



# Comhairle Contae Chill Dara Kildare County Council

## Protected Disclosures Act 2014 and Protected Disclosures Amendment Act 2022

### Annual Report for 2023

The Protected Disclosures Act 2014 as amended by the Protected Disclosures Amendment Act 2022 requires Kildare County Council and the Chief Executive, as a Prescribed Person to provide an annual report by 31<sup>st</sup> March in relation to protected disclosures for the previous year.

Section 22 (5) as amended provides that:

*Each public body and prescribed person shall prepare and publish in such form and manner as the body or person, as the case may be, considers appropriate, including on a website maintained by or on behalf of the public body or prescribed person as the case may be, not later than 31 March each year a report in respect of the immediately preceding calendar year containing—*

*(a) a statement confirming that the public body or prescribed person has in place either or both of the following:*

*(i) internal reporting channels and procedures,  
(ii) external reporting channels and procedures,*

*and*

*(b) the information provided to the Minister under subsection 1 of section 22 of the Act.*

Kildare County Council confirms that:

- Kildare County Council and the Chief Executive as a Prescribed Person under SI 367 of 2020 has in place in accordance with the Protected Disclosures Act 2014 as amended by the Protected Disclosures Amendment Act 2022 internal and external channels and procedures for the reporting of protected disclosures.
- The information provided to the Minister under subsection 1 of section 22 of the Act is attached.
- In the 12 months up to the 31<sup>st</sup> December 2023, no protected disclosures under section 6 of the act were received by Kildare County Council.
- In the 12 months up to the 31<sup>st</sup> December 2023 the Chief Executive of Kildare County Council as a Prescribed Person under SI 367 of 2020 did not receive any protected disclosures.

# 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.

Completed reports should be sent to: [pdreporting@per.gov.ie](mailto: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 in November 2023 and available from: [www.gov.ie/protected-disclosures](http://www.gov.ie/protected-disclosures).

#### 1 Identification

1.1 Name of Public Body:

1.2 Calendar year covered by this report:

#### 2 Reports received in calendar year

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

**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**. All reports that trigger (or will trigger) an acknowledgement under the Act should be counted.

#### 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?	<input type="text" value="0"/>	<input type="text" value="0"/>
3.1.2 Assessed as warranting further follow-up?	<input type="text" value="0"/>	<input type="text" value="0"/>
3.1.3 Referred to another more relevant procedure?	<input type="text" value="0"/>	<input type="text" value="0"/>
3.1.4 Closed with no further action taken?	<input type="text" value="0"/>	<input type="text" value="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?

4.2 How many open follow-up procedures were carried over from the previous year?

4.3 How many follow-up procedures were closed in the calendar year?

4.4 How many follow-up procedures remained open at the end of the calendar year?

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?	<input type="text" value="0"/>
4.5.2 Open more than 1 year but less than 3 years?	<input type="text" value="0"/>
4.5.3 Open more than 3 years but less than 5 years?	<input type="text" value="0"/>
4.5.4 Open 5 or more years?	<input type="text" value="0"/>

4.6 What was the **average** length (in weeks) of the follow-up procedures closed in the calendar year?

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

**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).

#### 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?	<input type="text" value="0"/>
5.1.2 Breaches of a legal obligation?	<input type="text" value="0"/>
5.1.3 Miscarriage of justice?	<input type="text" value="0"/>
5.1.4 Endangerment of health and safety?	<input type="text" value="0"/>
5.1.5 Damage to the environment?	<input type="text" value="0"/>
5.1.6 Unlawful or improper use of public funds?	<input type="text" value="0"/>
5.1.7 Acts or omissions that are oppressive, discriminatory or grossly negligent or constitute gross mismanagement?	<input type="text" value="0"/>
5.1.8 Breaches of the EU laws within the scope of Article 2 of Directive (EU) 2019/1937 (the Whistleblowing Directive)?	<input type="text" value="0"/>
5.1.9 Concealment or destruction of information tending to show any matter falling within items 6.1.1 to 6.1.8?	<input type="text" value="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 should 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.

