Education
Dunedin Rudolf Steiner
Learning with head, heart and hands

Procedures for Dealing with a Protected Disclosure

Introduction

The School and Kindergarten are committed to high standards of ethical and accountable conduct and encourages staff to come forward in good faith and report any serious wrongdoing. The Protected Disclosures (Protection of Whistleblowers) Act 2022 (PDA) requires organisations to have an internal process that staff can use if they are concerned about serious wrongdoing in their workplace. The purpose of the PDA is to help uncover serious wrongdoing in the workplace, and to protect employees and other workers who report the wrongdoing.

What is serious wrongdoing at work?

Serious wrongdoing at work includes:

- an offence,
- a serious risk to
    - public health, public safety, the health or safety of any individual, or the environment
    - the maintenance of the law,
- an unlawful, corrupt or irregular use of public funds or resources, or
- oppressive, discriminatory or grossly negligent acts, or gross mismanagement by a public official.

Who can report serious wrongdoing under the PDA?

A report of serious wrongdoing can be made by anyone who is, or was, an employee or other worker (for example, a contractor or volunteer). This report can be made to the Principal or Kindergarten Manager or the chair of the Board or Proprietors Trust or to an appropriate authority as listed here.

Appropriate authorities – Protected Disclosures (Protection of Whistleblowers) Act 2022 – legislation.govt.nz

An employee can make a disclosure to an appropriate authority at any time. They are a trusted party who can be approached if the employee is not confident about making the disclosure to the school.

The PDA also includes examples of serious wrongdoing, and the corresponding authorities.

Examples of concerns and appropriate authorities – Protected Disclosures (Protection of Whistleblowers) Act 2022 – legislation.govt.nz

What protections does an employee have?

The discloser is entitled to confidentiality, to not be retaliated against or treated less favourably, and immunity from civil, criminal and disciplinary proceedings. Further information on these protections and how they apply can be found below.

1. **Confidentiality**

The identity of the discloser must be kept confidential by the person or organisation receiving the disclosure.

The identity may be disclosed only where it is **essential**, for example:

- to investigate the matter effectively,
- to prevent a serious risk to health or safety,
- to comply with legal requirements or natural justice.

Where practicable, the discloser should be consulted before any identity is shared.

2. **Protection from retaliation**

The employer must not dismiss or disadvantage the discloser because they have made, or intend to make, a protected disclosure. If retaliation occurs, the discloser may have access to remedies under employment and human rights law (for example, the ability to raise a personal grievance under the Employment Relations Act and access the anti-victimisation protections in section 66 of the Human Rights Act 1993).

3. **Immunity**

The discloser is protected from civil, criminal, and disciplinary proceedings for making a protected disclosure, provided they:

- believe on reasonable grounds that the information shows serious wrongdoing, and
- make the disclosure in accordance with the Act.

This protection applies even if your concerns are not ultimately substantiated, as long as your belief was reasonable.

4. **Good faith and reasonable belief**

To be protected, the discloser must:

- make the disclosure in good faith, and
- have reasonable grounds to believe the information shows serious wrongdoing.

More information about protections for disclosers is available on the Ombudsman website:
Protections for whistleblowing – ombudsman.parliament.nz

When don't the protections apply?

A discloser may not receive protection if the disclosure is made in bad faith, or if you do not follow the requirements of the Act. This includes situations where information is disclosed outside the authorised channels— for example, going directly to the media or posting on social media.

Support and independent advice

Confidential advice is available from the Office of the Ombudsman, which has a statutory role in providing guidance on protected disclosures.

Serious wrongdoing at work (protected disclosure) – ombudsman.parliament.nz
Making a protected disclosure – a guide to "blowing the whistle" – ombudsman.parliament.nz

What must the School or Kindergarten do on receipt of a protected disclosure?

Within 20 working days[1] of receiving a protected disclosure, the School or Kindergarten should take a number of steps:

- acknowledge to the employee the date of receipt of their disclosure (and if the disclosure was made orally, summarise the disclosure that was made);
- consider the disclosure and whether it warrants investigation;
- check with the employee whether they have also made a disclosure somewhere else;
- deal with the matter by doing one or more of the following:
  - investigate the disclosure;
  - address any serious wrongdoing by acting or recommending action;
  - refer the disclosure to an appropriate authority; and/or
  - decide that no action is required.

The School or Kindergarten should inform the employee, with reasons, what they have done or are doing to deal with the matter.

When it is impracticable to deal with the matter within 20 working days, the School or Kindergarten should still acknowledge receipt of the disclosure, consider whether it warrants investigation, and check with the employee whether the disclosure has been made somewhere else within 20 working days. However, the school or kindergarten can then take longer to deal with the matter, as long as it:

- informs the employee how long it is expected to take; and
- keeps the employee updated about progress.

If the school or kindergarten decides that no action is required, it must inform the discloser of that decision, with reasons.

Reasons to take no action may include that:

- the requirements of the PDA are not met, to be an *employee* who has made a *protected disclosure* about *serious wrongdoing*;
- the length of time since the alleged wrongdoing makes an investigation impractical or undesirable; or
- the matter is better addressed by other means.

The school or kindergarten may also refer a protected disclosure to an appropriate authority. Before making a referral, the school must consult the employee who made the disclosure and the intended recipient of the referral. When an appropriate authority receives a disclosure from the school or kindergarten's employee, the authority may decide to refer the matter back to the school or kindergarten. If so, the school or kindergarten must inform both the authority and the employee what is being done to deal with the matter.

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[1] See the Ombudsman's online OIA calculator to work out when the 20 working days are up.

Staff are informed annually of the provisions of Protected Disclosures (Protection of Whistleblowers) Act 2022.

Signed ..... Date 11.8.2026

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