



HSE Protected Disclosures Annual Report

Detailed Overview Report for the
Senior Leadership Team (SLT) and
Audit & Risk Committee (ARC)

Reporting period: 1 January 2024 to 31 December 2024

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Executive Summary

This report provides an update on protected disclosures (PD) activity for the period 1 January 2024 to 31 December 2024 under the Protected Disclosures Act 2014 (amended 2022) [the Act] and the Health Act 2004 (amended 2007) [the Health Act]. All disclosure reports received since 1 January 2023 are assessed under the Act unless the Reporting Person requests the assessment be completed under the Health Act.

This Report includes the following:

Section 1 – Summary of activity in reporting period, 1 January 2024 – 31 December 2024

Section 2 – Details of Open Cases prior to 2024

Section 3 – Details of the Protected Disclosures Process – monitoring performance and outcomes

Section 4 – An overview of Organisational Intelligence and Learning

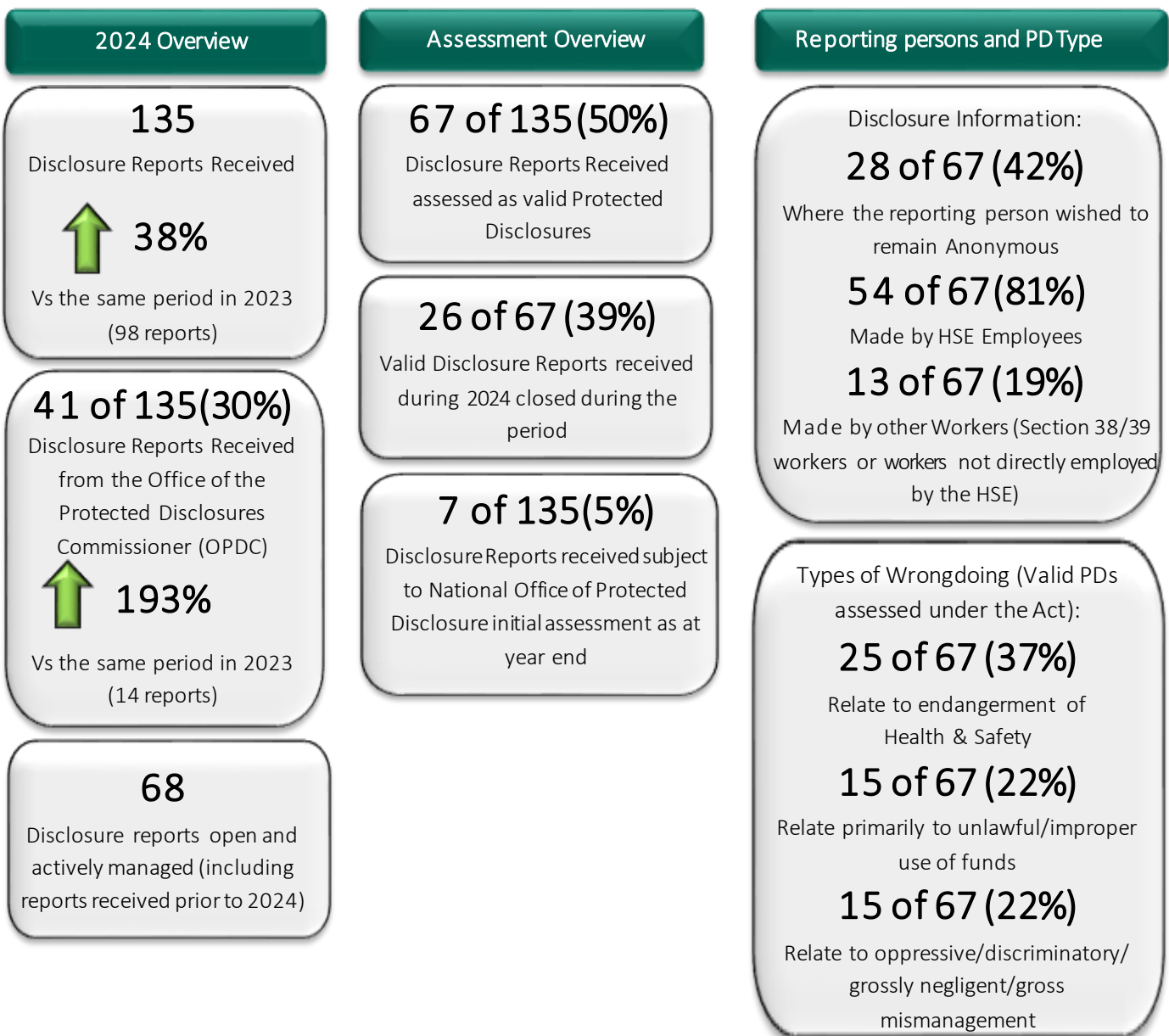
Section 5 – Notification of Serious Issues

