

Protected Disclosures Policy

Rationale:

The purpose of this policy is to provide information and guidance to employees of the school who wish to report serious wrongdoing within Lincoln High School.

What is a 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.

Definition of Serious Wrongdoing:

Serious wrongdoing includes any serious wrongdoing of any of the following type:

- Unlawful, corrupt, or irregular use of public money or resources.
- Conduct that poses a serious risk to public health, safety and the environment.
- Conduct that increases the risk of unauthorised intervention from a third-party to encourage a lawsuit.
- Any kind of criminal offence.
- Gross mismanagement and negligence from public officials.

Conditions for Disclosure:

For the disclosure to be protected, the following requirements under the Act must be met:

- The information must be about serious wrongdoing in the workplace.
- The employee must have good reason to believe the information is true or likely to be true.
- The employee wants the serious wrongdoing to be investigated and is willing to cooperate.

If the employee knows the allegations are false, acts in bad faith or the information is protected by legal professional privilege; the disclosure will not be protected.

Who can make a disclosure:

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

- Current employees and principals.
- Former employees and principals.
- Contractors supplying services to the school.

What protection does the Act offer?

Many employees are afraid to disclose information about serious wrongdoing because they are afraid of losing their job, being sued by the company or discriminated against. The Act clearly states that no civil, criminal or disciplinary action can be taken against whistle blowers or potential whistle blowers for making a protected disclosure.

If an employee does face any form of retaliation from the organisation, they can submit a personal grievance claim under the Employment Relations Act. Employers who discriminate or mistreat employees that have disclosed information about serious wrongdoing could face serious legal consequences.

Refer: This policy is issued in compliance with the Protected Disclosures Act 2000.

Procedure:

Any employee of Lincoln High School who wishes to make a protected disclosure should do so using the following procedure.

1. How to submit a disclosure

The employee should submit the disclosure in writing.

2. 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.
- surrounding facts including details relating to the time and/or place of the wrongdoing if known or relevant.

3. Where to send disclosures

A disclosure must be sent in writing to the Principal who has been nominated by the LHS Board of Trustees (BOT) under the provision of Section 11 of the Protected Disclosures Act 2000 for this purpose.

OR

If you believe the Principal is involved in the wrong-doing or has an association with the person committing the wrongdoing that would make it inappropriate to disclose to them, then you can make the disclosure to the Chairperson of the BOT.

4. Decision to investigate

On receipt of a disclosure, the Principal/BOT Chair 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 by the Principal or arranged by him/her as quickly as practically possible, through an appropriate authority.

5. Protection of disclosing employees name

All disclosures will be treated with the utmost confidence. When undertaking an investigation, and when writing the report, the Principal/BOT Chair 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.
- to prevent serious risk to public health or public safety or the environment.
- to have regard to the principles of natural justice.

6. Report of investigation

At the conclusion of the investigation the Principal/BOT Chair will prepare a report of the investigation with recommendations for action if appropriate, which will be sent to the employee.

7. Disclosure to an appropriate authority in certain circumstances

A disclosure may be made to an appropriate authority (including those listed below) if the employee making the disclosure has reasonable grounds to believe:

- the Chairperson of the BOT is or may be involved in the wrongdoing; or
- 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.

Appropriate Authorities include (but are not limited to):

- Commissioner of Police.
- Controller and Auditor General.
- Director of the Serious Fraud Office.
- Inspector General of Intelligence and Security.
- Ombudsman.
- Parliamentary Commissioner for the Environment.
- Police Complaints Authority.
- Solicitor General.
- State Service Commissioner.
- The head of every public sector organisation.

8. Disclosure to Ministers and Ombudsman

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.
- 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.