

Hauraki Primary School

Policy Document

Protected Disclosure

Rationale

To comply with the Protected Disclosures (Protection of Whistleblowers) Act 2022 (the Act).

Purpose

To provide information and guidance to those who wish to report serious wrongdoing within Hauraki school (the school).

Definitions

Protected Disclosure

A protected disclosure is a disclosure of information made by a discloser, also known as a whistleblower, who complies with all the below steps:

- believes on reasonable grounds that there is, or has been, serious wrongdoing in or by the school;
- discloses information about that in accordance with these procedures and the Act;
- does not disclose in bad faith.

Discloser

Discloser, in relation to the school means an individual who is, or was formerly:

- an employee
- a secondee to the school
- engaged or contracted under a contract for services to do work for the school
- concerned in the management of school (including, for example, a person who is or was a member of the board or governing body)
- a volunteer working for the school without reward or expectation of reward for that work.

Serious Wrongdoing

Serious wrongdoing for the purposes of this policy includes any act, omission, or course of conduct in, or by, the school that is 1 or more of the following:

- an offence
- a serious risk to public health or public safety; or the health or safety of any individual or the environment
- a serious risk to the maintenance of law, including the prevention, investigation, and detection of offences; or the right to a fair trial
- an unlawful, a corrupt, or an irregular use of public funds or public resources
- oppressive, unlawfully discriminatory, or grossly negligent, or that is gross mismanagement, and is done (or is an omission) by an employee or a person performing a function or duty or power on behalf of the school.

Guidelines

1. The Hauraki School Board (the Board) is committed to handling protected disclosures properly, as required under the Act. If any discloser, as defined above, believes on reasonable grounds that

there has been serious wrongdoing, as defined above, they should make a protected disclosure by following the procedure as outlined in Appendix 1.

2. The Board will treat protected disclosures seriously and fairly, and will try to keep any information that might identify a discloser confidential. We may reveal a discloser's identity if the discloser consents, or we have reasonable grounds to believe releasing identifying information is essential to:
 - ensure the effective investigation of the disclosure.
 - to prevent serious risk to public health, safety, or the environment.
 - have regard to the principles of natural justice.

We will notify the discloser if we release identifying information. We encourage anyone in our school community to seek information and guidance from the Ombudsman in relation to confidentiality and making a protected disclosure.

3. Disclosers are protected from retaliatory action, or the threat of retaliatory action, and they and their relatives and associates will not be treated less favorably because of a protected disclosure. Retaliatory action includes:

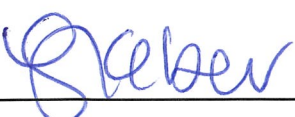
- Dismissing the employee
- refusing or omitting to offer or afford to the employee the same terms of employment, conditions of work, fringe benefits, or opportunities for training, promotion, and transfer as are made available to other employees of the same or substantially similar qualifications, experience, or skills employed in the same or substantially similar circumstances
- subjecting the employee to any detriment or disadvantage (including any detrimental or disadvantageous effect on the employee's employment, job performance, or job satisfaction) in circumstances in which other employees employed by the employer in work of that description are not or would not be subjected to such detriment or disadvantage
- retiring the employee, or requiring or causing the employee to retire or resign:

Protections still apply if the discloser is mistaken about the truth of the disclosure.

4. There is a duty of care to the discloser, and we will put in place any support necessary to support the discloser and keep them generally informed.

Available support for disclosers may include the employee assistance programme, peer support or senior staff not involved in the investigation. The discloser must tell the relevant person that the discussion is confidential and for the purposes of supporting a protected disclosure.

5. The protections provided in this policy will not be available to disclosers making allegations they know to be false or where they have acted in bad faith.

Signed: 

Date: 27 February 2023

Presiding Member of the Board

Review Date: Term 1 2026

Appendix 1

Procedures for Making a Protected Disclosure

Any discloser who wishes to make a protected disclosure should do so using the following procedure:

1. **Conditions for Disclosure**

Before making a protected disclosure, the discloser should be sure the following conditions are met:

- the information is about serious wrongdoing in or by the school; and
- the discloser believes on reasonable grounds that the information is true or is likely to be true; and
- the discloser wishes the wrongdoing to be investigated; and
- the discloser wishes the disclosure to be protected.

2. **How to submit a disclosure**

The discloser should submit the disclosure in writing, unless there is a genuine reason that this is not possible.

3. **Information to be included**

The disclosure should contain detailed information including the following:

- the nature of the serious wrongdoing
- the name or names of the people involved, and
- surrounding facts including details relating to the time and/or place of the wrongdoing if known or relevant.

4. **Where to send disclosures**

A disclosure should usually be sent directly to the principal.

If the discloser believes that 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 the disclosure can be made to the Presiding Member of the Board.

The discloser may instead disclose to an appropriate outside authority, as defined below, if they believe that the principal and/or Board is, or may be involved, or may have a conflict of interest regarding the alleged wrongdoer. The discloser can make a protected disclosure to the Ombudsman at any time. Disclosures can be made anonymously.

5. **Managing a disclosure**

Within 20 working days of receiving a protected disclosure, we will:

- **Acknowledge** to the discloser the date the disclosure was received, and if the disclosure was made orally, summarise our understanding of the disclosure
- **Maintain** confidentially or give the discloser notice that they may be identified if it is essential to continue the investigation; prevent serious risk to public health, safety, or the environment; or to comply with natural justice. Consultation may not be practicable if there is a serious risk to public health, safety, or the environment. We will consider seeking legal advice before any identifying information is revealed
- **Consider** the disclosure and whether it warrants investigation
- **Check** with the discloser whether the disclosure has been made elsewhere (and any outcome)
- **Deal** with the disclosure by doing 1 or more of the following:

- fully investigating the disclosure as soon as practical
- addressing any serious wrongdoing by acting or recommending action. This may include carrying out an employee misconduct investigation, changing our processes, terminating a relationship with a contractor or volunteer, or another appropriate outcome as determined by the principal and/or Board.
- referring the disclosure to an appropriate outside authority (after consulting the discloser and the intended recipient of a referral)
- deciding that no action is required because the disclosure does not meet legal requirements, too much time has passed between the incident and the disclosure, or we believe that the matter is better addressed by other means.
- **Inform** the discloser, with reasons what we have done or are doing to deal with the matter.

When it is impracticable to complete these actions within 20 working days, we will:

- **Inform** the discloser how long we expect to take to deal with the matter; and
- **Update** the discloser appropriately about progress; and
- **Deal** with the matter as described above as soon as practical.

We may also decide to refer the protected disclosure to an appropriate outside authority, as defined below. Before referring a protected disclosure, we must consult the discloser and the intended recipient of a referral.

6. **Disclosure to an appropriate authority in certain circumstances**

A disclosure may be made to an appropriate authority, including those listed below, at any time.

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
- Independent Police Conduct Authority
- Solicitor General
- State Services Commissioner
- Health and Disability Commissioner
- The head of every public sector organization
- A private sector body which comprises of members of a particular profession or calling and which has power to discipline its members.