



Protected Disclosures Policy

RATIONALE

1. The Board accepts that it has a responsibility to have in operation internal procedures for receiving and dealing with information about serious wrongdoing in or by the organisation. The Board also accepts that it must regularly educate and train its employees on the internal disclosure system.
2. The Board agrees it has obligations under the REAP Membership Agreement to keep REAP Aotearoa appropriately informed of any disclosures made under this policy.
3. The Board agrees that this Policy must be published widely throughout the organisation, will be provided to all new employees and trustees, and will be republished at regular intervals (at least annually).
4. The purpose of this policy is to provide information and guidance to employees of the organisation who wish to report serious wrongdoing within the organisation. The policy is issued in compliance with the Protected Disclosures Act 2000.

INFORMATION

What is a Protected Disclosure?

A protected disclosure is a declaration made by an employee or trustee where they believe serious wrongdoing has occurred. Employees and trustees making disclosures will be protected against retaliatory or disciplinary action and will not be liable for civil or criminal proceedings related to the disclosure.

INTERPRETATION

Section 3.1 of the Act defines employee as

“employee, in relation to an organisation, includes—

- (a) a former employee;
- (b) a homemaker within the meaning of section 5 of the Employment Relations Act 2000;
- (c) a person seconded to the organisation;
- (d) an individual who is engaged or contracted under a contract for services to do work for the organisation;
- (e) a person concerned in the management of the organisation (including a person who is a member of the board or governing body of the organisation);
- (g) a person who works for the organisation as a volunteer without reward or expectation of reward for that work”

Definition of Serious Wrongdoing

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5. Serious wrongdoing includes any serious wrongdoing of any of the following type:
 - an unlawful, corrupt, or irregular use of funds or resources; or

- an act, omission or course of conduct that constitutes a serious risk to public health or public safety or the environment; or
- 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 fair trial; or
- an act, omission or course of conduct that constitutes an offence; or
- an act, omission or course of conduct by a public official that is oppressive, improperly discriminatory, or grossly negligent, or that constitutes gross mismanagement.

Who can make a Disclosure?

6. Any employee of the organisation can make a disclosure. For the purposes of this policy an employee includes:
- current employees and Director;
 - current and former trustees;
 - former employees and Directors; and
 - contractors supplying services to REAP Wairarapa

Conditions for Disclosure

7. Before making a disclosure the employee should be sure the following conditions are met:
- the information is about serious wrongdoing in or by the organisation;
 - the employee believes on reasonable grounds the information to be true or likely to be true;
 - the employee wishes the wrongdoing to be investigated; and
 - the employee wishes the disclosure to be protected.

Protection of employees making disclosures

8. 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 in respect of retaliatory action from their employers;
 - are not liable for any civil or criminal proceedings, or to a disciplinary hearing by reason of having made or referred to a disclosure; and
 - will, subject to paragraph 15 in the Procedure, have their disclosure treated with the utmost confidentiality.
9. 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.

POLICY STATEMENTS

10. Any employee of the organisation who wishes to make a protected disclosure should do so using the following procedure:
11. How to submit a disclosure
The employee should submit the disclosure in writing.
12. Information to be contained
The disclosure should contain detailed information including the following:

- the nature of the serious wrongdoing;
- the name or names of the people involved; and
- surrounding facts including details relating to the time and/or place of the wrongdoing if known or relevant.

13. Where to send disclosures

A disclosure must be sent in writing to the Director who has been nominated by the Board under the provision of Section 11 of the Protected Disclosures Act 2000 for this purpose and a copy must be sent to the Director REAP Aotearoa. (director@reapaotearoa.nz)

OR

If you believe that the Director is involved in the wrong doing or has an association with the person committing the wrong doing that would make it inappropriate to disclose to them, then you can make the disclosure to the Board Chairperson, and a copy must be sent to the Chairperson REAP Aotearoa. (chairperson@reapaotearoa.nz)

14. Decision to investigate

On receipt of a disclosure, the Director or Board Chairperson must within 20 working days examine seriously the allegations of wrong doing made and decide whether a full investigation is warranted. If warranted a full investigation will be undertaken by the Director or Board Chairperson or arranged by him/her as quickly as practically possible, through an appropriate authority. This decision must be sent to the appropriate person at REAP Aotearoa.

15. Protection of disclosing employee's name

All disclosures will be treated with the utmost confidence. When undertaking an investigation, and when writing the report, the Director or Board Chairperson 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; or
- to prevent serious risk to public health or public safety or the environment.

16. Report of investigation

At the conclusion of the investigation the Director will prepare a report of the investigation with recommendations for action if appropriate, which will be sent to the Board Chairperson and copied to REAP Aotearoa.

17. Disclosure to an appropriate authority in certain circumstances

A disclosure must be made to the Chairperson REAP Aotearoa (chairperson@reapaotearoa.nz) if the employee making the disclosure has reasonable grounds to believe:

- The Board Chairperson is or may be involved in the wrongdoing;
- 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 the disclosure.

Appropriate Authorities include (but are not limited to)

- Commissioner of Police
- Charities Commission

- Auditor General
- Director of the Serious Fraud Office

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 the employee continues to believe on reasonable grounds that the information disclosed is true or is likely to be true.

Approval

18. As part of its approval the Board requires the Director to circulate this policy to all staff, and for a copy to be included in the organisation's Policy Manual, copies of which shall be available to all staff. The organisation's policy manual shall also be made available to students and parents at their request. The Board requires that the Director arrange for all new staff and new trustees to be made familiar with this Policy and other policies approved by the Board.

First Approved	August 2012
Last Reviewed	October 2020
Review before	October 2023