



Whangaparāoa College

Protective Disclosures Policy

Published: May 2022

INTRODUCTION

- 1) Whangaparāoa College will operate an internal procedure for receiving and dealing with a protective disclosure, in accordance with the provisions of the Protected Disclosures Act 2000. This procedure will be followed when staff wish to disclose information about a serious wrongdoing. Staff will be informed of any changes to this internal procedure as and when those changes occur.

DEFINITIONS

- 2) A “protected disclosure” is a declaration made by a member of staff who believes serious wrongdoing has occurred in or by the College.
- 3) “Staff” include current and former staff members, whether engaged in permanent employment, on contract, on secondment, on a casual basis, or on a volunteer basis.
- 4) A “serious wrongdoing” is:
 - a. Any criminal offence.
 - b. An unlawful, corrupt, or irregular use of College funds or resources.
 - c. An act, omission, or course of conduct that constitutes a serious risk to the health or safety at the College, or to the maintenance of law at or by the College.
 - d. An act, omission, or course of conduct by school management that is oppressive, improperly discriminatory, or grossly negligent, or that constitutes gross mismanagement.

DETAIL

- 5) The internal procedure for receiving and dealing with a protective disclosure must adequately:
 - a. Facilitate the disclosure and investigation of matters of serious wrongdoing in or by the College.
 - b. Protect any staff member(s) who make protective disclosures against retaliatory or disciplinary action, and from liability in relation to civil or criminal proceedings related to the disclosures.
- 6) Not all disclosures by staff members will entitle protection.
 - a. Disclosure by staff **will** be protected if the information is about serious wrongdoing in or by the College; that staff member reasonably believes the information is true or likely to be true; that staff member also wants the serious wrongdoing to be investigated; and the staff member wishes the disclosure to be protected.

- b. Disclosure by staff **will not** be protected if the staff member making the disclosure knows the allegations are false; or that person acts in bad faith; or the information being disclosed is protected by legal professional privilege.
- 7) Making protective disclosures.
- a. All protective disclosures must be made in writing.
 - b. The person nominated by the Board of Trustees for the receipt and investigation of protected disclosures is the Principal. If the person reporting the serious wrongdoing believes the Principal is involved in the serious wrongdoing, that person may make the protective disclosure directly to the Chair of the Board of Trustees.
- 8) Confidentiality. The person receiving the disclosure, whether Principal or Board Chair, must use his or her best endeavours not to disclose information that might identify the staff member who made the protected disclosure, unless:
- a. the disclosing staff member 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 is essential to the effective investigation of the allegations in the protected disclosure; or is essential to prevent serious risk to public health or public safety or the environment; or is essential having regard to the principles of natural justice.