



Lawrence Area School Protected Disclosure Policy

Rationale

The Protected Disclosures Act came into force on 1 January 2001 and applied to every public sector organisation. It is the Board's responsibility to have procedures for receiving and dealing with information about serious wrongdoing in or by their school.

Purpose

The purpose of this policy is to comply with the requirements of the Act to ensure that the school's procedures in this regard follow principles of natural justice, to identify those within the school organisation to whom a disclosure may be made and to outline where disclosures may be made to other persons or organisations.

By following the policy all employees will be protected by the following:

- Personal grievance provisions of the Employment Relations Act
- The victimisation provisions of the Human Rights Act
- Maintenance of confidentiality requirements

Guidelines on Policy Implementation

1. A protected disclosure is a declaration made by an employee where they believe serious wrongdoing has occurred. Staff members making disclosures will be protected against retaliatory or disciplinary actions and will not be liable for civil or criminal proceedings related to the disclosure.
2. Serious wrongdoing for the purposes of this policy includes any of the following:
 - Unlawful, corrupt or irregular use of public funds or resources
 - An act or omission or conduct
 - o which seriously risks public health or safety; or
 - o the environment;
 - or
 - o that is oppressive, improperly discriminatory, grossly negligent or constitutes gross mismanagement;
 - or
 - o constitutes serious risk to the maintenance of law
3. Those making the disclosure should ensure that:
 - The information is about serious wrongdoing in or by the school
 - The staff member believes on reasonable grounds the information to be true or is likely to be true.
 - The staff member wishes the wrongdoing to be investigated.
 - The staff member wishes the disclosure to be protected.

4. Those who may make a disclosure are:
 - Any current employee including the Principal.
 - Any former employee and Principals
 - Any contractor supplying services to the school.

5. Staff members who make a disclosure and who have acted in accordance with school procedures related to disclosures:
 - May bring a personal grievance in respect of any retaliatory action from their employers or supervisors
 - May access anti-discrimination provisions of the Human Rights Act in respect of any retaliatory action
 - Are not liable to criminal or civil proceedings or to a disciplinary hearing for having made a disclosure or referred to a disclosure.
 - Will have their disclosure treated with the utmost confidentiality.

6. The protections provided in Clause 5 of this policy will not be available to employees making allegations they know to be false or where they have acted in bad faith.

7. The procedure for handling disclosures by staff members will include details of:
 - How to submit a disclosure eg use of a specific form.
 - What information is to be contained in the disclosure.
 - Where disclosures are to be sent.
 - By whom and by when examination of disclosures are to take place and if deemed necessary a full investigation is to take place.
 - How the name of the staff member making a disclosure is to be protected.
 - Reporting of any investigation conducted.
 - Making disclosures to other authorities.
 - Making disclosures to Ministers and Ombudsman.

8. The procedures for handling disclosures will be publicised to all school employees and will be contained within the school's manual of procedures.

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