



TE AWAMUTU COLLEGE



## POLICY & PROCEDURES STATEMENT ON PROTECTED DISCLOSURES

### Rationale

We make employees, contractors, Board members, and volunteers aware of our internal protected disclosure procedures and how to use them. We provide reminders and have information available at our school office.

A protected disclosure is a disclosure of information made by a **discloser** (also known as a whistleblower) who complies with all of the below steps:

- believes on reasonable grounds that there is, or has been, serious wrongdoing in or by the discloser's organisation
- discloses information about that in accordance with these procedures and the Protected Disclosure (Protection of Whistleblowers) Act 2022 (the Act)
- does not disclose it in bad faith.

Te Awamutu College is committed to handling protected disclosures properly as required under the Act. We encourage employees, contractors, Board members, and volunteers to make a protected disclosure if they believe on reasonable grounds there is or has been **serious wrongdoing**. We treat protected disclosures seriously.

### Confidentiality

All protected disclosures are dealt with fairly and we try to keep confidential any information that might identify a **discloser**. We may reveal a discloser's identity if the discloser consents, or we have reasonable grounds to believe releasing identifying information is essential to:

- the effective investigation of the disclosure
- the prevention of serious risk to public health, safety, or the environment
- compliance with the principles of natural justice.

If we propose to release identifying information, we consult with the discloser unless this is not practicable in relation to preventing a serious risk to public health, safety, or the environment. We notify the discloser if we release identifying information. We encourage anyone in our school community to seek information and guidance from the Ombudsman in relation to confidentiality and making a protected disclosure.

## Protection

Disclosers are protected from retaliatory action. Protections still apply if the discloser is mistaken about the truth of the disclosure.

Anyone who makes a disclosure they know is false or made in bad faith is not protected under the Act.

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## Legislation

- Protected Disclosures (Protection of Whistleblowers Act) 2022
- Human Rights Act 1993
- Employment Relations Act 2000

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## Resources

- New Zealand | Kaitiaki Mana Tangata: [Serious wrongdoing at work \(whistleblowing\)](#)
- Ombudsman New Zealand | Kaitiaki Mana Tangata: [Protected disclosures: internal policies and procedures](#)
- Ombudsman New Zealand | Kaitiaki Mana Tangata: [Making a protected disclosure](#)

## Making and Receiving a Protected Disclosure

### How to make a protected disclosure

A discloser should direct internal disclosures to the Principal, or to the Board. The discloser may instead disclose to an appropriate outside authority (such as Ombudsman, Ministry of Education, Education Review Office, Police, Oranga Tamariki, Human Rights Commission, Health and Disability Commissioner, Auditor General, Director of Serious Fraud Office) if they believe that the Principal and/or Board is, or may be involved, or may have a conflict of interest regarding the alleged wrongdoer. The discloser can make a protected disclosure to the Ombudsman at any time. Disclosures can be made anonymously.

The Ombudsman is available to provide information and guidance to anyone who is considering making or has made a protected disclosure.

We have an internal process for making a disclosure:

1. Put the disclosure in writing (unless there is a genuine reason that this is not possible), stating the nature of the wrongdoing, the names of the people involved, and any other relevant documents or evidence.
2. State that you wish your disclosure to be protected.

3. Send your disclosure by email or as a hard copy to the Principal or the Board if the disclosure involves the Principal.

Available supports for disclosers may include:

- employee assistance programme
- peer support
- senior staff not involved with the investigation.

It is important when accessing peer support, support of senior staff, or anyone else not involved with the investigation, that the discloser tells the relevant person that the discussion is confidential and for the purposes of support for a protected disclosure.

### **How to receive and manage a protected disclosure**

Receivers of a protected disclosure can contact the Ombudsman for advice and support. The receiver should refer the discloser to the Ombudsman.

### **Receiving a protected disclosure**

Within 20 working days of receiving a protected disclosure, we:

- acknowledge to the discloser the date the disclosure was received (and, if the disclosure was made orally, summarise the receiver's understanding of the disclosure)
- check with the discloser whether the disclosure has been made elsewhere (and any outcome)
- maintain confidentiality by omitting the discloser's name and position, and: communicate honestly and realistically about any difficulties about maintaining confidentiality as soon as practical
- get the views of the discloser and give them notice that they may be identified if it is essential to continue the investigation; prevent serious risk to public health, safety, or the environment; or to comply with natural justice. Consultation may not be practicable if there is a serious risk to public health, safety, or the environment
- consider seeking legal advice before any identifying information is revealed
- seek additional protections for the discloser to reduce any consequences of being identified.

