

# Strathcona Baptist Girls Grammar School

## Whistleblower Policy and Procedure

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### 1. Purpose

Strathcona Baptist Girls Grammar School (the School) is committed to ethical behaviour that aligns with our values and complies with all relevant laws.

This policy is designed to:

1. Help deter wrongdoing, in line with the School's risk management and governance framework.
2. Support the School's values and principles.
3. Ensure that disclosures are dealt with appropriately and in a timely and just manner
4. Meet the School's legal and regulatory obligations

A whistleblower is a person who makes a disclosure, outside normal business channels, whether anonymously or not, with respect to serious misconduct such as corruption, fraud or some other illegal or undesirable activity.

We recognise that people who have a work, service or customer relationship with the School are often best placed to identify illegal or other undesirable conduct, however may not speak up, either because there is not a clear mechanism for them to do so, or as a result of fear of being victimised if they report the matter.

We are committed to providing a supportive environment for any person making a whistleblower disclosure and we will use our best endeavors to ensure that no individual making a whistleblower disclosure is personally disadvantaged by having made a disclosure in good faith. This includes protection from dismissal or demotion, where applicable, any form of reprisal including retaliation, harassment or victimisation.

This Whistleblower Program sets out key roles and responsibilities and outlines processes with respect to ensuring transparency and accessibility.

## 2. Policy Objectives

The objectives of this Policy are to:

- encourage the reporting of actual or suspected wrongdoing that cannot appropriately be reported through normal business channels
- describe clearly the process for making a whistleblower disclosure and the types of matters that should be reported
- describe clearly the process for investigating a whistleblower disclosure
- outline how the School manages whistleblower disclosures in a way that will support and protect the whistleblower, as well as ensure fairness for a person or persons named in the disclosure.
- give effect to the spirit of whistleblower legislation that prohibits regulated organisations from taking adverse action against a staff member, a supplier of services or goods, or a member of the wider community.

## 3. Policy Scope

Our Whistleblower Program, including this Policy, has been designed to be available to all current or former:

- Directors, Committee Members and Officers of Strathcona
- members of the Senior Leadership Team
- permanent, part-time and casual staff (teaching and non-teaching)
- volunteers
- contractors
- suppliers
- parents and carers
- students
- other key stakeholders

A copy of the Whistleblower Policy and Procedure is available on the School's policy portal and website

## 4. Types of Conduct to be Reported

Our Whistleblower Program is designed to capture actual or suspected wrongdoing, that a person providing the disclosure considers cannot reasonably be managed through our existing internal reporting procedures such as the School's Internal Grievance Policy or Complaints Handling Program. Examples of wrongdoing, referred to as 'disclosable matters' that may be reportable include:

- fraud, forgery, misappropriation, misuse, misdirection, misapplication, maladministration or waste of funds
- gross mismanagement
- grooming and/or child abuse
- conflicts of interest, nepotism, favouritism
- theft, embezzlement, tax evasion
- corruption, dishonesty involving influence
- coercion, harassment or discrimination by, or affecting, any of our staff, volunteers or contractors
- assault, blackmail, taking or offering bribes
- abuse of public trust
- misleading or deceptive conduct of any kind, including conduct or representations that amount to improper or misleading accounting or financial reporting practices by or affecting the School
- other criminally prosecutable offences
- failure to report, or concealment of, an indictable offence
- unreasonable danger to health or safety of others
- failure to act in accordance with applicable professional and ethical standards
- blatant disregard for organisational policies
- a significant threat to the environment
- significant breach of the terms of any contract that binds the School
- other serious acts such as refusing to carry out lawful and/or reasonable actions under a contract
- other serious misconduct that may materially damage the School's reputation, or may otherwise be detrimental to the School
- any other act that would otherwise be considered, by a reasonable person, to be serious improper conduct, or an improper state of affairs, or circumstances.

Wrongdoing would also include a deliberate attempt to conceal any of the actions described above.

A person making a whistleblower disclosure is expected to act in good faith and have reasonable grounds for believing that wrongdoing has occurred.

A whistleblower should not use the whistleblower service to report a personal work-related grievance, a third party complaint or a child protection incident that could be effectively managed through our existing internal reporting procedures.

