Summary of recommended changes:

Change	Reason / rationale
Examples of Serious Wrongdoing: Added plain-language examples of serious wrongdoing, making clear that other situations may also qualify.	To help staff understand the definition and recognise concerns they may need to raise.
Employment concerns: Clarified that an employment concern may also qualify as a protected disclosure if it involves serious wrongdoing. It will not be excluded simply because it relates to employment.	To avoid incorrectly excluding concerns that involve serious wrongdoing, such as serious bullying, discrimination or health and safety risks, simply because they also relate to employment.
Reporting and escalation options: Clarified who can receive disclosures internally and externally, and that people do not have to report internally first. Also explained the option to escalate an inadequately addressed disclosure to a Minister where the Act allows.	To ensure people understand the reporting routes available under the Act, including their right to approach an appropriate authority without reporting internally first.
Who is protected: Clarified that protection extends beyond current employees to other eligible people, including former workers, contractors and volunteers, and those providing supporting information.	To prevent the policy from giving the impression that only current employees are protected, when the Act covers a wider group of people
Confidentiality obligations: Confirmed that employment agreements and Council policies cannot prevent someone from making a protected disclosure. RDC's permission is not required.	To reassure people that their employment agreement or Council policies cannot prevent a protected disclosure or require them to obtain RDC's permission first.
Releasing someone's identity: Clarified when RDC must consult the discloser before releasing identifying information and that RDC must inform them afterwards when using the specified statutory exceptions.	To remove ambiguity about consultation and notification requirements, helping RDC protect confidentiality and follow the Act when identifying information must be released.
Support and fair handling: Added arrangements for practical support, assessing risks of unfair treatment, managing conflicts of interest and keeping records securely. People facing allegations must also have a fair opportunity to respond.	To explain how RDC will provide practical assistance, manage conflicts of interest and protect records. This supports the Act's requirements and makes the process easier to apply consistently and fairly.
False or unsubstantiated disclosures: Clarified that a mistaken or unsubstantiated disclosure does not itself justify a penalty. Knowingly false allegations or bad faith may lead to disciplinary action, subject to a fair process.	To avoid discouraging people from raising reasonable concerns through fear of disciplinary action. The revised wording distinguishes an honest mistake or unproven concern from knowingly false allegations or bad faith.
Updated the flowchart: Replaced references to sections of the Act with plain-language questions, added practical examples and directed staff to the Ombudsman's guide.	To help staff understand whether their concern may qualify as a protected disclosure, who they can report it to and where to get further guidance.

This document was created with AI assistance.

RANGITĪKEI DISTRICT COUNCIL

PROTECTED DISCLOSURES POLICY AND PROCEDURE

This policy provides information on the Protected Disclosures (Protection of Whistleblowers) Act 2022 (Act). It also outlines how you may make a disclosure under the Act.



This document was created with AI assistance.

Approved:	**November 2026**
Approved by:	**Pending Executive Leadership Team Review**
Next review:	**November 2028**
Version number:	**3.0**
Who is responsible:	**Manager People and Culture**



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Protected Disclosures (Protection of Whistleblowers) Act 2022

INTRODUCTION

The purpose of the Protected Disclosures (Protection of Whistleblowers) Act 2022 (Act) is to facilitate the disclosure and timely investigation of serious wrongdoing in or by an organisation and protect people who disclose in accordance with the Act.

This Policy sets out Rangitīkei District Council's (RDC) commitment to these purposes.

WHAT IS SERIOUS WRONGDOING?

A protected disclosure may be made in respect of acts, omissions or courses of conduct in or by RDC that amount to serious wrongdoing. Under the Act, the following matters are considered serious wrongdoing:

- An unlawful, corrupt, or irregular use of public funds or resources; or
- A serious risk to public health, safety, the health or safety of any individual, or the environment; or
- A serious risk to the maintenance of the law; or
- An offence; or
- Oppressive, unlawfully discriminatory, or grossly negligent acts, omissions or courses of conduct or gross mismanagement by public sector employees and persons 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.