### **Managing a protected disclosure**

Within the same timeframe, we also:

- consider the disclosure and whether it warrants investigation
- assess the risks before investigating, monitor potential risks as actions are decided upon, and implement support services as required
- inform the Board about the disclosure unless the Board or a member is involved or may have a conflict of interest
- deal with the matter by doing one or more of the following:
  - investigating the disclosure
  - addressing any serious wrongdoing by acting or recommending action

- referring the disclosure to an appropriate outside authority (after consulting the discloser and the intended recipient of a referral)
- deciding that no action is required
- inform the discloser (with reasons) about what the receiver has done or is doing to deal with the matter.

### **Timeframe**

If it is impracticable to complete these actions within 20 working days, having taken all reasonable steps to do so, we:

- inform the discloser how long we expect to take to deal with the matter
- appropriately update the discloser about progress
- continue to comply with the procedure, updating the discloser about steps we are taking to deal with the disclosure.

## **After Making a Protected Disclosure**

### **Support for the discloser**

The receiver has a duty of care to the employee, contractor, Board member, or volunteer who has made the disclosure. Te Awamutu College ensures that an agreed designated person maintains close contact with the discloser throughout the process to ensure that any support necessary is put in place, and to keep them generally informed of progress in the investigation.

If the discloser feels the disclosure was not managed correctly, they can make the same disclosure to an appropriate outside authority (examples listed earlier)

Possible reasons for feeling a disclosure was not managed correctly include:

- it was not investigated
- it was investigated but no progress was made in a reasonable amount of time
- no decision was made about it within 20 working days
- no action was taken or recommended, despite the discloser believing the information disclosed is true or likely to be true.

### **Possible outcomes of a disclosure**

Unless there is a conflict of interest, the Principal presents any recommended actions to the Board for approval. We also inform the discloser (with reasons) about what we have done or are doing to deal with the matter while ensuring we do not prejudice any other processes in progress, or affect any other person's right to confidentiality.

### **Addressing the serious wrongdoing internally**

We may investigate the disclosure and address any serious wrongdoing. This may include carrying out an employee misconduct investigation, changing our processes,

terminating a relationship with a contractor or volunteer, or another appropriate outcome as determined by the Principal and/or Board.

### Referring the disclosure externally

After consulting with the discloser, we may decide to refer a protected disclosure to an appropriate outside authority such as Ombudsman, Ministry of Education, Education Review Office, Police, Oranga Tamariki, Human Rights Commission, Health and Disability Commissioner, Auditor General, Director of Serious Fraud Office.

### Deciding that no action is required

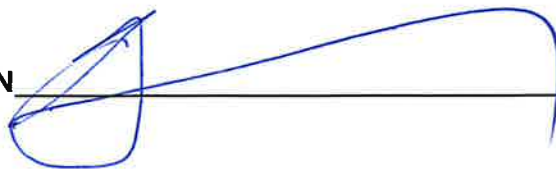
In some situations, after receiving a disclosure, we may decide that no action is required. This could be because:

- the disclosure does not meet legal requirements
- too much time has passed between the incident and the disclosure
- we believe that the matter is better addressed by other means.
- If we decide not to take any action, we will inform the discloser of that decision and give our reasons.

### Resources

- Ombudsman New Zealand | Kaitiaki Mana Tangata: **Get help (for the public)**

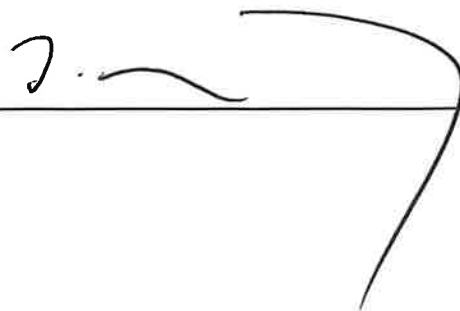
CHAIRPERSON



DATE

26/7/2023

PRINCIPAL



DATE

25/7/23