

## External Disclosures Policy

### 1. Introduction

**The Protected Disclosures 2014 (the Act) prescribes the Commissioners of the Commission for Regulation of Utilities for the purpose of the making of a protected disclosure under the Act.**

This Policy is designed to assist in the making of a protected disclosure. A person can make a Protected Disclosure to any of the Commissioners in the Commission for Regulation of Utilities for matters relating to the regulation of the natural gas and electricity markets and matters relating to the regulation of the State's public water system in accordance with the provisions of the following legislation:

- Electricity Regulation Act 1999 (No. 23 of 1999),
- Gas (Interim) (Regulation) Act 2002 (No.10 of 2002) and associated enactments,
- Water Services Act 2013 (No. 6 of 2013) and the Water Services (No. 2) Act 2013 (No. 50 of 2013).

### 2. List of Authorised Persons

- Commissioners

### 3. Purpose of the Policy

The aim of this policy is to ensure that an individual who raises concerns about a protected Disclosure does so in the right way.

### 4. Scope of the Policy

This policy relates to the raising of concerns in relation to wrongdoings of a serious nature and the making of a protected disclosure to the Commissioners of the CRU. Those wrongdoings include the following:

- criminal offences (e.g. fraud, corruption or theft) has been/is likely to be committed
- a miscarriage of justice has been/is likely to occur
- the health or safety of any individual has been/is likely to be endangered
- the environment has been/is likely to be damaged
- funds are being used in an unauthorised manner
- any other form of inappropriate action or conduct is taking place
- information relating to any of the above is being deliberately concealed or attempts are being made to conceal the same



## 5. Who is covered by this Policy

A worker who is an employee of a regulated entity (other than CRU) may make a protected disclosure to a Commissioner as a prescribed person if that worker reasonably believes that the wrongdoing falls within the prescribed matters as defined in the *Protected Disclosures Act 2014* (Section 7(2)) Order 2914, S1339 of 2014.

## 6. What is required to make a complaint to a prescribed person

You must in writing:

- State that you are making the disclosure under Section 7 of the Protected Disclosures Act 2014;
- Give your name, position in your organisation, place of work and confidential contact details.
- Confirm that you are a worker and that the information came to your attention in connection with your employment.
- Date the Disclosure;
- Give a description of the 'relevant wrongdoing' and why it falls within the CRU (Prescribed Person's) area of responsibility;
- Provide any copies of information that tend to show the wrongdoing so as to assist the investigation of the matters raised in the disclosure;
- Include any information relating to your raising (or not raising) the concern under the internal procedure;
- Give your preferred contact details;
- Make it clear (i) that you expect confidentiality or (ii) that you want your name associated with the disclosure.

## 7. What Protection can you expect

The Act provides the following specific protections:

- Protection from dismissal for having made a protected disclosure
- Protection from penalisation by your employer
- A right of action in tort where you or a member of his family experiences coercion, intimidation, harassment or discrimination at the hands of a third party.
- It will not be a criminal offence to make a protected disclosure which is a protected disclosure under the Act.
- Protection of identity is subject to exceptions



## **8. Confidentiality - Protection of identity of maker of protected disclosure**

A person to whom a protected disclosure is made will take all reasonable steps to avoid disclosing any such information relating to a protected disclosure, and any person to whom a protected disclosure is referred in the performance of that person's duties, shall not disclose to another person any information that might identify the person by whom the protected disclosure was made unless required for the following:

- The effective investigation of the matter
- To prevent risk to security
- To Prevention or prosecution of a crime
- Where it is in the public interest to do so

This is a non-exhaustive list and the CRU cannot guarantee full anonymity as the law may in certain circumstances require the CRU to reveal the identity of a worker. In the event that the CRU needs to disclose the identity of a worker the CRU shall inform the worker prior to revealing his or her identity.

## **9. Recording & Monitoring**

As required under Section 22 of the Protective Disclosures Act 2014, the CRU will prepare and publish a written report in relation to the number of protected disclosures made and the action if any taken. This will be published through our annual report and will outline:

- (i) the number of protected disclosures made to the CRU in the previous year; and
- (ii) what action(s) if any were taken by the CRU in response to those protected disclosures
- (iii) the annual report will maintain the anonymity of all those involved.

## **10. Policy Review**

This policy will be reviewed on an ongoing basis so as to ensure its continuing effectiveness. Should any inconsistencies exist between the terms of this policy in respect of Protected Disclosures and the terms of the Act, then the terms of the Act shall prevail.