
PROCEDURE #7110.2

PUBLIC INTEREST DISCLOSURE

1. PURPOSE

- 1.1 The Surrey Board of Education of School District No. 36 (Surrey) (“the district”) is committed to upholding ethical standards in the operation and administration of the district and recognizes that it has a responsibility to appropriately safeguard students and staff and the property and assets of the district. The purpose of this regulation is to provide a process through which employees and trustees may make, in good faith, reports of wrongful conduct under the Board’s Policy 7110 Whistle Blowing (“the policy”) without fear of reprisal.

2. REPORTABLE ACTIVITY

- 2.1 For the purposes of the policy and this procedure a “reportable activity” is any serious wrongful conduct in connection with the district’s programs or operations, including:
- a) A serious act or omission that, if proven, would constitute an offence under an enactment of British Columbia or Canada.
 - b) An act or omission that creates a substantial and specific danger to the life, health or safety of persons, or to the environment, other than a danger that is inherent in the performance of an employee’s duties or functions.
 - c) A serious misuse of public funds or public assets.
 - d) Gross or systemic mismanagement.
 - e) Knowingly directing or counselling a person to commit any of the above.
- 2.2 A reportable activity does not include complaints about the legitimate exercise of managerial authority or other personnel actions which are subject to the grievance procedure or other processes under applicable collective agreements.

PROCEDURE #7110.2

PUBLIC INTEREST DISCLOSURE

3. WHO MAY MAKE A DISCLOSURE

- 3.1 Any employee may report wrongdoing under this procedure if the alleged wrongdoing occurred or is discovered while the employee was employed or engaged by the district.
- 3.2 Any trustee may report wrongdoing under this procedure if the alleged wrongdoing occurred or as discovered while the trustee was holding office.
- 3.3 Reports received from members of the public or from employees or trustees who were not employed by or held office with the district at the time the alleged Wrongdoing occurred or was discovered are outside the scope of this procedure. Such reports may be submitted under Procedure 7110.1 Whistle Blowing.

4. REPRISALS

- 4.1 The district will not tolerate reprisals against employees or trustees.
- 4.2 Any employee or trustee who believes that they have been the subject of a reprisal may make a complaint to the Ombudsperson, who may investigate in accordance with the procedures set out in PIDA.
- 4.3 Any person who engages in any reprisals shall be subject to disciplinary action up to and including, for an employee, dismissal for cause.

5. PRIVACY AND CONFIDENTIALITY

- 5.1 All personal information that the district collects, uses or shares in connection with a disclosure, request for advice, or an investigation shall be treated as confidential and shall be used and disclosed by the district only as described in the policy, the procedures and PIDA unless otherwise permitted or required under FIPPA or other applicable laws.
- 5.2 Personal information that is collected, used or shared by the district in the course of receiving, responding to or investigating a disclosure or a request for advice shall be limited to the personal information that is reasonably required for these purposes.

PROCEDURE #7110.2

PUBLIC INTEREST DISCLOSURE

- 5.3 Any person who, in their capacity as an employee or trustee, receives information about the identity of a discloser shall maintain the identity of the discloser in confidence, and may only use or share that information for the purposes described in the policy or PIDA, except with the consent of the discloser or as authorized or required by PIDA or other applicable laws.
- 5.4 The district shall ensure there are reasonable security measures in place to protect all personal information that the district collects or uses in the course of receiving or responding to a disclosure, a request for advice, or conducting an investigation, including by ensuring that such information is subject to appropriate controls to ensure that it is only shared by its employees and trustees internally on a need to know basis.

6. HOW TO MAKE A DISCLOSURE

- 6.1 An employee or trustee who reasonably believes that a wrongdoing has been committed or is about to be committed may make a disclosure to any of the following:
- a) That person's supervisor.
 - b) The Superintendent.
 - c) A designated officer other than the Superintendent, or
 - d) The Ombudsperson.
- 6.2 A disclosure should be submitted in writing using the disclosure form or in other written form, and include the following information if known:
- a) A description of the wrongdoing.
 - b) The name of the person(s) alleged to be responsible for or to have participated in the wrongdoing.
 - c) The date or expected date of the wrongdoing.
 - d) If the wrongdoing relates to an obligation under a statute or enactment, the name of the statute or enactment, and

