



Whistleblower Policy and Procedure

<i>Policy designation</i>	<i>PO051BD0422-24</i>	<i>Policy audience</i>	<i>Public Facing</i>
<i>Approval date</i>	<i>26/04/2022</i>	<i>Document owner</i>	<i>Business Manager</i>
<i>Released to audience</i>	<i>26/04/2022</i>	<i>Version</i>	<i>2.0</i>
<i>Review date</i>	<i>26/04/2024</i>	<i>Approval authority</i>	<i>Board</i>

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. The disclosure of actual or reasonably suspected wrongdoing is a key element in maintaining our ethical culture.

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 Policy sets out key roles and responsibilities and outlines processes with respect to ensuring transparency and accessibility. Refer to [Appendix 1](#) for our whistleblower procedures.



2. Purpose

The objectives of this Policy are to:

1. encourage the reporting of actual or suspected wrongdoing that cannot appropriately be reported through normal business channels
2. describe clearly the process for making a whistleblower disclosure and the types of matters that should be reported
3. describe clearly the process for investigating a whistleblower disclosure
4. 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
5. 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
6. outline how the School secures and stores the information that is provided and gathered.

3. Policy Scope

Our Whistleblower Service, 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
- a relative of any of the above



Student, parents, carers and other stakeholders (unless they are also a relative of an individual listed above) are not eligible whistleblowers under this Policy. This means that if these individuals opt to make a whistleblower disclosure they will not be afforded the protections under the Corporations Act. Therefore, these individuals are strongly advised to use the School's complaints and grievances procedures to voice their complaint or concern. Please refer to the **Whistleblower Support and Protection** section for further details.

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 Service 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 Procedure, Complaints and Grievances Policy and Procedure or Child Protection Program. Examples of wrongdoing, referred to as 'disclosable matters' that may be reportable include:

- Dishonest and/or unethical conduct
- fraud, forgery, misappropriation, misuse, misdirection, misapplication, maladministration or waste of funds
- gross mismanagement
- grooming and/or child abuse that is not reported or not managed appropriately
- conflicts of interest that are not declared or managed appropriately, nepotism, favouritism
- theft, embezzlement, tax evasion
- corruption, taking or offering bribes or secret commissions
- dishonesty involving influence, such as blackmail
- coercion, harassment or discrimination by, or affecting, any of our staff, volunteers or contractors
- assault
- 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
- conduct that poses an 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 person should not disclose matters that they know to be false.

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 that does not meet the threshold of reportable wrongdoing such as that listed above it may be referred 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.

Eligibility for Protections Under the Corporations Act

In order to be eligible for the protections available under the Corporations Act the whistleblower disclosure must:

- be made by an Eligible Whistleblower in relation to a Regulated Entity;
- contain information about a disclosable matter; and
- be made directly to an Eligible Recipient, or to a designated authority such as ASIC, the Australian Prudential Regulation Authority (APRA), or a prescribed Commonwealth authority, or to a legal practitioner for the purpose of obtaining legal advice or legal representation in relation to the whistleblower protection provisions in the Corporations Act.

The Corporations Act also specifically protects “public interest disclosures” and “emergency disclosures”.

All directors and other officers, employees, and suppliers of services and goods (whether paid or unpaid) (as well as their relatives and dependants, and the dependants of their spouses) are Eligible Whistleblowers. Students, parents, carers and other stakeholders are not Eligible Whistleblowers, unless they fit into one of the categories noted above. This doesn’t preclude students, parents and carers from making a whistleblower disclosure, but they may not be afforded the protections under the Corporations Act.

A whistleblower disclosure will be a disclosable matter where the whistleblower has reasonable grounds to suspect that the information reported concerns misconduct, or an improper state of affairs or circumstances, in relation to the School. This includes circumstances where the conduct concerned constitutes an offence under the Corporations Act or constitutes an offence that is punishable by imprisonment for a period of 12 months or more, or represents a danger to the public or the financial system.

