

# **TIRIMOANA SCHOOL** **PROTECTED DISCLOSURES POLICY**

## **RATIONALE:**

A protected disclosure is a declaration made by an employee where they believe serious wrongdoing has occurred. 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.

## **PURPOSES:**

To provide information and guidance to employees of the school who wish to report serious wrongdoing within the school.

## **GUIDELINES:**

Any employee of Tirimoana School who wishes to make a protected disclosure should do so using the following procedures.

1. The employee should submit the disclosure in writing using the Protected Disclosure Form.
2. The disclosure should contain detailed information including the following:
  - the nature of the serious wrongdoing  
(Refer to the definition of Serious Wrongdoing in section 2 of the Act and on the school Protected Disclosures form).
  - the name or names of the people involved
  - surrounding facts including details relating to the time and/or place of the wrongdoing if known or relevant.
3. A disclosure must be sent in writing to the principal who has been nominated by the Board of Tirimoana School under the provision of Section 11 of the Protected Disclosures Act 2000 for this purpose; or  
if you 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 disclose to them, then you can make the disclosure to the Board Chairperson, who will then carry out Guidelines 4,5, & 6.
4. On receipt of a disclosure, the principal must within 20 working days examine seriously the allegations of wrongdoing made and decide whether a full investigation is warranted.  
If warranted a full investigation will be undertaken by the principal or arranged by him/her as quickly as practically possible, through an appropriate authority.
5. All disclosures will be treated with the utmost confidence. When undertaking an investigation and when writing the report, the principal will make every endeavour possible not to reveal information that can identify the disclosing person, unless the person consents in writing or if receiving the protected disclosure reasonably believes that disclosure of identifying information is essential to:
  - ensure an effective investigation
  - prevent serious risk to public health or public safety or the environment
  - to have regard to the principles of natural justice
6. At the conclusion of the investigation the principal will prepare a report of the investigation with recommendations for action if appropriate, which will be sent to the Board of Trustees.

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7. 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 person in the school responsible for handling the complaint is or may be involved in the wrongdoing; or
  - immediate reference to another authority is justified by urgency or exceptional circumstances; or
  - there has been no action or recommended action within 20 working days of the date of disclosure.
- Appropriate Authorities include (but are not limited to)
- 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 Service Commissioner
  - Health & Disability Commissioner
  - The head of every public sector organisation
8. A disclosure may be made to a Minister or an Ombudsman if the employee making the disclosure:
- has made the same disclosure according to the internal procedures and clauses of this policy and reasonably believes that the person or authority to whom the disclosure was made:
  - has decided to investigate but not made progress with the investigation within reasonable time; or
  - has investigated but has not taken or recommended any action; and
  - continues to believe on reasonable grounds that the information disclosed is true or is likely to be true.

This policy protects employees. Any disclosure will be about the employer or other employees, not a student or parent. Only employees may make a disclosure.

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.

Refer: Ministry of Education Circular 2003/8

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## **TIRIMOANA PRIMARY SCHOOL** **PROTECTED DISCLOSURE FORM**

Any current or former employee of Tirimoana Primary School may disclose information under the Protected Disclosures Act 2000.

A protected disclosure is a declaration made by an employee where he/she believes serious wrongdoing has occurred. 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.

### **Definition of Serious Wrongdoing**

- an unlawful, corrupt, or irregular use of funds or resources of a public sector organization; or
- an act or omission or course of conduct that constitutes a serious risk to public health or public safety or the environment; or
- 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; or
- an act, omission, or course of conduct that constitutes an offence; or
- an act, omission, or course of conduct by a public official that is oppressive, improperly discriminatory, or grossly negligent, or that constitutes gross mismanagement.
- whether the wrongdoing occurs before or after the commencement of this act.
- constitutes serious risk to the maintenance of law

### **Conditions for Disclosure**

Before making a disclosure, the employee should be sure the following conditions are met

- the information is about serious wrongdoing in or by 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.

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**Please complete:**

**1. Explain the nature of the serious wrongdoing.**

**2. Detail the name or names of the people involved.**

**3. Explain the facts including details relating to the time and /or place of the wrongdoing.**

Continue over page if necessary

Return this form to the principal or if you believe he/she is involved in the wrongdoing, then send this form to the Chairperson of the Board of Trustees.

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