PROCEDURE #7110.2

PUBLIC INTEREST DISCLOSURE

- e) Whether the wrongdoing has already been reported, and if so, to whom and a description of the response received.
- 6.3 A disclosure may be submitted to the district on an anonymous basis but must contain sufficient information to permit the district to conduct a full and fair investigation into the alleged wrongdoing. If a disclosure does not contain sufficient detail to permit investigation, the district may take no action with respect to the disclosure. Any notices required to be given to a discloser under this policy or PIDA will not be provided to an anonymous discloser, except at the discretion of the designated officer and where the disclosure has provided contact information.
- 6.4 A discloser who is considering making a disclosure may request advice from any of their union representative or employee association representative, a lawyer, their supervisor, a designated officer, or the Ombudsperson.
- 6.5 A discloser should not make a disclosure to a person if the allegations relate, in whole or in part, to alleged wrongdoing by that person, and any person who receives a disclosure and reasonably believes that the allegations of wrongdoing relate to their own acts or omissions must refer the allegations of wrongdoing to another person under this policy with responsibility for receiving a disclosure.

7. HOW TO MAKE A DISCLOSURE ABOUT URGENT RISK

- 7.1 PIDA permits employees and trustees to make public disclosures if the employee or trustee reasonably believes that a matter poses an urgent risk. An urgent risk only arises if there is reasonable and credible evidence of an imminent risk of a substantial and specific danger to the life, or safety of persons or to the environment.
- 7.2 Before making a public disclosure of an urgent risk the employee or trustee must:
 - a) Consult with the relevant protection official (public health officer, Emergency Management BC, or police).
 - b) Receive and follow the direction of that protection official, including if the protection official directs the employee not to make the public disclosure.

PROCEDURE #7110.2

PUBLIC INTEREST DISCLOSURE

- c) Refrain from disclosing, publishing or otherwise sharing personal information except as necessary to address the urgent risk.
 - d) Refrain from disclosing any information that is privileged or subject to a restriction on disclosure under PIDA or any other enactment of British Columbia or Canada, including legal advice privilege, litigation privilege or another ground of common law privilege, and
 - e) Seek appropriate advice if uncertain about what personal information, privileged or other information may be disclosed as part of a public disclosure.
- 7.3 An employee or trustee who makes a public disclosure in relation to an urgent risk is expected to provide timely notification to their supervisor or the Superintendent about the public disclosure or submit a disclosure in accordance with section 6. above.
- 7.4 If the employee or trustee decides not to make a public disclosure or is directed by a protection official not to do so, the employee or trustee is nevertheless expected to report urgent risks without delay to the Superintendent or a designated officer.

8. REFERRAL TO DESIGNATED OFFICER

- 8.1 Each supervisor and any other employee or trustee who receives a disclosure under this procedure must promptly refer it, including all disclosures forms and other materials supplied, to the appropriate designated officer as follows:
- a) Unless the allegations concern alleged wrongdoing by the Superintendent, the disclosure shall first be referred to the Superintendent who may delegate their duties under the policy and this procedure to any other designated officer.
 - b) If the allegations concern alleged wrongdoing by the Superintendent, then the disclosure should be referred to Office of the Ombudsperson.

9. RESPONSIBILITIES OF THE DESIGNATED OFFICER

- 9.1 The designated officer is responsible to:

PROCEDURE #7110.2

PUBLIC INTEREST DISCLOSURE

- a) Receive and respond to any disclosure.
- b) Receive and respond to reports made about urgent risks.
- c) If the designated officer reasonably believes that an urgent risk exists, the designated officer may make a report to the relevant protection official.
- d) Review allegations of wrongdoing in a disclosure and determine if they fall within the scope of PIDA or the policy.
- e) Refer disclosures or allegations falling within the scope of PIDA or the policy to the appropriate authority or dispute resolution process, as applicable.
- f) If a disclosure relates to wrongdoing at another government body that is subject to PIDA, refer the disclosure to that institution.
- g) Seek clarification of the allegations of wrongdoing from the discloser or referring institution as needed.
- h) If appropriate, initiate an investigation into allegations of wrongdoing in accordance with section 11. below.
- i) Assess the risk of any reprisal to the discloser, and take appropriate action, if any, to mitigate that risk.
- j) Manage communications with the discloser and respondent.
- k) Notify the discloser and the respondent of the outcome of the Investigation in accordance with section 11.7, and
- l) Ensure that, in accordance with section 5. of this procedure, all personal information received by the district related to the disclosure, request for advice or any investigation is appropriately protected against such risks as unauthorized access, collection, use, disclosure, theft or loss in accordance with FIPPA and PIDA.