While a disclosable matter does not necessarily involve a contravention of a particular law, it would not likely include, for example, an isolated compliance breach that does not amount to misconduct. A



whistleblower disclosure that qualifies for protection will be protected, even if the disclosure turns out to be incorrect.

If a disclosure does not meet the threshold of a disclosable matter, it will not qualify for protections under the Corporations Act but it may be referred to another department or staff member to be managed appropriately.

Disclosable matters exclude personal work-related grievances; defined as a grievance about a matter that relates to the whistleblower's employment or former employment and has implications for them personally. Examples are:

- an interpersonal conflict between the whistleblower and another employee
- a decision relating to the engagement, transfer or promotion of the whistleblower
- a decision to suspend or terminate the whistleblower's engagement, or otherwise discipline the whistleblower.

Where a disclosure about a personal work-related grievance has serious implications for the School, however, it may still qualify for protection. For example:

- it includes information about a disclosable matter
- the whistleblower has experienced or been threatened with detriment for making a disclosure.

If a disclosure relates to a personal work-related grievance that does not have significant implications for the School, the whistleblower should use the School's internal complaints and grievance procedures. They should contact the Human Resource Manager for more information.

The protections provided under the Corporations Act only apply to disclosures made to an Eligible Recipient. An Eligible Recipient in relation to the School is any disclosure that is made using our online whistleblowing service – Ethical Advocate (<https://strathcona.ethicaladvocate.com/>) or in person with our Whistleblower Officer.

The Corporations Act protections also apply to Eligible Whistleblowers who make a disclosure about a disclosable matter directly to ASIC or APRA, or another prescribed Commonwealth authority.

The Corporations Act also specifically protects “public interest disclosures” and “emergency disclosures” that are made to a journalist or Member of Parliament following a previous disclosure to ASIC, APRA or another prescribed Commonwealth authority. In the case of public interest disclosures, at least 90 days must have passed since the previous disclosure was made.



It is important to understand the criteria for making a public interest or emergency disclosure, including the requirement to provide written notice to the authority to whom the previous disclosure was made. It is recommended that, before making a public interest or emergency disclosure, the whistleblower seeks advice from an independent legal adviser.

Similarly, if a whistleblower has any doubts as to whether their disclosure qualifies for protection under the Corporations Act they should seek independent legal advice before making the disclosure. The protections of the Corporations Act also apply to disclosures made to a legal practitioner for the purposes of obtaining legal advice or legal representation in relation to the operation of the whistleblower provisions, even if the legal practitioner concludes that the disclosure does not relate to a disclosable matter.

Anonymity and Confidentiality

Strathcona, as part of its online whistleblower service, provides users with 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.

Where a whistleblower's identity is, or becomes known, whether voluntarily or involuntarily, that information will remain strictly confidential and only disclosed to the extent permitted and as required.

If the whistleblower's identity is disclosed to a Whistleblower Officer and/or the Whistleblower Investigator, they will keep the identify 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 digital files created with respect to a whistleblower disclosure and investigation will be kept securely on Strathcona's online reporting network system while hard copy documents will be kept in a secure location under the control of the Principal or the Board Chair as appropriate.

The Whistleblower Officer, System Administrator and/or Investigator 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 the whistleblower has provided their identity, it is the role of the Whistleblower Officer, System Administrator and/or Investigator to ensure that the whistleblower is supported throughout the investigation process and advised of professional support services, such as confidential, agency based professional counselling services, that are available to them.

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 online reporting portal or in direct discussion with 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 Procedure, Complaints and Grievances Policy and Procedure 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 Investigator 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 update their whistleblower's report using the online reporting portal or notify their reporting 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 been involved in the wrongdoing but has not engaged in serious misconduct or illegal activity, the whistleblower may not, at the discretion of the School be subject to internal disciplinary proceedings that may have otherwise arisen from the matters that are the subject of the whistleblower disclosure.

