



Mount Eden Normal

PRIMARY SCHOOL

Te Whare Akoranga o Maungawhau

POLICY

PROTECTED DISCLOSURES ACT (Whistleblower)

Rationale

The School is required by National Achievement Guideline (“**NAG**”) 3 to be a good employer.

The School is required by NAG 5 to comply in full with any legislation currently in force or that may be developed to ensure the safety of employees. This policy is issued in compliance with the [Protected Disclosures Act 2000](#) and the [Education Act 1989](#).

Purpose

The purpose of this policy is to provide information and guidance to employees of Mt Eden Normal Primary School (“**School**”) who wish to confidentially report Serious Wrongdoing within the School.

The School will have internal procedures for receiving and dealing with information about Serious Wrongdoing in or by the School. The School will educate and train its employees on those procedures.

Definitions

A **Protected Disclosure** is a declaration made by an Employee (including former employees and contractors supplying services to the School) where they believe Serious Wrongdoing has occurred.

Serious Wrongdoing has the meaning given by the Protected Disclosures Act and includes:

- a. an unlawful, corrupt, or irregular use of funds or resources;
- b. an act, omission or course of conduct that constitutes a serious risk to public health or public safety or the environment;
- c. 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 fair trial;
- d. an act, omission or course of conduct that constitutes an offence;
- e. an act, omission or course of conduct by a public official that is oppressive, improperly discriminatory, or grossly negligent, or that constitutes gross mismanagement.

A **PDR** refers to the Protected Disclosure Recipient, to whom the protected disclosure is made.

Requirements

1. The School will comply with the provisions of the Protected Disclosures Act.
2. Employees making Protected Disclosures will be protected against retaliatory or disciplinary action and will not be liable for civil or criminal proceedings related to the disclosure.
3. Disclosures can be made to the Protected Disclosures Recipient ("**PDR**"), usually the Principal. The Board Chair and Deputy Chair will act as alternative PDRs in the event that the Principal is the subject of the complaint, or if a close association between the PDR and the subject of the Protected Disclosure may represent a potential conflict of interest.
4. If the PDR fails to take action or recommend action within 20 working days of a Protected Disclosure, then the person who has made the disclosure is entitled to take the matter to an appropriate authority and ask them to investigate. The PDR will therefore have the ability to:
 - a. call a meeting of a committee of the Board to determine if the information revealed by a Protected Disclosure constitutes Serious Wrongdoing;
 - b. contact the NZSTA for advice on investigating the alleged wrongdoing;
 - c. contact the Board's insurer on employment matters;
 - d. refer the matter to another appropriate authority if urgency or seriousness dictate.
5. An employee who makes a Protected Disclosure and who has acted in accordance with the procedure under this policy:
 - a. may bring a personal grievance in respect of retaliatory action from his employer;

- b. may access the anti-discrimination provisions of the Human Rights Act 1993 in respect of retaliatory action from his employer;
 - c. is not liable for any civil or criminal proceedings, or to a disciplinary hearing, by reason of having made or referred to a disclosure; and
 - d. will, unless the person consents in writing or if the person receiving the Protected Disclosure reasonably believes that disclosure of identifying information is essential to ensure an effective investigation or to prevent serious risk to public health or public safety or the environment, have their disclosure treated with the utmost confidentiality.
6. The protections referred to in the preceding paragraph will not be available to employees making allegations they know to be false or acting in bad faith.
7. Before making a relevant disclosure, the employee should ensure:
 - a. the information is about Serious Wrongdoing in or by the School;
 - b. the employee wishes the wrongdoing to be investigated; and
 - c. the employee wishes the disclosure to be protected.

Related Policies & Procedures

- Staff Grievances & Complaints Policy
- Theft & Fraud Prevention (Procedure)
- Privacy Policy

Signed: Murray Streets

Date: April, 2021

Policy review details

Version / date: April, 2021

Review cycle: Triennial

Date for next review: April, 2024

Notes for Procedure:

NZSTA template paras 10-18

<http://www.nzsta.org.nz/board-responsibilities/legislation/protected-disclosures-act/>

Ministry of Education circular 2003/8 'Guidelines on the Protected Disclosures Act 2000