



Protected Disclosures Policy 2026

Owner: Ruapehu District Council	Review frequency: 3 yearly, or as otherwise required Date Adopted: 22 April 2026 Next review Date: 22 April 2029
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1. Policy Objectives

- 1.1 The purpose of this policy is to facilitate the disclosure and timely investigation of serious wrongdoing by providing information about the processes for the disclosure and of information and protections available for whistleblowers.
- 1.2 This policy provides protection from reprisal or victimisation for those who report concerns in accordance with the Protected Disclosures (Protection of Whistleblowers) Act 2022 (the Act).
- 1.3 This policy does not protect a discloser from the consequences of any wrongdoing they have personally engaged in.

2. Definitions

- 2.1 **Appropriate Authority**: as defined by the Act, includes: the head of any public sector organisation; any officer of Parliament; persons or bodies listed in Schedule 2 of the Act including the Commissioner of Police, the Controller and Auditor-General, the Department of Internal Affairs, the Director of the Serious Fraud Office, the Health & Disability Commissioner, the Human Rights Commission, an Ombudsman, the Public Service Commission, the Solicitor-General, or Worksafe New Zealand.
- 2.2 **Bad Faith** means acting dishonestly and deceitfully, with a destructive or negative intent rather than a genuine concern. This would include for example, taking a disclosure straight to the media or disclosing on social media. Bad faith would also include making a disclosure where you are aware that serious misconduct did not actually occur
- 2.3 **Council** means the Ruapehu District Council, its elected members, management and staff, and the activities undertaken on its behalf, including by volunteers and contractors.
- 2.4 **Employee** means any person, contractor or other stakeholder employed to carry out work for RDC, including elected officials.
- 2.5 **Protected Disclosure** means a disclosure of information where the reporter believes on reasonable grounds that there is, or has been, serious wrongdoing in or by the Council; and discloses information about that in accordance with the Act; and does not disclose that in bad faith.
- 2.6 **Reasonable Grounds** means is where there is enough information for an average person, exercising reasonable and honest judgement, to decide to report an issue.
- 2.7 **Receiver** means the person receiving the information about the suspected serious wrongdoing.
- 2.8 **Reporter** means the person reporting the suspected serious wrongdoing.
- 2.9 **Serious Wrongdoing**: is any act, omission, or course of conduct in or by Council that is an offence; or a serious risk to public health, public safety, the health & safety of any individual or the environment; or a serious risk to the maintenance of the law including the prevention, investigation and detection of offences, or the right to a fair trial; or an unlawful, corrupt, or irregular use of public funds or public resources; or oppressive, unlawfully discriminatory, or grossly negligent, or that is gross mismanagement, and is done or is an omission by an employee or a person performing a function or duty or exercising a power on behalf of a public sector organisation.

3. Principles

- 3.1 A culture of integrity is important to maintain our community's trust and confidence.
- 3.2 Everyone is encouraged to report serious wrongdoing as a protected disclosure if they have reasonable concerns about any matter.
- 3.3 If the matter is not about serious wrongdoing, then it can be raised through a Code of Conduct concern.
- 3.4 Council will maintain a procedure for handling information related to protected disclosures. This procedure will be attached to this document.

4. Background

- 4.1 This policy was created to facilitate the appropriate and early reporting of potentially serious wrongdoing within the workplace, to enable an investigation to be undertaken; and to ensure compliance with legislation.

5. Policy Statement

5.1 Making of a Protected Disclosure

- 5.1.1 Information about a serious wrongdoing in or by the Council should be made to an appropriate Council Officer. This could be your direct Manager, any member of the Executive Leadership Team (ELT), Human Resources, the Mayor, or an appropriate Authority.
- 5.1.2 Note that reporting to an external authority will usually result in referring the reporter back to their employer in the first instance (to avoid two concurrent investigations with the same reporting information).
- 5.1.3 If you want to make a disclosure about a wrongdoing involving the Chief Executive Officer (CEO), you can report it to the Chair of the Risk and Assurance Committee or an appropriate authority (as defined by the Act and in 2.9).

5.2 Procedure to Report

- 5.2.1 You may make a disclosure at any time by email, by physical mail, by phone or in person. If you make a disclosure from/to a RDC email address, your email may be accessed by certain people within our IT department in accordance with RDC's other policies. If you are concerned about these limited circumstances where your email might be accessed, you may prefer to make your disclosure verbally or by mail.
- 5.2.2 A Tier 3 Manager receiving a protected disclosure must refer it to a member of the ELT, maintaining confidentiality.

5.3 Confidentiality

- 5.3.1 A reporter of serious wrongdoing must keep this confidential between themselves and the person to whom they have reported; and understand that information will only be shared to the extent necessary and with the people necessary to allow a fair, thorough and discrete investigation and to take remedial action in accordance with relevant laws. In most cases, this will be the Executive Manager People Capability & Safety and the CEO, unless there is reason not to.

