



LYNFIELD COLLEGE

PROTECTED DISCLOSURES POLICY

To be read in association with the Protected Disclosures Procedures

RATIONALE

The purpose of this policy is to provide information and guidance to employees of Lynfield College who wish to report serious wrongdoing within the school.

INFORMATION FOR STAFF

The Protected Disclosures Act 2000 came into effect on 1 January 2001. The Act requires that public sector organisations such as schools have an internal process that staff can use if they wish to make a protected disclosure. The following information details this process and provides information about the protections given in the Act.

What is a Protected Disclosure?

Protected means that as long as you have reasonable grounds to believe that a serious wrongdoing is being done by or in the organisation by the above people you can report in good faith asking that the wrongdoing be investigated without worrying about negative consequences.

It is important to remember that this is an Act to protect employees and the disclosure will be about the employer or another employee/s not a student or parents.

Definition of Serious Wrongdoing

The Protected Disclosure Act defines a serious wrongdoing as being any of the following:

- An unlawful, corrupt, or irregular use of funds or resources of a public sector organisation; or
- An act of omission or course of conduct that constitutes a serious risk to public health or public safety or the environment; or
- An act or 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 that is oppressive, improperly discriminatory, or grossly negligent, or that constitutes gross mismanagement.

Conditions for 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 Protected Disclosure?

You are able to make a disclosure under the provisions of this Act if you meet any of the following categories:

- *A staff member (either temporary or permanent)*
- *A contractor supplying services to the school*
- *A former staff member (either temporary or permanent)*

Please Note: The Act does not apply to parents or board of trustees members **unless** they are staff members of the College. It is for the protection of **employees**. For the purposes of this Act the board of trustees is the employer.

As a public sector organisation boards are required to have an internal procedure for staff, contractors, or former employees to make protected disclosures within the College.

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
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- Will, subject to Clause 5 of the Procedure, have their disclosure treated with the utmost confidentiality*.

* **Please Note:** There are some limitations to this described in the Act. These are:

1. Every person to whom a protected disclosure is made or referred must not to disclose information that might identify the person who made the protected disclosure unless:
 - a) that person consents in writing to the disclosure of that information; or
 - b) the person who has acquired knowledge of the protected disclosure reasonably believes that disclosure of identifying information:
 - i. is essential to the effective investigation of the allegations in the protected disclosure; or
 - ii. is essential to prevent serious risk to public health or public safety or the environment; or
 - iii. is essential having regard to the principles of natural justice.
2. A request for information under the Official Information Act 1982 (other than one made by a member of the police for the purpose of investigating an offence) may be refused, as contrary to this Act, if it might identify a person who has made a protected disclosure.

This protection depends on you making the disclosure in accordance with these internal procedures and will not be available to employees making allegations they know to be false or where they have acted in bad faith.

Signed on behalf of the Lynfield College Board of Trustees:

Chairperson Date

THREE YEARLY REVIEW CYCLE | REVIEWED MARCH 2015 | NEXT REVIEW MARCH 2018

REFERENCES

Protected Disclosure Act: <http://www.legislation.govt.nz/act/public/2000/0007/latest/DLM53466.html>