product safety and compliance?	0

6.1.4	Transport safety?	0	
6.1.5	Protection of the environment?	0	
6.1.6	Radiation protection and nuclear safety?	0	
6.1.7	Food and feed safety and animal health and welfare?	0	
6.1.8	Public health?	0	
6.1.9	Consumer protection?	0	
6.1.10	Protection of privacy and personal data and security of network and information systems?	0	
6.1.11	The financial interests of the EU?	0	
6.1.12	The functioning of the EU Internal Market?	0	

7	**Outcome of follow-up procedures**	**(a) Fully**	**(b) Partially**
7.1	Of the follow-up procedures reported as closed in response to Q4.3, how many were closed because no wrongdoing was found or insufficient evidence of wrongdoing could be found?	0	0

__Instructions__:
"Further proceedings or sanctions" means any further internal actions taken by the public body once it has been established a relevant wrongdoing has occured. This includes any disciplinary action taken against persons responsible for the wrongdoing.

"Referral or transmission to another body for further follow-up" means any further external action taken by the public body. It includes referral of a matter to An Garda Siochana for further follow-up or self-reporting of a wrongdoing to a relevant regulatory or supervisory authority.

"Financial damage" refers to damage caused by the relevant wrongdoing reported. The calculation of "financial damage" should include any fines, financial penalties or other damages imposed on the public body arising directly from the wrongdoing reported. It does __not__ relate to any **fines or compensation awarded or paid to a reporting person** arising from a claim of penalisation or any **financial damage suffered by the reporting person due to penalisation**.

7.2 Of the follow-up procedures reported as closed in response to Q4.3 and the result of the follow-up procedure was that a wrongdoing was found to have occurred, how many resulted in:

7.2.1	Further proceedings or sanctions?	0

7.2.2	Referral or transmission to another body for further follow-up?	0	
7.2.3	Changes to policies and/or procedures?	0	
7.2.4	Recovery of lost funds?	0	
7.3	Of the follow-up, procedures reported as closed in response to Q4.3, what (where relevant) is the estimated financial damage to the public body arising from the wrondoing reported?	€ -	
7.4	Of the follow-up procedures reported as closed in response to Q4.3, what (where relevant) is the estimated amount of funds recovered by the public body arising from its follow-up?	€ -	

8	**Anonymous reports**	
8.1	Of the total number of reports received in response to Q2, how many were made anoymously?	0
8.2	How many follow-up procedures were opened in response to anyonymous reports in the calendar year?	0
8.3	How many anonymous reporting persons subsequently disclosed their identity to the Designated Person in the calendar year?	0

Appendix 2

Protected Disclosures Act 2014

Form PDA-2

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(I)(b)(ii) of the Act. For internal reports received under section 6 of the Act, please use Form PDA-1.

1 Identification

1.1	Name of Prescribed Person:	Not applicable. Transmitted to the Courts Service by the Commissioner as an "other suitable person" under section 10C(1)(b).
1.2	Calendar year covered by this report:	2023

2 Reports received in calendar year

<u>**Instructions**</u>:
"Reports" means reports that tend to show "relevant wrongdoings" (as defined in section 5(3) of the Act). The term **does <u>not</u> refer** to reports or complaints about **penalisation against reporting persons**.

All reports that trigger an acknowledgement under the Act (or would have triggered an acknowledgement but the reporting person requested otherwise) should be counted.

Where the **same relevant wrongdoing** is reported by the **same person** and **reported both directly to the body <u>and</u> 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 Of the reports received in the calendar year that is the subject of this report, how many were:

2.1.1	Received via the external reporting channel established under section 7(2B) of the Act?	0
2.1.2	Transmitted by another prescribed person under section 7A(1)(b)(vi) of the Act?	0
2.1.3	Transmitted by the Protected Disclosures Commissioner under section 10C(1)(b) of the Act?	1
2.1.4	Transmitted by the Protected Disclosures Commissioner under section 10D(1)(b)(ii) of the Act?	0
2.1.5	Total number of reports received	1

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	
3.1.2	Assessed as warranting further follow-up?	1	
3.1.3	Transmitted to another prescribed person or the Protected Disclosures Commissioner?	0	
3.1.4	Closed because the report was clearly minor?	0	
3.1.5	Closed because it was a repetitive report containing no meaningful new information?	0	
3.1.6	Referred to another more relevant procedure?	0	
3.1.7	Assessed as warranting no further follow-up?	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.

