



NEW PLYMOUTH BOYS' HIGH SCHOOL
TE KURA TAMATĀNE O NGĀMOTU

Title	PROTECTED DISCLOSURES
Reference Number	A110
Section	Administration
Written By	NPBHS BOT Policy Committee
Checked By	NPBHS BOT Policy Committee
Approved By	NPBHS Board of Trustees
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Associated Policies	<u>C306 Complaints - Staff Conduct and Discipline</u>
Associated Procedures	Governance - <u>Protected Disclosure Procedure</u>
Associated Reference	<u>Official Information Act 1982</u> <u>Protected Disclosures Act 2000</u> <u>Employment Relations Act 2000</u> <u>Human Rights Act 1993</u>

RATIONALE :

New Plymouth Boys' High School Board of Trustees, being a 'public sector organisation' must comply with the Official Information Act 1982, and therefore comply with the provisions of the Protected Disclosures Act 2000, which came into effect on 1 January, 2001.

PURPOSE :

1. To facilitate the disclosure and investigation of matters of serious wrongdoing in the school.
2. To protect employees who in good faith raise allegations of serious wrongdoing using the internal disclosure system established in accordance with the Act.

GUIDELINES :

1. A protected disclosure is a declaration by an employee where they believe on reasonable grounds that serious wrongdoing has occurred. Employees making disclosures will, if they wish, be protected against retaliation or disciplinary action and will not be liable for civil or criminal proceedings related to the disclosure.
2. Serious wrongdoing, for the purposes of this policy includes the following, whether occurring before or after the commencement of the Act :
 - Unlawful, corrupt or irregular use of public funds or resources.
 - An act or omission or course of conduct :
 - which seriously risks public health or safety or the environment ;
 - that constitutes an offence ;



- that is oppressive, improperly discriminatory, grossly negligent or constitutes mismanagement ; or
 - constitutes a serious risk to the maintenance of the law, including the prevention, investigation and detection of offences and right to a fair trial.
3. An employee includes the following :
 - current employees and Headmaster ;
 - former employees and Headmasters ;
 - contractors supplying services to the school.
 4. Before making a disclosure the employee should be sure the following conditions are met :
 - the information is about serious wrongdoing in the school and
 - the employee believes on reasonable grounds, the information to be true or is likely to be true, and
 - the employee wishes the wrongdoing to be investigated, and
 - the employee wishes the disclosure to be protected.
 5. The Board will develop internal disclosure procedures which comply with the principles of natural justice, identify the person(s) in the school to whom a disclosure may be made and include reference to the circumstances where a disclosure may be made to other persons or organisations.
 6. For the employees that use and follow the procedures under this policy, they will be protected by immunity from civil and criminal liability relating to the disclosure, by the personal grievance provisions in the Employment Relations Act 2000 and by the anti-discrimination provisions of the Human Rights Act 1993, and will (unless waived in writing) have their disclosure treated with the utmost confidentiality.
 7. The protections provided by the Act and by this policy will not be available to employees making allegations they know to be false or where they have acted in bad faith.
 8. The person receiving the disclosure must maintain confidentiality except in limited cases. An enquiry under the Official Information Act 1982 may be refused unless the request is made by the Police for the purpose of investigating an offence.
 9. A procedure must be drawn up and made known to employees of the school.

Additional Resources:

[Ombudsman Guide: Making a protected disclosure](#)

