



3.7 PROTECTED DISCLOSURE POLICY

Outcome Statement

Protected disclosure encourages an open reporting culture. Protected disclosure is an important safeguard for employees making disclosures about serious wrongdoing in or by the New Plymouth Girls' High School, including Scotlands Hostel.

Definitions

Protected Disclosure means any disclosure of information made in accordance with the Protected Disclosure Act 2000 that relates to information about a serious wrongdoing in or by the organisation, that the discloser believes to be true and seeks investigation, and where the discloser wishes the disclosure to be protected.

Serious wrongdoing is defined in the Act as:

- unlawful, corrupt, or irregular use of public funds or resources
- an act, omission, or course of conduct that:
 - seriously risks public health or safety, or the environment
 - constitutes a criminal offence
 - seriously risks the maintenance of law, for example, hides an offence or threatens the right to a fair trial
 - is oppressive, improperly discriminatory, or grossly negligent
 - constitutes gross mismanagement.

Overarching Principles

To ensure there is a procedure in place for reporting and investigating serious wrongdoing and provide protection for employees who reports it from retaliatory or disciplinary action, and also from civil and criminal proceedings.

Delegations

The responsibility to uphold this policy for the school is delegated to the Principal. Unless it is inappropriate, the Principal is the school's Disclosure Officer.

Expectations and Limitations

1. If an employee has reasonable grounds to believe that there is a serious wrongdoing as defined in Section 3 of the Protected Disclosures Act; and believes on reasonable grounds that the information they hold is true or likely to be true, the employee will inform the Principal. If the Principal is believed to be involved in the wrongdoing, the employee will inform the Presiding Member of the Board.

2. Employees may make a disclosure to an appropriate authority if the employee making the disclosure has reasonable grounds to believe:
 - the Principal and the Presiding Member of the Board may both be involved in the wrongdoing; or
 - that immediate reference to an appropriate 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 to the Principal or Presiding Member of the Board (as applicable).

Appropriate authorities include:

- 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
- Independent Police Conduct Authority
- Solicitor General
- State Service Commissioner
- Health and Disability Commissioner
- Head of any Public Sector Organisation (e.g., Ministry of Education)
- Teaching Council of Aotearoa New Zealand (EDUCANZ)

Making a Protected Disclosure

3. To make a protected disclosure, the employee must:
 - Put the disclosure in writing, stating the nature of the wrongdoing and the names of the people involved.
 - State that they wish their disclosure to be protected.

By making the disclosure protected, they will be immune from civil, criminal, or disciplinary proceedings being taken because they made the disclosure. The Disclosure Officer will use their best endeavours to protect their identity unless identifying them is essential for the investigation, to prevent serious risk to public health, or is under the principles of natural justice.

Protection only applies to serious wrongdoing (see the definition above) and anyone who makes a disclosure they know is false, or in bad faith, is not protected by the Act.
 - Sign and date the letter. Include return address details and send it to the Disclosure Officer.

Confidentiality

4. The School will make its best endeavors not to disclose information that might identify the person who made the protected disclosure unless:
 - that person consents in writing to the disclosure of that information; or
 - the person who has acquired knowledge of the protected disclosure reasonably believes that disclosure of identifying information:
 - is essential to the effective investigation of the allegations in the protected disclosure; or
 - is essential to prevent serious risk to public health or public safety or the environment; or

- is essential having regard to the principles of natural justice.

Managing a Protected Disclosure

5. The Disclosure Officer acknowledges receipt of the disclosure in writing and reports it to the Board Presiding Member. The Board Presiding Member will refer the matter to the Board. If the disclosure relates to the Board Presiding Member, the Disclosure Officer refers it to the Board Deputy Presiding Member.
6. The Board considers the disclosure and determines the scope and management of any investigation, including the process to be followed and who will be involved. All steps are taken to ensure that the identity of the person making the disclosure remains confidential. Preparation for the investigation should include:
 - A preliminary assessment – Conduct a preliminary assessment of the disclosure, including assessing of risk to the persons involved and the school.
 - Legal consultation – Consider if seeking legal advice is an appropriate step.
 - Appointment of an investigator – Consider who will be appointed to investigate the disclosure and consider any conflict of interests.
 - Development of a terms of reference for the investigation – share these with the informant as soon as practical. The terms of reference should include the decision maker and how decisions will be reached.
7. If, for reasons of natural justice, it is deemed impossible to investigate a disclosure and maintain confidentiality, the Disclosure Officer will communicate this directly to the complainant and discuss the reasons for this decision.
8. The Disclosure Officer has a duty of care to the employee who has made the disclosure and will maintain close contact with them throughout the process to ensure that any support necessary is put in place, and to keep them generally informed of progress in the investigation.
9. Within 20 working days the Disclosure Officer reports to the employee concerned on the progress of their disclosure. This includes any actions taken and/or recommended, and whether the disclosure is deemed a serious wrongdoing.
10. At the conclusion of any investigation a report will be prepared with recommendations for action if appropriate. Any respondent of wrongdoing will be given the opportunity to respond to evidence or findings at an appropriate time, in accordance with all relevant legal considerations.

Legislative Compliance

Protected Disclosures Act 2000
Privacy Act 2020

Reviewed: May 2022

Next review: 2025
