



## WHISTLEBLOWER POLICY

### 1. Reflection Material

- 1.1 All Hallows' School Mission Statement
- 1.2 All Hallows' School Strategic Plan

### 2. Definitions

**School** refers to All Hallows' School Limited ACN 143 964 372.

A **Whistleblower** includes a person who is (or has been) any of the following in relation to the School:

- an officer or employee;
- a supplier of services or goods (whether paid or unpaid) including their employees, volunteer, contractor, member of a School Committee or Board; or
- an associate of the School, or a relative, dependent or spouse of any of the above people.

**Reportable Conduct** is actual or planned conduct which a Whistleblower has reasonable grounds to suspect concerns misconduct, or an improper state of affairs or circumstances, in relation to the School. This may include:

- Serious improper conduct including fraudulent, corrupt, illegal, unethical conduct;
- Conduct involving gross mismanagement or substantial mismanagement of resources;
- Repeated serious breaches of the policies and practices of the School, including this Policy,
- Conduct seriously jeopardizing risk to work health and safety or the environment; and
- Conduct involving sexual abuse, abuse, harm or misconduct in relation to children or adults (\*), or suspicion of potential or actual sexual abuse, abuse, harm or misconduct in relation to children or adults (\*).

\* NOTE: In all cases where there is statutory mandatory requirement to report a wrongdoing or student/client abuse/mistreatment - for example, in child protection, or as a condition of public funding and contracts, those processes will be adhered to under this Policy.

**Protected Disclosure** means a disclosure or report made by a Whistleblower in relation to Reportable Conduct in accordance with this Policy which qualifies for protection under the Corporations Act 2001 (Cth).

A **Whistleblower Disclosure Officer** is the person named in this Policy who has management and reporting responsibilities in relation to whistleblowing in the School. This person will be appointed by a majority vote of the School Board, as amended from time to time.

A **Whistleblower Protection Officer** is a person appointed by the Whistleblower Disclosure Officer to provide protection to the Whistleblower under this Policy.

A **Whistleblower Investigation Officer** is someone who is not named or otherwise involved in relation to the Protected Disclosure. Preference is for the investigator to have relevant internal or forensic auditor qualifications and experience.

**Adverse Employment Action** is employment action which personally disadvantages a whistleblower by termination of employment, a reduction in the terms and conditions of employment, demotion or unfair or unequal treatment in the workplace.

**Third Party Disclosure Service** is an independent confidential hotline service for the receipt of disclosures relating to corruption, criminal activity, serious misconduct or improper behaviour in the workplace. The anonymous toll-free service is integral to the School's governance program through its capacity to protect its assets, people and reputation while satisfying its legislative requirements.

A **Child** is a person under the age of 18 years.

### 3. Purpose of this Policy

- 3.1 The School values transparency and accountability in its administrative and management practices and will support the making of disclosures of Reportable Conduct by Whistleblowers.
- 3.2 This Policy applies to Protected Disclosures in relation to the School.
- 3.3. Some disclosures may involve concerns or conduct which is not covered by this Policy, such as personal work-related grievances or complaints which do not include any allegations concerning Reportable Conduct and are not related to the Whistleblower making a Protected Disclosure. A personal work-related grievance may include:
  - an interpersonal conflict between the person and another employee; and
  - decisions that do not involve a breach of workplace laws in relation to the person's employment.

In such cases, the person making a complaint will be redirected to other appropriate policies and procedures which may assist them. For example, in some cases it may be appropriate to deal with a matter under relevant bullying and harassment, workplace health and safety or complaints processes. These disclosures may be protected by other legislation. However, a disclosure about or including a personal work-related grievance may still qualify as a Protected Disclosure if:

- the grievance includes information about misconduct, or information about misconduct includes or is accompanied by a personal work-related grievance;
- the School has breached employment or other laws punishable by imprisonment for a period of 12 months or more, engaged in conduct that represents a danger to

the public, or the disclosure relates to information that suggests misconduct beyond the Whistleblower's personal circumstances;

- the Whistleblower suffers from or is threatened with detriment for making the disclosure (see Section 6 for examples of detrimental conduct); or
- the Whistleblower seeks legal advice or legal representation about the operation of the whistleblower protections under the Corporations Act.

#### 4. Access to this Policy

4.1 A copy of this Policy will be provided to all employees of the School as part of their induction and will also be available:

- on the School's website, under 'Policies and Annual Report'; and
- on the staff intranet.

#### 5 Making a disclosure

5.1 A Whistleblower who wishes to make a Protected Disclosure should do so to either the Whistleblower Disclosure Officer or to a third-party disclosure service hotline, which is operated externally, securely and confidentially by an independent service provider. Protected Disclosures may also be made to any officer or senior manager of the School, or the School's auditor.