Section 6 – An update on the implementation of the Protected Disclosures Programme

Section 1: Summary of activity in reporting period, 1 January 2024 – 31 December 2024

1.1. Introduction

All reports received between 1 January 2024 and 31 December 2024 were assessed under the Act with the exception of two disclosure reports where the Reporting Person requested their report be assessed under the Health Act. Specific points of note are:



1.2. Protected Disclosure Reports Received and Assessed

The initial assessment of disclosure reports is now exclusively the mandate of the National Office of Protected Disclosures (NOPD). Where a worker makes a disclosure to a person within the HSE other than the NOPD, that person must transmit the disclosure in full to the NOPD for assessment and referral as appropriate. A full overview of assessment activity is presented in the table below:

Total disclosure reports 2025	
Disclosure reports received	135
Inappropriate for follow up as a PD on assessment and closed	61
Under NOPD assessment at year end	7
Valid PDs on assessment	67

In line with the updated DPER Statutory Guidance and the language of the Act, the NOPD has moved away from stating a matter is not a protected disclosure. Instead matters may be deemed inappropriate for follow up under the HSE Protected Disclosures Procedure. Therefore 'valid protected disclosures' in this report are those deemed appropriate for follow up within the HSE Protected Disclosures Procedure following initial assessment by the NOPD.

Common reasons as to why 61 disclosure reports have been deemed inappropriate for follow up as a Protected Disclosure on assessment under the HSE Protected Disclosures Procedure include:

- The Reporting Person was not a worker under the Act
- The information was not obtained in a work related context
- No relevant wrongdoing was identified
- The Reporting Person did not supply further information on request or was anonymous and the NOPD was unable to revert to Reporting Person for further information
- The information amounted to an exclusively personal workplace grievance
- The information amounted to a dispute with the worker's employer in relation to their contract of employment
- Report deemed duplicate of information in a current/closed case from same Reporting Person.

Where a disclosure report was deemed inappropriate for follow up under the HSE Protected Disclosures Procedure, the information was anonymised where appropriate and referred to the relevant senior accountable officer for their review and appropriate action outside of the Protected Disclosures Procedure. In these cases the Reporting Persons were informed that their disclosure report has been referred to the senior accountable manager, and also provided with advice, relevant links and contact details of other channels, including HR, Your Service Your Say and the Confidential Recipient where appropriate.

1.3. Valid Protected Disclosures

As noted above, there were 67 valid protected disclosures on assessment in the period. Of these, 41 cases are still under examination, with 26 cases closed in the same period.

1.4. Further analysis of valid protected disclosures

The following tables provide a breakdown of the valid protected disclosures received in 2024 by the primary wrongdoing alleged, responsible service area and the type of worker submitting the disclosure report, with 81% of disclosure reports submitted by HSE employees.

