



SCHOOL POLICY: PROTECTED DISCLOSURES
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Rationale:

A protected disclosure may be presented when a member of staff has reasonable grounds to believe that a serious wrongdoing is being done by or in the organisation by another member of staff. In such circumstances, a member of staff can report in good faith, asking that the alleged wrongdoing be investigated, without worrying about negative consequences. (The disclosure will be about the employer or another employee/s, **not about a student or parent.**)

Purpose:

1. The Orini Combined School Board of Trustees ensures procedures are in place to meet the requirements of the Protected Disclosures Act 2000.
2. To meet the requirement to have an internal procedure in place that enables employees, past and present, and contractors providing a service to the school, to make protected disclosures.

Guidelines:

1. The principal will receive any and all ‘protected disclosures’, unless the disclosure is about the principal, at which time, the Board of Trustees member designated annually by the Board as the Privacy Officer, will receive the disclosure. The recipient of the disclosure will be referred to as the Disclosure Officer.
2. The Disclosure Officer is entitled to:-
 - a) Call a meeting of a committee of the Board that deals with confidential employment issues.
 - b) Contact M.O.E., Principals Federations, NZSTA and/or NZEI for advice and guidance.
 - c) Contact the Board’s insurer on employment matters.
 - d) Refer the matter to another appropriate authority, if urgency or seriousness dictates.
3. The Disclosure Officer must take action or recommend action within 20 working days of receiving a ‘protected disclosure’. Should the Disclosure Officer not act within 20 working days, the person who has made the disclosure is entitled to take the matter to an appropriate authority and ask them to investigate.
4. Information which would identify the person who makes the disclosure is confidential to the Disclosure Officer unless:-
 - a) The person making the disclosure consents in writing to the information being disclosed, or,
 - b) It is essential to disclose the identifying information for reasons of an effective investigation **or** to prevent serious risk to public health or public safety **or** to the environment **or** the need for regarding principles of natural justice.
5. A serious wrongdoing is defined as being any of the following:-
 - a) an unlawful, corrupt, or irregular use of public funds or public resources; or



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- b) an act, omission, or course of conduct that constitutes a serious risk to public health or public safety or the environment; or
 - c) 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 a fair trial; or
 - d) an act, omission, or course of conduct that constitutes an offence; or
 - e) an act, omission, or course of conduct by a public official that is oppressive, improperly discriminatory, or grossly negligent, or that constitutes gross mismanagement...
6. The Disclosure Officer and/or Board Committee considering information revealed by a protected disclosure, will determine:-
- a) Does the disclosure constitute serious wrongdoing in terms of the Act?
 - b) Inform the person disclosing of the protections they have including any possible reasons that the information that may identify them may need to be disclosed. The person disclosing will be reminded that those protections only exist if the allegation is made in good faith.
 - c) What is the best course of action?
 - d) Would it be advisable to refer the matter to another appropriate authority?
 - e) The appropriate mechanism for informing the person who made the disclosure of the outcome of the investigation.
7. The protections for the person disclosing are:-
- a) The identity of the person disclosing will be confidential unless they give written permission to be identified.
 - b) The person cannot be victimised by their employer for having disclosed the information.
 - c) The person is not liable for civil or criminal proceedings for disclosing information.
 - d) If the person believes that they have been unfairly treated in their job or unreasonably dismissed following a disclosure, they can take a personal grievance against their employer.
8. A protected disclosure can be done verbally or in writing. The person disclosing must identify that the disclosure is being made under the Protected Disclosures Act and is following School Board procedures, provide detail of the complaint, (disclosure), and who the complaint is against.

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9. It is anticipated that most complaints can be dealt with through other avenues, in conjunction with the EEO committee, members of staff meeting to resolve such matters, with or without the support of middle or senior school management.
10. A copy of the Act may be found on the Internet at Legislation on Line;
<http://www.legislation.govt.nz/act/public/2000/0007/latest/DLM53466.html>

PRINCIPAL

BOARD CHAIR

Dated: May 18, 2015