



# Pukekohe North School

Princes Street, Pukekohe. Phone 0-9-238-8552

## Protected Disclosures Policy

### Rationale:

The Pukekohe North School Board of Trustees ensures procedures are in place to meet the requirements of the Protected Disclosures Act 2000.

### Procedures:

#### Procedures for making a protected disclosure under the *Protected Disclosures Act 2000*.

1. If on reasonable grounds staff believe they have information that a serious wrongdoing is occurring (or may occur) within the school and you wish to disclose that information so it can be investigated you can make a protected disclosure to the Principal.
2. This can be done verbally or in writing. Staff should identify that the disclosure is being made under the *Protected Disclosures Act* and is following the board procedure, provide detail of the complaint (disclosure), and who the complaint is against.
3. If it is believed that the principal is involved in the wrongdoing, or has an association with the person committing the wrongdoing that would make it inappropriate to disclose to them, then you can make the disclosure to the Chairperson of the Board of Trustees.
4. It is then up to the person you disclose to, to decide if the disclosure constitutes a serious wrongdoing, and that the allegations need investigating.

#### They can decide:

- (a) to investigate the disclosure themselves
  - (b) to forward the disclosure to the board or a committee of the Board to investigate.
  - (c) whether it needs to be passed on to an **appropriate authority**. If it goes to an appropriate authority they will advise that they are now investigating the complaint.
5. If staff believe that both the principal and the chairperson of the Board of Trustees may be party to the wrongdoing or in close relationship with the person/s involved in the wrongdoing, they can approach an external 'appropriate authority.'

### Who is an “appropriate authority”?

6. As noted above, in some circumstances the disclosure could be made to an appropriate authority by the staff member or the person to whom the disclosure was made. An appropriate authority is defined in the Act as including:
- (a) includes---
    - (i) the Commissioner of Police
    - (ii) the Controller and Auditor General
    - (iii) the Director of the Serious Fraud Office
    - (iv) the Inspector-General of Intelligence and Security
    - (v) an Ombudsman
    - (vi) the Parliamentary Commissioner for the Environment
    - (vii) the Police Complaints Authority
    - (viii) the Solicitor-General
    - (ix) the State Services Commissioner
    - (x) the Health and Disability Commissioner; and
  - (b) includes the head of every public sector organisation, whether or not mentioned in paragraph (a).”
7. 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 (ERO).

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

8. There are three circumstances when you they can go directly to the appropriate authority:
- (a) When the staff member believes 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.
  - (b) If the matter needs urgent attention or there are other exceptional circumstances.
  - (c) If after 20 working days there has been no action or recommended action on the matter to which the disclosure related.
- Otherwise staff need to go through the internal processes.

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

9. Staff could then make the disclosure to the Ombudsman (unless they were the authority you have already disclosed to) or a Minister of the Crown.
10. The Act does not protect the staff member if they 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 staff find out more information?

11. If staff notify the Office of the Ombudsman verbally or in writing, that they 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 victimisation.
12. A copy of the Act can be found on the internet at Legislation on Line <http://rangi.knowledge-baske.co.nz/gpacts/actlists.html>  
Click on “P” then scroll down to *Protected Disclosures Act 2000*.

**Reviewed**      **March 2020**

**Next Review**    **March 2022**