



Protected Disclosures Policy

Rationale

The Protected Disclosures Act came into force on 1 July 2022 and applied to every public sector organisation. It is the Board's responsibility to have in operation procedures for receiving and dealing with information about serious wrongdoing in or by their school.

Policy Statement

The purpose of this policy is to comply with the requirements of the Act to ensure that the school's procedures in this regard follow principles of natural justice, to identify those within the school organisation to whom a disclosure may be made and to outline where disclosures may be made to other persons or organisations.

By following the policy all employees will be protected by the following

- personal grievance provisions of the Employment Relations Act
- the victimisation provisions of the Human Rights Act
- maintenance of confidentiality requirements

Policy Guidelines

1. A protected disclosure is a declaration made by an employee where they believe serious wrongdoing has occurred. Staff members making disclosures will be protected against retaliatory or disciplinary actions and will not be liable for civil or criminal proceedings related to the disclosure.
2. Serious wrongdoing for the purposes of this policy includes any of the following:
 - unlawful, corrupt or irregular use of public funds or resources
 - an act or omission or conduct which seriously risks public health or safety or the environment; or
 - that is oppressive, improperly discriminatory, grossly negligent or constitutes gross mismanagement; or
 - constitutes serious risk to the maintenance of law
3. Those making the disclosure should ensure that:
 - the information is about serious wrongdoing in or by the school
 - the staff member believes on reasonable grounds the information to be true or is likely to be true
 - the staff member wishes the wrongdoing to be investigated
 - the staff member wishes the disclosure to be protected
4. Those who may make a disclosure are:
 - any current employee including the principal
 - any former employee and principals



- any contractor supplying services to the school
5. Staff members who make a disclosure and who have acted in accordance with school procedures related to disclosures:
- may bring a personal grievance in respect of any retaliatory action from their employers or supervisors
 - may access anti-discrimination provisions of the Human Rights Act in respect of any retaliatory action
 - are not liable to criminal or civil proceedings or to a disciplinary hearing for having made a disclosure or referred to a disclosure
 - will have their disclosure treated with the utmost confidentiality
6. The protections provided in clause 5 of this policy will not be available to employees making allegations they know to be false or where they have acted in bad faith
7. The procedure for handling disclosures by staff members will include details of:
- how to submit a disclosure eg use of a specific form
 - what information is to be contained in the disclosure
 - where disclosures are to be sent
 - by whom and by when examination of disclosures are to take place and if deemed necessary a full investigation is to take place
 - how the name of the staff member making a disclosure is to be protected
 - reporting of any investigation conducted
 - making disclosures to other authorities
 - making disclosures to Ministers and Ombudsman
8. The procedures for handling disclosures will be published to all school employees and will be contained within the school's manual of procedures

Protected Disclosures – Information For Staff

What is a Protected Disclosure?

A protected disclosure is a declaration made by an employee where they believe serious wrongdoing has occurred. Employees making disclosures will be protected against retaliatory or disciplinary action and will not be liable for civil or criminal proceedings related to the disclosure.

Definition of Serious Wrongdoing

Serious wrongdoing includes any serious wrongdoing of any of the following type:

- an unlawful, corrupt, or irregular use of funds or resources; or
- an act, omission or course of conduct that constitutes a serious risk to public health or public safety or the environment; or
- an act, omission or course of conduct that constitutes a serious risk to the maintenance of law, including the prevention, investigation, and detection of offences and the right to fair trial; or
- an act, omission or course of conduct that constitutes an offence; or



- an act, omission or course of conduct by a public official that is oppressive, improperly discriminatory, or grossly negligent, or that constitutes gross mismanagement.

Conditions for Disclosure

Before making a disclosure the employee should be sure the following conditions are met:

- the information is about serious wrongdoing in or by the School;
- the employee believes on reasonable grounds the information to be true or likely to be true;
- the employee wishes the wrongdoing to be investigated; and
- the employee wishes the disclosure to be protected.

Who can make a Disclosure

Any employee of the school can make a disclosure. An employee includes:

- current employees and Principal;
- former employees and principals; and
- contractors supplying services to the school.

Protection of employees making disclosures

An employee who makes a disclosure and who has acted in accordance with the procedure outlined in this policy:

- may bring a personal grievance in respect of retaliatory action from their employers;
- may access the anti-discrimination provisions of the Human Rights Act in respect of retaliatory action from their employers;
- are not liable for any civil or criminal proceedings, or to a disciplinary hearing by reason of having made or referred to a disclosure; and
- will, subject to paragraph 15 in the Procedure, have their disclosure treated with the utmost confidentiality.

The protections provided in this section will not be available to employees making allegations they know to be false or where they have acted in bad faith.

Procedure

Any employee of the School who wishes to make a protected disclosure should do so using the following procedure:

How to submit a disclosure

The employee should submit the disclosure in writing.

Information to be contained

The disclosure should contain detailed information including the following:

- the nature of the serious wrongdoing;
- the name or names of the people involved; and
- surrounding facts including details relating to the time and/or place of the wrongdoing if known or relevant.



Where to send disclosures

A disclosure must be sent **in writing** to the Principal who has been nominated by the Board under the provision of Section 11 of the Protected Disclosures Act 2000 for this purpose.

OR

If you believe that the Principal is involved in the wrongdoing or has an association with the person committing the wrongdoing that would make it inappropriate to disclose to them, then you can make the disclosure to the Board Presiding Member.

Decision to investigate

On receipt of a disclosure, the Principal or Board Presiding Member must within 20 working days examine seriously the allegations of wrongdoing made and decide whether a full investigation is warranted. If warranted a full investigation will be undertaken by the Principal or Board Presiding Member or arranged by him/her as quickly as practically possible, through an appropriate authority.

Protection of disclosing employee's name

All disclosures will be treated with the utmost confidence. When undertaking an investigation, and when writing the report, the Principal or Board Presiding Member will make every endeavour possible not to reveal information that can identify the disclosing person, unless the person consents in writing or if the person receiving the protected disclosure reasonably believes that disclosure of identifying information is essential:

- to ensure an effective investigation; or
- to prevent serious risk to public health or public safety or the environment.

Report of investigation

At the conclusion of the investigation the Principal will prepare a report of the investigation with recommendations for action if appropriate, which will be sent to the Board Chairperson.

Disclosure to an appropriate authority in certain circumstances

A disclosure may be made to an appropriate authority (including those listed below) if the employee making the disclosure has reasonable grounds to believe:

- The Board Presiding Member is or may be involved in the wrongdoing;
- Immediate reference to another authority is justified by urgency or exceptional circumstances; or
- There has been no action or recommended action within 20 working days of the date of the disclosure.

Appropriate Authorities include (but are not limited to)

Commissioner of Police
Controller and Auditor General
Director of the Serious Fraud Office
Inspector General of Intelligence and Security
Ombudsman



Parliamentary Commissioner for the Environment
Police Complaints Authority
Solicitor General
State Service Commissioner
The head of any public sector organisation

Disclosure to Ministers and Ombudsman

A disclosure may be made to a Minister or an Ombudsman if the employee making the disclosure has made the same disclosure according to the internal procedures and reasonably believes that the person or authority to whom the disclosure was made:

- has decided not to investigate; or
- has decided to investigate but not made progress with the investigation within reasonable time; or
- has investigated but has not taken or recommended any action;
- and the employee continues to believe on reasonable grounds that the information disclosed is true or is likely to be true.

Reviewed: February 2025

Next review: February 2028

Signed BOT Presiding Member

Date:
