



WHISTLEBLOWING POLICY

Version	4.0
Short description	Whistleblowing Policy
Relevant to	Entire School Community
Authority	Planning Group
Approval Date:	July 2019
Responsible staff member	Business Manager
Date introduced	August 2009
Date(s) modified	November 2013, August 2016 and July 2019
Next scheduled review date	2021
Related documents	Board Governance Charter
Related Legislation	Fair Work Act 2009; Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019

1. PURPOSE

- 1.1 Goulburn Valley Grammar School (**School**) is committed to pursuing its mission ethically and in compliance with relevant legal and regulatory requirements. In line with this, the purpose of this Whistleblower Policy (**Policy**) is to encourage individuals to report Improper Conduct (as defined below) when they reasonably believe it has occurred.
- 1.2 The Policy seeks to achieve this by:
- providing a supportive environment in which people feel comfortable to raise issues of legitimate concern to them and to the School;
 - enabling individuals, including but not limited to Eligible Persons, to raise concerns about any Improper Conduct;
 - safeguarding against the victimisation or detriment of any person who makes a report of Improper Conduct on reasonable grounds; and
 - providing for the fair and independent investigation of alleged Improper Conduct and to ensure appropriate follow-up where necessary.
- 1.3 The School recognises that, in some instances, procedures outlined in this Policy will apply to reports of Improper Conduct made by Eligible Persons who are covered by the whistleblower protection provisions contained in the *Corporations Act 2001* (Cth), and other applicable legislation, as amended from time to time. Nothing in this Policy is intended to detract from or diminish the rights or protections afforded to individuals by the provisions of that or any other applicable legislation.



2. PREAMBLE

- 2.1 The School has a responsibility for the stewardship of School resources and the public and private support that enables it to pursue its mission. The School is committed to compliance with the laws and regulations to which it is subject. Laws, regulations, policies and procedures strengthen and promote ethical practices and ethical treatment of members of the School community and those who conduct business with the School.
- 2.2 The School's internal controls and operating procedures are intended to detect and prevent or deter improper activities.
- 2.3 Intentional and unintentional violation of laws, regulations, policies and procedures may occur and may constitute improper activities as defined by statute. The School has a responsibility to investigate and report to relevant parties, allegations of suspected improper activities and the actions taken by the School and its employees.

3. SCOPE

- 3.1. This Policy applies to all members of the School community. Specifically, any of the following persons (**Eligible Persons**) can make a disclosure of Improper Conduct:
 - a) current or former students, employees, officers or directors of the School;
 - b) suppliers of goods or services, contractors (including a contractor for the supply of services or goods or any employee of the same), sub-contractors and employees of outsourced providers to the School;
 - c) individuals associated with the School (including agents or volunteers); and
 - d) relatives or dependents of any of the above persons.
- 3.2. For the purposes of the Policy, "**Improper Conduct**" is defined to include any conduct, in relation to, or engaged in by the School, its officers or employees, which:
 - a) constitutes impropriety in financial reporting, internal control or other matters including but not limited to the administration of this Policy;
 - b) is dishonest, fraudulent or corrupt such as falsification of records, contracts or data, adopting questionable or improper accounting practices or bribery;
 - c) is illegal, such as theft, violence (actual or threatened), harassment or intimidation, money laundering, terrorism related, criminal damage to property or other breaches of any law or regulatory requirements in Australia or any other jurisdictions in which the School operates;
 - d) is unethical, such as discrimination, oppression, actions causing substantial damage to the environment or acts in breach of any School codes of conduct;



- e) is potentially damaging to employees or other persons such as unsafe work practices or substantial wasting of the School's resources;
 - f) may cause financial loss to the School or damage its reputation or be otherwise detrimental to the School's interests;
 - g) may represent a danger to the public or the financial system; or
 - h) involves any other kind of serious malpractice or impropriety, negligence, default breach of trust or breach of duty.
- 3.3 If an Eligible Person becomes aware of any issue or behavior that they have reasonable grounds to suspect indicates Improper Conduct as defined by this Policy, they have a right to make a report in accordance with the procedures set out in this Policy (**Reportable Conduct**).
- 3.4 Reportable Conduct does not include personal work-related grievances, such as grievances regarding employment (or former employment) that have (or may have) implications for the discloser personally. Examples of personal workplace grievances include interpersonal conflicts between the discloser and another employee, decisions relating to the engagement, transfer or promotion of the discloser, decisions relating to the terms and conditions of engagement of the discloser, and decisions to suspend or terminate the engagement of the discloser or otherwise to discipline the discloser, - where such conduct is not taken due to a report of Reportable Conduct being made.

