1. **Purpose**

The Auckland Museum Trust Board is committed to maintaining the highest standards of honesty, openness and accountability. Workers in an organisation will usually be the first to know when someone inside or connected with an organisation is doing something illegal, dishonest or improper, but may feel apprehensive about voicing their concerns. This document sets out the Museum’s policy and a procedure by which people can report concerns and be confident they are acted upon. The purpose of the policy is to provide a mechanism for Trustees, employees, Directors, volunteers and contractors to feel confident about raising concerns regarding actual, suspected or anticipated serious wrongdoings within Auckland Museum. The policy provides a reporting and investigation process that protects a person making a disclosure from reprisal or disadvantage. It also sets out what a serious wrongdoing is, who those serious wrongdoings can be reported to and how Auckland Museum will address such serious wrongdoings.

2. **Scope**

This Policy applies to policy applies to all Auckland Museum Workers. The Protected Disclosures Act (2000) “The Act” also provides protection to former employees.

This Policy is monitored and reviewed regularly by the Governance and Compliance Advisor.

3. **Policy Statement**

Auckland Museum takes all malpractice very seriously. Auckland Museum is committed to complying with the laws and practices that protect the rights of people who raise concerns about serious wrongdoings in or by Auckland Museum, including the Protected Disclosures Act (2000). The Act establishes “whistle-blower” protections designed to facilitate the disclosure and investigation of serious wrongdoing by or within organisations. It provides immunity from civil, criminal or disciplinary proceedings for employees who make a disclosure in accordance with the provisions of the Act. The Act also protects whistle-blowers against retaliatory action by their employer so long as the whistle-blower has acted in accordance with the Act.

The protection afforded by the Act does not apply to a person who makes an allegation that they know to be false or otherwise acts in bad faith.

The Media does not qualify as an appropriate authority under the act.

This policy is intended to complement the statutory protection provided by the Act and, for the avoidance of doubt, statutory rights are not to be affected in any way by this policy. If any Auckland Museum Worker becomes aware of any such activities or other possible malpractices they are encouraged to follow the procedures set out below. It will not always be clear that a particular action falls within one of these categories however, if the worker believes the matter to be serious, the Museum would prefer that concerns are reported.
4. Procedure
   4.1. Reporting Concerns

Auckland Museum Workers are expected to use judgement to enhance trust, respect and the reputation of Auckland Museum, including taking action to prevent the occurrence of a serious wrongdoing.

To the extent that an Auckland Museum Worker becomes aware of any activities of serious wrongdoing, they should follow the process set out in this policy.

   4.2. If you want to make a disclosure about a serious wrongdoing, you can report in writing it to any of the following Auckland Museum Workers:
   • Your Manager;
   • Director, People and Organisation;
   • Director, Finance and Enterprise;
   • Governance and Compliance Advisor; or

In the following circumstances disclosures may be made to the Chief Executive or Trust Board:

   a) The Auckland Museum Worker making the disclosure has reason to believe that the person to whom the serious wrongdoing should be reported in accordance with this policy may be involved in the alleged serious wrongdoing; or
   b) The Auckland Museum Worker making the disclosure has reason to believe that the person to whom the serious wrongdoing should be reported in accordance with the policy has a relationship or association with a person or may be involved in the alleged serious wrongdoing.

5. Anonymity and Confidentiality

Disclosures and the investigation process will remain confidential between the parties as far as reasonably practicable. Auckland Museum encourages its people to be open about their concerns and strives to create a culture where problems can be discussed and addressed without fear of retaliation. However, if a person is unwilling to put their name to concerns, the Museum will take all reasonable steps to investigate and address anonymous allegations.

6. Investigation Process

   6.1. Investigation processes will vary depending on the precise nature of the conduct reported. All investigations must be conducted in a manner that is fair, objective and affords natural justice to all people involved.

On written receipt of an allegation of serious wrongdoing the disclosure must be escalated and in accordance with this policy the Chief Executive must be advised immediately. Within 20 working days of receipt of the disclosure, the Chief Executive will ensure the disclosure is assessed and a decision made about whether a full investigation is warranted.
The disclosure and the evidence provided will be considered in an unbiased and fair manner and an internal investigation will be undertaken unless there is evidence that the allegation is frivolous or vexatious. At or before the end of the 20 working days, the Museum is to advise the ‘whistle-blower’ on the outcome of their examination and the Museum’s decision regarding the investigation process.

If an individual is concerned with the way the investigation is progressing or the outcome of an investigation there are avenues for them to raise their concerns with an appropriate authority. Future information is available on the Office of the Ombudsman website.

Substantiated allegations of serious wrongdoing against Auckland Museum employees will be treated as serious misconduct and action taken in accordance with the Museum’s Discipline Policy.

