

Stratford Primary School: Policies

300 Protected Disclosures Policy

If an employee of the school believes that serious wrongdoing has occurred within or by the school, they can declare it by way of a protected disclosure.

The Protected Disclosure Policy:

- Ensures that there is a procedure in place for reporting and investigating serious wrongdoing
- Protects the person who reports it from retaliatory or disciplinary action, and also from civil or criminal proceedings
- An employee could bring a personal grievance case against the school if any retaliatory action is taken against them.
- Ensures that the identity of the person who reports the wrongdoing remains confidential
- Unless naming of the person is essential for the investigation, or to prevent serious risk to public health, public safety, or the environment, or to respect the principles of natural justice.
- Ensures that the school complies with the requirements of the Protected Disclosures Act.

What is a “Protected Disclosure”?

Protected means that as long as you have reasonable grounds to believe that a serious wrongdoing is being done by or in the organisation by the above people you can report in good faith asking that the wrongdoing be investigated without worrying about negative consequences. It is important to remember that this is an Act to protect employees and the disclosure will be about the employer or another employee(s) not a student or parent.

What is Serious Wrongdoing?

- 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.

GUIDELINES:

If an employee wishes to make a protected disclosure they must believe that the information they have is about **serious wrongdoing**, and is true or likely to be true. They must want the wrongdoing to be investigated and their disclosure protected.

To make a Protected Disclosure:

1. Put the disclosure in writing, stating the nature of the wrongdoing and the names of the people involved.
2. State that you wish your disclosure to be protected.
3. By making your disclosure protected, you will be immune from civil, criminal, or disciplinary proceedings being taken because you made the disclosure. The Disclosure Officer will use their best endeavours to protect your identity unless identifying you is essential for the investigation, to prevent serious risk to public health, or is under the principles of natural justice.

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4. 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.
5. Sign and date the letter. Include your return address details and send it to the disclosure officer.
6. Unless it is inappropriate, the Principal is the school's Disclosure Officer. If you think the Principal is involved, or associates with someone who is involved in the wrongdoing, contact the Presiding Member of the Stratford Primary School Board or an appropriate outside authority (see below).

Disclosure to an Appropriate Authority

A disclosure can be made to an appropriate authority if the employee making the disclosure believes that:

- The Principal, or the Presiding Member of the Board is involved in the wrongdoing
- There are exceptional circumstances
- The wrongdoing requires urgent action
- There has been no action or recommended action within 20 days of making the initial disclosure.

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.

Managing a Protected Disclosure

The Disclosure Officer acknowledges receipt of the disclosure in writing and reports it to the Presiding Member of the Board. The Complaints Policy is then followed. The Board will consider the disclosure and determine 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. Within 20 working days the disclosure officer reports to the employee concerned letting them know what action has been taken, or recommended to be taken.

LEGISLATION:

- Protected Disclosures (Protection of Whistleblowers Act) 2022
- Human Rights Act 1993
- Employment Relations Act 2000.

RESOURCES:

- Ombudsman New Zealand | Kaitiaki Mana Tangata: [Serious wrongdoing at work \(whistleblowing\)](#)

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- Ombudsman New Zealand | Kaitiaki Mana Tangata: [Protected disclosures: internal policies and procedures](#)
- Ombudsman New Zealand | Kaitiaki Mana Tangata: [Making a protected disclosure](#)