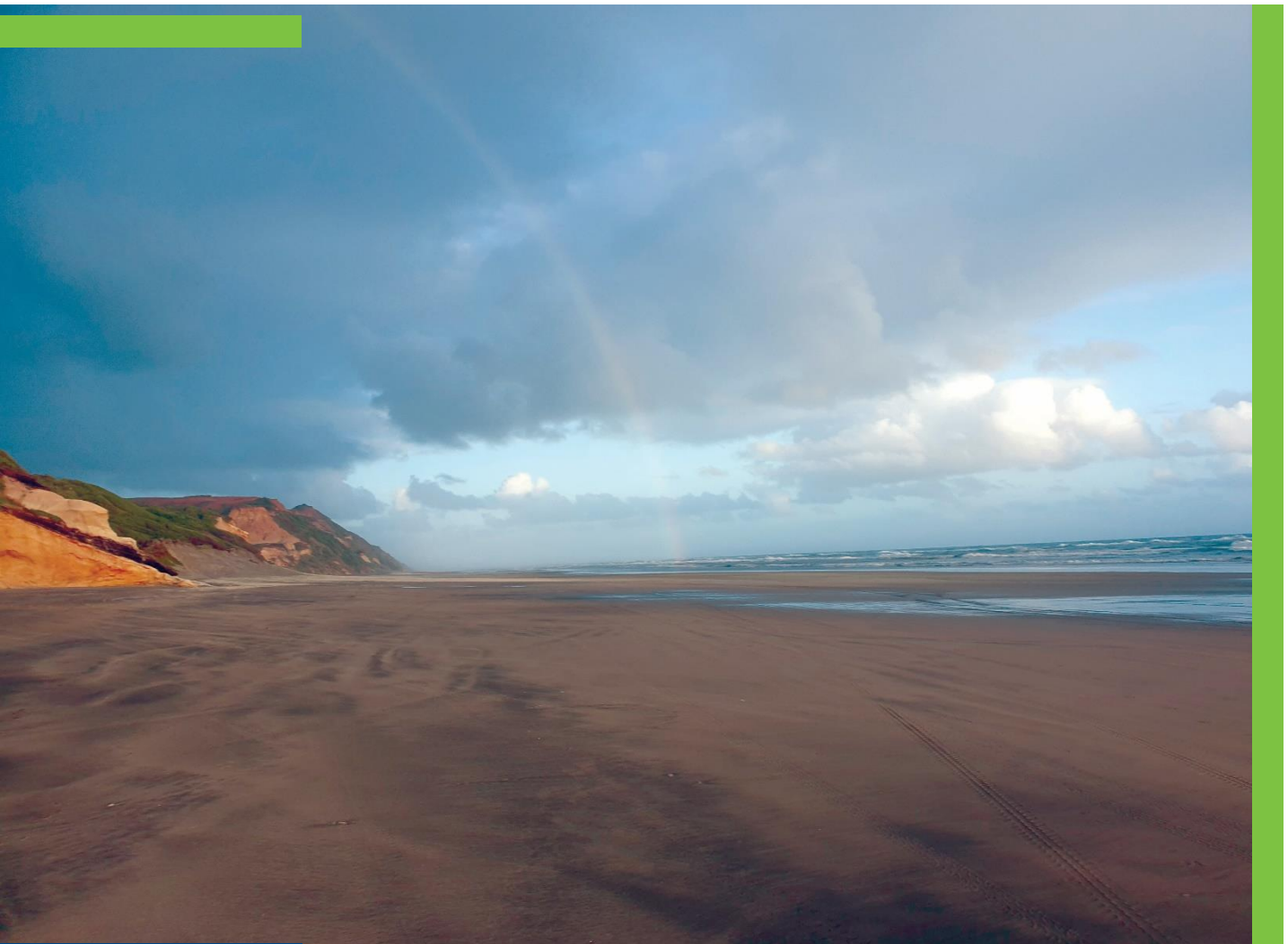


Whistleblowing (Protected Disclosures) Policy



Whistleblowing (Protected Disclosures) Policy

Category	Council	Business Unit	People & Capability
Author	P&C Business Partner	Act(s)	Protected Disclosures (Protection of Whistleblowers) Act 2022
Type	Non-Statutory	Date first adopted	25 October 2023
Authorised	Council	Review cycle	3 yrs
Last review date	October 2023*	Next review due	October 2026
Published	Te Kura/Website		

** Direction was received from the Council in 2023 that this Policy should be adopted and reviewed by Council. This is the first version of the Council adopted Policy, prior retired versions exist, however these were classified as corporate policies and were approved and reviewed by the Executive Team of the Council.*

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1. Purpose

- 1.1 This Whistleblowing (Protected Disclosures) Policy (the Policy) aims to ensure people can raise concerns regarding actual or suspected serious wrongdoing, without fear of reprisal or feeling threatened by doing so.
- 1.2 The Policy aims to facilitate disclosure of questionable practices, encourage proper individual conduct, and alert our Chief Executive, Mayor and relevant Committees of potential problems before they have serious consequences.

2. Scope

- 2.1 This Policy applies to all staff at the Council and includes:
 - a) current and former staff members
 - b) individuals seconded to the Council
 - c) individuals contracted to the Council under contracts for services
 - d) members of the Council's Executive Management
 - e) individuals concerned in the management of the organisation, including Elected Members.
- 2.2 The protections of disclosures in this Policy relate to disclosures of concerns about serious wrongdoing. They do not cover the raising of routine management issues or problems, such as concerns about terms and conditions of employment or differences of opinion about day-to-day working issues; these should be raised with the line manager as part of the usual supervision process or, as appropriate, through the employment problems resolution procedures.