- 5.3.2 You may at any time, refuse to answer any questions that you feel may reveal your identity.
- 5.3.3 To protect the privacy of the disclosure, the Council will maintain strict controls over data and information relating to any protected disclosures.
- 5.3.4 Council will develop and maintain procedures for handling this information which will include an area for each Executive Manager, the Mayor and the Chair of the Risk and Assurance Committee to securely hold data and information relating to protected disclosures that is, by default, accessible only to that Executive Manager.
- 5.3.5 A third-tier manager who receives a protected disclosure will liaise with the Executive Manager that they refer the disclosure to (as per 4.2.3) for that Executive Manager to securely store any data and information relating to the disclosure.
- 5.3.6 Any internal receiver of a protected disclosure must use best endeavours to keep confidential any information that identifies or may identify the person reporting the protected disclosure. The only exception to this is if the reporter gives consent in writing that their identity may be disclosed, or if there are reasonable grounds to believe that the release of the identifying information is essential for either:
 - (a) the effective investigation of the disclosure; or
 - (b) to prevent serious risk to public health, public safety, the health and safety of any individual or the environment; or
 - (c) to comply with the principles of natural justice; or
 - (d) to an investigation by Police or any regulatory agency for the purposes of law enforcement.
- 5.3.7 In all cases above, the receiver will consult with the reporter.

5.4 **Protection**

- 5.4.1 A reporter is entitled to protection whether it is made to Council in accordance with this procedure, or to an appropriate Authority. Entitlement to protection is continued even if they are mistaken and there is no serious wrongdoing found; or if they do not name the Act or this Policy; or if they disclose to another person provided this is confidential and is only for the purposes of seeking advice on making a report.
- 5.4.2 The release of information that might identify the reporter, without consent of the reporter, would be a breach of Section 70 the Privacy Act 2020 (Privacy Act).
- 5.4.3 Information may be requested under the Local Government Official Information and Meetings Act 1987 (LGOIMA Act). RDC's practice is to refuse a request for information that might identify the individual making the disclosure.
- 5.4.4 Where a person is considering making an anonymous disclosure, the Ombudsman can provide advice. It is more difficult to investigate an anonymous disclosure without evidence or the ability to further interview the reporter.
- 5.4.5 Council staff, former council staff, volunteers and persons who report information in support or, or relating to a protected disclosure, are protected under the Act from victimisation in respect of protected disclosures.
- 5.4.6 No civil, criminal, or disciplinary proceedings can be taken against a person for making a protected disclosure in accordance with the Act, or for referring one to an appropriate Authority.
- 5.4.7 Practical support will be provided to any reporter of a protected disclosure – e.g. Employee Assistance Programme (EAP) referral, support from their manager or whomever receives the disclosure, or from Human Resources (but not the person

investigating the disclosure). Ongoing monitoring is prudent to ensure the person feels supported and risks are avoided.

5.5 Non-Protection

- 5.5.1 The Act (and this Policy) does not provide for protection for an individual in circumstances where the individual makes an allegation which they know to be false; or the individual acts in bad faith; or the information is protected by legal professional privilege (information that is confidential legal advice written by an in-house or external lawyer advising the Council).
- 5.5.2 Disclosures to the media are not protected.

5.6 Investigation

- 5.6.1 Where a protected disclosure is received the Council will, within 20 working days: acknowledge receipt; consider the disclosure and whether it warrants investigation or referral to another appropriate Authority; and check with the reporter whether the disclosure has been made elsewhere and any outcome.
- 5.6.2 Investigation may include: addressing any serious wrongdoing by acting or recommending action; referring the disclosure to an appropriate Authority; deciding that no action is required; and informing the reporter about what the Council has done or is doing to deal with the matter (with reasons).
- 5.6.3 Investigations will be discrete, objective and fair. Investigations may be conducted internally or by an external party, as deemed appropriate. Any member of the Executive Leadership Team (ELT) may appoint an external investigator, in consultation with either the Mayor, Chief Executive (CE), or the Risk and Assurance (R&A) Chair, as is appropriate.
- 5.6.4 If meetings or interviews are to be conducted as a part of an investigation then consideration should be given to the timing, venue and the order of the interviews, such as to not compromise the identity of the discloser. Preference should be given for meetings or interviews to be conducted at a venue separate from the discloser's place of business.
- 5.6.5 Where it is impractical to complete the above steps within 20 working days, the Council will provide the reporter with an update as to how long the Council expects to complete these steps.
- 5.6.6 Investigations may require for the reporter to be further interviewed by the investigator. At all times the reporter will be kept informed of progress as appropriate to privacy laws.
- 5.6.7 Where an investigation concludes that Disciplinary Action is warranted, the requirements of the Workplace Investigations & Disciplinary Action Policy will be followed.

6 Further Disclosure

- 6.1 If a reporter has reasonable grounds that the Council has not acted as it should in accordance with this Policy, or it has not dealt with the matter to address the serious wrongdoing, the reporter may make a further disclosure to an appropriate Authority; or to the Ombudsman, or to a Minister in accordance with Section 13 of the Act.

6. Annotations

Date	Description
April 2026	Policy adopted

7. Related Documents

- 7.1 Fraud and Corruption Policy 2026
- 7.2 Conflict of Interest Policy 2025
- 7.3 Code of Conduct Policy 2025
- 7.4 Sensitive Expenditure Policy 2026
- 7.5 Workplace Investigations & Disciplinary Action Policy 2025
- 7.6 [Ombudsman advice for receivers of protected disclosures](#)
- 7.7 Ruapehu District Council Procedures for Managing Information Relating to Protected Disclosures

8. Policy Version Control

Policy drafted by	Strategy, Policy and Sustainability Team
Policy reviewed by	Executive Manager Finance & Strategy
Policy reviewed and recommended by the Information System Governance Group (ISGG)	N/A
Policy reviewed and recommended by the Audit and Assurance Committee	19 March 2026
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