Serious wrongdoing could include:

- Stealing or misusing Council money: Making up invoices or using Council funds for personal gain.
- Taking bribes: Accepting money or gifts in return for giving someone a Council contract, approving a consent or ignoring an offence.
- Ignoring serious safety risks: Knowing that a Council building, road, piece of equipment or way of working could seriously harm someone, and deliberately doing nothing about it.
- Hiding serious environmental risks: Covering up a wastewater spill that could seriously harm people or the environment.
- Abusing authority or unlawfully discriminating: Using a Council position to threaten or intimidate people, or treating staff or community members unfairly for an unlawful reason, such as their race or disability.
- Hiding or destroying evidence: Deliberately deleting records or destroying documents to stop an offence from being investigated.

These are examples only. Whether a concern qualifies as serious wrongdoing depends on the circumstances and the Act's requirements. An ordinary mistake, disagreement or service complaint does not automatically amount to serious wrongdoing.

~~The Act does not cover employment issues that are more properly covered by the Employment Relations Act 2000 (ERA).~~ Employment concerns should usually be dealt with through the relevant employment process. However, if the concern involves serious wrongdoing as defined by the Act, it may also qualify as a protected disclosure. RDC will consider what the concern is about and will not rule it out simply because it relates to employment.

WHO CAN MAKE A DISCLOSURE?

To make a disclosure, you need to be a discloser within the meaning of the Act. The definition of discloser, in relation to RDC, includes an individual who is or was formerly:

- an employee;

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- a secondee;
- engaged or contracted as a contractor;
- concerned in the management of the organisation (for example, as a member of the board or governing body i.e. elected members); or
- a volunteer.

WHEN WILL MY DISCLOSURE BE PROTECTED?

Your disclosure will be protected if:

- ~~The information is about~~ You believe on reasonable grounds that there is, or has been serious wrongdoing in or by RDC; and
- ~~You believe on reasonable grounds~~ The information you disclose relates to ~~that the information is true~~ wrongdoing; and
- You disclose the information in accordance with the Act; and
- You do not disclose the information in bad faith.

Your disclosure won't be protected if:

- You know the allegations are false or your disclosure is made in bad faith;
- The information you are disclosing is protected by legal professional privilege;
- You have not made the disclosure through a reporting route allowed by the Act, subject to ~~a person not identified in this Policy or an appropriate authority, unless it is on a~~ the protections for substantial compliance ~~and confidential basis and for the purposes of seeking advice about whether or how to make a protected disclosure in accordance with the Act~~ explained below; or
- The disclosure is made to a journalist or other media source (including social media).

You remain entitled to protection if:

- Y~~y~~ou are mistaken;~~,~~
- You do not name the Act;
- You~~, or~~ technically fail to follow the reporting requirements, but have substantially complied with the Act.

You may also disclose information confidentially to another person to seek advice about whether to make a protected disclosure, or to find out how to make a protected disclosure.

WHAT PROTECTIONS DO I HAVE?

The Act ~~provides legal protection to employees who disclose (blow the whistle) on serious wrongdoing within their workplace. Employees~~ protects qualifying disclosers, including ~~the~~ current and former workers and other people described under "Who can make a disclosure?". People who make a protected disclosure in accordance with the Act benefit from the following protections:

- ~~———~~confidentiality;
- against retaliation or being treated less favourably;
- against victimisation; and
- immunity for the disclosure in civil, criminal and disciplinary proceedings.

The personal-grievance protection against employer retaliation applies to employees. Another qualifying discloser who provides supporting or related information is also protected where they meet section 12 of the Act's requirements.

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Nothing in an employment agreement, confidentiality obligation, Council policy or internal procedure limits your rights under the Act. You do not need RDC's permission to make a protected disclosure.

Appendix 1 is a flowchart which you may use to determine if you have protection under the Act for making ~~-~~a protected disclosure.

Confidentiality

When you make a protected disclosure, the person you make it to will use their best endeavours to keep confidential any information that might identify you. The exceptions are if you consent to the release of the identifying information, or if there are reasonable grounds to believe that the release of the identifying information is essential:

a) ~~———~~to the effective investigation of the disclosure; or

b) to prevent a serious risk to public health or safety, or the health or safety of any individual, or the environment; or

c) to comply with the principles of natural justice (natural justice is a duty to act fairly; for example, if the alleged wrongdoer needs to be provided with more information about the allegations in order to respond); or

d) to an investigation by a law enforcement or regulatory agency for the purpose of law enforcement.