6.2. External Investigation

Where the Auckland Museum worker making the disclosure believes on reasonable grounds that:

(a) the Chief Executive or Trust Board Chair is or may be involved in the serious wrongdoing alleged in the disclosure; or

(b) the immediate reference to an appropriate authority is justified by reason of the urgency of the matter to which the disclosure relates or some other exceptional circumstance; or

(c) there has been no action or recommended action on the matter to which the disclosure relates within 20 working days after the time on which the disclosure was made;

disclosure of the information may be made to the Ombudsman or another “appropriate authority” (refer Clause 9 (f)).

7. Non-Retaliation

It is in Auckland Museum’s best interests that Auckland Museum workers report serious wrongdoings. Auckland Museum will not tolerate any behaviour that discourages someone from reporting a serious wrongdoing or is seen as retaliation to a reported serious wrongdoing. Allegations of serious wrongdoings should be made in good faith and not be vexatious or frivolous or without good reason. Auckland Museum workers are protected from disciplinary action and disadvantage on the grounds that they have reported a serious wrongdoing in good faith. If a whistle-blower is victimised in this way, the legal remedies under the Human Rights Act may be available to them.

8. Legislative Compliance

The Museum is required to manage its policy documentation within a legislative framework. The legislation directing this policy is the:

Protected Disclosures Act 2000
9. Definitions

a) **Serious Wrongdoing:**
   - An unlawful, corrupt, or irregular use of Museum funds or Museum resources; or
   - An act, omission or course of conduct that constitutes a serious risk to Museum people or public safety; or
   - An act, omission, or course of conduct that constitutes a serious risk to the Museum’s funding, operations or reputation; or
   - An act, omission or course of conduct that constitutes an offence; or
   - An act, omission or course of conduct by a Museum worker that is oppressive, improperly discriminatory, or grossly negligent, or that constitute gross mismanagement.

b) **Museum** means the Auckland War Memorial Museum | Tāmaki Paenga Hira and includes all subsidiaries.

c) **Auckland Museum Worker ‘worker’**: An Auckland Museum worker includes employees, external contractors, volunteers (including interns), Trust Board members and advisory group members who work in, with or on behalf of the Museum.

d) **Employee (as defined in the Protected Disclosures Act (2000))**: The Act also gives an extended meaning to "Employee" so as to include a former employee; a person seconded to the Museum; an individual who is engaged or contracted under a contract for services to do work for the Museum; and a person concerned in the management and governance of the Museum.

e) **Protected disclosure / Whistle blowing**: when an employee reports any serious wrongdoing in the workplace that they reasonably believe is true or likely to be true. If an employee makes a protected disclosure under the Protected Disclosures Act 2000 their employer can’t take disciplinary (or other action) against them.

f) **Appropriate authority** includes—
   - The Ombudsman
   - The Commissioner of Police
   - The Controller and Auditor-General
   - The Director of the Serious Fraud Office
   - The Inspector-General of Intelligence and Security
   - The Parliamentary Commissioner for the Environment
   - The Independent Police Conduct Authority
   - The Solicitor-General
   - The State Services Commissioner
   - The Health and Disability Commissioner
   - The head of every public sector agency
**OPERATING POLICY AND PROCEDURE**

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- The heads of certain private sector professional bodies with the power to discipline their members

It does not include a Minister of the Crown or a Member of Parliament.

**10. Responsibilities**

**a) Executive Team**

All Executive Team members are responsible for:

a) ensuring their managers follow this Policy and its associated processes; and  
b) championing an inclusive and transparent work environment;

**b) Governance and Compliance Advisor**

The Governance and Compliance Advisor is responsible for:

a) establishing a Whistleblowing Policy and associated systems to monitor progress;  
b) reporting to the Board annually on any examples of Whistleblowing occurring within the organisation;  
c) reviewing this Policy.

**c) Managers**

Each manager is responsible for:

a) ensuring that this Policy is followed by their teams.

**d) All Staff**

a) being aware of the Museum’s commitment to ensuring Auckland Museum Workers feel confident about raising concerns regarding actual, suspected or anticipated serious wrongdoings within Auckland Museum  
b) adhering to this Whistleblowing Policy

**11. Associated Documents**

- Auckland War Memorial Museum Act 1996  
- Relevant Collective or Individual Employment Agreement  
- Employment Relations Act 2000
- Human Rights Act 1993
- Operating Policy and Procedure: Procurement Policy
- Operating Policy and Procedure: Delegation of Authority Policy
- Operating Policy and Procedure: Discipline Policy
- Operating Policy and Procedure: Employee responsibilities Policy
- Operating Policy and Procedure: Bullying and Harassment Policy
- Operating Policy and Procedure: Expense Claim Policy
- Museums Aotearoa- Code of Ethics

Approved by the Trust Board:

[Signature]

Orchid Atimalala
Trust Board Chair

Date: 13th March 2019