*Public Interest Disclosure Act:* Policy Toolkit

April 2021

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# Introduction

The [*Public Interest Disclosure Act*](https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/18022) (PIDA) came into force on December 1, 2019 with the intended purpose of establishing “whistleblower” protection for employees in the broader public sector. In this first phase, the PIDA currently applies only to ministries of the provincial government and to independent offices of the legislature. **The PIDA does not currently apply to school districts.**

Due to the COVID-19 pandemic, the next phase of expansion of the PIDA to other sectors was delayed. In September 2020, BCPSEA was contacted by the Ministry of Attorney General and advised that the provincial government has publicly committed to expanding the coverage of the PIDA beyond the public service and offices of the legislature by 2024. BCPSEA was asked to canvass school districts to determine the K-12 public education sector’s capacity to be brought under the PIDA by 2024. School districts advised that, with assistance, they believed they would be able to develop and implement the policy, procedures, and structures required to comply with the PIDA by December 31, 2021.

Although the regulations have not yet been passed to set the timeline for the PIDA to apply to the K-12 public education sector (and presently the timing is not known), to assist school districts to be prepared to come into compliance with the PIDA as early as December 31, 2021, BCPSEA committed to work with legal counsel to provide template documentation.

This Toolkit includes a template policy, administrative procedures, and annual report which is required to be filed by the Superintendent. Also included are responses to frequently asked questions.

Some school districts may already have whistleblower or safe disclosure policies and procedures, which may only need relatively minor amendments to comply with the PIDA.

**Amendments**

This Toolkit will be updated and re-distributed should the legislation be amended. For example, on [April 15, 2021, the provincial government issued a news release](https://news.gov.bc.ca/releases/2021AG0045-000714) announcing it is making amendments to the PIDA “… to provide greater clarity for government employees who report serious wrongdoings under the act.”

This version of the Toolkit incorporates those amendments, given it is unlikely they will be altered as the amendments progress through the legislature.

**Training**

The Chief Executive must ensure that employees have information about PIDA and how to make a disclosure of wrongdoing. Employees must receive training and resources that cover:

* basic information about PIDA and what wrongdoing is
* PIDA’s protections — confidentiality and prohibitions on reprisal
* how to make a disclosure or get advice
* what they can expect from an investigation as a discloser or a witness
* how to make a reprisal complaint to the Ombudsperson.

**To assist Superintendents in meeting this requirement, in conjunction with legal counsel, BCPSEA is developing a training webinar and supporting materials that will be available online, so that the training requirement for school district employees can be met conveniently, consistently, and comprehensively.**

Information on how to access the training will be provided later this year once finalized.

# Frequently Asked Questions: What You Need to Know About the *Public Interest Disclosure Act*

# **What is the PIDA?**

The *Public Interest Disclosure Act* (**PIDA** or the **Act**) is whistleblower legislation that came into force in 2019. Its purpose is to provide a mechanism that allows current and former employees within the BC public service to raise serious or systemic issues of wrongdoing for investigation, without exposing those employees to any risk of retaliation.

The PIDA initially applied only to the public service in British Columbia. However, the provincial government has committed to extending its application to other public bodies, including public school districts, by 2024. Given this stated intention, it is prudent and advisable for school districts to begin familiarizing themselves with the PIDA, and to craft policies and procedures designed to ensure compliance with the PIDA.

1. **What is a School District’s obligation under the PIDA?**

Organization that are subject to the PIDA have an obligation to receive, investigate and respond to complaints of wrongdoing that are made under the PIDA. They are also required to provide information and training to their employees about the processes established under the PIDA.

One of the central obligations imposed on public bodies that are subject to the PIDA is to develop and enforce policies and procedures that provide for:

* the receipt and investigation of complaints about wrongdoing under the PIDA;
* privacy and confidentiality in respect of complaint and investigation processes;
* assessing and mitigating the risk of reprisals against employees who make disclosures under the PIDA;
* reporting the outcome of complaints and investigations under the PIDA; and
* issuing an annual report on the referrals and disclosures made to the public body under the PIDA, and the outcome of any investigations conducted (“Annual Report”).