Before releasing identifying information for reasons relating to (a) or (c), RDC will consult with you about the ~~release and inform you once the identifying information has been released.~~ proposed release.

Before releasing identifying information for reasons relating to (b) or (d), RDC will~~, if practicable~~, consult with you ~~about the release and inform you once the~~ if practicable. After releasing identifying information ~~has been released~~ for any of the reasons (a) to (d), RDC will inform you.

Retaliation

RDC must not retaliate, or threaten to retaliate, against an employee because the employee intends to make or has made a protected disclosure. Retaliation means doing or organising to do any of the following:

- dismissing the employee;
- refusing or omitting to offer or afford the same terms of employment, conditions of work, fringe benefits, or opportunities for training, promotion and transfer as are made available to other employees of the same or substantially similar qualifications, experience or skills employed in the same or substantially similar circumstances;
- detriment or disadvantage (including any detrimental or disadvantageous effect on the employee's employment, job performance or job satisfaction) in circumstances in which other employees employed by the employer in work of that description are not or would not be subjected to such detriment or disadvantage; and
- retiring the employee or causing the employee to retire or resign.

If you consider that RDC has not upheld this requirement, you may bring a personal grievance under section 103(1)(k) of the Employment Relations Act 2000 (ERA)~~ERA~~.

Victimisation

RDC must not treat, or threaten to treat, a person less favourably than any other person in the same or substantially similar circumstances because they (or a relative or associate):

- intends to make, or has made a protected disclosure under the Act; or
- has encouraged another person to make a protected disclosure; or
- has given information in support of, or relating to, a protected disclosure; or

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- RDC believes or suspects that they (or a relative or associate) intends to or has done any of the above.

HOW DO I MAKE A PROTECTED DISCLOSURE?

~~If you wish to~~ You may make a protected ~~disclosure under the Act then, unless there is a reason not to, you may make the~~ disclosure to RDC or to an appropriate authority at any time. You do not need to report internally first. Your disclosure should include details of the alleged serious wrongdoing and any evidence you have to support the allegation(s).

Disclosure to RDC

The appropriate contacts at RDC are the holders of the following internal roles:

- ~~Group~~ Manager People and ~~Performance~~ Culture; or
- Senior People and ~~Performance Advisor~~ Culture ~~Business~~ Partner.

If you are considering making a protected disclosure but would like more information, then the holders of the above roles are also available to provide you with information about making the disclosure and the protections available.

The ~~Group~~ Manager People and ~~Performance~~ Culture and/or Senior People and ~~Performance Advisor~~ Culture ~~Business~~ Partner can, where appropriate, act as the communication channel between you and the Chief Executive in respect to the disclosure investigation and resolution of the disclosure you have made.

~~If you believe that~~ You may make a disclosure directly to the Chief Executive or a Group Manager ~~deputy head~~ of RDC, whether or not there is a conflict of interest ~~preventing you from making the disclosure to the Group Manager People and Performance and/or the Senior People and Performance Advisor, or the disclosure is about them, then you may make the disclosure directly to the Chief Executive~~ involving another designated recipient.

If ~~you believe that~~ the Chief Executive is implicated in the serious wrongdoing, you may use another unconflicted designated RDC recipient such as the Mayor of Rangitīkei District Council, the Chair of the Audit and Risk Committee, or ~~where~~ an appropriate authority. You may approach an appropriate authority at any time, whether or not you have raised the matter ~~has been raised~~ with ~~the Chief Executive but has not been satisfactorily resolved, then you may make the disclosure to another appropriate authority~~ RDC.

