



**Westbridge Residential School
and Halswell Residential College**



Combined Board of Trustees

PROTECTED DISCLOSURES POLICY

Background

The Protected Disclosures Act 2000 is the source document for this policy. This Act can be accessed on the New Zealand government website, www.legislation.govt.nz

What is a Protected Disclosure?

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.

An employee making a protected disclosure should first refer to the school's Protected Disclosures Procedure. The procedure specifies to whom a disclosure should be made.

1. Definition of Serious Wrongdoing - As specified in the Act, serious wrongdoing includes any of the following:

- 1.1. an unlawful, corrupt, or irregular use of funds or resources of a public sector organisation, or
- 1.2. an act or omission, or course of conduct that constitutes a serious risk to public health or public safety or the environment, or
- 1.3. 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 a fair trial, or
- 1.4. an act, omission, or course of conduct that constitutes an offence, or
- 1.5. an act, omission, or course of conduct by a public official that is oppressive, improperly discriminatory, or grossly negligent, or that constitutes gross mismanagement
- 1.6. whether the wrongdoing occurs before or after the commencement of this Act (2000)

2. Conditions for Disclosure - It is stated in the Act that an employee of an organisation may disclose information if:

- 2.1. the information is about serious wrongdoing in or by that organisation (the schools); and

2.2. the employee believes on reasonable grounds that the information is true or likely to be true; and

2.3. the employee wishes to disclose the information so that the serious wrongdoing can be investigated; and

2.4. the employee wishes the disclosure to be protected

3. Who can make a disclosure? - Any employee can make a disclosure. For the current purposes an employee includes:

3.1. current employees and principals

3.2. former employees and principals

3.3. contractors supplying services to the schools/facility

4. Protection of employees making disclosures - An employee who makes a disclosure and who has acted in accordance with the Protected Disclosures Procedures:

4.1. may bring a personal grievance in respect of retaliatory action from their employers

4.2. may access the anti-discrimination provisions of the Human Rights Act in respect of retaliatory action from their employers

4.3. is not liable for any civil or criminal proceedings, or to a disciplinary hearing by reason of having made or referred to a disclosure

4.4. will, subject to clause 5 of the Protected Disclosures Procedure, 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.

Prepared by: Combined Board of Trustees

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