Included in this Toolkit are a sample form of Policy and Administrative Procedure that school districts may wish to use for these purposes. Also included is a template form of Annual Report that school districts may wish to utilize in developing their own annual reports. **Later this year, BCPSEA will circulate a webinar and materials for an online training course for school district employees to assist Superintendents in ensuring that employees receive the required training mandated by the legislation.**

1. **What type of conduct does the PIDA apply to?**

The PIDA is intended to encourage transparency, accountability and ethical decision making by creating a process through which existing and former employees (including school trustees) can report serious wrongdoing within an organization.

The types of wrongdoing (“**Wrongdoing**”) about which employees can complain include:

1. a serious act or omission that, if proven, would breach any laws of British Columbia or Canada;
2. 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);
3. a serious misuse of public funds or public assets;
4. gross or systemic mismanagement;
5. knowingly directing or counselling a person to commit a wrongdoing described in paragraphs (a) to (d).

The PIDA also provides a process allowing individuals to make complaints about any reprisals that are imposed on them because they:

* made a disclosure under the PIDA;
* sought advice about making a disclosure under the PIDA; or
* participated in an investigation under the PIDA.

1. **Who can complain under the PIDA?**

Any past or present employee of a school district can make a complaint under the PIDA provided that they were engaged by the school district at the time the Wrongdoing occurred. The definition of “employee” under the PIDA includes a government body’s directors. On that basis, it is likely that the members of a school district’s board of education can also make reports and disclosures under the PIDA.

The PIDA does not apply to complaints that are received from parents or other members of the community. However, if such allegations are received by a school district and they disclose possible “wrongdoing,” the school district should still investigate and respond to them in accordance with its existing procedures.

1. **Who is responsible for compliance with the PIDA?**

Within a school district, the PIDA vests responsibility for compliance with the “head” of the school district. The “head” of each public body subject to PIDA is intended to be specified by regulation, but typically, that person is the chief executive officer or, in the case of school districts, the superintendent of schools. The “head” may delegate their duties under the PIDA to another qualified person within the school district.

The PIDA also requires public bodies to designate a person(s) with responsibility for receiving, responding to and investigating disclosures that are made under the Act. That person(s) is referred to in the Act as the “Designated Officer.” It may be necessary to identify more than one “Designated Officer” in case a Designated Officer is unable to act, such as where the allegations of Wrongdoing concern the Designated Officer’s own conduct. The “head” has responsibility for designating the Designated Officer. If a superintendent does not appoint other Designated Officers, then the Superintendent is the Designated Officer.

1. **What are the duties of the “head” or “chief executive officer”?**

Under the PIDA, the “head” or “chief executive officer” of a public body is responsible for:

* providing information and training to employees about the Act and how to report Wrongdoing;
* acting as and/or appointing another senior official to act as the “Designated Officer” to receive and investigate reports of Wrongdoing;
* establishing procedures to:
  + fairly and effectively manage and investigate reports of Wrongdoing;
  + protect the identity of employees who report Wrongdoing or seek advice about making a disclosure;
  + maintain confidentiality and privacy in respect of information received in connection with a report or investigation;
  + assess and address any risk of reprisal to employees who make reports or participate in investigations; and
* issuing an Annual Report, to report to the public on the number of disclosures received under the Act, the outcomes of investigations and any recommendations that are made. (A Template Annual Report is attached).

1. **What are the duties of the Designated Officer?**

A school district may appoint one or more “Designated Officers” under the PIDA. The Designated Officer is responsible for:

* providing information and advice to employees who are considering making a report under the Act;
* protecting the confidentiality of employees who seek advice or make reports under the Act;
* managing and investigating reports of Wrongdoing in accordance with the policies and procedures of the school district;
* communicating with a person who makes a report under the Act; and
* communicating the results of an investigation to the appropriate parties.