PROCEDURE #7110.2

PUBLIC INTEREST DISCLOSURE

10. RESPONSIBILITIES OF EMPLOYEES AND TRUSTEES

10.1 All employees and trustees are responsible to:

- a) Make any disclosures in good faith and on the basis of a reasonable belief that wrongdoing has or is expected to occur.
- b) Refrain from engaging in reprisals and report all reprisals in accordance with this procedure and PIDA.
- c) Maintain the confidentiality of personal information received in connection with a disclosure, request for advice or investigation in accordance with the policy, this procedure, and PIDA.
- d) Provide their reasonable cooperation with investigations by the district or the Ombudsperson.
- e) Seek appropriate advice if uncertain about whether to make a disclosure or a public disclosure of an urgent risk; and
- f) Comply with the requirements of the procedure and PIDA concerning urgent risks.

11. INVESTIGATIONS

11.1 Every person involved in receiving, reviewing and investigation disclosures must carry out those function in an expeditious, fair, and proportionate manner as appropriate in the circumstances and as required under PIDA.

11.2 The district shall seek to complete all investigations within 90 calendar days of receipt of a disclosure, but the designated officer may shorten or extend this time period depending on the nature and complexity of the allegations.

11.3 The designated officer may expand the scope of any investigation beyond the allegations set out in the disclosure to ensure that any potential wrongdoing discovered during an investigation is investigated.

11.4 All investigations shall be conducted by an internal or external investigator with sufficient qualifications and experience to carry out the investigation, though overall responsibility and accountability for the investigation remains with the designated officer.

PROCEDURE #7110.2

PUBLIC INTEREST DISCLOSURE

11.5 The designated officer may consult with the Ombudsperson regarding a disclosure or refer allegations of wrongdoing in whole or in part to the Ombudsperson, provided that notice of the referral is provided to the applicable discloser.

11.6 The designated officer may refuse to investigate or postpone or stop an investigation if the designated officer reasonably believes that:

- a) The disclosure does not provide adequate particulars of the wrongdoing.
- b) The disclosure is frivolous or vexatious, has not been made in good faith, has not been made by a person entitled to make a disclosure under the policy or PIDA, or does not deal with wrongdoing.
- c) The investigation would serve no useful purpose or could not reasonably be conducted due to the passage or length of time between the date of the alleged wrongdoing and the date of the disclosure.
- d) The investigation of the disclosure would serve no useful purpose because the subject matter of the disclosure is being, or has been, appropriately dealt with.
- e) The disclosure relates solely to a public policy decision.
- f) The allegations are already being or have been appropriately investigated by the Ombudsperson, the district or other appropriate authority.
- g) The investigation may compromise another investigation; or
- h) PIDA otherwise requires or permits the district to suspend or stop the investigation.

11.7 Subject to the district's obligations under FIPPA and section 6.3. above, the discloser and the respondent(s) will be provided with a summary of the district's findings, including:

- a) Notice of any finding of wrongdoing.
- b) A summary of the reasons supporting any finding of wrongdoing.

PROCEDURE #7110.2

PUBLIC INTEREST DISCLOSURE

- c) Any recommendations to address findings of wrongdoing.

12. REPORTING

12.1 In accordance with the requirements of PIDA, the Superintendent shall prepare and make available a report concerning disclosures received under this procedure. All reporting will be in compliance with the requirements of FIPPA.

13. REFERENCES AND RELATED DOCUMENTS

- 13.1 [Public Interest Disclosure Act \(PIDA\)](#)
- 13.2 [Freedom of Information and Protection of Privacy Act \(FIPPA\)](#)
- 13.3 [Policy 7110 Whistle Blowing](#)

14. AUTHORITY AND RESPONSIBILITY

- 14.1 Superintendent of Schools
- 14.2 Human Resources Department

15. HISTORY

Approved: 2023-11-08