Wrongdoing Reported	HSE Employee	Other Worker	Total
Endangerment of Health and Safety	19	6	25
Failure to comply with Legal Obligation	8	1	9
Criminal Offence	3	-	3
Oppressive, discriminatory or behaviour that constitutes gross misconduct by a public body	14	1	15
Unlawful or Improper use of Public Funds	10	5	15
Total	54	13	67

In each of the 67 cases where a disclosure report was accepted as a valid protected disclosure the information was anonymised where appropriate, password protected and referred to the relevant senior accountable officer for their examination and appropriate action within the protected disclosures framework. Where a valid protected disclosure was made in relation to a Section 38/39 Funded Agency the report is now referred for further examination to the relevant Senior Accountable Officer through the Office of the Regional Executive Officer or National Director.

Responsible Service	Number
HSE Dublin & Midlands	15
HSE Dublin & North East	12
HSE Dublin & South East	10
HSE West & North West	9
HSE South West	6
HSE Mid-West	4
ND National Services & Schemes	4
ND Finance (Procurement)	3
ND People	2
ND Public Involvement, Culture & Risk Management	2
Total	67

The NOPD received valid protected disclosure reports via various mediums in 2024 as shown below.

Reporting Medium	Open	Closed	Total
CEO	9	5	14
Direct from worker	20	11	31
Via PD Commissioner	10	9	19
Via PD Lead/Service	2	1	3
Total	41	26	67

1.5. Reports received from The Office of the Protected Disclosures Commissioner

The Office of the Protected Disclosures Commissioner (OPDC) was created with the enactment of the amended Act. The role of the OPDC is to receive disclosure reports from Ministers, prescribed persons and the public. The OPDC does not ordinarily consider whether a disclosure report constitutes a valid protected disclosure. The OPDC identifies the suitable organisation to follow up on disclosure reports of wrongdoing and transmit disclosure reports to this organisation. In the reporting period the OPDC referred 41 disclosure reports to the HSE, of which 19 were determined to be valid protected disclosures on assessment.

Wrongdoings assessed in disclosure reports referred by the OPDC	Number
Endangerment of Health and Safety	9
Criminal Offence	2
Oppressive, discriminatory or behaviour that constitutes gross misconduct by a public body	5
Unlawful or Improper use of Public Funds	3
Valid PDs received from the OPDC	19

If the OPDC refers a disclosure report that is already under NOPD assessment or examination by the service, the HSE can close the referred file as a duplicate under the Act.

1.6. Further sub categorisation of valid protected disclosures received

The table below shows the type of allegations presented in each valid protected disclosure made in 2024 by wrongdoings identified under the Act. The 67 protected disclosures contained 107 broad types of allegations.

Allegation Category	2024 Disclosures Received							Total
	Criminal Offence (a)	Failure to Comply with Legal Obligation (b)	Miscarriage of Justice (c)	Endangerment of Health or Safety (d)	Unlawful / Improper use of funds or Resources (e)	Oppressive / Discriminatory / Grossly Negligent / Gross Mismanagement (f)	Concealment of Information (g)	
Adherence to Policy	3	10	1	1	3	13	-	31
Employee Relations & Conditions	-	1	-	9	-	7	-	17
Funds Not Used for Stated Purpose	-	-	-	1	15	5	-	21
Quality of Care	-	1	1	20	2	4	-	28
Records Management	1	1	1	1	-	2	2	8
Theft	2	-	-	-	-	-	-	2
Total	6	13	3	32	20	31	2	107

Section 2: Open Cases Prior to 2024

The below table represents 2024 activity related to valid protected disclosures made between 2017 and 2023.

Year received	Valid PDs	Closed in 2024	Open as at 31 December 2024
2017-2022	23	(12)	11
2023	19	(10)	9
Total	42	(22)	20

2.1. Open Cases 2023

The timeliness of closure of cases continues to improve with 53% of 2023 PDs open as at 1 January 2024 now closed. The NOPD is actively engaging with responsible parties on the other 9 cases.