The “head” appoints the Designated Officer, who may be the head themselves and/or any other senior official within the school district.

1. **What are the duties of employees and their supervisors?**

Principals, vice-principals and other supervisors may be involved in a disclosure under the Act if an employee chooses to make a report under the Act to them. It is their responsibility to:

* Familiarize themselves with the school district’s policies and procedures and the Act;
* Protect the confidentiality of employees who seek their advice or report Wrongdoing under the Act; and
* Refer reports they receive under the Act to the school district’s appropriate Designated Officer.

1. **How does an employee make a report?**

An employee can make a report to their supervisor or the Designated Officer at the School District. They are also permitted to make a report under the Act directly to the Office of the Ombudsperson of British Columbia.

Reports can be made anonymously, but the school district may not be obliged to investigate an anonymous report made under the Act unless the report provides sufficient detail to conduct a fair investigation.

BCPSEA recommends that school districts develop a reporting form that will assist employees who wish to make a report, and will elicit necessary detail to enable the report to be investigated.

1. **Can employees make reports to the public or the media?**

In the ordinary course, the PIDA provides employees with the right to make a report to their employer or the Ombudsperson, and it does not authorize them to engage in public disclosures.

However, if an employee reasonably believes that an imminent, substantial and specific danger to person(s) or the environment exists, then the Act does set out a process for making a public report or disclosure. However, such reports cannot be made unless or until the employee has first consulted with and followed the guidance of the appropriate protection officials, such as:

* the public health officer, if the matter is health related;
* Emergency Management BC, if the matter is related to the environment; or
* police, for any other matter.

1. **What is the role of the Office of the Ombudsperson under the PIDA?**

The Office of the Ombudsperson of British Columbia is an independent office of the legislature that has responsibility under the Act to receive and investigate complaints or reports that are made under the Act.

Employees have the right to make reports directly to the Ombudsperson and, in some circumstances, it may be necessary for the Designated Officer to refer reports under the Act to the Ombudsperson for investigation. Employees may also make complaints about reprisals to the Ombudsperson.

Employees can also contact the Ombudsperson for advice about whether or not to make a report under the Act.

# Template Policy: *Public Interest Disclosure Act*

## Purpose

The Board of Education of School District No. < > (“School District”) is committed to honesty, integrity, and accountability in its operations, programs, and services and to promoting a culture of openness and transparency. The School District encourages and supports all personnel in bringing forward reports of unlawful acts and acts of wrongdoing in a manner consistent with the provisions of the British Columbia *Public Interest Disclosure Act* (“PIDA”).

The purpose of this Policy and related Procedures is to establish a process, in compliance with the PIDA, for employees and trustees to report, in good faith, wrongful or unlawful conduct without fear of retaliation or reprisal.

## Scope of Policy

This Policy applies to alleged wrongdoing related to the School District’s operations or personnel. This Policy does not displace other mechanisms set out in School District Policy for addressing and enforcing standards of conduct, disputes, complaints, or grievances, including issues of discrimination, bullying and harassment, occupational health and safety, or disputes over employment matters or under collective agreements.

## Definitions

In this Policy and the Procedures, the following capitalized terms are defined as indicated:

“**Advice**” means advice that may be requested in respect of making a Disclosure or a complaint about a Reprisal under this Policy or the PIDA;

“**Discloser”** means an Employee or Trustee who makes a Disclosure or seeks Advice or makes a complaint about a Reprisal;

“**Discloser”** means an Employee or Trustee who makes a Disclosure;

“**Disclosure**” means a report of Wrongdoing made under this Policy;

“**Employee**” refers to a past and present employee of the School District;

“**FIPPA**” means the *Freedom of Information and Protection of Privacy Act,* and all regulations thereto;