Whistleblower Not Subject to Liability for Making the Disclosure

The Corporations Act provides that where a whistleblower disclosure qualifies for protection:

- a whistleblower is not subject to any
 - civil liability, such as action for breach of employment contract, duty of confidentiality or other contractual obligation
 - criminal liability, such as attempted prosecution for unlawful release of information, other than for making a false disclosure or
 - administrative liability, including disciplinary action

for making the disclosure

- no contractual or other remedy may be enforced, and no contractual or other right may be exercised, against the discloser on the basis of the whistleblower disclosure
- if the disclosure was made to ASIC, APRA or a prescribed Commonwealth authority, the information contained in the disclosure is not admissible in evidence against the whistleblower in criminal proceedings, or in proceedings for the imposition of a penalty, other than proceedings in respect of the falsity of the information.



It is important to note that, except for the third set of circumstances set out above, the Corporations Act does not prevent the whistleblower being subject to any civil, criminal or administrative liability for conduct of the whistleblower that is disclosed in the whistleblower disclosure.

Remedies Available for a Breach of Confidentiality or Protection

A whistleblower may be entitled to seek civil damages for loss, damage or injury suffered, even if no criminal prosecution for victimisation has been, can be, or will be brought.

A court may make an order for compensation to be paid by one party (person or the School) who engages in or threatens detrimental conduct, relating to a qualifying disclosure, that causes any detriment to another person (the second party), and the second party suffers loss, damage or injury as a result of the detrimental conduct. The School may be ordered to pay compensation where it is under a duty to take reasonable steps to prevent the detrimental conduct occurring, and it fails in that duty. A court may also order other remedies.



APPENDIX 1 – WHISTLEBLOWER PROCEDURE

What to report	Actual or reasonably suspected wrongdoing in relation to Strathcona
Why report?	So that Strathcona can investigate and address wrongdoing
How to report	Online: https://strathcona.ethicaladvocate.com/ Direct: Whistleblower Officer
What we will do	Review and access the disclosure for appropriate action Investigate claim Protect discloser's identity Support discloser and protect from detriment
What you need to know	Eligible Whistleblowers are entitled to legal protections under the Corporations Act 2001 (Cth)
What you should do if you are considering making a report	Read this policy
Who you can speak to about this policy and our procedure	Speak with School representatives listed below Seek legal advice if required

1. HOW TO MAKE A WHISTLEBLOWER DISCLOSURE

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

- The Principal
- The Deputy Principal
- The Business Manager
- The Risk, Compliance and Policy 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 is formally recognised by the School once it is reported by the whistleblower using the School's online whistleblowing service (Ethical Advocate – <https://strathcona.ethicaladvocate.com/>) or acknowledged in writing by a Whistleblower Officer. For the online service, first time users must create an account before they can submit a report. Once an account is created, it is important that the user keeps their log in details in a safe and secure place as it will be required for future use. In this instance, all communications between the reporter and the School will be via this online reporting portal.

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.

When a disclosure of wrongdoing is submitted and received, a System Administrator, as a matter of priority will send a response to the whistleblower to acknowledge receipt of the report. The System Administrator will then review and assess the disclosure and assign an Investigator on a case-by-case basis depending on the particular circumstances of the disclosure. A System Administrator is a member of the Whistleblower Officers provided by the School.

2. RECEIVING AND 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 System Administrator / Whistleblower Officer in consultation with the Board Chair, the Principal, the Deputy Principal, the Business Manager or the Risk, Compliance and Policy 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.

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 matter will be referred to the Business Manager, an alternate Senior Officer not directly implicated or the Baptist Union of Victoria, ASIC or the ACNC.

At the end of the investigation, the Investigator 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.

All information and documents relevant to the investigation will be stored securely.

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.

There may be circumstances where it is not appropriate to provide details of the outcome to the whistleblower.

All communication will be via the online reporting portal (if the report was made using the online reporting system) or via email / face to face meetings (if reported directly).



3. CONFIDENTIALITY AND PRIVACY PROTECTION

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 authorised users.

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.

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. 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.