4. WHISTLEBLOWER DEFINITION

- 4.1 An Eligible Person who reports Improper Conduct under this Policy is referred to as a whistleblower (**Whistleblower**). Reports should be factual rather than speculative or drawing conclusions. They should contain as much specific information as possible to allow for proper assessment of the nature, extent and urgency of preliminary investigative procedures.
- 4.2 Whistleblowers should take steps to ensure that the report is:
- a) factually accurate;
 - b) supported by documentary evidence where available; and
 - c) based on reasonable grounds to suspect that the information disclosed indicates Improper Conduct.
- 4.3 The Whistleblower's role is as a reporting party. They are not investigators, nor finders of fact, nor do they determine the appropriate or corrective or remedial action that may be warranted.
- 4.4 A Whistleblower who themselves has committed, engaged in or otherwise been involved in Improper Conduct will not be immune from disciplinary action merely because he or she has reported the Improper Conduct in accordance with this Policy. However, the conduct of that person in making the report may be taken into account in determining the disciplinary response, if any, which is appropriate.



5. FILING A REPORT

- 5.1 An Eligible Person may report allegations of suspected Improper Conduct carried on at or by the School.
- 5.2 Knowledge or suspicion of Improper Conduct may originate from staff or administrators carrying out their assigned duties, auditors, law enforcement and regulatory agencies, suppliers, parents, students or other third parties.
- 5.3 Reports of allegations of suspected Improper Conduct are encouraged to be made in writing to ensure a clear understanding of the issues raised, but may be made orally.
- 5.4 A Whistleblower should make a report of Improper Conduct by contacting the following persons (**Recipients**).
- 5.5 If the Whistleblower is an employee, a report of allegations of suspected Improper Conduct should be made to the reporting employee's immediate supervisor (for example, Departmental Head, Year Level Coordinator or Human Resources Manager). In the interests of confidentiality, when there is a potential conflict of interest or for other reasons, such reports may be made to a member of the Planning Group.
- 5.6 If the Whistleblower is not an employee, a report made of allegations of suspected Improper Conduct should be made to a member of the Planning Group.
- 5.7 If the alleged Improper Conduct involves a member of the Planning Group, such reports should be made to the Principal who will advise the Board Chair.
 - a) If the alleged Improper Conduct involve the Principal of the School, such reports should be made to the Board Chair.
 - b) If the Whistleblower wishes to report the Improper Conduct anonymously, they may do so by:
 - (i) sending a written statement to the Human Resources Manager;
or
 - (ii) making an online report with Integrity Line at www.integrityline.com.au or by phone on 1800 468 456.
- 5.8 A Whistleblower can raise any concerns or queries in relation to a report of Improper Conduct or the operation of this Policy more broadly by speaking to either one of the following:
 - a) Kim Stokie - Business Manager; or
 - b) Deputy Principal.
- 5.9 When an Eligible Person reports allegations of suspected Improper Conduct to an appropriate Recipient, the report is known as a "**Protected Disclosure**". The rights of School employees when making a Protected Disclosure are protected by this Policy.



- 5.10 All School employees, in particular staff employed in a leadership role, should be aware and alert to either oral or written, formal or informal communications that may constitute a report of allegations of suspected Improper Conduct.

6. INVESTIGATING REPORTS OF IMPROPER CONDUCT

- 6.1 The School is committed to dealing with reports promptly, efficiently and confidentially.
- 6.2 If the Recipient considers that a report of Improper Conduct gives rise to a serious question as to whether one or more individuals has engaged in the Improper Conduct alleged, he or she may authorise an investigation by a suitable person into the alleged Improper Conduct.
- 6.3 A person will only be requested to investigate a matter if they can do so in an impartial manner (e.g., a manager will not be asked to investigate any matter which relates to his or her own area).
- 6.4 In certain circumstances and depending on the nature of the Improper Conduct alleged, it may be necessary and/or appropriate for the School to engage an independent third party to conduct an investigation on its behalf. In determining whether it is appropriate to engage an independent third party for this purpose, the Recipient should have regard to factors including (but not limited to):
- a) the severity of the alleged wrongdoing;
 - b) the seniority of the individuals implicated in the Improper Conduct alleged;
and
 - c) the complexity of the matter.
- 6.5 Unless the circumstances otherwise require, a third-party investigator appointed to investigate a report of Improper Conduct will be required to follow the School's normal procedures for handling a complaint or disciplinary issue.
- 6.6 The objective of the investigation is to locate and consider evidence that either substantiates or refutes the allegations made by the Whistleblower. All employees, officers, directors and contractors of the School must cooperate fully with any investigations.

7. RESPONDING TO FINDINGS

- 7.1 A response to any substantiated allegations of Improper Conduct may include disciplinary action. For example, where an investigation identifies a breach of law or internal policies or procedures, appropriate disciplinary action may be taken, including terminating or suspending the employment or engagement of the person(s) involved in the misconduct. Additionally, a referral to an external body, including ASIC or a law enforcement authority may occur.
- 7.2 Any person who is found to have engaged in Improper Conduct will be afforded an opportunity to provide a response before the School decides to take any disciplinary action against them.



- 7.3 Where allegations of Improper 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.

