



DOCUMENT NO	POL_GEN_14	VERSION NO :	2022
PAGE		DATE ISSUED:	August 2022
Author : Chief Executive			
Approved by: Board			
SUBJECT : PROTECTED DISCLOSURES (WHISTELEBLOWING) POLICY			

1.0 PURPOSE

The purpose of the policy is to protect employees, volunteers and contractors (past or present) of Save the Children NZ (SCNZ) who raise concerns about serious wrongdoing under The Protected Disclosures (Protection of Whistleblowers) Act 2022.

2.0 SCOPE

Applies to each staff member, volunteer, representatives and visitors of SCNZ.

3.0 RELATED POLICIES & PROCEDURES

- Child Safeguarding Policy
- Protection Against Sexual Exploitation & Harassment Policy
- Complaints Policy
- Privacy and Data Protection Policy

4.0 DEFINITIONS

Protected disclosure	<p>A disclosure of information is protected if the discloser:</p> <ul style="list-style-type: none">• Believes on reasonable grounds that there is, or has been, serious wrongdoing in or by the discloser's organisation• Discloses information about that in accordance with the Protected Disclosures (Protection of Whistleblowers) Act 2022.• Does not disclose in bad faith
Discloser	<p>A discloser in relation to SCNZ, means an individual who is (or was formerly):</p> <ul style="list-style-type: none">• An employee• A secondee to SCNZ



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	<ul style="list-style-type: none">• Engaged or contracted under a contract for services to do work for SCNZ• Concerned in management of SCNZ and includes the Board• A volunteer
Retaliatory action	<p>Includes:</p> <ul style="list-style-type: none">• Dismissal• Refusing or not offering or giving the employee the same employment terms, work conditions, benefits or opportunities for training, promotion and transfer available to other others emoloyees in the same circumstances• Subjecting the employee to a detriment disadvantage when other employees would not be subject to similar• Retiring the employee

5.0 PROTECTION OF EMPLOYEES MAKING A DISCLOSURE

Employees making a disclosure and employees who discloses information in support of, or relating to, a protected disclosure will not be retaliated against or be treated less favourably.

Where an employee and other workers who makes a protected disclosure of information claims to have suffered retaliatory action from their employer, they may bring a personal grievance under the Employment Relations Act 2000 or make a complaint under the Human Rights Act 1993.

An employee and other workers who makes a protected disclosure under the Act is not liable for any criminal or civil proceedings, or disciplinary action in relation to that disclosure.

The above protections are not available to the employee if they make a disclosure in bad faith or know it to be false.



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SCNZ will use their best endeavours to keep confidential information that might identify the discloser. However SCNZ will not keep a discloser's identity in the following circumstances:

- The discloser consents to the release of identifying information
- There are reasonable grounds to believe that releasing the identifying information is essential for the effective investigation of the disclosure or to comply with natural justice principles. SCNZ will consult with the discloser before about the release or inform the disclosure after the release.
- There are reasonable grounds to believe that releasing the information is essential to prevent a serious risk to public health, and individual's health or safety or the environment or to investigate by a law enforcement or regulatory agency for law enforcement. SCNZ will consult with the discloser before about the release or inform the disclosure after the release.

6.0 WHAT IS A SERIOUS WRONG DOING?

A serious wrongdoing includes any serious wrongdoing of any of the following types (whether the wrongdoing occurred before or after the commencement of the Act):

- an unlawful, corrupt, or irregular use of funds or resources of a public sector organisation; or
- an act, omission, or course of conduct that constitutes a serious risk to public health or public safety or health and safety of any individual 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 a 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.

A breach of SCNZ's safeguarding standards may constitute a serious wrongdoing and in this circumstance the employee may wish to make a protected disclosure.



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7.0 WHO CAN MAKE A DISCLOSURE?

An employee may make a protected disclosure of a wrongdoing under the Act if:

- the information is about serious wrongdoing in or by that organisation; and
- the employee believes on reasonable grounds that the information is true or likely to be true; and
- the employee wishes to disclose the information so that the serious wrongdoing can be investigated; and
- the employee wishes the disclosure to be protected.

If an employee of an organisation believes on reasonable grounds that the information he or she discloses is about serious wrongdoing but the belief is mistaken, the information will be treated as a protected disclosure.

8.0 MAKING A DISCLOSURE

If you wish to make a disclosure you must report the disclosure to your manager (in writing or verbally). You should identify that the disclosure is being made under the Act though failure to do so does not prevent a disclosure being later considered as protected under the Act. You should make a disclosure as soon as practicable.

If you believe your manager is involved in the wrongdoing or has an association with a person involved in the wrongdoing that would make it inappropriate to disclose to them, then you may report the wrong doing to any other senior manager or the Chief Executive. If you believe you cannot approach any level of management because they are involved in the wrongdoing or have an association with a person involved in the wrongdoing that would make it inappropriate to disclose to them, then you should approach the Chair of the SCNZ Board.

If you believe you cannot approach any level of management or the Board Chair because they are involved in the wrongdoing or have an association with a person involved in the wrongdoing that would make it inappropriate to disclose to them, then you can approach an external appropriate authority. An appropriate authority is defined by the Act and includes:



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- The Commissioner of Police
- The Controller and Auditor-General
- The Director of the Serious Fraud Office
- The Inspector General of Intelligence and Security
- An Ombudsman
- The Parliamentary Commissioner for the Environment
- The Independent Police Conduct Authority
- The Solicitor-General
- The State Services Commissioner
- The Health and Disability Commissioner
- The head of any public sector organisation (whether or not mentioned above)
- A private sector body which comprises members of a particular profession or calling and which has power to discipline its members

You may also approach an external appropriate authority if:

- The matter requires urgent attention or there are some other exceptional circumstances; or
- If there has been no action or recommended action on the matter to which the disclosure relates within 20 working days after the date on which the disclosure was made.

You may make a disclosure to a Minister or Ombudsman (unless they were the appropriate authority you have already disclosed to) if you believe on reasonable grounds that:

- the appropriate authority has decided not to investigate the matter, or
- has decided to investigate the matter but has not made progress within a reasonable time, or
- has investigated the matter but has not taken any action as the case may require.

Disclosures to the media are not protected under the Act.



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9.0 INVESTIGATION OF A DISCLOSURE

The person receiving the disclosure in consultation with the Chief Executive should action the following within 20 working days of receiving a protected disclosure:

1. Acknowledge the receipt of the disclosure to the discloser

Consider the disclosure and whether it warrants an investigation. SCNZ may decide that the matter is more appropriately investigated by another person). If the disclosure involves a possible criminal offence, the investigator may refer the matter to the police or other appropriate enforcement agency.

The investigator will determine whether or not the allegation of wrongdoing is substantiated, and if so, whether it should be referred for disciplinary action. Any disciplinary action taken will follow procedures set out under the relevant employment agreement.

2. Check with the discloser if the disclosure was made elsewhere
3. Deal with the disclosure by doing one or more of the following:
 - a. Investigate the disclosure
 - b. Address any serious wrongdoing by acting or recommending action
 - c. SCNZ may decide to refer the disclosure to an appropriate authority. (Before referral, SCNZ must consult with the discloser and intended recipient)
 - d. SCNZ may decide that no action is required. SCNZ will provide the reasons for the decision.
4. SCNZ will inform the discloser, with reasons, about what action has been taken or how the matter will be dealt with.