“**Investigation**” means an investigation undertaken by the School District under this Policy or by the Ombudsperson under the PIDA;

“**Personal Information**” has the same meaning set out in FIPPA, namely “recorded information about an identifiable individual”, and includes any information from which the identity of the Discloser or any person who is accused of Wrongdoing or participates in an Investigation can be deduced or inferred;

“**Personnel**” means Employees and Trustees;

“**PIDA**” means the *Public Interest Disclosure Act* of British Columbia, and all regulations thereto;

“**Procedure”** means the School District’s Administrative Procedure associated with this Policy, as amended;

“**Reprisal**” means the imposition of, and any threat to impose, discipline, demotion, termination or any other act that adversely affects employment or working condition of a member of Personnel because they made a Disclosure, sought Advice, made a complaint about a Reprisal or participated in an Investigation;

“**Trustee**” means a past or present member of the School District’s Board of Education; and

“**Wrongdoing**” refers to:

* 1. a serious act or omission that, if proven, would constitute an offence under an enactment of British Columbia or Canada;
  2. 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;
  3. a serious misuse of public funds or public assets;
  4. gross or systematic mismanagement;
  5. knowingly directing or counselling a person to commit any act or omission described in paragraphs (a) to (d) above.

## Statement of Principles

* The School District is committed to supporting ethical conduct in its operations, and seeks to foster a culture in which Employees and Trustees are encouraged to disclose Wrongdoing, including by receiving, investigating and responding to Disclosures and by providing information and training about the PIDA, this Policy and the Procedures.
* The School District will investigate Disclosures that it receives under this Policy. Investigations under this Policy will be carried out in accordance with the principles of procedural fairness and natural justice.
* The School District will not commit or tolerate Reprisals against any Employee or Trustee who, in good faith, makes a request for Advice, makes a Disclosure, participates in an Investigation or makes a complaint under this Policy.
* The School District is committed to protecting the privacy of Disclosers, persons accused of Wrongdoing and those who participate in Investigations in a manner that is consistent with its obligations under the PIDA and FIPPA.

## Privacy and Confidentiality

All Personal Information that the School District collects, uses or shares in the course of receiving or responding to a Disclosure, a request for Advice, a complaint of a Reprisal, or conducting an Investigation will be treated as confidential and will be used and disclosed as described in this Policy, the Procedures, the PIDA or as otherwise permitted or required under FIPPA and other applicable laws.

## Reporting

Each year, the Superintendent shall prepare, in accordance with the requirements of the PIDA, and make available, a report concerning any Disclosures received, Investigations undertaken and findings of Wrongdoing. All reporting under this Policy will be in compliance with the requirements of FIPPA.

## Responsibility

The Superintendent is responsible for the administration of this Policy, and shall ensure that training and instruction is available to all Employees and Trustees concerning this Policy, the Procedures and the PIDA.

In the event that the Superintendent is unable or unavailable to perform their duties under this Policy, the Superintendent may delegate their authority in writing to the Secretary-Treasurer or other senior members of Personnel.

# Template: Public Interest Disclosure Policy — Administrative Procedures

## I. Definitions

Capitalized terms in this Procedure have the meanings set out in the Policy, and the following additional terms shall have the following meanings.

* 1. “**Designated Officer**” means the Superintendent and any other senior member of Personnel designated by the Superintendent from time to time, which includes, in accordance with section V. of this Procedure, the Secretary Treasurer, **<insert other>**, and the Chair of the Board of Education;
  2. “**Disclosure Form**” means the form attached to this Procedure as Appendix 1.
  3. “**Ombudsperson**” means the Ombudsperson of British Columbia;
  4. “**Policy**” means the School District’s Public Interest Disclosure Policy;
  5. “**Protection Official**” means:
     1. in respect of a health-related matter, the provincial health officer,
     2. in respect of an environmental matter, the agency responsible for the *Emergency Program Act, or*
     3. in any other case, a police force in British Columbia.
  6. “**Referral**” refers to a referral of allegations of Wrongdoing received from the Ombudsperson or another government institution for investigation by the School District in accordance with the PIDA;
  7. “**Respondent**” means a person against whom allegations of Wrongdoing or a complaint of reprisal is made;
  8. “**School**” means

