

PROTECTED DISCLOSURE POLICY

Purpose:

The Te Puna Wai o Waipapa - Hagley College Board ensures procedures are in place to meet the requirements of the Protected Disclosures (Protection of Whistleblowers) Act 2022.

Operational Procedures:

Procedures for making a protected disclosure under the Protected Disclosures Act 2022.

1. If you believe on reasonable grounds that you have information that a serious wrongdoing is occurring [or may occur] within the College and you wish to disclose that information so it can be investigated you can make a Protected Disclosure to the Principal.
2. This can be done verbally or in writing. You should identify that the disclosure is being made under the Protected Disclosures Act and provide detail of the complaint [disclosure], and who the complaint is against.
3. 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 Presiding Member of the Board.
4. It is then up to the person you disclose to, to decide if the disclosure constitutes a serious wrongdoing, and that the allegations need investigating.

They can decide:

- a) To investigate the disclosure themselves
- b) To forward the disclosure to the Board or a Committee of the Board to investigate Whether it needs to be passed on to an appropriate authority. If it goes to an appropriate authority, they will advise you that they are now investigating the complaint.
- c) If you believe that both the Principal and the Presiding Member of the Board may be a party to the wrongdoing or in close relationship with the person/s involved in the wrongdoing you can approach an external "appropriate authority".

An appropriate authority is defined in the Act as including:"

1. Secretary of Education of the MoE
 2. Chief Review Officer of the ERO
 3. The Commissioner of Police
 4. The Controller and Auditor – General
 5. The Director of the Serious Fraud Office
 6. The Inspector – General Intelligence and Security
 7. An Ombudsman
 8. The Parliamentary Commissioner for the Environment
 9. The Police Complaints Authority
 10. The Solicitor – General
 11. The State Services Commissioner
 12. The Health and Disability Commissioner
5. There are three circumstances when you can go directly to the appropriate authority:
- (a) When you believe that the head of the organisation is also a party to the wrongdoing or has an association with the person which would make it inappropriate for them to investigate.
 - (b) If the matter needs urgent attention or there are other exceptional circumstances.
6. If there has been no action or recommended action after 20 working days on the matter to which the disclosure related. The matter is closed.
7. The Act does not protect you if you disclose information to the media or a member of parliament other than a Minister of the Crown in the circumstances referred to above.
8. If you notify the Office of the Ombudsman verbally or in writing, that you have disclosed or are considering a disclosure under this Act, they must provide information and guidance on a number of matters including those discussed here and the protections and remedies available under the Human Rights Act 1993 if the disclosure leads to victimisation.

Expectations for reporting all forms of wrongdoing:

There are three key elements to these standards:

1. **Getting the foundations right from the start:** organisational commitment to leadership, raising awareness, and supporting staff and managers through regular communication and training.
2. **Making sure processes are robust:** taking concerns seriously when they are raised by ensuring systems are in place for monitoring, reporting, investigation, and effectively communicating with those involved in a report or disclosure.
3. **Keeping people safe:** ensure they can feel safe in making reports, trust that organisations will act upon them, and ensuring that organisations provide tailored and dedicated support and protections to staff to keep them safe from reprisal.

This policy applies to:

- Current and former employees, including Board members
- Individuals contracted to do work for the College
- Volunteers of the College

'Serious Wrongdoing' includes:

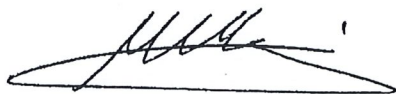
- An offence
- A serious risk to public health, public safety, the health and safety of any individual, or the environment
- A serious risk to the maintenance of the law, including prevention, investigation and detection of offences and the right to a fair trial
- An unlawful, corrupt or irregular use of public funds or public resources and
- Conduct that is oppressive, unlawfully discriminatory, or grossly negligent, or that is gross mismanagement, by a public sector employee or a person performing a function or duty or exercising a power on behalf of the College.

Protections available to 'whistleblowers':

- Confidentiality
- Protection from retaliation or unfavourable treatment by the College
- Immunity from civil, criminal and disciplinary proceedings
- Application of the anti-victimisation provisions of the *Human Rights Act 1993*
- Protections apply if the 'whistleblower' makes their disclosure to another person for the purposes of seeking advice about making a disclosure

Support for 'whistleblowers' making a disclosure:

- Employee Assistance Programme (EAP)
- Provision for peer support by an individual not involved in the investigation of the disclosure



Approved by:

Designation: _____ BOT Chair _____

Date Approved: _____ 29 November 2022 _____

Review Date: _____ November 2024 _____