

## 20. Protected Disclosures

### **Purpose**

In terms of the Protected Disclosures Act 2000, protection is afforded to staff members disclosing serious wrong doings in the school.

### **Definitions**

#### **Protected Disclosure**

This means a declaration made by an employee where they believe serious wrong doing has taken place by another employee. Employees making disclosures will be protected against retaliatory or disciplinary action and will not be liable for civil or criminal proceedings related to the disclosure.

#### **Serious Wrong Doing**

Serious wrong doing for the purposes of this policy includes any of the following:

- Unlawful, corrupt, or irregular use of public funds or resources.
- An act of 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 gross mismanagement
  - Constitutes serious risk to the maintenance of the law

#### **Personnel**

Any employee of the school can make a disclosure. For the purposes of this policy an employee includes:

- current employees and Principal
- former employees and Principals
- contractors supplying services to the school

#### **Procedure**

- Disclosure should be submitted in writing
- Disclosure should contain detailed information including the following:
  - the nature of the serious wrong doing
  - the name/names of the person/people involved
  - surrounding facts including details relating to the time and/or place of the wrong doing (if known or relevant)
- Disclosure should be sent in writing to the Principal who has been nominated by the Board of James Hargest College under the provision of Section 11 of the Protected Disclosure Act 2000 for this purpose, or if you believe that the principal is involved in the wrong doing or has an association with the person committing the wrong doing that would make it inappropriate to disclose to them, then you can make the disclosure to the Board Chairperson.
- On receipt of a disclosure, the person the complaint is made to must promptly examine seriously the allegations of wrong doing made and decide whether a full investigation is warranted. If warranted, a full investigation will be undertaken by a

Disclosure Committee, arranged by him/her as quickly as practicably possible through an appropriate authority comprising:

- Principal
- Board Chair
- Senior Manager chosen by the Board Chair

#### **Protection of Confidentiality**

- All disclosures will be treated with the utmost confidence. The Disclosure Committee will not reveal information that could identify the disclosing person unless the person consents in writing, or if the person receiving the protected disclosure reasonably believes that disclosure is essential to:
  - Ensure an effective investigation
  - Prevent serious risk to public health or the environment
  - Have regard to the principles of natural justice

#### **Natural Justice**

- Normal principles of natural justice apply to any investigation. This includes the subject of the disclosure being given adequate opportunity to provide their own explanation and perspective.

#### **Investigation Report**

- At the conclusion of the investigation the Disclosure Committee will prepare a report of the investigation with recommendations for action if appropriate which will be sent to the Board of Trustees and the employee making the disclosure.

#### **Disclosure to Outside Authorities**

- A disclosure may be made to an appropriate authority (including those listed below) if the employee making the disclosure has reasonable grounds to believe:
  - The normal person responsible for handling the complaint is or may be involved in the wrong doing.
  - Immediate reference to another authority is justified by urgency or exceptional circumstances.
  - There has been no action or recommended action within twenty working days of the date of disclosure.

#### **List of Authorities**

Commissioner of Police

Controller and Auditor General

Director of the Serious Fraud Office

Inspector General of Intelligence and Security

Ombudsman

Parliamentary Commissioner for the Environment

Police Complaints Authority

Solicitor General

State Services Commissioner

Health and Disability Commissioner

Secretary for Education or Chief Review Officer of the Education Review Office

#### **Ratified by Board of Trustees**

**24<sup>th</sup> October 2019**