



WESLEY COLLEGE BOARD OF TRUSTEES

PROTECTED DISCLOSURE PROCEDURE

[Personnel Policy Guidelines 1.5 and 2]

INTRODUCTION

The College's policies / procedures on personnel / staff will reflect an environment which expects that high standards of conduct are maintained.

Boards have the responsibility under the **Protected Disclosures Act 2000** to have in place internal procedures for receiving and dealing with information from employees about serious wrongdoing in or by the School and to regularly educate and train its employees on that internal disclosure system.

DEFINITIONS

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 will not be liable for civil or criminal proceedings related to the disclosure.

Serious Wrongdoing

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

1. Unlawful, corrupt, or irregular use of public funds or resources
2. 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 oppressive, improperly discriminatory and grossly negligent or constitutes gross mismanagement; or,
 - constitutes serious risk to the maintenance of law.

Section 6 of the Protected Disclosures Act provides that an Employee of an organization may disclose information in a manner provided by the Act if:

1. the information is about a serious wrongdoing in or by an organization and;
2. the Employee believes on reasonable grounds that the information is true or likely to be true and;
3. the Employee wishes to disclose the information so that the serious wrongdoing can be investigated and;
4. the Employee wishes the disclosure to be protected.

Condition of Disclosure

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

1. the information is about serious wrongdoing in or by the school
2. the employee believes on reasonable grounds the information to be true or is likely to be true.
3. the employee wishes the wrongdoing to be investigated.
4. the employee wishes the disclosure to be protected.

Who can make a Disclosure?

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

1. current employees and Principal.
2. former employees and Principals.
3. contractors supplying services to the school.

Protection of employees making Disclosures

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

1. may bring a personal grievance in respect of retaliatory action from their employers.
2. may access the anti-discrimination provision of the Human Rights Act in respect of retaliatory action from their employers.
3. are not liable for any civil or criminal Proceedings, or to a disciplinary hearing by reason of having made or referred to a disclosure.
4. will subject to Clause 5 of the Procedure; 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.

PROCEDURE

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

1. The employee should submit the disclosure in writing.
2. The disclosure should contain detailed information including:
 - the nature of the serious wrongdoing
 - 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, the Protected Disclosures Recipient, who has been nominated by the Board of Wesley College under the provision of Section II of the Protected Disclosures Act 2000 for this purpose.
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 the employee can make the disclosure to a Deputy Principal, or as a last resort to the Chairman of the Board of Trustees.

4. On receipt of a disclosure, the Protected Disclosures Recipient must within 20 working days examine seriously the allegations of wrongdoing and decide whether a full investigation is warranted. If warranted, a full investigation will be undertaken by the Protected Disclosures Recipient 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 Protected Disclosures Recipient 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. At the conclusion of the investigation, the Protected Disclosures Recipient will prepare a report of the investigation with recommendations for action if appropriate, which will be sent to the Chairman of the Board of Trustees.
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 Protected Disclosures Recipient in the school responsible for handling the complaint and/or the Chairman of the Board of Trustees 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 and 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 not to investigate; or
 - 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.
9. This procedure will be published annually in the College Administration Manual.
10. School employees will receive training annually on the internal disclosure system.

The Board of Trustees approved this procedure at the July 2008 meeting.
This procedure will be reviewed on / before the July meeting 2011.

Signed: *Norman Johnston*
Chairperson

Date: 24 July 2008