



Protected Disclosure Guidelines

Introduction

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

These guidelines are issued in compliance with the Protected Disclosures Act 2000 and will apply from 1 January 2001. It should be read in conjunction with our Complaints Policy.

The guidelines consist of:

1. A definition of a protected disclosure.
2. A definition of serious wrongdoing that can be the basis for a protected disclosure by an employee.
3. Conditions for disclosure.
4. Information on who can make a disclosure.
5. Protections for employees making disclosures.
6. 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 purposes of this Policy includes any of the following:

- Unlawful, corrupt, or irregular use of public funds or resources.
 - An act of 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 that all of 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 is likely to be true;
- the employee wishes the wrongdoing to be investigated
- the employee wishes the disclosure to be protected

Who Can Make a Disclosure

Any employee of the school can make a disclosure. For the purposes 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 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;
- will 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 Te Kauwhata Primary School who wishes to make a protected disclosure should do so using the following the Complaints procedures

The Complaints procedures outline who the complaint should be directed to. However, the disclosure may be made to an appropriate authority (including those listed below) if the employee making the disclosure has reasonable grounds to believe:

- the personnel in the school responsible for handling the complaint is or may be involved in the wrongdoing; or
- 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 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
- Health and Disability Commissioner
- The Head of every 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 clauses of these guidelines.
- 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
 - continues to believe on reasonable grounds that the information disclosed is true or is likely to be true.