|  |  |
| --- | --- |
|  **Purpose** | This document demonstrates the organisations commitment to support the reporting of wrongdoing by staff and proper management of those matters when they are raised. |
| **Policy** | Our organisation will implement procedures for receiving and investigating information about serious wrongdoing in accordance with the [Protected Disclosures Act 2000](http://www.legislation.govt.nz/act/public/2000/0007/latest/DLM53466.html)The processes will be bought to the attention of each staff.The person who considers an open disclosure should read and follow the [Ombudsman Protected Disclosure Guideline](http://www.ombudsman.parliament.nz/what-we-do/protecting-your-rights/protected-disclosures-whistle-blowing). |
| **Explanation** | A staff member makes a protected disclosure (sometimes called ‘whistle blowing’) when they report serious wrongdoing in the workplace that they reasonably believe is true or likely to be true.  |
| **Scope** | Protected disclosures apply to all current and former employees, contractors and volunteers.  |
| **References** |
| **Legislation** | Health and Safety at Work Act 2015[Human Rights Act 1993](http://www.legislation.govt.nz/act/public/1993/0082/latest/DLM304658.html?search=ts_act%40bill%40regulation%40deemedreg_human+rights+act_resel_25_h&p=1)[Protected Disclosures Act 2000](http://www.legislation.govt.nz/act/public/2000/0007/latest/DLM53466.html) (PDA) |
| **Guidelines** | [Employment New Zealand: Protected Disclosures](https://www.employment.govt.nz/workplace-policies/protected-disclosures/)[Ombudsman Protected Disclosure Guideline: Organisations](https://www.ombudsman.parliament.nz/sites/default/files/2019-08/Guidance%20for%20internal%20policies%20and%20procedures%20August%202019.pdf)[Ombudsman Protected Disclosure Guideline](http://www.ombudsman.parliament.nz/what-we-do/protecting-your-rights/protected-disclosures-whistle-blowing)[: Whistle-blower](https://www.ombudsman.parliament.nz/what-we-can-help/serious-wrongdoing-work-whistleblowing)[State Services Commission: Speaking up standard](https://ssc.govt.nz/assets/Legacy/resources/Model-Standards-Speaking-up-v3_0.pdf) |
| **Organisation’s****Documents** | Code of conductComplaints ManagementHuman Resources ManagementOrganisational Risk Management |
| **For any queries (whistle blower and organisation)****contact:** | The OmbudsmanPO Box 10152 Wellington 6143Phone: 0800 802 602Email: info@ombudsman.parliament.nzWeb: [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) |
| **Seeking Advise** |
| Whistle blower (refer to the guideline) | Organisation (refer to the guideline) |
| Member of the Board of Trustee or Director | The organisations lawyer. |
| Union | Member of the Board of Trustee or Director |
| [Ombudsman Protected Disclosure Guideline](http://www.ombudsman.parliament.nz/what-we-do/protecting-your-rights/protected-disclosures-whistle-blowing)[: Whistle-blower](https://www.ombudsman.parliament.nz/what-we-can-help/serious-wrongdoing-work-whistleblowing) | [Ombudsman Protected Disclosure Guideline: Organisations](https://www.ombudsman.parliament.nz/sites/default/files/2019-08/Guidance%20for%20internal%20policies%20and%20procedures%20August%202019.pdf) |
| **Serious wrongdoing is:** |
| Public and private sector | Public sector only |
| Conduct that seriously risks public health, safety or the environment. | Unlawful, corrupt or irregular use of funds or resources. |
| Conduct that seriously risks the maintenance of the law, including the right to a fair trial, and the prevention, investigation and detection of offences. | Conduct by an official that is oppressive, improperly discriminatory, or grossly negligent, or that constitutes gross mismanagement. |
| Offences. |  |

Legal professional privilege means information that is confidential legal advice. It might be emails, memos or reports written by a lawyer in the workplace, or a lawyer who was advising the workplace. It might also be correspondence about a legal action taking place in Court.

Refer to the Ombudsman guidelines or the Protected Disclosures Act for details if there is a reason to break confidentiality such as name the whistle blower or reveal details of the disclosure that would identify the whistle blower.

The organisation will assess and monitor risks to ensure that risks for the whistle blower do not eventuate and to account for risks that may not arise until action commences on the disclosure.