If a whistleblower disclosure is made through the whistleblower service that does not meet the threshold of reportable wrongdoing such as that listed above it may be referred by the Whistleblower Officer to the appropriate department or staff member to manage (for example our HR Manager or Business Manager as appropriate) and will be recorded as not being a disclosable matter. Protection of anonymity does not apply in the same strictness to

disclosures that are not disclosable matters, however confidentiality will be maintained as appropriate.

## **5. Whistleblower Support and Protection**

Strathcona is committed to providing a supportive environment for any person making a whistleblower disclosure and we will use our best endeavours to ensure that no individual making a whistleblower disclosure is personally disadvantaged by having made a disclosure in good faith. This includes protection from dismissal or demotion, any form of reprisal including retaliation, harassment or victimisation.

Further details of support and protections provided are set out below.

### **Anonymity and Confidentiality**

Strathcona will, as far as reasonably possible, provide to whistleblowers the ability to make a report anonymously and will take all reasonable steps to reduce the risk that the discloser will be identified as a result of the investigation.

If the whistleblower's identity is disclosed to a Whistleblower Officer and/or the Whistleblower Investigator, they will keep the identity of the whistleblower to themselves, where possible, and will at the first opportunity discuss with the whistleblower the issues of anonymity and confidentiality and the degree of risk that their identity may become known.

Information received from a whistleblower will be held in the strictest confidence and will only be disclosed to a person not connected with the investigation if:

- the whistleblower has been consulted and consents in writing to the disclosure; or
- the School is compelled by law to do so.

All files created with respect to a whistleblower disclosure and investigation will be kept in a secure location under the control of the Principal or the Board Chair as appropriate.

The Whistleblower Officer will advise the whistleblower if matters change in a way that affects the School's ability to protect the whistleblower's identity and will give the whistleblower as much warning as reasonably possible if it appears likely that their identity will become known.

In some cases, choosing to remain anonymous may limit the way any investigation can be conducted.

## **Supportive Environment**

The School is committed to providing a supportive environment for any person making a whistleblower disclosure. In particular, a whistleblower can expect that:

- any request for anonymity is respected and if their identity is revealed it will, as far as possible, remain confidential and only be disclosed on an “as needed basis”
- the details of their disclosure will remain confidential to the extent that is practical in the circumstances and will only be released on an “as needed basis” during the investigation phase, or as required by law
- they will be protected from retaliation, harassment or victimisation
- should retaliation occur, it will be treated as serious misconduct and the perpetrator of the retaliation will be subject to disciplinary action.

Where you have provided your identity, it is the role of the Whistleblower Officer who received your report to ensure you are supported throughout the investigation process. The Whistleblower Officer will also advise you of professional support services, such as confidential, agency based professional counselling services, that are available to you.

Strathcona acknowledges there may be a substantial personal cost to a person who makes a serious allegation outside of existing internal reporting procedures.

Where it is not possible to maintain the anonymity of the whistleblower, the whistleblower, through the Whistleblower Officer, is entitled to request from the School a leave of absence during the investigation if relevant. The School will grant such a request wherever it is appropriate and reasonably practical to do so.

## **Protection from Retaliation, Harassment or Victimisation**

Our commitment to ensuring the highest standards of ethical conduct within the School includes creating and maintaining a “speak-up culture”, where all staff members are encouraged to identify issues in the workplace and participate in resolving them. This includes “speaking up” through our existing internal reporting procedures including our Internal Grievance Policy, Complaints Handling Program and Child Protection Program.

*We do not tolerate reprisals or adverse action being taken against whistleblowers for reporting actual or suspected wrongdoing, including when suspicions are not substantiated following a thorough investigation.*

We take steps to promote awareness to all staff of their responsibilities to treat their colleagues and stakeholders with respect, and never to engage in behaviour that is discriminatory or that characterises bullying or harassment. These responsibilities encompass acknowledging that reporting actual or suspected wrongdoing is integral to an

ethical culture, and nobody who reports actual or suspected wrongdoing should experience detriment as a result.

