**PROTECTED DISCLOSURES (WHISTLEBLOWING) POLICY**

1. **PURPOSE**

The purpose of the policy is to protect employees and contractors (past or present) of Save the Children NZ (SCNZ) who raise concerns about serious wrongdoing under the Protected Disclosures Act 2000 (the Act).

1. **SCOPE**Applies to each staff member, volunteer, representatives and visitors of SCNZ.
2. **RELATED POLICIES & PROCEDURES**

* Child Safeguarding Policy
* Complaints Policy

1. **PROTECTION OF EMPLOYEES MAKING A DISCLOSURE**

Where an employee 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 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.

1. **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 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 child safeguarding standards may constitute a serious wrongdoing and in this circumstance the employee may wish to make a protected disclosure.

1. **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.

1. **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:

* 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.

1. **INVESTIGATION OF A DISCLOSURE**

The person receiving the disclosure (e.g. a manager) is responsible for investigating the disclosure, however it may decided in consultation with the Chief Executive 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.