Disclosure to appropriate external authority

You may also choose to make a disclosure to an appropriate external authority. The appropriate authority will likely depend on the nature of the serious wrongdoing to be disclosed. Appropriate authority includes (but is not limited to):

- ~~The Mayor of Rangitīkei District Council~~
- ~~The Chairperson of the Audit and Risk Committee~~
- Commissioner of Police
- Controller and Auditor General
- Director of the Serious Fraud Office
- Inspector-General of Intelligence and Security
- Office of the Ombudsman
- Ministry for the Environment
- Solicitor-General
- Public Service Commission

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Further disclosure

If you believe on reasonable grounds that a receiver has not acted as it should under section 13 of the Act, or has not addressed the serious wrongdoing, section 14 allows a further protected disclosure to a Minister. You may seek guidance from the Ombudsman about this route.

WHAT WILL HAPPEN AFTER I MAKE A DISCLOSURE?

Within 20 working days of receiving a protected disclosure, RDC will endeavour to:

- acknowledge receipt of the disclosure on the date the disclosure is received and (if made orally, summarise its understanding of the disclosure);
- consider the disclosure and whether it warrants investigation;
- check with you whether the disclosure has been made elsewhere (and any outcome);
- deal with the matter by doing one or more of the following:
    - investigating the disclosure;
    - addressing any serious wrongdoing by acting or recommending action;
    - referring the disclosure to an (or another) appropriate authority; or
    - deciding that no action is required; and
- inform you (with reasons) about what RDC has done or is doing to deal with the matter.

If it is impracticable for RDC to complete these actions within 20 working days, you will be informed of how long the process is expected to take together with updates on progress as appropriate.

If it is determined that the protected disclosure is within the scope of this Policy and warrants an investigation, RDC will appoint an appropriate investigator. At RDC's discretion, the investigator may be internal or external to RDC. Any investigation process will vary depending on the nature of the serious wrongdoing that has been disclosed.

If RDC considers that the protected disclosure should be referred to an (or another) appropriate authority, it will consult with you and the intended recipient of the referral. This may be, for example, if RDC considers that the protected disclosure can be more suitably and conveniently investigated by the other authority.

Every endeavour will be made to keep you as informed as possible throughout the investigation process.

SUPPORT AND HANDLING ARRANGEMENTS

RDC will appoint someone who is not involved in the concerns raised and has no conflict of interest to coordinate your disclosure. They will explain who will manage it, discuss how to contact you safely, and talk with you about any risk of unfair treatment or other harm. They will also arrange practical help and advice suited to your needs. Where needed, someone separate from the investigator will provide support.

Anyone involved in the alleged wrongdoing will not control how the disclosure is assessed, investigated or decided. Decisions will be made by someone who has no conflict of interest and has the authority to make them.

Records will be kept securely, with access limited to those who need it. Information that could identify you will be protected as explained in the confidentiality section above. The coordinator will keep a record of decisions and the reasons for them, any referrals, and communications. They will also keep track of progress.

Investigations will be fair. Anyone facing allegations will have a fair opportunity to respond, while your identity is protected as required by the Act.

DELIBERATELY MAKING FALSE DISCLOSURES

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~~When~~ You will not be penalised for making a protected disclosure ~~about serious wrongdoing, you must have reasonable grounds to believe that~~ because the information is ~~true. In these circumstances, you will~~ mistaken, the allegations are not ~~be penalised if the information~~ substantiated, or no serious wrongdoing is ~~found to be mistaken or incorrect~~ ultimately found.

~~However, deliberately~~ Knowingly making false allegations or making a disclosure ~~that is false, trivial, malicious, fraudulent, or~~ in bad faith may fall outside the Act's protections. Any proposed disciplinary action against an employee will ~~be treated as serious~~ follow the applicable employment agreement and a fair process. No disciplinary ~~matter and you will not benefit from the protections referred to in this Policy~~ outcome is automatic.

WHERE CAN I GET MORE INFORMATION?