1. a body of students that is organized as a unit for educational purposes under the supervision of a principal, vice principal or director of instruction
2. the teachers and other staff members associated with the unit, and
3. the facilities associated with the unit,

and includes a Provincial resource program and a distributed learning school operated by a board;

* 1. **“Supervisor”** includes
     1. an Employee’s direct management supervisor,
     2. for School-based Employees, the Principal or any Vice-Principal at the School where the Employee is assigned; and
     3. for Trustees, the Board Chair or the Superintendent;
  2. “**Urgent Risk**” arises when a member of Personnel reasonably believes that a matter constitutes an imminent risk of a substantial and specific danger to the life, health or safety of persons or to the environment.

## II. Who May Make a Disclosure

* 1. Any Employee may report Wrongdoing under this Policy if the alleged Wrongdoing occurred while the Employee was employed or engaged by the School District.
  2. Any Trustee may report Wrongdoing under this Policy if the alleged Wrongdoing occurred while the Trustee was holding office.
  3. Complaints or reports received from members of the public or from Employees or Trustees who were not engaged by the School District at the time that Wrongdoing occurred or is alleged to have occurred are outside the scope of the Policy and this Procedure.

## III. How to Make a Disclosure

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:
   * 1. that person’s Supervisor;
     2. the Superintendent;
     3. a Designated Officer other than the Superintendent; or
     4. The Ombudsperson.
2. A Disclosure should be submitted in writing using the Disclosure Form or in other written form, and include the following information if known:
   * 1. a description of the Wrongdoing;
     2. the name of the person(s) alleged to be responsible for or to have participated in the Wrongdoing;
     3. the date or expected date of the Wrongdoing;
     4. if the Wrongdoing relates to an obligation under a statute or enactment, the name of that statute or enactment; and
     5. whether the Wrongdoing has already been reported, and if so, to whom and a description of the response received.
3. A Disclosure may be submitted to the School District on an anonymous basis, but must contain sufficient information to permit the School District to conduct a full and fair investigation into the alleged Wrongdoing. If a Disclosure does not contain sufficient detail to permit investigation, the School District may take no action with respect to the Disclosure. Any notices required to be given to a Discloser under this Policy or the 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.
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.
5. A Discloser should not make a Disclosure to a person if the allegations relate, in whole or in part, to Wrongdoing by that person, and any person who receives a Disclosure or Referral 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.

## IV. How to Make a Disclosure About Urgent Risk

1. The 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, health or safety of persons or to the environment.
2. Before making a public disclosure of an Urgent Risk the Employee or Trustee must:
   * 1. consult with the relevant Protection Official (public health officer, Emergency Management BC, or police),
     2. receive and follow the direction of that Protection Official, including if the Protection Official directs the Employee not to make the public disclosure,
     3. refrain from disclosing, publishing or otherwise sharing Personal Information except as necessary to address the Urgent Risk;
     4. refrain from disclosing any information that is privileged or subject to a restriction on disclosure under the PIDA or any other enactment of British Columbia or Canada, including legal advice privilege, litigation privilege or another ground of common law privilege, and
     5. seek appropriate advice if the Employee is uncertain about what Personal Information, privileged or other information may be disclosed as part of a public disclosure.
3. An Employee 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 III. above.
4. If the Employee decides not to make a public disclosure or is directed by a Protection Official not to do so, the Employee is nevertheless expected to report Urgent Risks without delay to the Superintendent or a Designated Officer.

