



**School**  
**Dunedin Rudolf Steiner**  
Learning with head, heart and hands

## **Protected Disclosures Act : Information for Staff**

### **Introduction:**

The Protected Disclosures Act requires that public sector organisations, such as schools, have an internal process that staff can use if they wish to make a protected disclosure. The following information details this process and provides you with information about the protections given by the Act.

### **Who can make a Protected Disclosure?**

- ◆ A staff member( temporary/ permanent/ full or part-time)
- ◆ A contractor supplying services to the school
- ◆ A former staff member ( temporary/ permanent/ full or part-time)

If you fit into any of these categories, you are able to make a disclosure under the provisions of the Act.

**Note: The Act does not apply to parents or Board of Trustee members unless they are staff members of the school. The Act is concerned with the protection of employees. For the purposes of this act, the Board is the employer. As a public sector, organisations, boards are required to have an internal procedure for staff, contractors or former employees to make protected disclosures within the school.**

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

Protected means that as long as you have reasonable grounds to believe that a serious wrongdoing is being committed by or in the organisation by the above people you can report in good faith asking that your concern be investigated.

**Note: It is important to remember that this is an Act to protect employees and the disclosure will be about the employer or another employee/s not a student or parent.**

### **What is Serious Wrongdoing?**

The Act defines serious wrongdoing as any of the following

- a) An unlawful , corrupt, or irregular use of public funds or public resources
- b) An act , omission, or course of conduct that constitutes a serious risk to public health or public safety or the environment
- c) An act, omission, or course of conduct that constitutes a serious risk to the maintenance of law, including the prevention, investigation and detection of offences and the right to a fair trial
- d) An act, omission or course of conduct that constitutes an offence
- e) An act, omission or course of conduct by a public official that is oppressive, improperly discriminatory, grossly negligent or constitutes gross mismanagement.

## How am I Protected?

You are protected when making a disclosure in the following ways:

- ◆ Your identity will be confidential unless you give permission to be identified
- ◆ You cannot be victimised by your employer for having discussed the information
- ◆ You are not liable for civil or criminal proceedings for disclosing the information
- ◆ If you believe that you have been unfairly treated in your job or unreasonably dismissed following a disclosure you can take a personal grievance against your employer

There are some limitations to the Act. These are:

1. Every person to whom a protected disclosure is made or referred must use his or her best endeavours not to disclose information that might identify the person who made the protected disclosure unless...
  - ◆ The person consents in writing to the disclosure of that information or
  - ◆ The person who has acquired knowledge of the protected disclosure reasonably believes that disclosure of identifying information ...
    - (i) is essential to the investigation of the allegations
    - (ii) is essential to prevent serious risk to public health, public safety or the environment
    - (iii) is essential having regard to the principles of natural justice.
2. A request for information under the Official Information Act 1982 (other than one made by a member of the police for the purpose of investigating an offence) may be refused, as contrary to the act, if it might identify a person who has made a protected disclosure.

**Note: All the above protections are dependent on you making the disclosure in accordance with the school's procedure.**

Signed.....

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