2.2. Open Legacy Cases 2017-2022

On 1 January 2023 the NOPD had 117 cases listed as open that had been reported between 2017 and 2022. 23 of these remained open as at 1 January 2024. 12 of these were closed between 1 January 2024 and 31 December 2024, a 52% reduction in open legacy cases. See below:

Responsible Service	1 January 2024	30 June 2024	31 December 2024	Reduction in 2024
HSE Dublin & South East	8	4	4	(4)
HSE Dublin & Midlands	2	-	-	(2)
HSE Dublin & North East	2	-	-	(2)
HSE South West	3	3	1	(2)
HSE West & North West	5	4	4	(1)
ND Services & Schemes	2	1	1	(1)
ND Finance	1	1	1	-
Total	23	13	11	(12)

The table below shows the updated number of legacy cases (pre-2023) open as of 31 December 2024 by year and responsible service.

Responsible Service	Year Protected Disclosure Opened				Total
	2018	2020	2021	2022	
HSE Dublin & South East	-	1	3	-	4
HSE West North West	1	-	1	2	4
HSE South West	-	-	1	-	1
ND Finance	-	1	-	-	1
ND Services & Schemes	-	-	-	1	1
Open Cases at 31 December 2024	1	2	5	3	11

There is active engagement between the NOPD and the offices of the Senior Accountable Officers to examine closure pathways for the remaining cases. The majority of legacy cases are complex and subject to additional processes.

Section 3: Protected Disclosure Process - Monitoring performance and outcomes

3.1. Compliance with key statutory timelines under the Act

The Act places statutory obligations on the HSE in terms of acknowledgement of receipt of a disclosure report and feedback to the Reporting Person. The NOPD acknowledge all disclosure reports where the Reporting Person is identified within 7 calendar days of receipt and the Reporting Person is provided with feedback on their disclosure within 3 months, and every 3 months thereafter if they request this in writing. During the period all statutory deadlines were met.

3.2. Compliance with key stages of the management process

The key stages in the management process is shown below.



Note: Statutory feedback is only provided where Reporting Person is identified.

Senior accountable officers to whom a valid protected disclosure is referred are advised of the statutory timeframes for updating the Reporting Person and are asked to:

- Provide an update to the NOPD at 10 week intervals to allow for the timely update to the Reporting Person
- Inform the NOPD of the result of the initial examination
- Inform the NOPD if any further investigation is launched internally or via an external examiner/investigator
- Inform the NOPD of the finalisation of any investigative process undertaken and to provide the necessary assurance to facilitate case closure

3.3. Analysis of type of actions taken by Senior Accountable Officers

When a valid protected disclosure is referred by the NOPD to the relevant senior accountable officer in the relevant service there are a number of actions that can be taken including (but not limited to); investigation commissioned internally or externally, referral to Internal Audit, referral to external body e.g. An Garda Síochána, Revenue Commissioners. See below actions taken in the reporting period.

Valid protected disclosures received in 2024 - actions taken	Number
Examined in service, upheld and closed	4
Examined in service, partially upheld and closed	3
Examined in service, not upheld and closed	9
Under examination in Senior Accountable Officer's office	41
Duplicate report from same Reporting Person closed	10
Total Valid Protected Disclosures	67

3.4. Average days cases are open

The average number of days 2024 fully actioned cases were open during the report period from receipt to closure is presented below.

Disclosure Type	Average Days open	Maximum Days Open	Minimum Days Open
Inappropriate for follow up as a PD on assessment ¹ (61)	48	175	0
Valid PD (26)	101	268	8

¹The NOPD undertakes the equivalent assessment, acknowledgement, feedback to the Reporting Person, referral and closure processes on disclosure reports deemed not appropriate for follow-up on assessment.

Section 4: Organisational Intelligence and Learning

4.1. Analysis of the outcomes of protected disclosures examinations

The NOPD is aware of the outcome of all protected disclosures closed in 2024 as shown in the below table.

