

Wakari School Board of Trustees
PROTECTIVE DISCLOSURE POLICY

Revised: April 2010



PURPOSE

The purpose of this policy is to provide information and guidance to employees of the 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.

DEFINITION OF SERIOUS WRONGDOING

1. Serious wrongdoing includes any serious wrongdoing of any of the following type:
 - an unlawful, corrupt, or irregular use of funds or resources; or
 - an act, omission or course of conduct that constitutes a serious risk to public health or public safety or the environment; or
 - an act, 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 by a public official that is oppressive, improperly discriminatory, or grossly negligent, or that constitutes gross mismanagement.

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, provide detail of the complaint [disclosure], and who the complaint is against.
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 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" directly yourself.

Who is an "appropriate authority"?

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)

Why can't I just go to the appropriate authority myself?

8. There are three circumstances when you can go directly to the appropriate authority:
- (a) When you believe that the head of the organisation is also a party to the wrongdoing or has 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.

What happens if even the appropriate authority does nothing?

9. 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. 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.

Where can I find out more information?

11. 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.
12. A copy of the Act can be found on the internet at Legislation on Line:
<http://rangit.knowledge-basket.co.nz/gpacts/actlists.html>
Click on “P” then scroll down to *Protected Disclosures Act 2000*.

EFFECTIVENESS REVIEW

- 1 This policy will be reviewed by the board in accordance with its triennial programme of self-review.
- 2 The board will make its review report available to parents and staff.

Board Chairperson

Date