

PROTECTED DISCLOSURE/WHISTLEBLOWER POLICY - V2

RATIONALE AND PURPOSE

Dilworth recognises that all Dilworth staff, students and whānau/families have a right to a safe and high functioning school and school community. All Dilworth staff, students and whānau/families also have a right to express their views, give feedback, make complaints or report concerns when these rights or standards have not been upheld or represented.

This Protected Disclosure/Whistleblowing Policy has been developed in accordance with the [Protected Disclosures \(Protection of Whistleblowers\) Act 2022](#), best practice and as a further means of upholding Dilworth's safeguarding culture and commitment to providing a safe environment for all.

SCOPE

For a disclosure to be protected, as per the [Protected Disclosures \(Protection of Whistleblowers\) Act 2022](#), the following requirements must be met:

- The information must be about serious wrongdoing in, by, or associated with Dilworth.
- The person must have a good reason to believe the information is true or likely to be true.
- The person wants the serious wrongdoing to be investigated and is willing to co-operate.

The scope of this policy also includes all recorded means for which a disclosure may be received and responded to. This includes but is not limited to:

- Emails and other correspondence.
- Text messages, screenshots, etc.
- Databases, spreadsheets and reports.
- Recordings, photographs, etc.
- Websites, social media sites, etc.

Any person with a complaint or concern not meeting these protected disclosure requirements is encouraged to share that information via Dilworth's other reporting structures:

- Safeguarding Complaints Policy
- Student Protection Policy

In addition to the above reporting avenues, Dilworth staff can also report a complaint or concern not meeting these protected disclosure requirements via Dilworth's Safeguarding Reporting Policy.

This policy applies to all Dilworth staff (as per Dilworth's definition of staff) and encompasses all Dilworth sites and environments (including online environments).

In accordance with the [Protected Disclosures \(Protection of Whistleblowers\) Act 2022](#), as well as Dilworth's definition of Staff, this policy also applies to the following:

- Any former staff (paid, voluntary or contracted).
- Any homeworkers (as per [Section 5 of the Employment Relations Act 2000](#)).
- Any secondee to the School.
- Any person concerned in or formerly concerned in the management of the School, e.g., Trustees, etc.

This policy can also support any student and whānau/family involved or otherwise connected to the school.

LEGISLATION & GUIDANCE

This policy is informed by the following legislation and guidance:

International Legislation

Under the [United Nations Convention on the Rights of the Child 1989 \(UNCRC\)](#), and the [Human Rights Act 1993](#), all people have the right to protection from the risks of harm, abuse, and neglect.

New Zealand Legislation

The [Protected Disclosures \(Protection of Whistleblowers\) Act 2022](#) replaced the Protected Disclosures Act 2000 on 1st July 2022. It applies to public and private sectors across New Zealand and is the primary New Zealand legislation guiding this policy.

The purpose of the act is to support the facilitation of protected disclosures and investigations of serious wrongdoing in a workplace/organisation and to provide protection for those who report concerns.

Other relevant legislation and guidance underpinning this policy and Dilworth's reporting policies, procedures and structures include, but are not exclusive to:

- Employment Relations Act 2000
- Health and Safety at Work Act 2015
- Human Rights Act
- The Privacy Act 2020
- The Teaching Council Rules 2016
- Children's Act 2014
- Crimes Act 1961
- Harmful Digital Communications Act 2015
- Education and Training Act 2020
- Oranga Tamariki Act 1989
- Te Tiriti o Waitangi/Treaty of Waitangi

PRINCIPLES

Although not exclusive, this policy reflects the following Dilworth principles:

- Our commitment to developing and maintaining a safeguarding culture that safeguards everyone.
- Every measure possible is taken to ensure Dilworth is a safe school.
- A zero tolerance for harm, abuse, and neglect, including child abuse.
- To provide a comfortable and supportive environment that removes or reduces any barriers to a person making a disclosure.
- To have transparent policies and processes that help to remove any fear associated with making a disclosure (e.g., fears of retribution, lost opportunities, experiences being contingent upon not providing negative feedback, etc.)
- Being advocates for human and child rights.
- Being legally compliant and exceeding these requirements where possible by promoting best practice.