## V. Referral of Disclosure to Designated Officer

1. Each Supervisor or other Personnel who receives a Disclosure or Referral under this Policy must promptly refer the Disclosure or Referral, including all Disclosures Forms and other materials supplied, to the appropriate Designated Officer as follows:
   * 1. Unless the allegations concern alleged Wrongdoing by the Superintendent, the Disclosure or Referral shall first be referred to the Superintendent, who may delegate their duties under the Policy and this Procedure to any other Designated Officer;
     2. If the allegations concern alleged Wrongdoing by the Superintendent, then the Disclosure or Referral should be referred to the Secretary-Treasurer who shall act as the Designated Officer;
     3. If the allegations concern alleged Wrongdoing by the Superintendent, then the Disclosure or Referral should be referred to the Secretary-Treasurer who shall act as the Designated Officer;
     4. if the allegations made in a Disclosure or Referral concern alleged Wrongdoing by both the Superintendent and the Secretary -Treasurer, then the Disclosure or Referral should be referred to the Chair of the Board of Education as the Designated Officer or any other Designated Officer;
     5. If the allegations made in a Disclosure or Referral concern Wrongdoing by all of the Designated Officers listed in subparagraphs a., b., and c. above, then the Disclosure or Referral should be referred to the Ombudsperson.

## VI. Responsibilities of the Designated Officer

1. The Designated Officer is responsible to:
   1. Receive and respond to any Disclosure or Referral;
   2. Receive and respond to reports made by Personnel about Urgent Risks;
   3. If the Designated Officer reasonably believes that an Urgent Risk exists, the Designated Officer may make a report to the relevant Protection Official;
   4. Review allegations of Wrongdoing in a Disclosure or Referral and determine if they fall within the scope of the PIDA or the Policy;
   5. Refer disclosures or allegations falling outside the scope of the PIDA or this Policy to the appropriate authority or dispute resolution process, as applicable;
   6. If a Disclosure relates to Wrongdoing at another government body that is subject to the PIDA, refer the Disclosure to that institution;
   7. Seek clarification of the allegations of Wrongdoing from the Discloser or referring institution as needed;
   8. If appropriate, initiate an Investigation into allegations of Wrongdoing in accordance with section VIII. below;
   9. Assess the risk of any Reprisal to the Discloser, and take appropriate action, if any, to mitigate that risk;
   10. Manage communications with the Discloser and Respondent;
   11. Notify the Discloser and the Respondent of the outcome of the Investigation in accordance with section VIII. 8.; and
   12. Ensure that, in accordance with section IX. of this Procedure, all Personal Information received by the School District related to the Disclosure, Referral, 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 the PIDA.

## VII. Responsibilities of Employees

1. All Employees and Trustees are responsible to:
   1. make any Disclosures in good faith and on the basis of a reasonable belief that Wrongdoing has or is expected to occur;
   2. refrain from engaging in Reprisals and report all Reprisals in accordance with this Procedure and the PIDA;
   3. maintain the confidentiality of Personal Information received in connection with a Disclosure, Referral, request for Advice or Investigation in accordance with the Policy, this Procedure, and the PIDA;
   4. provide their reasonable cooperation with investigations by the School District or the Ombudsperson;
   5. seek appropriate advice if an Employee is uncertain about whether to make a Disclosure or a public disclosure of an Urgent Risk; and
   6. comply with the requirements of this Procedure and the PIDA concerning Urgent Risks.