4 Investigation of reports

4.1	How many investigations were opened in the calendar year?	1

Instructions: "Investigation", for the purposes of this exercsie, 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. 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).
4.2	How many open investigations were carried over from the previous year?	0	
4.3	How many investigations were closed in the calendar year?	1	
4.4	How many investigations remained open at the end of the calendar year?	0	
4.5	Of the number of investigations reported as still open in response to Q5.4, how many are:		
4.5.1	Open less than 1 year?	0	
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 calender year?	30 days	
4.7	What was the **median** length of the investigations closed in the calendar year?	30 days	

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. If any investigations have been opened under heading 5.1.8 (breaches of EU law), please also complete Q6. Otherwise proceed to Q7.
5.1.1	Criminal offences?	0	
5.1.2	Breaches of a legal obligation?	1	
5.1.3	Miscarriage of justice?	0	

5.1.4	Endangerment of health and safety?	0
5.1.5	Damage to the environment?	0
5.1.6	Unlawful or improper use of public funds?	0
5.1.7	Acts or omissions that are oppressive, discriminatory or grossly negligent or constitute gross mismanagement?	0
5.1.8	Breaches of the EU laws within the scope of Article 2 of Directive (EU) 2019/1937 (the Whistleblowing Directive)?	0
5.1.9	Concealment or destruction of information tending to show any matter falling within items 5.1.1 to 5.1.8?	0

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?	0
6.1.2	Financial services, products and markets, and prevention of money laundering and terrorist financing?	0
6.1.3	Product safety and compliance?	0
6.1.4	Transport safety?	0
6.1.5	Protection of the environment?	0
6.1.6	Radiation protection and nuclear safety?	0
6.1.7	Food and feed safety and animal health and welfare?	0
6.1.8	Public health?	0
6.1.9	Consumer protection?	0
6.1.10	Protection of privacy and personal data and security of network and information systems?	0
6.1.11	The financial interests of the EU?	0

6.1.12	The functioning of the EU Internal Market?	0

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**.

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

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

7 Proceedings initiated

7.1	How many proceedings were initiated on foot of investigations in the calendar year?	0
7.2	How many cases were referred to another body to initiate proceedings in the calendar year?	0
7.3	What was the **average** length (in weeks) of the proceedings that concluded in the calendar year?	0
7.4	What was the **median** length (in weeks) of the proceedings that concluded in the calendar year?	0

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.

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

8.1.1	Criminal offences?	0
8.1.2	Breaches of a legal obligation?	0
8.1.3	Miscarriage of justice?	0
8.1.4	Endangerment of health and safety?	0

8.1.5	Damage to the environment?	0
8.1.6	Unlawful or improper use of public funds?	0
8.1.7	Acts or ommissions that are oppresive, discriminatory or grossly negligent or constitute gross mismanagement?	0
8.1.8	Breaches of the EU laws within the scope of Article 2 of Directive (EU) 2019/1937 (the Whistleblowing Directive)?	0
8.1.9	Concealment or destruction of evidence of any of the above wrongdoing?	0

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:

<u>Instructions</u>:
Complete this section **<u>ONLY</u>** 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**		**<u>Instructions</u>**: "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 **<u>not</u>** relate to **financial damage suffered by the reporting person due to penalisation**. For the calculation of "financial damage", the ascertainment of the damage by any public body (including the courts) should be taken into account. The calculation of "financial damage" **should <u>not</u> include** any **fines or other financial penalties** imposed. (These are to be reported on under headings 10.3 and 10.4.) Fines and other financial penalties **should <u>not</u> include** any **damages awarded to a reporting person** or any **fines/penalties imposed for penalisation of a reporting person**.
10.1	Of the proceedings reported as initiated how many resulted in:		
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?	€ -	
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?	€ -	

10.4	Of the proceedings reported as initiated, what (where relevant) is the estimated amount of funds recovered as a result of proceedings?	€ -	

11 Anonymous reports

11.1	Of the total number of reports received in response to Q2, how many were made anonymously?	0
11.2	How many investigations were opened in response to anonymous reports in the calendar year?	0
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