



# 2023 Protected Disclosures Annual Report



Comhairle na nDochtúirí Leighis  
Medical Council

## Introduction

A protected disclosure is made when a person or worker discloses certain information in relation to a potential wrongdoing to a particular person in a particular way.

The Protected Disclosures Act 2014, as amended (“the **Act**”) provides for the protection of persons from certain actions as a result of disclosures made by them in the public interest. In line with the Act, the Medical Council has established both internal and external reporting channels.

Section 22 of the Act places an obligation on the Medical Council to publish an annual report setting out the number of disclosures received in the preceding year and the action taken (if any) in response to such disclosures. This report covers the period 1 January to 31 December 2023.

The Act sets out a number of ways in which disclosures may be made – for example, to a person’s employer and, in some circumstances, to a prescribed person.

## Internal Protected Disclosures

The Medical Council did not receive any internal protected disclosures made under section 6 of the Act during the period 1 January to 31 December 2023.

## External Protected Disclosures – External Reports

Subject to section 7 of the Act, Statutory Instrument 367 of 2020 provides that the CEO of the Medical Council is a prescribed person to receive disclosures under the Act. These disclosures can be broadly defined as;

*All matters within the functions of the Medical Council relating to the regulation of the medical profession in the State, including the quality of undergraduate education of doctors and of postgraduate training of specialists, the registration of doctors and disciplinary procedures, and guidance on professional standards and ethical conduct, as provided for by the [Medical Practitioners Act 2007](#). (S.I. No 367 of 2020)*

Any disclosures received by the CEO as a prescribed person can only be dealt with in a way that is consistent with, and appropriate to the role, statutory rights, and duties of the Medical Council.

## ***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.

### **1 Identification**

1.1 Name of Prescribed Person:

Mr Leo Kearns, Chief Executive

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:

2.1.1 Received via the external reporting channel established under section 7(2B) of the Act?

7

2.1.2 Transmitted by another prescribed person under section 7A(1)(b)(vi) of the Act?

1

#### **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 an acknowledgement under the Act (or would have triggered an acknowledgement but the reporting person requested otherwise) should be counted.