POLICY

1. Roles and Responsibilities

a.) Designated Safeguarding Trustee

- Will serve as a primary Dilworth representative to receive any protected disclosures.
- Will acknowledge the receipt of a protected disclosure within 20 working days of receiving a protected disclosure.
- When leading the school's response to a protected disclosure, they will confirm that the received disclosure meets or has the potential to meet this policy's and the Protected Disclosures Act 2022 definition of serious wrongdoing and all other applicable requirements.
- Where applicable, will apply Dilworth's Investigation Policy when responding to any protected disclosures received.
- Where applicable, and unless reflected differently within an Investigation Report, the Designated Safeguarding Trustee is responsible for sharing the Investigation Report with the Headmaster and Chairman of the Audit, Finance and Risk (AFR) Committee. If noted differently, the Designated Safeguarding Trustee will share the Investigation Report as per the report's recommendations.

b.) Chairman of Dilworth's Audit, Finance and Risk (AFR) Committee

As outlined above, and in addition:

- Will lead as Dilworth's representative in receiving any protected disclosures that may relate to any of the named primary contacts detailed in this policy, e.g., the Headmaster, Designated Safeguarding Trustee, or Director of Human Resources.
- Where applicable, and unless reflected differently within an Investigation Report, the Chairman is responsible for sharing the Investigation Report with the Chair of the Dilworth Trustees. If noted differently, the Chairman will share the Investigation Report as per the report's recommendations.
- Will lead on monitoring and reviewing Dilworth's Register of Protected Disclosures at their regular meetings.

c.) Headmaster

As outlined above, and in addition:

- Where applicable, and unless reflected differently within an Investigation Report, the Headmaster is responsible for sharing the Investigation Report with the Designated Safeguarding Trustee and the Chairman of the AFR Committee. If noted differently, the Headmaster will share the Investigation Report as per the report's recommendations.
- Will maintain a register of Protected Disclosures and report on this register to Dilworth's AFR Committee at their regular meetings.

d.) Director of Human Resources

As outlined above, and in addition:

- Where applicable, and unless reflected differently within an Investigation Report, the Director of Human Resources is responsible for sharing the Investigation Report with the Headmaster, Designated Safeguarding Trustee and Chairman of the AFR Committee. If noted differently, the Director of Human Resources will share the Investigation Report as per the report's recommendations.

2. Who can make a Protected Disclosure

Any Dilworth Staff, or other individuals as identified in the Scope of this policy, share an encouraged responsibility to disclose any awareness or knowledge of serious wrongdoing at or associated with Dilworth.

3. Protected Disclosures under the Act

For a disclosure to be protected under the Act, the disclosure requires that:

- Serious wrongdoing in, by, or associated with Dilworth is being alleged.
- The person disclosing must have a good reason to believe the information is true or likely to be true.
- The person disclosing wants the serious wrongdoing to be investigated and is willing to co-operate.

If a person disclosing believes, on reasonable grounds, that the information disclosed is about serious wrongdoing as defined by the Act, but that belief is mistaken, the information will nevertheless be treated as a Protected Disclosure under the Act.

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

4. Protection offered by the Act

A discloser is entitled to protection for a protected disclosure made to their organisation if it is made:

- In accordance with any internal policies and procedures; or
- To the head or deputy head of the organisation (or others as identified within this policy).
- To an appropriate authority at any time. This applies whether or not the discloser has also made the disclosure to their organisation or to another appropriate authority.

A discloser remains entitled to protection even if:

- They are mistaken, and there is no serious wrongdoing; or
- They do not refer to the name of the Protected Disclosures Act 2022 when making the disclosure; or
- They technically fail to comply with [Section 11](#) (Discloser's Entitlement to Protection) or [Section 14](#) (Discloser's Entitlement to Disclose Further) of the Act (as long as they have substantially complied); or
- They also make the disclosure to another person, as long as they do so on a confidential basis and for the purposes of seeking advice about whether or how to make a protected disclosure in accordance with the Protected Disclosures Act.
- If the disclosure is/includes intelligence, security or international relations information.

Protections under the Act also extend to staff who volunteer information in support of a protected disclosure (made by another person) as if the information volunteered were a protected disclosure.

Employers who discriminate or mistreat staff that have disclosed information about serious wrongdoing could face serious legal consequences.