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**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 procedures 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?	

**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 occurred. This includes any disciplinary action taken against persons responsible for the wrongdoing.

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

"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 Síochána for further follow-up or self-reporting of a wrongdoing to a relevant regulatory or supervisory authority.

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 wrongdoing reported?

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"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 **finances 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**.

7.4 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?

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**8 Anonymous reports**

8.1 Of the total number of reports received in response to Q2, how many were made anonymously?

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8.2 How many follow-up procedures were opened in response to anonymous reports in the calendar year?

	0
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8.3 How many anonymous reporting persons subsequently disclosed their identity to the Designated Person in the calendar year?

	0
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# 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(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: [INSERT EMAIL ADDRESS] by 1 March each year.

Detailed guidance on the completion of this form is set in [INSERT SECTION] of the Statutory Guidance on the operation of the Protected Disclosures Act for public bodies and prescribed persons, published on [DATE] and available from: [www.gov.ie/protected-disclosures](http://www.gov.ie/protected-disclosures).

#### 1 Identification

1.1	Name of Prescribed Person:	Sonya Kavanagh, Chief Executive, Kildare County Council
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:		<b>Instructions:</b> "Reports" means reports that tend to show "relevant wrongdoings" (as defined in section 5(3) of the Act). The term <b>does not</b> refer to reports or complaints about <b>penalisation against reporting persons</b> .
2.1.1	Received via the external reporting channel established under section 7(2B) of the Act?	0	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 another prescribed person under section 7A(1)(b)(vi) of the Act?	0	Where the <b>same relevant wrongdoing</b> is reported by the <b>same person</b> and <b>reported both directly to the body and transmitted to the body</b> 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	Transmitted by the Protected Disclosures Commissioner under section 10C(1)(b) of the Act?	0	
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	0	

#### 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		<b>Instructions:</b> 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		
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		

#### 4 Investigation of reports

4.1	How many investigations were opened in the calendar year?	0	<b>Instructions:</b> "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 <b>does not</b> refer to investigations of claims of <b>penalisation against reporting persons</b> .
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?	0	Examples of investigations include but are not limited to: setting up of investigative committees or commissions, inspections, audits, etc.
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:		The response to Q5.2 should also include all open investigations carried over that commenced <b>prior</b> to the commencement of the Protected Disclosures (Amendment) Act 2022 (i.e. before 1 January 2023).
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 <b>average</b> length of the investigations closed in the calendar year?	0	
4.7	What was the <b>median</b> length of the investigations closed in the calendar year?	0	

<b>5</b>	<b>Matters investigated</b>		
5.1	Of the investigations opened in calendar year reported in response to Q4.1, how many involved:		<b>Instructions:</b> 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 <b>and</b> 5.1.5.
5.1.1	Criminal offences?	<input type="text" value="0"/>	If any investigations have been opened under heading 5.1.8 (breaches of EU law), please also complete Q6. Otherwise proceed to Q7.
5.1.2	Breaches of a legal obligation?	<input type="text" value="0"/>	
5.1.3	Miscarriage of justice?	<input type="text" value="0"/>	
5.1.4	Endangerment of health and safety?	<input type="text" value="0"/>	
5.1.5	Damage to the environment?	<input type="text" value="0"/>	
5.1.6	Unlawful or improper use of public funds?	<input type="text" value="0"/>	
5.1.7	Acts or omissions that are oppressive, discriminatory or grossly negligent or constitute gross mismanagement?	<input type="text" value="0"/>	
5.1.8	Breaches of the EU laws within the scope of Article 2 of Directive (EU) 2019/1937 (the Whistleblowing Directive)?	<input type="text" value="0"/>	
5.1.9	Concealment or destruction of information tending to show any matter falling within items 5.1.1 to 5.1.8?	<input type="text" value="0"/>	