| 2.1.3     | Transmitted by the Protected Disclosures Commissioner under section 10C(1)(b) of the Act?     | 3                                                                                                                                                                                                                                                                                                                                                | 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.                                                                                                                                                                                                                                                         |               |  |   |  |   |   |  |  |  |  |  |   |  |  |   |                                                                                                                                                                                                                                                                                                               |
|-----------|-----------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|--|---|--|---|---|--|--|--|--|--|---|--|--|---|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2.1.4     | Transmitted by the Protected Disclosures Commissioner under section 10D(1)(b)(ii) of the Act? |                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |               |  |   |  |   |   |  |  |  |  |  |   |  |  |   |                                                                                                                                                                                                                                                                                                               |
| 2.1.5     | Total number of reports received                                                              | 11                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |               |  |   |  |   |   |  |  |  |  |  |   |  |  |   |                                                                                                                                                                                                                                                                                                               |
| <b>3</b>  | <b>Assessment of reports</b>                                                                  |                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |               |  |   |  |   |   |  |  |  |  |  |   |  |  |   |                                                                                                                                                                                                                                                                                                               |
| 3.1       | Of the total number of reports received in the calendar year, how many were:                  | <table border="1"> <thead> <tr> <th>(a) Fully</th> <th>(b) Partially</th> </tr> </thead> <tbody> <tr> <td></td> <td>5</td> </tr> <tr> <td></td> <td>3</td> </tr> <tr> <td>1</td> <td></td> </tr> <tr> <td></td> <td></td> </tr> <tr> <td></td> <td></td> </tr> <tr> <td>2</td> <td></td> </tr> <tr> <td></td> <td>2</td> </tr> </tbody> </table> | (a) Fully                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | (b) Partially |  | 5 |  | 3 | 1 |  |  |  |  |  | 2 |  |  | 2 | <b>Instructions:</b><br>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. |
| (a) Fully | (b) Partially                                                                                 |                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |               |  |   |  |   |   |  |  |  |  |  |   |  |  |   |                                                                                                                                                                                                                                                                                                               |
|           | 5                                                                                             |                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |               |  |   |  |   |   |  |  |  |  |  |   |  |  |   |                                                                                                                                                                                                                                                                                                               |
|           | 3                                                                                             |                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |               |  |   |  |   |   |  |  |  |  |  |   |  |  |   |                                                                                                                                                                                                                                                                                                               |
| 1         |                                                                                               |                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |               |  |   |  |   |   |  |  |  |  |  |   |  |  |   |                                                                                                                                                                                                                                                                                                               |
|           |                                                                                               |                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |               |  |   |  |   |   |  |  |  |  |  |   |  |  |   |                                                                                                                                                                                                                                                                                                               |
|           |                                                                                               |                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |               |  |   |  |   |   |  |  |  |  |  |   |  |  |   |                                                                                                                                                                                                                                                                                                               |
| 2         |                                                                                               |                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |               |  |   |  |   |   |  |  |  |  |  |   |  |  |   |                                                                                                                                                                                                                                                                                                               |
|           | 2                                                                                             |                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |               |  |   |  |   |   |  |  |  |  |  |   |  |  |   |                                                                                                                                                                                                                                                                                                               |
| 3.1.1     | Awaiting completion of assessment at year end?                                                |                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |               |  |   |  |   |   |  |  |  |  |  |   |  |  |   |                                                                                                                                                                                                                                                                                                               |
| 3.1.2     | Assessed as warranting further follow-up?                                                     |                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |               |  |   |  |   |   |  |  |  |  |  |   |  |  |   |                                                                                                                                                                                                                                                                                                               |
| 3.1.3     | Transmitted to another prescribed person or the Protected Disclosures Commissioner?           |                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |               |  |   |  |   |   |  |  |  |  |  |   |  |  |   |                                                                                                                                                                                                                                                                                                               |
| 3.1.4     | Closed because the report was clearly minor?                                                  |                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |               |  |   |  |   |   |  |  |  |  |  |   |  |  |   |                                                                                                                                                                                                                                                                                                               |
| 3.1.5     | Closed because it was a repetitive report containing no meaningful new information?           |                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |               |  |   |  |   |   |  |  |  |  |  |   |  |  |   |                                                                                                                                                                                                                                                                                                               |
| 3.1.6     | Referred to another more relevant procedure?                                                  |                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |               |  |   |  |   |   |  |  |  |  |  |   |  |  |   |                                                                                                                                                                                                                                                                                                               |
| 3.1.7     | Assessed as warranting no further follow-up?                                                  |                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |               |  |   |  |   |   |  |  |  |  |  |   |  |  |   |                                                                                                                                                                                                                                                                                                               |
| <b>4</b>  | <b>Investigation of reports</b>                                                               |                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |               |  |   |  |   |   |  |  |  |  |  |   |  |  |   |                                                                                                                                                                                                                                                                                                               |
| 4.1       | How many investigations were opened in the calendar year?                                     | 3                                                                                                                                                                                                                                                                                                                                                | <b>Instructions:</b><br>"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 refer</b> to investigations of claims of <b>penalisation against reporting persons</b> .<br><br>Examples of investigations include but are not limited to: setting up of investigative committees or commissions, inspections, audits, etc.<br><br>The response to Q5.2 should also include all open investigations carried over that |               |  |   |  |   |   |  |  |  |  |  |   |  |  |   |                                                                                                                                                                                                                                                                                                               |
| 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                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |               |  |   |  |   |   |  |  |  |  |  |   |  |  |   |                                                                                                                                                                                                                                                                                                               |
| 4.4       | How many investigations remained open at the end of the calendar year?                        | 3                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |               |  |   |  |   |   |  |  |  |  |  |   |  |  |   |                                                                                                                                                                                                                                                                                                               |

|       |                                                                                           |   |                                                                                                                            |
|-------|-------------------------------------------------------------------------------------------|---|----------------------------------------------------------------------------------------------------------------------------|
| 4.5   | Of the number of investigations reported as still open in response to Q5.4, how many are: |   | 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?                                                                    | 3 |                                                                                                                            |
| 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?     |   |                                                                                                                            |
| 4.7   | What was the <b>median</b> length of the investigations closed in the calendar year?      |   |                                                                                                                            |

