

## **PROTECTED DISCLOSURES POLICY**

### **Rationale**

The Papatoetoe East Primary School Board of Trustees on behalf of all staff members ensures procedures are in place to meet the requirements of the Protected Disclosures Act 2000.

### **Procedures**

-If on reasonable grounds staff members believe they have information that a serious wrongdoing is occurring (or may occur) within the school and they wish to disclose that information so it can be investigated, they can make a protected disclosure to the Principal.

-This can be done verbally or in writing. They should identify that the disclosure is being made under the Protected Disclosure Act and is following Board procedure, provide detail of the complaint (disclosure) and whom the complaint is against.

-If they 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 make disclosure to them, then they can make the disclosure to the Chairperson of the Board of Trustees.

-It is then up to the person they disclose to, to decide if the disclosure constitutes a serious wrong doing, and that the allegations may need further investigating.

### **They can decide**

1. To investigate the disclosure themselves.
2. To forward the disclosure to the Board or a sub committee of the Board to investigate whether it needs to be passed on to an appropriate authority. If it goes to an appropriate authority, then they will advise you that they are now investigating the complaint.
3. If you believe that both the Principal and the Chairperson of the Board of Trustees 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" direct yourself.

### **Who is an "appropriate authority"**

As noted above, in some circumstances yourself or the person to whom you have made the disclosure could make the disclosure to an appropriate authority. An appropriate authority is defined in the Act as including:

- The Commissioner of Police
- The Controller and Auditor-General
- The Director of the Serious Fraud Office
- The Inspector-General of Intelligence and Security
- An Ombudsman
- The Parliamentary Commissioner for the Environment
- The Police Complaints Authority

- The Solicitor-General
- The State Services Commissioner
- The Health and Disability Commissioner and includes the head of every public sector organisation, whether or not mentioned above.

Clause (b) can mean that in certain circumstances the appropriate authority could be the Secretary for Education of the Ministry of Education or the Chief Review Officer of the Education Review Office (E.R.O.)

#### Why can't I just go to the appropriate authority myself?

There are three circumstances when you can go directly to the appropriate authority:

1. 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.
2. If the matter needs urgent attention or there are other exceptional circumstances.
3. If after 20 working days there has been no action or recommended action on the matter to which the disclosure related.

#### What happens if even the appropriate authority does nothing?

- You could then make the disclosure to the Ombudsman (unless they were the authority you have already disclosed to) or a Minister of the Crown.
- 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,

#### Where can I find out more information?

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 possible victimisation.

NB// A copy of the Act can be found on the Internet at Legislation on line  
<http://rangi.knowledge-basket.co.nz/gpacts/actlists.html>  
Click on "P" then scroll down to *Protected Disclosures Act 2000*.

Dated 10<sup>th</sup> June 2015

**Ratified at the BOT Meeting held on 10<sup>th</sup> June 2015**

---

**M. Wilkie**  
**BOT Chairperson**