



## **PROTECTED DISCLOSURES PROCEDURE**

### **RATIONALE**

- To provide information and guidance to employees of the school who wish to report serious wrongdoing within the school.
- This procedure gives effect to the requirements of the *Protected Disclosures Act* and provides for procedures to be approved and implemented to provide guidance to the Wellington Seventh-Day Adventist School Board employees, including former employees, consultants and contractors employed by the Board of Trustees and to members of the Board of the said school with respect to the protected disclosure of serious wrongdoing.

### **OBJECTIVES**

1. To facilitate the disclosure and investigation of matters of serious wrongdoing in or by an organisation.
2. To protect employees who make disclosures in accordance with the *Protected Disclosures Act*.

### **What is 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 to 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 of a public sector organisation;
- An act of omission or course of conduct that constitutes a serious risk to public health or public safety or the environment, or
- An act of 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;
- Whether the wrongdoing occurs before or after the commencement of this act.

**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 disclosure to be protected.

**Who can make a disclosure?**

Any employee of the school can make a disclosure. For the purposes of this procedure 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 procedures outlined:

- 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, subject to Clause 5 of the Guidelines, 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.

**GUIDELINES**

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

1. Submit the disclosure 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 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 Chair.
2. 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.
3. On receipt of a disclosure, the Principal/Chair 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 Chair or arranged by him/her as quickly as practically possible through an appropriate authority.

4. All disclosures will be treated with confidence. When undertaking an investigation and when writing the report, the Principal/Board Chair will make every endeavour possible not to reveal information that can identify the disclosing person, unless 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.
5. At the conclusion of the investigation, the Principal/Board Chair will prepare a report of the investigation with recommendations for action if appropriate, which will be sent to the full Board.
6. 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 Chair 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
7. 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 procedure;
    - 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.

**Review Responsibility:** *Board Chairperson, Staff Board Rep., OM & Principal*

**Date Confirmed:** 27 September 2021

**Principal:**