8. NOTIFICATION OF OUTCOME

- 8.1 The results of any investigation may be recorded in writing in a formal internal report that will be confidential and is the property of the School.
- 8.2 Once an investigation is completed and the matter (including any subsequent disciplinary action) has been concluded, the School will take steps to notify the Whistleblower that the matter has been finalised.
- 8.3 The School may notify the Whistleblower of the investigation outcome, including whether some or all of the allegations are substantiated. However, it may not always be appropriate to provide Whistleblowers with this information, including where information disclosed by the outcome is confidential, legally privileged and/or where the School is bound by a law or agreement that prevents such disclosure being made.
- 8.4 An anonymous Whistleblower should not expect to be notified of the outcome.

9. CONFIDENTIALITY OF WHISTLEBLOWERS

- 9.1 Where a Whistleblower reports an instance of alleged Improper Conduct under this Policy, his or her identity will not be disclosed unless it is:
- a) consented to by the person making the report;
 - b) required by law;
 - c) necessary to prevent or lessen a serious threat to another person's health or safety;
 - d) disclosed to a legal practitioner for the purpose of obtaining legal advice or legal representation in relation to the operation of whistleblowing legislation;
 - e) made to any government authority or agency or any regulator which the School reports to; or
 - f) made to a member of the police force.
- 9.2 Where the School makes disclosures of information not including the identity of the Whistleblower, which are reasonably necessary for the purpose of investigating the alleged Improper Conduct to which the Whistleblower's report relates, the School will take all reasonable steps to reduce the risk that the identity of the Whistleblower will be identified.
- 9.3 The School will also ensure that any records relating to a report of Improper Conduct are stored securely and are able to be accessed only by authorised personnel on a "need to know" basis.



- 9.4 The following unauthorised disclosures will be regarded as a disciplinary matter and Improper Conduct within the meaning prescribed by this Policy, and will be dealt with in accordance with the School's disciplinary procedures:
- a) unauthorised disclosure of the identity of the Whistleblower who has made a report of unacceptable conduct, or
 - b) unauthorised disclosure of information from which the identity of the Whistleblower could likely be inferred.

10. WHISTLEBLOWER PROTECTION FROM DETRIMENT

- 10.1 The Whistleblower will be safe from reprisal or detriment for making a report of alleged Improper Conduct.
- 10.2 "Detriment" in this Policy includes dismissal, injury in employment, alteration of duties to disadvantage, discrimination, harassment, intimidation, harm or injury, damage to property, damage to reputation, damage to business or financial position and any other damage to a person.
- 10.3 The School will not tolerate any action done in detriment to a Whistleblower, in reprisal for him or her making a report of Improper Conduct, or to that person's colleagues, relatives or against any other person named in the report or any person investigating the matter.
- 10.4 Any such reprisal action or victimisation may constitute Improper Conduct under this Policy, and/or serious misconduct in employment, and will be dealt with in accordance with the School's disciplinary procedures and/or referred to a relevant law enforcement authority as appropriate.
- 10.5 However, this Policy will not protect Whistleblowers from any consequences if they are also involved in or connected to the Improper Conduct that is being reported or they act other than with reasonable grounds for doing so.
- 10.6 If a Whistleblower experiences any detriment that would amount to action taken in reprisal for reporting the Improper Conduct, this should be reported to the Principal, or if more appropriate, the Board Chair, who will take appropriate action to address the situation.
- 10.7 The School will review its protections of Whistleblowers from detriment and the steps taken to protect Whistleblowers on a case-by-case basis. This may include the following, in the School's discretion:
- a) monitoring and managing the behaviour of other employees;
 - b) relocating employees (which may include the people alleged to have been involved in the Improper Conduct) to a different division, group or office or revising the reporting lines of employees;
 - c) providing access to support services, such as a counselling;



- d) offering a leave of absence or flexible workplace arrangements while a matter is investigated; and
- e) rectifying any detriment suffered.

11. OTHER PROTECTIONS AVAILABLE TO WHISTLEBLOWERS

- 11.1 Where a Whistleblower reports an instance of alleged Improper Conduct in accordance with this Policy, he or she is entitled to the following protections.
- 11.2 Protection against civil, criminal or administrative liability (including disciplinary action) for making the disclosure.
- 11.3 No contractual or other remedy may be enforced and no contractual or other right may be exercised, including rights of termination of his or her employment, on the basis of the disclosure.
- 11.4 Information disclosed under this Policy is not admissible in evidence against the Whistleblower in any prosecution, other than in respect of providing false information.
- 11.5 Victimization because of a protected disclosure is a criminal offence and if an Eligible Person suffers damage because of such victimisation, he or she can claim compensation for that damage from the offender.

12. ACCESS TO THIS POLICY

This Policy, as amended and updated from time to time, is available at <https://gvgs.cspace.net.au/KeyPolicies>.

Table of amendments

Version number	Date	Short description of amendment
1.0	August 2009	Introduction of new policy
2.0	November 2013	Review and minor changes
3.0	August 2016	Review and changes
4.0	June 2019	External review and major amendments by Lander & Rogers