

## **MICHAEL PARK SCHOOL AND KINDERGARTEN MANAGEMENT POLICY**

### **PROTECTED DISCLOSURE (MISCONDUCT)**

#### **Rationale**

The Board has a responsibility to ensure appropriate procedures are in place for receiving and dealing with information about serious wrongdoing. This policy is designed to ensure that the school and kindergarten comply with requirements of the relevant Acts (such as the Protected Disclosures Act 2000, Health & Safety at Work Act 2015, Employment Relations Act 2000, Human Rights Act 1993), follow principles of natural justice and identify those within the organisation to whom a disclosure may be made, and where disclosure may be made to other persons or organisations.

The personal grievance provisions of the Employment Relations Act, the victimisation provisions of the Human Rights Act and maintenance of confidentiality requirements are key components which ensure staff are protected in situations involving serious wrongdoing.

#### **Guidelines**

1. 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 relating to the disclosure.
2. Serious wrongdoing includes any of the following:
  - a. unlawful, corrupt or irregular use of public funds or resources
  - b. an act or omission of conduct which seriously risks public health or safety or the environment; or that is oppressive, improperly discriminatory, grossly negligent or constitutes gross mismanagement, or constitutes serious risk to the maintenance of law.
3. Those making the disclosure must ensure that:
  - a. the information is about serious wrongdoing in or by the school
  - b. the staff member believes, on reasonable grounds, the information to be true or is likely to be true
  - c. the staff member wishes the wrongdoing to be investigated
  - d. the staff member wishes the disclosure to be protected.
4. Those who may make a disclosure include:
  - a. any current employee including the principal
  - b. any former employee and principals
  - c. any contractor supplying services to the school.
5. Staff members who make a disclosure and who have acted in accord with this policy:
  - a. may bring a personal grievance in respect of any retaliatory action from their employers or supervisors

- b. may access anti-discrimination provisions of the Human Rights Act with regard to any retaliatory action
  - c. are not liable to criminal or civil proceedings or to a disciplinary hearing for having made a disclosure or referred to a disclosure
  - d. will have their disclosure treated with the utmost confidentiality.
6. The protections outlined in point 5 are not available to employees making allegations they know to be false or where they have not acted in good faith.
7. A procedure for handling disclosures by staff members will include details of:
- a. how to submit a disclosure
  - b. what information is to be contained in the disclosure
  - c. where disclosures should be sent
  - d. by whom and when examination of disclosures and a full investigation should take place
  - e. how the name and other identifying attributes of a staff member making a disclosure is to be protected
  - f. reporting of any investigation conducted
  - g. making disclosures to other authorities, ministers and ombudsmen.

Policy type:	<b>Management Policy</b>	NZSTA Governance Framework:
Date reviewed:	<b>16/05/2022</b>	Related NAGs: NAG6
Signed for MPS Board:		