Year	Inappropriate for follow up as a PD (closed)	Not upheld	Partially upheld, matters addressed	Upheld, matters addressed	Already Investigated / subject to proceedings	Duplicate PD via RP Direct / CEO Office	Duplicate PD via OPDC	Total
2018	-	1	-	-	1	-	-	2
2020	-	1	-	1	-	-	-	2
2021	-	4	-	-	-	-	-	4
2022	-	2	2	-	-	-	-	4
2023	2	7	1	2	-	-	-	12
2024	61	9	3	4	-	5	5	87
Total	63	24	6	7	1	5	5	111

4.2. Key Themes emerging from Protected Disclosures received and investigated

Of the valid protected disclosures assessed under the Act, received at 31 December 2024, approximately;

- 38% of valid disclosure reports relate to in/action by management in various services that is alleged to impact patient/service user health or safety.
- 23% of valid disclosure reports allege some failure by management that gives rise to waste of funds, mismanagement, or failures regarding identified legal obligations.
- 23% of valid disclosures reports allege oppressive/discriminatory or behaviour that constitutes gross misconduct by a public body.

4.3. Plans for shared learnings

Following this SLT meeting the full Protected Disclosures year-end report will be shared with all SLT members for dissemination to their own leadership teams. Individual reports showing activity by region/directorate will also be shared with the relevant SLT member. The NOPD is available to meet anyone individually to discuss the contents of their respective reports.

Section 5: Notification of serious issues

5.1. Notification of any cases of penalisation

As per the current HSE Protected Disclosure Procedure, complaints of penalisation by a member of staff of the HSE should be made to a manager or their employer. Penalisation complaints are not protected disclosures in their own right. In line with the procedure, where a disclosure report has elements of alleged penalisation the Reporting Person is advised of appropriate channels within the HSE to refer the matters to. The Reporting Person is also advised that they have recourse to the WRC if they feel they are being penalised or the HSE is permitting penalisation.

5.2. Notification of any Proceedings against the HSE [e.g. WRC, Legal]

There is one case in the High Court at present and a further case in the WRC awaiting a date for hearing. These are the same two cases presented in the half year report with no tangible movement in either cases since half year.

Section 6: Update on the implementation of the protected disclosures programme

6.1. Relevant updates

Update of the HSE Protected Disclosures Policy

The HSE is required under DPENDR guidance to review and update its Protected Disclosure Policy on an annual basis. An update has not taken place since January 2023. The NOPD has begun work on updating the policy and aligning it to the DPENDR Policy Template. The updated policy will be in place before the end of Q2 2025.

New PD Lead Network

The transformation project ongoing in the HSE means that the previous PD Lead Network is no longer fit for purpose. A network of PD Leads aligned to the new structure need to be established. The NOPD has been engaging with the regions/directorates on old outstanding cases in their areas and will shortly begin work with REOS/NDs on establishing appropriate leads responsible for the management of PDs which come under their remit.

Development of FAQs related to PDs

The NOPD is currently finalising a suite of FAQs related to the PD process that will be published on the HSE website further assisting the process for submission of a PD in the organisation.

Protected Disclosure Training

The NOPD will investigate the ability to create a HSE Land training programme thereby creating a more open culture around the HSE's willingness to deal with uncomfortable truths. The office is also in the process of developing training slides and hopes to run lunch and learn sessions across the organisation before the end of Q2 2025.

Internal Reporting Channels

The Minister for Public Expenditure NDP Delivery and Reform recently published the first ever Protected Disclosures Annual Report related to Public Bodies. The HSE received 49% of all reports that were submitted through internal reporting channels by Public Bodies, with only received 1% of all reports submitted across all public bodies sent to the HSE through external channels. This indicates that HSE internal reporting processes are working well and relied upon by workers when making disclosures.