If a whistleblower provides their identity when they make a whistleblower disclosure, the Whistleblower Officer assigned to the case will, where relevant, proactively monitor the workplace for signs of retaliation, harassment or victimisation and intervene when necessary.

A whistleblower who experiences retaliation, harassment or victimisation should immediately report it to their Whistleblower Officer. Any such conduct will be treated as serious misconduct and the perpetrator of the retaliation will, where relevant, be subject to disciplinary action.

### **Immunity from Internal Disciplinary Action**

To promote a culture that encourages whistleblower disclosures it is our policy that where a whistleblower has acted in good faith, and the individual involved has not engaged in serious misconduct or illegal activity (as determined by the Principal or her delegate), the whistleblower will be provided with immunity from internal disciplinary proceedings.

## **APPENDIX 1 – WHISTLEBLOWER PROCEDURE**

### **1.0 HOW TO MAKE A WHISTLEBLOWER DISCLOSURE**

If you would like to have a confidential discussion about your concerns, or make a whistleblower disclosure, contact one of the following Whistleblower Officers:

- The Principal
- The Deputy Principals
- The Business Manager
- The Risk and Compliance Manager
- The Chair of the School Board

*Call the School main switchboard on 03 8779 7500 and ask for a confidential conversation with any of the nominated Officers.*

A disclosure can be made verbally or in writing. A verbal disclosure will be recorded by the receiver and the discloser may be asked to verify the written report to ensure that the facts disclosed are accurate at the time.

A whistleblower should not use the whistleblower service to report a personal work-related grievance, a third party complaint or a child protection incident that could be effectively managed through our existing internal reporting procedures.

If a whistleblower disclosure is made through the whistleblower service that does not meet the threshold of reportable wrongdoing such as that listed above in section 4 of this Policy it may be referred by the Whistleblower Officer to the appropriate department or staff member to manage (for example our HR Manager or Business Manager) and will be recorded as not being a disclosable matter. Protection of anonymity does not apply in the same strictness to disclosures that are not disclosable matters, however confidentiality will be maintained as appropriate.

#### **Investigating a Whistleblower Disclosure**

All reports, other than those that are not disclosable matters, will be investigated by a Whistleblower Investigator.

Internal Whistleblower Investigators are appointed by the Board Chair, the Principal, the Deputy Principals, the Business Manager or the Risk and Compliance Manager on a case-by-case basis depending on the particular circumstances of the whistleblower disclosure and must be independent of the whistleblower, or any person being the subject of the reported conduct.

In appropriate circumstances, the Principal (or the Chair of the School Board) may decide to appoint an external investigator.

Whistleblower Investigators (internal or external) will have reasonable access to independent specialist advice if required and will as far as reasonably possible, follow best practice in investigations including ensuring that all reports of actual or suspected wrongdoing will be investigated in a way that adheres to the principles of objectivity, procedural fairness, confidentiality and natural justice. This includes providing fair treatment to people who have been mentioned in a report of actual or suspected wrongdoing, by informing of the substance of statements that have been made about them and giving them a reasonable opportunity to respond.

### **Provision of Feedback**

If the whistleblower's identity is known to the Whistleblower Investigator then, where possible, the School will provide feedback to the whistleblower during the course of the investigation and will ensure that the whistleblower will be informed of the outcome of an investigation and in particular:

- if the whistleblower's concern was substantiated, the action that has been taken or will be taken to address the issues;
- if the whistleblower's concern was not substantiated, then that no further action will be taken unless further information becomes available.

## **2.0 UNACCEPTABLE CONDUCT REPORT INVESTIGATION**

Investigators (internal or external) will only be asked to investigate a matter if they can do so in an impartial manner. No investigator will be asked to investigate any matter which relates to their employment status, position or responsibilities.

Where a report of suspected or actual unacceptable conduct relates to a significant matter involving the Principal, a member of a properly constituted School Committee or the Chair of the School Board, the Whistleblower Officer will refer the matter to one of the Senior Whistleblower Officers not directly implicated or the Baptist Union of Victoria, ASIC or the ACNC.

