



## Policy Glendowie School

### PROTECTED DISCLOSURES POLICY

#### **PURPOSE**

The purpose of this policy is to provide information and guidance to employees of the school who wish to report serious wrongdoing within the school.

This policy complies with the Protected Disclosures Act 2000

The policy consists of:

- A definition of a protected disclosure.
- A definition of serious wrongdoing that can be the basis for a protected disclosure by an employee.
- Conditions for disclosure.
- Information on who can make a disclosure.
- Protections for employees making disclosures.
- A procedure by which an employee can make a disclosure.

#### **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 for the purpose of this policy includes any of the following:

- Unlawful, corrupt or irregular use of public funds or resources
- An act or omission or course of conduct:
  - which seriously risks public health or safety or the environment; or
  - that constitutes an offence; or
  - that is oppressive, improperly discriminatory, grossly negligent or constitutes gross mismanagement; or
  - constitutes serious risk to the maintenance of law.

#### **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; and
  - the employee believes on reasonable grounds the information to be true or is likely to be true; and
  - the employee wishes the wrongdoing to be investigated; and
  - the employee wishes the disclosure to be protected. **(Confidential)**

### **Who can make a disclosure**

- Any employee of the school can make a disclosure. For the purpose of this policy an employee includes:
  - Current employees and principal
  - Former employees and principals
  - 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 employer;
  - 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;
  - will, subject to Clause 5 of 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 **Glendowie School** who wishes to make a protected disclosure should do so using the following procedure.

- **How to submit a disclosure**  
(e.g. The employee should submit the disclosure in writing (although orally is also accepted) They should advise that the disclosure is being made under the Protected Disclosure Act
- **Information to be contained**  
(e.g. The disclosure should contain detailed information) including the following:
  - the nature of the serious wrongdoing
  - the name or names of the people involved
  - 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 of **Glendowie School** 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 **Chairperson of the Board of Trustees** .)
- **Decision to investigate**  
(e.g. On receipt of a **disclosure the Principal (Chairperson, in cases where the Principal is involved)** 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 (Chairperson in cases where the Principal is involved) or arranged by him/her as quickly as practically possible, through an appropriate authority. e.g. ERO, Ministry of Education, Minister of the Crown **and those on the list below**)

They can decide to investigate the disclosure themselves, to forward the disclosure to the Board or a committee of the Board to investigate including whether it needs to be passed on to an appropriate authority.

### **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 (last resort person) in the school responsible for handling the complaint is or may be involved in the wrongdoing; or
- immediate reference to another is justified by urgency or exceptional circumstances; or

there has been no action or recommended action within 20 working days of the date of disclosure:

Appropriate Authorities include (but are not limited to)

- Commissioner of Police
- Controller and Auditor General
- Director of the Serious Fraud Squad
- Inspector General of Intelligence and Security
- Ombudsman
- Parliamentary Commissioner for the Environment
- Police Complaints Authority
- Solicitor General
- State Service Commissioner
- Health and Disability Commissioner
- The head of every public sector organisation.

### **- 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/ Chairperson 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
- to prevent serious risk to public health or public safety or the environment
- to have regard to the principles of natural justice.

### **Guidelines for the protected disclosure recipient ( PDR)**

- Ensure that any discussions with that person are carried out in a manner that protects the confidentiality of the discloser.
- Inform the discloser of the protections they have including any possible reasons that information that may identify themselves may need to be disclosed. Remind them that those protections only exist if the allegation is made in good faith
- The PDR needs sufficient information to decide if the disclosure fits into the category of serious wrongdoing and to investigate the allegation.
- The PDR would discuss with the person making the disclosure what steps would be taken to investigate the wrongdoing. This can include calling the committee of the board, NZSTA etc
- The PDR may consider that the allegation does not fit the criteria for serious wrongdoing by the employer or a staff member eg the disclosure is about a parent, the PDR could identify that to the person making the disclosure and consider with

them other forms of action if necessary.

- The PDR can arrange a further meeting time with the discloser to discuss any outcome of an investigation that can be shared. It is important that the person making the protected disclosure knows that the allegation has been investigated even if they cannot be told the final outcome of that investigation.

- **Report of investigation**

(e.g. At the conclusion of the investigation the Principal/Chairperson will prepare a report of the investigation with recommendations for action if appropriate, which will be sent to the Board of Trustees and the complainant.)

- **Disclosures**


**1. 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 clauses of this Policy; and
- Reasonably believes that the person or authority to whom the disclosure was made:
  - has decided not to investigate; or
  - has decided not to investigate but not made progress with the investigation within reasonable time; or
  - has investigated but has not taken or recommended any action; and
  - continues to believe on reasonable grounds that the information disclosed is true or is likely to be true.

2. A request for information under the Official Information Act 1982 [other than one made by a member of the police for the purpose of investigating an offence] may be refused, as contrary to this Act, if it might identify a person who has made a protected disclosure.

3. The Act does not protect you if you disclose the information to the media.

<b>Approved:</b>	<b>Board of Trustees Meeting</b>
<b>_07/08/2018</b>	
<b>Signature of Chairperson :</b>	
	<b>— / / —</b>
<b>Reviewed:</b>	<b> / /</b>