

PROTECTED DISCLOSURE OF INFORMATION POLICY

School Vision: Building for Eternity

*Do your best to present yourself to God as one approved,
a worker who does not need to be ashamed and who correctly handles the word of truth. 2 Timothy 2:15*

Policy Statement

The Board of Trustees will follow the procedures of the Protected Disclosures Act 2000, the Education Act 1989, and the Education (Update) Amendment Act 2017 and will honour our Christian principles at all times.

Introduction

The Board accepts that it has a responsibility to have internal procedures for receiving and dealing with information about serious wrongdoing in or by the School. The Board also accepts that its employees need to be aware of the internal disclosure system through making them aware of it in staff meetings and having it available on the school website. included in the Rotorua Seventh-day Adventist School Policy Manual, copies of which shall be available to all staff. The School policy manual shall also be made available to students and parents at their request.

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.

This policy has been adapted and is adopted in near-complete form from the standard policy suggested by NZSTA and on their advice.

Purpose

The purpose of this policy is to provide information and guidance to employees of Rotorua Seventh-day Adventist School who wish to report serious wrong doing within the school.

This policy is issued in compliance with the Protected Disclosures Act 2000 and will apply from 2 May 2018.

The policy consists of:

- a. A definition of a Protected Disclosure.
- b. A definition of serious wrong doing that can be the basis for a protected disclosure by an employee.
- c. Conditions for disclosure.
- d. Information on who can make a disclosure.
- e. Protections for employees making disclosures.
- f. A procedure by which an employee can make a disclosure.

Guidelines

1. What is a Protected Disclosure?

A protected disclosure is a declaration made by an employee where they believe serious wrong doing 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.

2. Definition of Serious Wrong Doing

- Serious wrongdoing for the purposes of this policy includes any of the following:
- An unlawful, corrupt, or irregular use of public funds or resources of a public health or public safety or the environment; 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, 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, whether the wrong doing occurs before or after the commencement of this act

3. Conditions for Disclosure

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

- the information is about serious wrong doing in or by the school;
- the employee believes on reasonable grounds the information to be true or is likely to be true;
- the employee wishes the wrong doing to be investigated;
- 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:

- current employees and principal
- former employees and principals
- contractors supplying services to the school.

5. 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 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 the protections noted in the Procedure below, 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 School who wishes to make a protected disclosure should do so using the following procedure:

- The employee should submit the disclosure in writing.
- The disclosure should contain detailed information including the following:
 - the nature of the serious wrongdoing;
 - the name or names of the people involved; and
 - surrounding facts including details relating to the time and/or place of the wrongdoing if known or relevant.
- A disclosure must be sent in writing to the Principal who has been nominated by the Board under the provision of Section 11 of the Protected Disclosures Act 2000 for this purpose OR 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 Board Chairperson.
- On receipt of a disclosure, the Principal or Board Chairperson *must* within 20 working days examine seriously the allegations of wrongdoing made and decide whether a full investigation is warranted.
- If warranted, a full investigation will be undertaken by the Principal or Board Chairperson or arranged by him/her as quickly as practically possible, through an appropriate authority.
- All disclosures will be treated with the utmost confidence. When undertaking an investigation, and when writing the report, the Principal or Board Chairperson 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 to either, ensure an effective investigation; or to prevent serious risk to public health or public safety or the environment.
- At the conclusion of the investigation the Principal / Board Chairperson will prepare a report of the investigation with recommendations for action if appropriate, which will be sent to the Board Chairperson / entire Board.

Disclosure to an appropriate authority in certain circumstances

A disclosure may be made to an appropriate authority (including those listed below) if the employee making the disclosure has reasonable grounds to believe:

- The Board Chairperson is or may be involved in the wrongdoing;
- 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 the disclosure.

Appropriate Authorities include (but are not limited to)

- 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 Service Commissioner
- The head of any public sector organisation

Disclosure to Ministers and Ombudsman

A disclosure may be made to a Minister or an Ombudsman if the employee making the disclosure has made the same disclosure according to the internal procedures and clauses of this Policy and 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 the employee continues to believe on reasonable grounds that the information disclosed is true or is likely to be true.

FORMULATED BY: Rotorua Seventh-Day Adventist School Board of Trustees

APPROVED: Board Chair, Victoria Finch _____

BOT RATIFIED: 18 February 2020

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10 August 2014
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