<b>6</b>	<b>Matters investigated - Breaches of EU laws</b>		
6.1	Of the investigations reported as opened in response to Q6.1.8 (breaches of EU law), how many involved breaches of:		<b>Instructions:</b> Complete this section <b>ONLY</b> 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?	<input type="text"/>	
6.1.2	Financial services, products and markets, and prevention of money laundering and terrorist financing?	<input type="text"/>	
6.1.3	Product safety and compliance?	<input type="text"/>	
6.1.4	Transport safety?	<input type="text"/>	
6.1.5	Protection of the environment?	<input type="text"/>	
6.1.6	Radiation protection and nuclear safety?	<input type="text"/>	
6.1.7	Food and feed safety and animal health and welfare?	<input type="text"/>	
6.1.8	Public health?	<input type="text"/>	
6.1.9	Consumer protection?	<input type="text"/>	
6.1.10	Protection of privacy and personal data and security of network and information systems?	<input type="text"/>	
6.1.11	The financial interests of the EU?	<input type="text"/>	
6.1.12	The functioning of the EU Internal Market?	<input type="text"/>	

<b>7</b>	<b>Proceedings initiated</b>		
7.1	How many proceedings were initiated on foot of investigations in the calendar year?	<input type="text" value="0"/>	<b>Instructions:</b> "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 <b>does not include</b> any proceedings concerning <b>penalisation of a reporting person</b> .
7.2	How many cases were referred to another body to initiate proceedings in the calendar year?	<input type="text" value="0"/>	"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.
7.3	What was the <b>average</b> length (in weeks) of the proceedings that concluded in the calendar year?	<input type="text" value="0"/>	
7.4	What was the <b>median</b> length (in weeks) of the proceedings that concluded in the calendar year?	<input type="text" value="0"/>	

<b>8</b>	<b>Subject of proceedings initiated</b>		
8.1	Of the proceedings initiated or referred to another body in the calendar year reported in response to Q7.1, how many involved:		<b>Instructions:</b> 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 <b>and</b> 8.1.5.
8.1.1	Criminal offences?	<input type="text" value="0"/>	If any proceedings have been opened under heading 8.1.8 (breaches of EU law), please also complete Q9. Otherwise proceed to Q10.
8.1.2	Breaches of a legal obligation?	<input type="text" value="0"/>	
8.1.3	Miscarriage of justice?	<input type="text" value="0"/>	
8.1.4	Endangerment of health and safety?	<input type="text" value="0"/>	
8.1.5	Damage to the environment?	<input type="text" value="0"/>	
8.1.6	Unlawful or improper use of public funds?	<input type="text" value="0"/>	
8.1.7	Acts or omissions that are oppressive, discriminatory or grossly negligent or constitute gross mismanagement?	<input type="text" value="0"/>	
8.1.8	Breaches of the EU laws within the scope of Article 2 of Directive (EU) 2019/1937 (the Whistleblowing Directive)?	<input type="text" value="0"/>	
8.1.9	Concealment or destruction of evidence of any of the above wrongdoing?	<input type="text" value="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:

**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?	
9.1.2	Financial services, products and markets, and prevention of money laundering and terrorist financing?	
9.1.3	Product safety and compliance?	
9.1.4	Transport safety?	
9.1.5	Protection of the environment?	
9.1.6	Radiation protection and nuclear safety?	
9.1.7	Food and feed safety and animal health and welfare?	
9.1.8	Public health?	
9.1.9	Consumer protection?	
9.1.10	Protection of privacy and personal data and security of network and information systems?	
9.1.11	The financial interests of the EU?	
9.1.12	The functioning of the EU Internal Market?	

**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.

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

"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**.

For the calculation of "financial damage", the ascertainment of the damage by any public body (including the courts) should be taken into account.

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?	€	-

The calculation of "financial damage" **should not include** any **finances or other financial penalties** imposed. (These are to be reported on under headings 10.3 and 10.4.)

Fines and other financial penalties **should not include** any **damages awarded to a reporting person** or any **finances/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?

0
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11.2 How many investigations were opened in response to anonymous reports in the calendar year?

0
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11.3 How many proceedings were opened in response to anonymous reports in the calendar year?

0
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11.4 How many anonymous reporting persons subsequently disclosed their identity in the calendar year?

0
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