## VIII. Investigations

1. Every person involved in receiving, reviewing and investigating Disclosures, Referrals or complaints of Reprisals must carry out those function in an expeditious, fair and proportionate manner as appropriate in the circumstances and as required under the PIDA.
2. The School District shall seek to complete all Investigations within 30 calendar days of receipt of a Disclosure or Referral or complaint of Reprisals, but the Designated Officer may shorten or extend this time period depending on the nature and complexity of the allegations.
3. The Designated Officer may expand the scope of any Investigation beyond the allegations set out in the Disclosure or Referral to ensure that any potential Wrongdoing discovered during an Investigation is investigated.
4. All Investigations shall be conducted by an internal or external investigator with sufficient qualifications and experience to carry out the Investigation.
5. The Designated Officer may consult with the Ombudsperson regarding a Disclosure or Referral 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.
6. The Designated Officer may refuse to investigate or postpone or stop an Investigation if the Designated Officer reasonably believes that:
   * 1. the Disclosure or Referral does not provide adequate particulars of the Wrongdoing;
     2. the Disclosure or Referral is frivolous or vexatious, has not been made in good faith, has not been made by a person entitled to make a Disclosure or Referral under the Policy or the PIDA, or does not deal with Wrongdoing;
     3. 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 or Referral;
     4. the Disclosure relates solely to a public policy decision;
     5. the allegations are already being or have been appropriately investigated by the Ombudsperson, the School District or other appropriate authority;
     6. the Investigation may compromise another investigation; or
     7. the PIDA otherwise requires or permits the School District to suspend or stop the Investigation.
7. Subject to the School District’s obligations under FIPPA and section III. 3. above, the Discloser and the Respondent(s) will be provided with a summary of the School District’s findings, including:
   * 1. notice of any finding of Wrongdoing,
     2. a summary of the reasons supporting any finding of Wrongdoing;
     3. any recommendations to address findings of Wrongdoing.

## IX. Privacy and Confidentiality

1. All Personal Information that the School District collects, uses or shares in connection with a Disclosure, Referral, or request for Advice, or an Investigation shall be treated as confidential and shall be used and disclosed by the School District only as described in the Policy, the Procedures and the PIDA unless otherwise permitted or required under FIPPA or other applicable laws.
2. Personal Information that is collected, used or shared by the School District in the course of receiving, responding to or investigating a Disclosure, a request for Advice, a Referral, or a complaint of a Reprisal shall be limited to the Personal Information that is reasonably required for these purposes.
3. Any person who, in their capacity as an employee or trustee of the School District, 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 this Policy or the PIDA, except with the consent of the Discloser or as authorized or required by the PIDA or other applicable laws.
4. The School District shall ensure there are reasonable security measures in place to protect all Personal Information that the School District collects or uses in the course of receiving or responding to a Disclosure, a request for Advice, a Referral, or complaint of a Reprisal 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.

## X. Reprisals

1. The School District will not tolerate Reprisals against Employees or Trustees.
2. Any member of Personnel who believes that they have been the subject of a Reprisal may make a complaint to:
   * 1. the Ombudsperson, who may investigate in accordance with the procedures set out in the PIDA; or
     2. to a Designated Officer, who shall investigate the complaint in accordance with the provisions of this Procedure.
3. Any member of Personnel who engages in any Reprisals shall be subject to disciplinary action up to and including dismissal.

# Template: Annual Report of the Board of Education of School District No. < > Under the *Public Interest Disclosure Act*

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| [**INSTRUCTIONS:** **The red printed instructions in this document should be deleted from the final report.** Section 38 of the *Public Interest Disclosure Act* (“PIDA”) requires that the Superintendent issue an annual report of the disclosures, investigations, findings and recommendations made or received under the PIDA within the prior year. This document sets out minimum recommended reporting requirements under s. 38 of the PIDA. However, it is open to a School District to include more explanatory information, provided that the additional information does not breach the School District’s privacy obligations, such as by disclosing information that would allow a discloser or respondent to be identified.] |

## Message from the Superintendent

(The Superintendent may wish to include a summary statement about the School District’s experiences under PIDA for the year. This is optional).

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## What is the *Public Interest Disclosure Act*?

The *Public Interest Disclosure Act* (“PIDA”) is legislation that supports ethical and accountable practices by encouraging the employees and board members of governmental bodies to report serious misconduct for investigation and further action.