The person appointed to investigate the report will be required to follow normal School procedures for handling a complaint or disciplinary issue, and afford natural justice and procedural fairness where appropriate. (*Refer to the Internal Grievance Policy*).

At the end of the investigation, the investigating person must report their findings to the Principal (or the Chair of the School Board if the Principal is the subject of the investigation) who will determine the appropriate response.

Responses to investigations will include rectifying any unacceptable conduct and taking any action required to prevent any future occurrences of the same or similar conduct.

Where appropriate and required under law, the Principal (or the Chair of the School Board) will make a formal report of the conduct to external regulators and authorities, including,



but not restricted to, the Police, ASIC, the ACNC, the Victorian Department of Education and Training (DET), the Federal Department of Education and the VRQA.

Where allegations of unacceptable conduct made against another person cannot be substantiated, that person will be advised accordingly and will be entitled to continue in their role as if the allegations had not been made.

Once the investigation is completed, an appropriate response will be made to the whistleblower. This response will explain the findings and actions taken to the fullest extent possible within commercial, legal and confidentiality constraints. If the report made was anonymous, alternative arrangements, if possible, will be made to provide restricted outcome advice via a public forum such as the School website.

### **3.0 CONFIDENTIALITY AND PRIVACY PROTECTION**

#### **3.1 Disclosure of Identity**

If a person makes a whistleblower disclosure under this Procedure, the School will endeavour to ensure that the person's identity is protected from disclosure.

The person's identity will not be disclosed unless the:

- person making the report consents to the disclosure
- disclosure is required by law
- disclosure is necessary to prevent or lessen a serious threat to a person's health or safety, or
- disclosure is necessary to protect or enforce the School's legal rights or interests, or to defend itself against any claims.

The School will also ensure that any records relating to a whistleblower disclosure are stored securely and are able to be accessed only by the Whistleblower Officers.

The following unauthorised disclosures will be regarded as a disciplinary matter and unacceptable conduct under this Procedure, and will be dealt with in accordance with the School's disciplinary procedures:

- unauthorised disclosure of the identity of a person who has made a whistleblower disclosure, or
- unauthorised disclosure of information from which the identity of the reporting person could be inferred.

The School will not tolerate any reprisals, discrimination, harassment, intimidation or victimisation against any person suspected of making a whistleblower disclosure, or against that person's colleagues, employer (if a contractor) or relatives. Any such retaliatory action will be treated as serious misconduct and will be dealt with in accordance with the School's disciplinary procedures.

A person who intends to make a report under this Procedure may make a request for special protection measures if their identity is likely to be readily inferred from the nature of the information in the report.

### **3.2 Disclosure Protected by the Corporations Act**

Under the Australian Corporations Act, the disclosure of information relating to unacceptable conduct qualifies for certain protections where the:

- disclosure is made by a person to any of the Australian Securities and Investments Commission (ASIC), the School's external auditor or a member of the external audit team, a director, the Company Secretary, the Principal or a Senior Manager of the School.
- a person making the disclosure provides his or her name prior to disclosing the information
- a person has reasonable grounds to suspect that the unacceptable conduct relates to a breach of the Corporations Act in Australia, and
- disclosure is made in good faith.

Where the Australian Corporations Act applies, and information is disclosed by a person in accordance with these criteria, the person receiving the information may not tell anyone other than ASIC, or the Australian Federal Police any of:

- the information disclosed
- the identity of the person making the disclosure, or
- any information which will enable the identification of the person making the disclosure,

unless the person consents to that disclosure.

### **4.0 CORPORATE GOVERNANCE REPORTS**

The Company Secretary will provide to the Finance and Risk Committee, and the School Board, redacted reports containing a general summary of the number and type of reports made to the School together with a description of the report and results of any investigation conducted as a result of the report.

In the compilation of these reports the identity of any person who has made a report under this Procedure will not be disclosed.

Reports will be prepared which contain a general summary of the number and type of incidents identified or complaints received through the School's internal reporting processes, together with a description of the nature and results of any investigation conducted as a result of a reported incident or complaint.

All summary reports will be provided to the Principal or a delegate on a regular basis as determined by the Principal.

A consolidated report will be provided to the School Board annually.