



Kaitiaki Kindergartens

Operational Policies

4.02 Protected Disclosure Policy

Classification: Management
Applies to: All Employees
Approved by: General Manager

Date: April 2021
Review Date: April 2024

Purpose:

- To provide information and guidance to employees who wish to report serious wrongdoing within the Association issued in compliance with The Protected Disclosures Act 2000.

References:

- Kindergarten Teachers Collective Agreement (KTCA)
- State Sector Act 1988
- Employment Relations Act 2000
- Current Employment Agreements
- Staff Code of Conduct
- Vulnerable Children's Act 2014
- Equal Employment Opportunity Policy

Definition:

- Kaitiaki Kindergartens – is referred to as 'The Association'
- Head Teachers and Centre Managers – are referred to as Service Leaders
- Professional Practice Leaders – PPL
- Kindergartens and Early Learning Centres – are referred to as services
- Non-teaching employees – Other Employees

Policy

The Association undertakes to ensure that any employee who makes a disclosure, for the purpose of bringing a serious wrongdoing to the attention of the Association, is protected in accordance with the Protected Disclosures Act 2000.

Definitions

Protected Disclosure

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



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Serious Wrongdoing?

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 course of conduct:
 - which seriously risks public health or safety or the environment; or
 - that constitutes an offence; or
 - that is oppressive, improperly discriminatory, grossly negligent or constitutes gross mismanagement; or
 - constitutes serious risk to the maintenance of law.

Procedures

Any employee (current or former) or contractor of the Association can make a 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 Association; 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.

The disclosure, which must be in writing, must be addressed to the General Manager.

If the employee making the disclosure has reasonable grounds to suspect that the General Manager may be involved in the wrongdoing, they are to disclose the matter to the President.

On receipt of a disclosure, the General Manager or President must within 20 working days examine seriously the allegations of wrongdoing made and decide whether a full investigation is warranted. If warranted a full investigation will be undertaken and a subsequent report prepared for both the employee and the Board.

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

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

The protections provided above will not be available to employees making allegations they know to be false or where they have acted in bad faith.



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All disclosures will be treated with the utmost confidence. When undertaking an investigation, and when writing the report, the General Manager will make every endeavour possible not to reveal information that can identify the disclosing person, unless the person consents in writing or if the General Manager reasonably believes that disclosure of identifying information is essential:

- to ensure an effective investigation
- to prevent serious risk to public health or public safety or the environment
- to have regard to the principles of natural justice

A disclosure may be made to an appropriate authority such as the Ministry of Education (and others identified in the Act) if the employee making the disclosure has reasonable grounds to believe:

- 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 disclosure.

A disclosure may be made to a Minister or an Ombudsman if the employee making the disclosure has made the same disclosure according to 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
- continues to believe on reasonable grounds that the information disclosed is true or is likely to be true.

Signed:

General Manager

Braam Kukler

Date: 30-5-22

Endorsed by

Signed:

President of the Board

PAUL GREDEN

Date: 31/3/22

