

ROTORUA INTERMEDIATE SCHOOL BOARD OF TRUSTEES POLICY



PROTECTED DISCLOSURES

Rationale:

This Policy is issued in compliance with the Protected Disclosures Act 2000 (the "Act").

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:

1. What is a Protected Disclosure?

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

2. Definition of Serious Wrongdoing:

Serious wrongdoing includes any of the following:

- (a) an unlawful, corrupt, or irregular use of funds or resources of a public sector organisation; or
- (b) an act or omission or course of conduct that constitutes a serious risk to public health or public safety or the environment; or
- (c) 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
- (d) an act, omission or course of conduct that constitutes an offence; or
- (e) an act or omission or course of conduct by a public official that is oppressive, improperly discriminatory, or grossly negligent or that constitutes gross mismanagement; -

whether the wrongdoing occurs before or after the commencement of the Act.

3. Conditions for Disclosure:

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

- (a) the information is about serious wrongdoing in, or by the school; and
- (b) the employee believes on reasonable grounds the information to be true, or is likely to be true; and
- (c) the employee wishes the wrongdoing to be investigated; and

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(d) the employee wishes the disclosure to be protected.

4. Who can make a disclosure?

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

- (a) Current employees and principal;
- (b) Former employees and principals;
- (c) Contractors supplying services to the school.

5. Protection of employees making disclosure:

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

- (a) may bring a personal grievance in respect of retaliatory action from their employers;
- (b) may access the anti-discrimination provisions of the Human Rights Act 1993 in respect of retaliatory action from their employers;
- (c) are not liable for any civil or criminal proceedings, or to a disciplinary hearing, by reason of having made, or referred to a disclosure;
- (d) will, subject to Clause [Protection of disclosing employees' name] of the Procedure, have their disclosure treated with the utmost confidentiality.
- (e) The protections described above will not be available to employees making allegations they know to be false or where they have acted in bad faith.

Conclusion:

The School will have a set of management procedures that will facilitate compliance with legislation and regulation. The school will ensure that there are mechanisms and procedures in place to allow staff to benefit from the protections under the Protected Disclosure Act.

Effectiveness Review:

The review process involved gathering information for making judgments about the extent to which objectives have been achieved, then deciding any further action needed to the revealed successes and weaknesses.

1. *Identify who will be responsible for leading the review, and those to be involved*
2. *Decide a timeframe for the review*
3. *Gather and consider information related to the policy objectives*
4. *Make judgments about achievement and effectiveness of the objectives*
5. *Recommend future actions*
6. *Report*

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