

# Rangiora High School Board of Trustees



## Protected Disclosures Policy

### Rationale

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The Rangiora High School Board of Trustees ensures procedures are in place to meet the requirements of the Protected Disclosures Act 2000. A copy of the Act can be found at [Legislation OnLine](#).

The Board accepts that it has responsibility to have in operation internal procedures for receiving, and dealing with information about serious wrongdoing in or by Rangiora High School. The Board also accepts that it must regularly inform its employees on the protected disclosure system.

The Board agrees that this policy must be published widely in the school, will be provided to all new employees and will be republished at regular intervals (at least annually).

The purpose of this policy is to provide information and guidance to employees of Rangiora High School who wish to report serious wrongdoing within the school. The policy is issued in compliance with the Protected Disclosures Act 2000 and the Education Act 1989.

### What is a Protected Disclosure?

A protected disclosure is a declaration made by an employee where they believe serious wrongdoing has occurred. Employees making disclosures will be protected against retaliatory or disciplinary action and will not be liable for civil or criminal proceedings related to the disclosure.

### Definitions of Serious Wrongdoing

Serious wrongdoing for the purposes of this policy includes any of the following:

1. Unlawful, corrupt, or irregular use of public funds or resources;
2. An act or omission or course of conduct:
  - a) That constitutes a serious risk to public health or public safety or the environment; or
  - b) 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
  - c) That constitutes an offence; or
  - d) That is oppressive, improperly discriminatory, or grossly negligent that constitutes gross mismanagement.

### Conditions for Disclosure

Before making a disclosure the employee should be sure the following conditions are met:

1. The information is about serious wrongdoing in or by the school; and
2. The employee believes on reasonable grounds the information to be true or is likely to be true; and
3. The employee wishes the wrongdoing to be investigated; and
4. The employee wishes the disclosure to be protected.

## **Who Can Make a Disclosure**

Any employee of the school can make a disclosure. For the purposes of this policy an employee includes:

1. Current employees, including the Principal;
2. Former employees, including former Principals;
3. Contractors supplying services to the school.

## **Protection of Employees Making a Disclosure**

An employee who makes a disclosure and who has acted in accordance with the procedure outlined in this policy:

1. May bring a personal grievance in respect of retaliatory action from his/her employers;
2. May access the anti-discrimination provisions of the Human Rights Act in respect of retaliatory action from his/her employers;
3. Is not liable for any civil or criminal proceedings, or to a disciplinary hearing by reason of having made or referred to a disclosure;
4. Will, subject to Clause of the procedure, have his/her disclosure treated with the utmost confidentiality.

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

## **Procedural Guidelines**

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Procedures for making a protected disclosure under the Protected Disclosures Act 2000.

1. If on reasonable grounds 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.
2. 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. The disclosure should contain detailed information including the following:
  - a) The nature of the serious wrongdoing;
  - b) The name or names of the people involved;
  - c) Surrounding facts including details relating to the time and/or place of the wrongdoing if known or relevant.
3. If you believe 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 you can make the disclosure to the Chairperson of the Board of Trustees.
4. It is then up to the person you disclose to, to decide within 20 working days, if the disclosure constitutes a serious wrongdoing, and that the allegations need investigating.

They can decide:

- a) To investigate the disclosure themselves
- b) To forward the disclosure to the Board or a committee of the Board to investigate
- c) Whether it needs to be passed on to an appropriate authority. If it goes to an appropriate authority, they will advise you that they are now investigating the complaint.

5. If you believe that both the Principal and the Chairperson of the Board of Trustees may be a party to the wrongdoing or in close relationship with the person/s involved in the wrongdoing you can approach an external "appropriate authority" direct yourself.
6. As noted above, in some circumstances the disclosure could be made to an appropriate authority by yourself or the person to whom you have made the disclosure.

An appropriate authority is defined in the Act as including:

- a) Includes:
    - i) the Commissioner of Police:
    - ii) the Controller and Auditor - General:
    - iii) the Director of the Serious Fraud Office:
    - iv) the Inspector - General of Intelligence and Security:
    - v) an Ombudsman:
    - vi) the Parliamentary Commissioner for the Environment:
    - vii) the Police Complaints Authority:
    - viii) the Solicitor - General:
    - ix) the State Services Commissioner:
    - x) the Health and Disability Commissioner; and
  - b) Includes the head of every public sector organisation, whether or not mentioned in paragraph (a).
7. Clause (b) can mean that in certain circumstances the appropriate authority could be the Secretary for Education of the Ministry of Education or the Chief Review Officer of the Education Review Office (ERO).
  8. There are three circumstances when you can go directly to the appropriate authority:
    - a) When you believe that the Chairperson of the Board of Trustees is also a party to the wrongdoing or has an association with the person which would make it inappropriate for them to investigate.
    - b) If the matter needs urgent attention or there are other exceptional circumstances.
    - c) If after 20 working days there has been no action or recommended action on the matter to which the disclosure related. Otherwise you need to go through the internal processes.
  9. If the appropriate authority does nothing you could then make the disclosure to the Ombudsman (unless they were the authority you have already disclosed to or a Minister of the Crown).
  10. All disclosures will be treated with the utmost confidence. When undertaking an investigation, and when writing the report, the Principal or Chairperson of the Board of Trustees or their nominee(s) will make every endeavour possible not to reveal information that can identify the disclosing person, unless the person consents in writing or if the person receiving the protected disclosure reasonably believes that disclosure of identifying information is essential:
    - a) To ensure an effective investigation; or
    - b) To prevent serious risk to public health or public safety or the environment; or
    - c) To have regard to the principles of natural justice.
  11. 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 in the circumstances referred to above

12. If you notify the Office of the Ombudsman verbally or in writing, that you have disclosed or are considering a disclosure under this Act, they must provide information and guidance on a number of matters including those discussed here and the protections and remedies available under the Human Rights Act 1993 if the disclosure leads to victimisation.
13. At the conclusion of the investigation, the person making the investigation will prepare a report of the investigation with recommendations for action if appropriate, which will be sent to the Board of Trustees. The person making the disclosure must be informed of the outcome of any investigation.

<b>Date of Review</b>	24 June 2020
<b>Date of Next Review</b>	June 2023
<b>Adopted by BOT</b>	16 September 2020