
Ratified by B.O.T. **Date: 13 April 2021**

Review Date: April 2023

Signed by Chairman:

POLICY TITLE: Protected Disclosures

POLICY NUMBER: 30

NAG'S REF: 3

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.

GUIDELINES / OBJECTIVES:

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.

Definition of Serious Wrongdoing

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

Unlawful, corrupt, or irregular use of public funds or resources.
An act or omission or course of conduct:

Which seriously risks public health or safety or the environment; or
That constitutes an offence; or
That is oppressive, improperly discriminatory, grossly negligent or constitutes gross mismanagement; or
Constitutes serious risk to the maintenance of law.

Conditions of Disclosure

Before making a disclosure the employee 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.

Who can make a disclosure

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

- Current employees and the Principal.
- Former employees and the former Principal.
- Contractors supplying services to the school.

Protection of employees making disclosures

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

- May bring a personal grievance in respect of retaliatory action from their employers;
- May access the anti-discrimination provisions of the Human Rights Act in respect of retaliatory action from their employers;
- Are not liable for any civil or criminal proceedings, or to a disciplinary hearing by reason of having made or referred to a disclosure;
- Will, subject to clause 5 of the disclosure, have their 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.

Procedure

Any employee of the Lake Taupo Christian School who wishes to make a protected disclosure should do so using the following procedure.

1 How to submit a disclosure

The employee should submit the disclosure in writing.

2 Information to be contained

The nature of the serious wrongdoing and;
The names of the people involved and;
Surrounding facts including details relating to the time and/or place of the wrongdoing if known or relevant.

3 Where to send disclosures

The written disclosure must be sent to the:

The Chairman
Board of Trustees
Lake Taupo Christian School

Under the provision of Section 11 of the Protected Disclosures Act 2000 for this purpose.

OR

If you believe that this representative is involved with the alleged wrongdoing, or has any association with the person alleged in the wrongdoing then the disclosure is to be forwarded to:

The Principal
Lake Taupo Christian School

4 *Decision to Investigate*

On receipt of the disclosure the Schools representative will within 20 working days examine seriously the allegations of wrongdoing and decide whether a full investigation will be undertaken by the Board of Trustees or through an appropriate authority. This will be done as quickly as possible.

5 *Protection of disclosing employees name*

All disclosures will be treated with the utmost confidence. When undertaking an investigation and when writing the report the Board Representative 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 believed that disclosure of identifying information is essential to:

- Ensure an effective investigation;
- Prevent serious risk to public health or public safety or the environment;
- Have regard to the principles of natural justice.

6 *Report investigation*

At the conclusion of the investigation the Board Representative will prepare a report of the investigation with recommendations for action if appropriate, which will be sent to the Board of Trustees.

When preparing this report the Board Representative will take into consideration:

- The Mission, Vision and Special Character statements of the school and;
- Clause 17 of the Integration Deed.

7 *Disclosure to an appropriate authority in certain circumstances*

A disclosure may be made to an appropriate authority if the employee making the disclosure has reasonable grounds to believe:

- The Board representative or;
- The Board Chairman or;
- The Board of Trustees

May be involved in the alleged wrongdoing or;

Immediate reference to another 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.

8 *Appropriate authorities*

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
Police Complaints Authority
Solicitor General
State Services Commissioner
Health and Disability Commissioner
The head of every public sector organisation

9 *Disclosure to Ministers and Ombudsman*

A disclosure may be made to a Minister or the Ombudsman if the employee making the disclosure:

Has made the same disclosure according to the internal procedures and clauses of this policy or;

Reasonably believes that the person or authority to whom the disclosure was made:

Has decided not to investigate or;

Has decided to investigate but not made progress with the investigation within reasonable time or;

Has investigated but has not taken or recommended any action and;

Continues to believe on reasonable ground that the information disclosed is true or is likely to be true.