The PIDA provides a framework for employees to report serious wrongdoing, and provides them with protection against reprisals. The types of wrongdoing that can be reported under the PIDA include:

* A serious act or omission that constitutes an offence under an enactment in BC or Canada;
* An act or omission giving rise to a substantial and specific danger to the life, health or safety of persons, or to the environment;
* A serious misuse of public funds or public assets; and
* Gross or systemic mismanagement.

The Board of Education of School District No. < > (“School District”) became subject to the PIDA on <date> (the “PIDA”). Under section 38 of the PIDA, the School District is responsible for issuing this annual report on the disclosures that it received under the PIDA within the year.

## Disclosures

1. **Number of Disclosures / Referrals Received: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**  
   (including referrals from the Ombudsperson of British Columbia and other government bodies)
2. **Number of Disclosures Acted On / Not Acted On:**(Disclosures not “acted on” include those disclosures the School District declined to investigate, for example where the allegations are outside the scope of PIDA or do not meeting the definition of “wrongdoing” or where they are investigated under another policy or process.)

**No. of Disclosures Acted on: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**No. of Disclosures Not Acted on: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Basis for not acting on a Disclosure:**(This section is not mandatory, but a School District may wish to include a description of the basis for not acting on a disclosure or referral. If a description is included it is important that privacy interests are considered. For a list of circumstances where a public body may refuse to investigate see section 22 of the PIDA and the Regulations under the PIDA).

1. **Number of Disclosures Investigated by the School District: \_\_\_\_\_\_\_\_\_\_\_\_**
2. **Number of Disclosures giving rise to a finding of Wrongdoing under PIDA \_\_\_\_\_\_\_\_\_**
3. **Description of Any Findings of Wrongdoing and Related Recommendations**A description of any findings of wrongdoing resulting from an investigation by the School District or the Ombudsperson must be included together with a summary of any recommendations and action taken or not taken by the School District. The School District is prohibited from disclosing information in this section that would unreasonably invade a person’s privacy, identify a discloser or reveal the identity of a person who was the subject of an investigation). A table is included below as one means of setting out this information but the School District may instead elect to provide a narrative description.

|  |  |  |
| --- | --- | --- |
| **Nature of Finding of Wrongdoing** | **Recommendations** | **Corrective Action Taken or Reasons why Corrective Action Not Taken** |
|  |  |  |
|  |  |  |

For privacy reasons, the findings and recommendations in the above Table are provided in summary form.

# Other Resources

School Districts may wish to consult the following resources in developing and/or reviewing their policies and procedures:

* The *Public Interest Disclosure Act*: [Public Interest Disclosure Act (gov.bc.ca)](https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/18022#section1)
* The Ombudsperson of British Columbia: [Public Interest Disclosure Resources](https://bcombudsperson.ca/public-interest-disclosure/resources-for-public-bodies/)
* FAQs — *Public Interest Disclosure Act*: Disclosures and Reprisal Complaints to the Ombudsperson: [PIDA-FAQs.pdf (bcombudsperson.ca)](https://bcombudsperson.ca/assets/media/PIDA-FAQs.pdf)
* The Ombudsperson of British Columbia: [Resources for Chief Executives](https://bcombudsperson.ca/for-chief-executives/); [Checklist for Chief Executives](https://bcombudsperson.ca/assets/media/APPROVED_PIDA-Checklist-for-Chief-Executives.pdf)
* The Ombudsperson of British Columbia: [Resources for Designated Officers](https://bcombudsperson.ca/for-designated-officers/); [Designated Officer Responsibilities Under PIDA](https://bcombudsperson.ca/assets/media/APPROVED_Designated-Officer-Responsibilities.pdf)
* The Ombudsperson of British Columbia: [Resources for Supervisors](https://bcombudsperson.ca/for-supervisors/)
* The Ombudsperson of British Columbia: [Resources for Employees](https://bcombudsperson.ca/for-employees/)