

PROTECTED DISCLOSURES POLICY

RATIONALE

This policy is issued in compliance with the Protected Disclosures Amendment Act 2009 and any other relevant legislation under NAG 5. It provides information and guidance to employees of the school who wish to report serious wrongdoing within the school.

PURPOSES

1. To define a protected disclosure and serious wrongdoing that can be the basis for a protected disclosure by an employee.
2. To outline conditions and who can make a disclosure.
3. To detail a procedure by which employees can make a disclosure.
4. To provide protections for employees making disclosures.

GUIDELINES

1. What is a Protected Disclosure?

A protected disclosure is a declaration made by an employee when 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.

2. Definition of Serious Wrongdoing

Serious wrongdoing for the purpose of this policy includes any of the following:

- Unlawful, corrupt, or irregular use of public funds or resources.
- An act or omission or course of conduct that:
 - seriously risks public health or safety or the environment;
 - constitutes an offence;
 - is oppressive, improperly discriminatory, grossly negligent or constitutes gross mismanagement; or
 - constitutes serious risk to the maintenance of law.

3. Conditions for Disclosure

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

- the information is about serious wrongdoing in or by the school; and
- the employee believes on reasonable grounds the information to be true, or is likely to be true; and
- the employee wishes the wrongdoing to be investigated; and
- the employee wishes the disclosure to be protected.

4. Who Can Make a Disclosure

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

- current employees and Principal
- former employees and Principal
- contractors supplying services to the school.

5. Protection of Employees Making Disclosures

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

- may bring a personal grievance in respect of retaliatory action from their employers;
- may access the anti-discrimination provisions of the Human Rights Act 1993 in respect of retaliatory action from their employers;
- is not liable for any civil or criminal proceedings, or to a disciplinary hearing by reason of having made or referred to a disclosure;
- 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.

Initiated: January 2001

Ratified: February 2005

Reviewed: February 2005
October 2006
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