Should any staff making a protected disclosure face, or believe they have faced any form of retaliation from Dilworth, they can submit a personal grievance claim under the [Employment Relations Act 2000](#).

a.) Limitations on Protections

The protections conferred by the Protected Disclosures Act 2022, this policy, and by Section 66(1)(a) of the [Human Rights Act 1993](#) do not apply:

- Where the person makes a disclosure of information or allegation known to that person to be false or otherwise acts in bad faith; or
- Where the person provides information in support of a protected disclosure only after being required to do so by law; or after being approached during the course of an investigation of the matter, in this case, the person has not volunteered supporting information.

5. Confidentiality

Every receiver of a protected disclosure must use their best endeavours to keep confidential information that might identify the discloser or any person who volunteers information in support of that disclosure.

There are exceptions to the confidentiality rule which mean certain information can be used if:

- The discloser consents (Dilworth's preference is in writing) to the release of identifying information.
- There are reasonable grounds to believe that the release of the identifying information is essential:
 - For the effective investigation of the disclosure; or
 - To prevent a serious risk to public health, public safety, the health or safety of any individual, or the environment; or
 - To avoid potential bias and comply with the principles of natural justice.

However, before releasing any identifying information, for the reason described above, the receiver must, if practicable, consult the discloser about the release. Additionally, after releasing identifying information the receiver must inform the discloser.

If the release of information that might identify the discloser breaches the Protected Disclosure Act 2022 confidentiality requirements, this may also be considered a breach of the [Privacy Act 2020](#).

6. Policy Review

This policy will be reviewed every 3 years.

Circumstances that may trigger an earlier or additional review include, but are not limited to – legislative changes, organisational changes, incident/case learnings, etc.

DEFINITIONS

For the purposes of this policy, unless otherwise stated, the following definitions apply:

Protected Disclosure	A Protected Disclosure is a declaration made by a person (usually staff) where they believe serious wrongdoing has occurred. Those making such disclosures will be protected against retaliatory or disciplinary action and will not be liable for civil or criminal proceedings related to the disclosure. Under Section 9 of the Protected Disclosures Act 2022, a disclosure of information is a protected disclosure if the discloser:
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	• Believes on reasonable grounds that there is, or has been, serious wrongdoing in or by the discloser's organisation; and • Discloses information about that in accordance with this Act; and • Does not disclose it in bad faith.
Safeguarding Complaint/Disclosure	Any complaint that indicates or refers to the following would be considered a safeguarding complaint/disclosure: • Misconduct in relation to student safety, • Non-compliance with safeguarding policies, • Child-abuse • A belief(s), concern(s), suspicion(s) or allegation(s) related to child safeguarding misconduct/non-compliance. • A belief(s), concern(s), suspicion(s) or allegation(s) related to child abuse
Serious Wrongdoing	In relation to Dilworth, Section 10 of the Protected Disclosures Act 2022 describes serious wrongdoing as any act, omission, or course of conduct in (or by) the school that is one or more of the following: • An offence • A serious risk to public health, public safety, or the health or safety of any individual; or the environment. • 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. • Unlawful, corrupt or irregular use of public money or resources.
Staff	Any person serving, working at, or representing the Dilworth Trust, inclusive of whether that person is in a paid, contracted or voluntary position; a permanent or temporary role; and a teaching or non-teaching position.
Whistleblower	A person (usually staff) who reports information or activities that are deemed illegal or incorrect in an organisation.

KEY RELEVANT DOCUMENTS

- Safeguarding Complaints Policy & Procedures - DTB PO SG 07
- Investigations Policy - DTB PO SG 13
- Historical Abuse Allegations Policy - DTB PO GO 01
- Privacy Policy - DTB PO PR 01
- Record Keeping Policy - DTB PO SG 06
- Safeguarding Reporting Policy - DTB PO SG 08
- Disciplinary Rules & Procedures
- Statement of Commitment to Child Safety
- Student Protection Policy - DTB PO SG 01
- Student Safety Code of Conduct for Staff - DTB PO SG 02

DOCUMENT MANAGEMENT AND CONTROL

Document Owner	Director of Human Resources		
Content Manager	Director of Human Resources		
Prepared by	Director of Human Resources		
Review Endorsed by	Headmaster/Trust CEO	Date:	November 2025
Approved by	Dilworth Trust	Date:	November 2025
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Appendix 1 – Reporting a Protected Disclosure Flowchart

