

RIDGEVIEW SCHOOL BOARD POLICY



PROTECTED DISCLOSURES POLICY

PROTECTION OF WHISTLEBLOWERS ACT 2022

POLICY STATEMENT

The purpose of this policy is to provide information and guidance to employees of Ridgeview School who wish to report serious wrongdoing within the school.

INFORMATION FOR STAFF

The Protection of Whistleblowers Act came into effect on the 1st July 2022. The Act requires public sector organisations, such as schools, have an internal process that staff can use if they wish to make a protected disclosure. The following information details this process and provides information about the protections given in the Act.

What is a Protected Disclosure?

Protected means that if you have reasonable grounds to believe that a serious wrongdoing is being done, by or in the organization, 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 parents.

Definition of Serious Wrongdoing

The Protection of Whistleblowers Act defines a serious wrongdoing as being any of the following:

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

What is not serious wrongdoing? How does a person report things that do not qualify as serious wrongdoing?

- Things like dissatisfaction with the leadership of an organization, or more minor misconduct matters, may not amount to serious wrongdoing and therefore may not be covered by the Act. And the Act does not cover employment issues that are more properly covered by the Employment Relations Act 2000.
- If a person is unsure about whether the information they want to disclose relates to serious wrongdoing, they can contact the Ombudsman for advice. Potential disclosers can also look at their organization's policies about handling other staff complaints.

Conditions of Disclosure

Before making a disclosure the discloser 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 wrongdoing to be investigated; and
- The employee wishes the disclosure to be protected.

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Who can make a Protected Disclosure?

You are able to make a disclosure under the provisions of this Act if you meet any of the following categories:

- A staff member (either temporary or permanent)
- A contractor supplying services to the school
- A former staff member (either temporary or permanent)
- An individual concerned in the management of the school (including, for example, a person who is or was a member of the board)
- A volunteer working for the school without reward or expectation of reward for that work.

Who does a discloser report serious wrongdoing to?

If an employee has reasonable grounds to believe that there is a serious wrongdoing, 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

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)

Protection of Employees making Disclosures

A discloser is entitled to protection even if:

- They are mistaken and there is no serious wrongdoing, or
- They do not refer to the name of the Act when making the disclosure, or
- They technically fail to comply with some of the Act's requirements (as long as they have substantially complied with the Act), or
- They also make the disclosure to another person (as long as they do so on a confidential basis, to seek advice about whether or how to make a protected disclosure).

Another discloser who discloses further information in support of a disclosure is also entitled to protection if they do not disclose in bad faith and they disclose to the school in accordance with the Act.

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The Act cannot be contracted out of so its rights and protections apply even if the discloser has agreed (by way of contract/agreement) that the information cannot be disclosed.

A disclosure is not protected if:

- The discloser knows the allegations are false,
- The discloser acts in bad faith,
- The information being disclosed is protected by legal professional privilege.

What protections are there for the person reporting serious wrongdoing?

The protections a discloser is entitled to are:

- **Confidentiality**
 - Every person to whom a protected disclosure is made or referred must not 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, or
 - is essential to an investigation by a law enforcement or regulatory agency for the purposes of law enforcement.
 - A request for information under the Official Information Act 1982 (other than one made by a member of the police for the purpose of investigating the offence) may be refused, as contrary to this Act, if it might identify a person who has made a protected disclosure.
 - The Ombudsman can provide advice to disclosers considering making an anonymous disclosure.
 - The release of information that might identify a discloser in breach of these provisions means a complaint may be made under the Privacy Act 2020 for interference with privacy. And as a result, the Privacy Commissioner may undertake an investigation.
- **Not retaliated against or treated less favourably**
- **Immunity from civil, criminal and disciplinary hearings.**

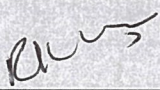
This policy will be reviewed as per the Board's Effectiveness Review Programme

Confirmed by the Board on: 18/10/2022 (date)

The planned review date will be: 18 OCT 2025 (date)



Presiding Member



Principal