## 5 Matters investigated

|       |                                                                                                                   |   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|-------|-------------------------------------------------------------------------------------------------------------------|---|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 5.1   | Of the investigations opened in calendar year reported in response to Q4.1, how many involved:                    |   | <b>Instructions:</b><br>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.<br><br>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?                                                                                                | 3 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 5.1.2 | Breaches of a legal obligation?                                                                                   | 2 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 5.1.3 | Miscarriage of justice?                                                                                           | 0 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 5.1.4 | Endangerment of health and safety?                                                                                | 2 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 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 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

|          |                                                                                                                     |                                                                                                                                                                                                                                          |
|----------|---------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <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><br>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?                                                                                                 |                                                                                                                                                                                                                                          |
| 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?                                                                          |                                                                                                                                                                                                                                          |

|          |                                                                                                       |   |
|----------|-------------------------------------------------------------------------------------------------------|---|
| <b>7</b> | <b>Proceedings initiated</b>                                                                          |   |
| 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?            |   |
| 7.3      | What was the <b>average</b> length (in weeks) of the proceedings that concluded in the calendar year? |   |
| 7.4      | What was the <b>median</b> length (in weeks) of the proceedings that concluded in the calendar year?  |   |

**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 initiate proceedings should not be counted in the average and median times reported under Q7.3 and Q7.4.

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## 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:

8.1.1 Criminal offences?

8.1.2 Breaches of a legal obligation?

8.1.3 Miscarriage of justice?

8.1.4 Endangerment of health and safety?

8.1.5 Damage to the environment?

8.1.6 Unlawful or improper use of public funds?

8.1.7 Acts or omissions that are oppressive, discriminatory or grossly negligent or constitute gross mismanagement?

8.1.8 Breaches of the EU laws within the scope of Article 2 of Directive (EU) 2019/1937 (the Whistleblowing Directive)?

8.1.9 Concealment or destruction of evidence of any of the above wrongdoing?

### 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.

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## 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:

9.1.1 Public procurement?

### 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).

|        |                                                                                                       |  |
|--------|-------------------------------------------------------------------------------------------------------|--|
| 9.1.2  | 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:

|        |                                     |  |
|--------|-------------------------------------|--|
| 10.1.1 | Criminal prosecution?               |  |
| 10.1.2 | Fines or other financial penalties? |  |
| 10.1.3 | Recovery of lost funds?             |  |
| 10.1.4 | Award of damages?                   |  |
| 10.1.5 | Other enforcement action?           |  |
| 10.1.6 | No outcome?                         |  |

10.2 Of the proceedings reported as initiated, what (where relevant) is the estimated financial damage arising from the wrongdoing reported?

### 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.

"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.

|      |                                                                                                                                                                        |  |                                                                                                                                                                                                      |
|------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 10.3 | 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? |  | The calculation of "financial damage" <b>should <u>not</u> include</b> any <b>fines or other financial penalties</b> imposed. (These are to be reported on under headings 10.3 and 10.4.)            |
| 10.4 | Of the proceedings reported as initiated, what (where relevant) is the estimated amount of funds recovered as a result of proceedings?                                 |  | Fines and other financial penalties <b>should <u>not</u> include</b> any <b>damages awarded to a reporting person</b> or any <b>fines/penalties imposed for penalisation of a reporting person</b> . |

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## 11 Anonymous reports

|      |                                                                                                  |   |  |
|------|--------------------------------------------------------------------------------------------------|---|--|
| 11.1 | Of the total number of reports received in response to Q2, how many were made anonymously?       | 2 |  |
| 11.2 | How many investigations were opened in response to anonymous reports in the calendar year?       | 1 |  |
| 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 |  |



**Comhairle na nDochtúirí Leighis**  
**Medical Council**

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