



## **PROTECTED DISCLOSURES POLICY**

### **What is a Protected Disclosure?**

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 are not liable for any civil or criminal proceedings, or to a disciplinary hearing related to the disclosure by reason of having made or referred to a disclosure, unless that employee is personally involved in the serious wrongdoing.

### **Definition of Serious Wrongdoing**

Serious wrongdoing for the purposes of this policy includes any of the following:

- Unlawful, corrupt, or immoral use of public funds or resources
- An act or omission or course of conduct:
  - which seriously risks public health or safety or the environment; or
  - that constitutes an offence; or
  - that is, deemed to be oppressive, improperly discriminatory, grossly negligent or constitutes gross mismanagement; or
  - 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 college; 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.

### **Who can make a disclosure?**

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

- Current employees and Principal
- Former employees and Principals
- Any Contractors supplying services to the college.

### **Protection of employees making disclosures**

An employee who makes a disclosure and who has acted in accordance with the procedure outlined in this policy:

- may bring a personal grievance in respect of retaliatory action from the employers (BOT);
- may access the anti-discrimination provisions of the Human Rights Act in respect of retaliatory action from the employer (BOT);
- are not liable for any civil or criminal proceedings, or to a disciplinary hearing by reason of having made or referred to a disclosure;
- will, subject to Clause 5 of the Guidelines, have their disclosure treated with the utmost confidentiality.

The protections provided in this section will not be available to employees making allegations they know to be false or where they have acted in bad faith.

## **Guidelines**

Any employee of the college who wishes to make a protected disclosure should do so using the following procedure.

**1. How to submit a disclosure:** The employee should submit the disclosure in writing to the appropriate authority either internal or external as that employee judges to be appropriate.

### **2. Information to be contained**

The disclosure should contain detailed information including the following:

- the nature of the serious wrong doing
- the name or names of the people involved
- surrounding facts including details relating to the time and/or place of the wrong doing if known or relevant.

### **3. Where to send disclosures:**

A disclosure must be sent in writing to the Principal who has been nominated by the Board of Elim Christian College 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 wrong-doing 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 Presiding Member of the Board.

### **4. Decision to investigate**

On receipt of a disclosure, the Principal will inform the Presiding and Deputy Presiding Members of the Board regarding the allegation of wrong doing. The Principal must then, within 20 working days, undertake a full investigation. The Principal may elect to form an investigation team.

### **5. Protection of disclosing employees name**

All disclosures will be treated with the utmost confidence. When undertaking an investigation, and when writing the report, the Committee will make every endeavour possible not to reveal information that can identify the disclosing person, unless the person consents in writing or if the person receiving the protected disclosure reasonably believes that disclosure of identifying information is essential:

- to ensure an effective investigation
- to prevent serious risk to public health, or public safety, or the environment, to have regard to the principles of natural justice.

### **6. Report of investigation:**

At the conclusion of the investigation the Principal / investigation team will prepare a report of the investigation with recommendations for action if appropriate to, in the first instance, the Presiding and Deputy Presiding Members and then to the full Board

## **7. Disclosure to an appropriate authority in certain circumstances**

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 Presiding member who is 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 a practical and responsible timeframe of the date of disclosure communicated to the person making the 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 and Disability Commissioner
- The head of every public sector organisation
- Secretary of Education

## **8. Disclosure to Ministers and Ombudsman**

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 Procedure; and
- Reasonably believes that the person or authority to whom the disclosure was made: has decided not to investigate; or
- 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
- The person or authority to whom the disclosure was made has investigated but has not taken or recommended any action; and
- The person making the disclosure continues to believe on reasonable grounds that the information disclosed is true or is likely to be true.

Signed for Board.

Ratified by Board: 9 June 2022

Date for review: 2023

Date

