

TAPANUI SCHOOL

Revised Sept 2017

PROTECTED DISCLOSURE PROCEDURE

INFORMATION FOR STAFF ONLY - *PROTECTED DISCLOSURES ACT 2000* (revised 2014)

This applies to:

- Staff members [either temporary or permanent]
- Contractors supplying services to the school
- Former staff members [either temporary or permanent]

Under the Protected Disclosures Act 2000 (*revised 2014*) if you believe you have information that a serious wrongdoing is occurring [or may occur] within the school and you wish to disclose that information so it can be investigated you can make a protected disclosure to the Principal. This can be done verbally or in writing. You should identify that the disclosure is being made under the *Protected Disclosures Act* and is following the board procedure, provide detail of the complaint [disclosure] and who the complaint is against. If you believe that the principal is involved in the wrongdoing then you can make the disclosure to the chairperson of the Board of Trustees. It is then up to that person you disclose to, to decide if the disclosure constitutes a serious wrongdoing, and that the allegations need investigating. They can decide to investigate the disclosure themselves, to forward the disclosure to the board or a committee of the board to investigate, or whether it needs to be passed on to an appropriate authority such as Police, Serious Fraud Office, Auditor-General, Solicitor-General, Education Minister, Education Review Office. If it goes to an appropriate authority they will advise you that they are now investigating the complaint.

You may contact an appropriate authority yourself only if you believe that the Principal or Board Chairperson are also party to the wrongdoing or have an association with the person which would make it inappropriate for them to investigate, if the matter needs urgent attention or there are other exceptional circumstances, or if after 20 days there has been no action or recommended action on the matter to which the disclosure related. Otherwise you need to go through the school process.

If the appropriate authority does nothing you could then make the disclosure to the Ombudsman or a Minister of the Crown. The Act does not protect you if you disclose information to the media or a member of parliament other than a Minister of the Crown.

This Act does not apply to parents or Board of Trustees members unless they are staff members of the school. It is for the protection of employees. The Board of Trustees is the employer. The disclosure may only be about the employer or another employee / not a student or parent.

'Protected disclosure' means that you can report in good faith asking that the wrongdoing be investigated without worrying about negative consequences. Your identity will be confidential unless you give permission to be identified and thus you cannot be victimised by your employer for having disclosed the information. Neither are you liable for civil or criminal proceedings for disclosing the information. If you believe that you have been unfairly treated in your job or unreasonably dismissed following a disclosure you can take a personal grievance against your employer. Details are in the appropriate Collective Agreements.

Serious wrongdoing may be any of the following:

- an unlawful, corrupt, or irregular use of public funds or public resources;
- an act, omission, or course of conduct that constitutes a serious risk to public health or public safety or the environment;
- 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;
- an act, omission, or course of conduct that constitutes an offence;
- an act, omission, or course of conduct by a public official that is oppressive, improperly discriminatory, or grossly negligent, or that constitutes gross mismanagement.

Appendix 1

An employee of an organisation may disclose information in accordance with this Act if—

1. (a) the information is about serious wrongdoing in or by that organisation; and
(b) the employee believes on reasonable grounds that the information is true or likely to be true; and
(c) the employee wishes to disclose the information so that the serious wrongdoing can be investigated; and
(d) the employee wishes the disclosure to be protected.
2. Any disclosure made in accordance with subsection (1) is a protected disclosure of information for the purposes of this Act.