For additional independent information on how to make a protected disclosure, please view the Public Service Commission guidance available through the following link:

Protected Disclosures Act 2022 | Te Kawa Mataaho Public Service Commission

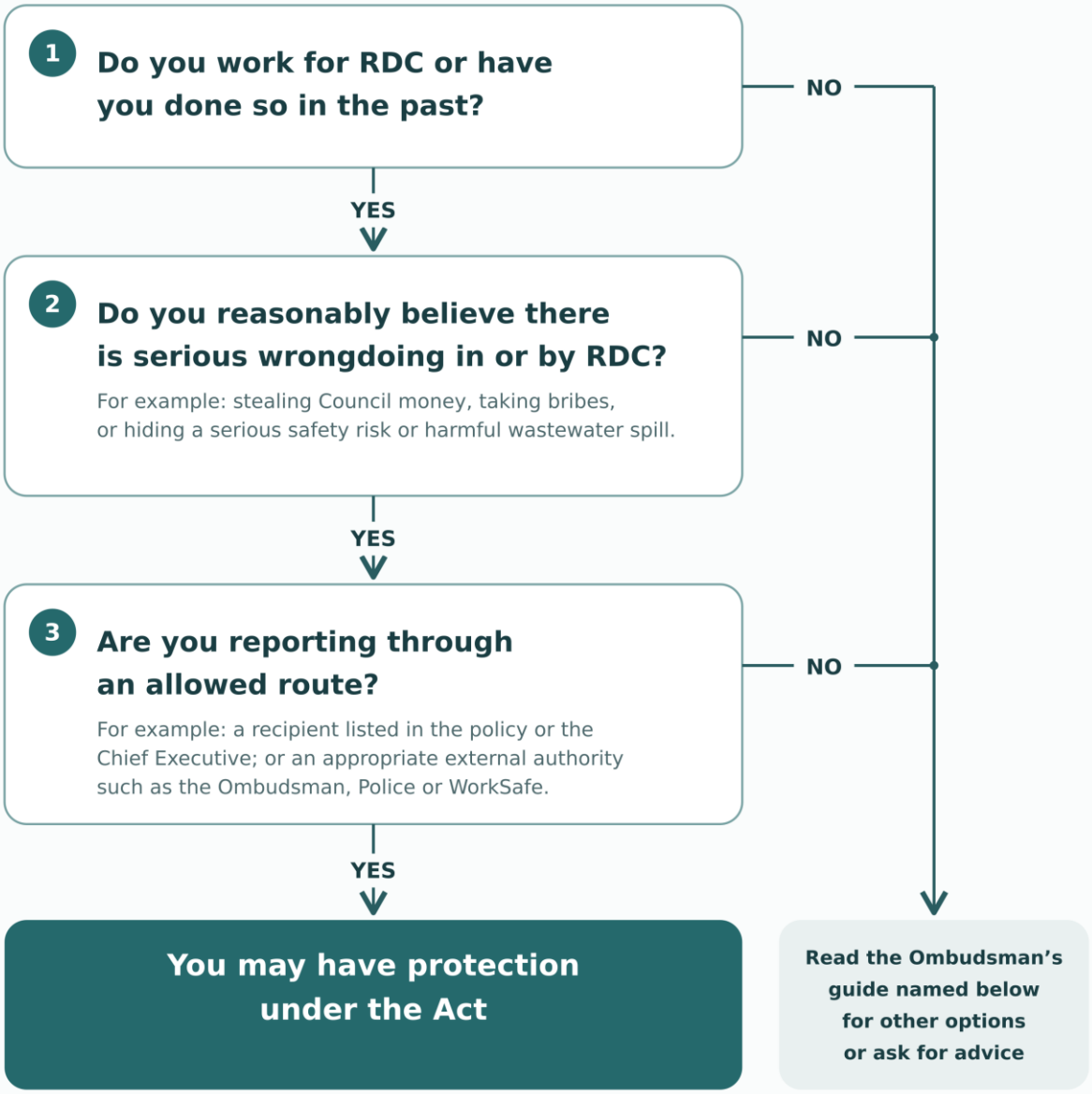
If you would like to view the Act, please visit www.legislation.govt.nz

You can refer to the Ombudman's guide at: Making a protected disclosure - a guide to "blowing the whistle" | Ombudsman New Zealand

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RANGITĪKEI DISTRICT COUNCIL

Can I make a protected disclosure?



Unsure? Read the Ombudsman's guide:
Making a protected disclosure — a guide to "blowing the whistle"

www.ombudsman.parliament.nz/resources/making-protected-disclosure-guide-blowing-whistle

Protection depends on the Act's requirements.

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