

Whistleblowing Policy

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Purpose

NZIST is committed to complying with the laws and practices that protect the rights of people who raise concerns about serious wrongdoing in or by NZIST, including the Protected Disclosures Act 2000.

This policy sets out the process for raising concerns about actual, suspected or anticipated wrongdoings within NZIST and how NZIST will address such wrongdoings.

Scope

This policy applies to all NZIST Employees.

Principles and Expectations

Understanding Protected Disclosures

Only NZIST employees can make a protected disclosure about NZIST. For the purposes of this policy, the term “employee” includes former employees, homeworkers, contractors, secondees and volunteers.

Your disclosure will be protected if:

- the information is about serious wrongdoing in or by your workplace;
- you reasonably believe the information is true or likely to be true;
- you want the serious wrongdoing to be investigated; and
- you want the disclosure to be protected.

Your disclosure will not be protected if:

- you know the allegations are false; or
- you act in bad faith; or
- the information you’re disclosing is subject to legal privilege.

If your disclosure is a protected disclosure:

- No civil, criminal or disciplinary proceedings can be taken against you for making the disclosure or referring it to an appropriate authority.
- If you suffer retaliatory action from NZIST for making a protected disclosure, you can raise a personal grievance under the Employment Relations Act 2000.
- Under the Human Rights Act 1993, you cannot be treated any less favourably than others in the same or similar circumstances.

If you are unsure about anything relating to protected disclosures, you can seek information and guidance from the Office of the Ombudsmen: <https://www.ombudsman.parliament.nz/what-we-can-help/serious-wrongdoing-work-whistleblowing>.

Reporting Concerns

You must use good judgement to enhance the trust, respect and reputation of NZIST, including taking action to prevent the occurrence of wrongdoing. To the extent you become aware of any serious wrongdoing, you should follow the process set out in this policy.

Serious wrongdoing includes (but is not limited to):

- Unlawful, corrupt or irregular use of public money or resources.
- Conduct that poses a serious risk to public health, safety, the environment or maintenance of the law.
- Any criminal offence.
- Gross negligence or mismanagement by public officials.

If you would like to make a disclosure about serious wrongdoing in or by NZIST, you can do so by reporting it to any of the following people at NZIST:

- Your manager.
- Chief Operating Officer, Operations.
- A member of the People & Culture team.
- Chief Executive Officer.
- Board Chair.

Allegations of serious wrongdoing should be made in good faith and not be frivolous or vexatious or without good reason.

Reporting to appropriate external authority

Protected disclosures **must** be raised internally first, unless the 'discloser' believes on reasonable grounds that:

- The Chief Executive Officer or Chair of the Board appears to be involved in or connected to the serious wrongdoing; or
- The Chief Executive Officer or Chair of the Board, by reason of any relationship or association with a person who is or may be involved in the serious wrongdoing alleged in the disclosure, is not a person to whom it is appropriate to make the disclosure; or
- There has been no action or recommended action within 20 working days of the date the concerns were raised internally; or
- The urgency, or some other exceptional circumstances, justify immediate external disclosure.

In that situation, the disclosure may be made to an external public sector official or regulatory authority, as defined in the Act (such as the Ombudsman or the Commissioner of Police).

Referral to a Minister of the Crown or Ombudsman

A disclosure under this Policy may be made to a Minister of the Crown or an Ombudsman if the 'discloser':

- Has already made substantially the same disclosure in accordance with this Policy; AND
- Believes on reasonable grounds that the person to whom the disclosure was made:
 - has decided not to investigate the matter; or

- has decided to investigate the matter but has not made progress with the investigation within a reasonable time after the date on which the disclosure was made to the person; or
- has investigated the matter but has not taken any action in respect of the matter nor recommended the taking of action in respect of the matter, as the case may require; AND
- Continues to believe on reasonable grounds that the information disclosed is true or likely to be true.

A disclosure may only be made to a Minister of the Crown or an Ombudsman if the above grounds are met and the disclosure has not already been made to an Ombudsman in accordance with the 'Referral to appropriate external authority' provisions of this Policy.

Information to Provide

When reporting wrongdoing, it will be helpful if you are able to provide some - or all - of the following information to assist with an investigation:

- The nature of the wrongdoing.
- Any background including dates and history of the issue.
- Why you believe the allegation of wrongdoing is true.
- Any supporting information you may have.

Anonymity and Confidentiality

If you make a protected disclosure, information which identifies you will be kept confidential, unless you consent to the disclosure or the disclosure is essential to:

- The effective investigation of the allegations.
- Prevent serious risk to public health or safety of the environment.
- Comply with the principles of natural justice.

Where you make a disclosure of wrongdoing you must keep the information disclosed confidential between yourself and the person to whom you disclosed the information in accordance with this policy.

Any information you disclose will be treated confidentially and only shared to the extent necessary to allow for a fair and thorough investigation and to take remedial action in accordance with the applicable laws.

Investigation Process

The investigation process will vary depending on the nature of the wrongdoing reported. All investigations will be conducted in a manner that is fair, objective and affords natural justice to all involved.

The person to whom the disclosure was made, or the Chief Executive or People & Culture team as applicable, will consider the allegations and determine whether a full investigation is warranted. You will be notified of this decision within 20 working days of the disclosure being received. A full investigation will be warranted unless the allegation is considered to be frivolous or vexatious.

If a full investigation is to be undertaken, this will occur as soon as possible.

Those accused of the wrongdoing will have the right to be heard on the allegation(s). If you made the allegation other than anonymously, you will also have a right to be heard during the investigation and to be kept informed of progress as appropriate.

If you make an allegation in good faith, but that is not upheld by the investigation, no action will be taken against you.

If you have concerns with the way an investigation is progressing or the outcome of an investigation, there are avenues for you to raise your concerns. For more information on this, please refer to the Office of the Ombudsman website: <https://www.ombudsman.parliament.nz/what-we-can-help/serious-wrongdoing-work-whistleblowing>.

No Retaliation

It is in NZIST's interest for wrongdoing to be reported. Therefore, NZIST will not tolerate any behaviour which discourages someone from reporting serious wrongdoing or is seen as a retaliation to a reported serious wrongdoing.

You will not face any disciplinary action or be disadvantaged on the grounds that you have reported serious wrongdoing in good faith.

You must co-operate, as required, in the investigation of reports of any potential discrimination, retaliation, threats or harassment arising from the reporting or investigation of any serious wrongdoing.