3. Policy

- 3.1 The Protected Disclosures (Protection of Whistleblowers) Act 2022 (Protected Disclosures Act) provides protections for disclosers who make disclosures of information about specific types of conduct defined as "serious wrongdoing".
- 3.2 Council will take any such allegations seriously and investigate in good faith. We equally expect that allegations are made in good faith and that the discloser believes the allegations to be truthful and able to be substantiated.
- 3.3 Staff members will be required to co-operate in internal investigations of serious wrongdoing.

4. Confidentiality

- 4.1 Council will use its best endeavours to keep confidential any information that might identify the discloser. However, Council may not keep a discloser's identity confidential if:
 - a) the discloser consents to the release of the identifying information
 - b) there are reasonable grounds to believe that the release of identifying information is essential
 - c) it is required for the effective investigation of the disclosure
 - d) it is required to prevent a serious risk to public health or safety, the health or safety of any individual or the environment
 - e) it is necessary to comply with natural justice
 - f) it is to allow an investigation by a law enforcement or regulatory agency for the purpose of law enforcement.
- 4.2 If confidential information is released for any of the above reasons, Council will consult with the discloser or inform the discloser about the release in accordance with the Protected Disclosures Act.

5. Protection from retaliation

- 5.1 Council acknowledges that disclosers may fear possible retaliation from making a disclosure. This may be a concern of reprisals, discriminations, harassment, or retribution. We are committed to minimise that from happening by:
- keeping the details of the person making the disclosure confidential and protecting their identity in accordance with this Policy
 - protecting the individual from victimisation for having made the disclosure
 - protecting the individual from disciplinary action or disadvantage for having made the disclosure
 - protecting from retaliation employees who encourage another person to make a protected disclosure or give information in support of a protected disclosure
 - treating any allegation of victimisation, discrimination or retaliation seriously.
- 5.2 Should a disclosure be proven to be frivolous, vexatious or trivial, Council may consider disciplinary action.

6. Submitting a disclosure

- 6.1 Disclosures to Kaipara District Council may be made by either of the following means:

Mail	Protected Disclosures Officer c/o Chief Executive/General Manager People and Capability Kaipara District Council 32 Hokianga Road Dargaville 0310
PricewaterhouseCoopers (PwC) Disclosure Service (Whistleblower line)	Confidential free phone line: 0800 177 PWC or 0800 177 792 Confidential email address: pwcdisclose@pwc.com

6.2 Disclosures to other appropriate authorities

A disclosure may also be made to an appropriate authority at any time. This applies whether or not the discloser has also made the disclosure to the Council or to another appropriate authority.

An appropriate authority includes, but is not limited to, the Ombudsman New Zealand, the head of any public sector organisation or officer of parliament, or the persons or bodies listed in Schedule 2 of the Protected Disclosures Act.

6.3 What to include in a disclosure

A disclosure should include enough information about the incident or situation to allow Council to investigate it properly.

Should the discloser wish to remain anonymous, they may send the disclosure in a way that does not reveal their identity. Should the discloser wish to co-operate in further investigation of the complaint, they should submit their name and contact details together with the disclosure. If they identify themselves in the disclosure report the investigator might contact them to ask further matters reported in the disclosure.

7. Definitions

Council means Kaipara District Council, and for the purposes of this Policy includes the staff responsible for administering and acting in accordance with this Policy.

Protected Disclosure has the same meaning as provided in Section 9 of the Protected Disclosures Act as follows:

A disclosure of information is a protected disclosure if the discloser—

- (a) believes on reasonable grounds that there is, or has been, serious wrongdoing in or by the discloser's organisation; and*
- (b) discloses information about that in accordance with this Act; and*
- (c) does not disclose it in bad faith.*

Serious Wrongdoing has the same meaning as provided in Section 10 of the Protected Disclosures Act as follows:

In this Act, serious wrongdoing includes any act, omission, or course of conduct in (or by) any organisation that is 1 or more of the following:

- (a) an offence:*
- (b) a serious risk to—*
 - (i) public health; or*
 - (ii) public safety; or*
 - (iii) the health or safety of any individual; or*
 - (iv) the environment:*
- (c) a serious risk to the maintenance of law, including—*
 - (i) the prevention, investigation, and detection of offences; or*
 - (ii) the right to a fair trial:*
- (d) an unlawful, a corrupt, or an irregular use of public funds or public resources:*
- (e) oppressive, unlawfully discriminatory, or grossly negligent, or that is gross mismanagement, and is done (or is an omission) by—*
 - (i) an employee (if the organisation is a public sector organisation):*
 - (ii) a person performing (or purporting to perform) a function or duty or exercising (or purporting to exercise) a power on behalf of a public sector organisation or the Government.*

8. Relevant Legislation

8.1 Protected Disclosures (Protection of Whistleblowers) Act 2022.

9. Related Policies and Documents

9.1 The following policies, which include Council adopted and corporate approved policies, should be read in conjunction with the Policy:

- Code of Conduct – Staff
- Code of Conduct - Elected Members
- Conflict of Interest Policy
- Fraud Policy
- Unacceptable Behaviour Policy.