Under certain circumstances, it may also be appropriate for a Whistleblower to make a Protected Disclosure externally. This includes disclosures made to:

- ASIC;
- an appropriate authority such as:
  - Queensland Police Service
  - Queensland Ombudsman
  - Mercy Partners
  - Queensland College of Teachers

for the purpose of assisting the authority in the performance of its functions or duties;

- a member of the Australian Federal Police;
- a legal practitioner, provided that the disclosure is made to them only for purpose of obtaining legal advice or legal representation; or
- a member of the Parliament of the Commonwealth, the Parliament of a State or the legislature of a Territory or a journalist on the grounds of public interest (Public Interest Disclosure), provided that:
  - the Whistleblower has previously made a Protected Disclosure in accordance with this Policy;

- at least 90 days have passed since the Whistleblower's previous Protected Disclosure was made;
- the Whistleblower does not have reasonable grounds to believe that action is being, or has been, taken to address the matters to which the Whistleblower's previous Protected Disclosure related;
- the Whistleblower has reasonable grounds to believe that making a further disclosure would be in the public interest;
- the Whistleblower has provided the School with a written notification that:
  - includes sufficient information to identify the previous Protected Disclosure; and
  - states that the Whistleblower intends to make a Public Interest Disclosure; and
  - the extent of the information disclosed is no greater than is necessary to inform the recipient; and
- a member of the Parliament of the Commonwealth, the Parliament of a State or the legislature of a Territory or a journalist on the grounds of an emergency disclosure (Emergency Disclosure), provided that:
  - the Whistleblower has previously made a Protected Disclosure in accordance with this Policy;
  - the Whistleblower has reasonable grounds to believe that the Protected Disclosure concerns a substantial and imminent danger to the health or safety of one or more persons or to the natural environment;
  - the Whistleblower has provided the School with a written notification that:
    - includes sufficient information to identify the previous Protected Disclosure; and
    - states that the Whistleblower intends to make an Emergency Disclosure; and
    - the extent of the information disclosed is no greater than is necessary to inform the recipient of the substantial and imminent danger; or
    - any other person in accordance with any relevant law, regulation or other requirement.

## 6. Protection of Whistleblower

- 6.1 It is against the law for a person to identify a Whistleblower or to disclose information that is likely to lead to the identification of the Whistleblower where a Protected Disclosure has been made except for in certain circumstances. By following the process set out in Section 7 below, the School will ensure that where a Protected Disclosure has been made, details of the Whistleblower's identity (or information

which is likely to lead to the identification of the Whistleblower) will not be shared unless it is made:

- to ASIC, APRA or a member of the Australian Federal Police;
- to a legal practitioner for the purposes of obtaining legal advice or legal representation about the whistleblower provisions in the Corporations Act; or
- with the consent of the Whistleblower, or  
in order to comply with another law.

6.2 It is also against the law for a person to engage (or threaten to engage) in conduct that causes detriment, to a Whistleblower (or another person) in relation to a Protected Disclosure if:

- the person believes or suspects that the Whistleblower (or another person) made, may have made, proposed to make or could make a Protected Disclosure; and
- the belief or suspicion is the reason, or part of the reason, for the conduct.

6.3 Examples of detrimental conduct may include:

- dismissal of an employee;
- injury of an employee in their employment;
- alteration of an employee's position or duties to his or her disadvantage;
- discrimination between an employee and other employees of the same employer;
- harassment or intimidation of a person;
- harm or injury to a person, including psychological harm;
- damage to a person's property;
- damage to a person's reputation;
- damage to a person's business or financial position; or
- any other damage to a person.

6.4 A Whistleblower (or any other person) can seek compensation and other remedies if:

- they suffer loss, damage or injury because of a Protected Disclosure; and
- the School failed to prevent a person from causing detriment to the Whistleblower (or any other person) as a result of the Protected Disclosure.

6.5 A Whistleblower is also protected from the following in relation to a Protected Disclosure:

- civil liability (e.g. any legal action against the Whistleblower for breach of an employment contract, duty of confidentiality or another contractual obligation);
- criminal liability (e.g. attempted prosecution of the Whistleblower for unlawfully releasing information, or other use of the disclosure against the Whistleblower in a prosecution (other than for making a false disclosure)); and
- administrative liability (e.g. disciplinary action for making the disclosure).

However, these protections do not grant immunity in relation to any misconduct a discloser has engaged in that is revealed as part of the Protected Disclosure.

- 6.6 These protections apply to the Whistleblower from the time they make the Protected Disclosure, regardless of whether the Whistleblower or the recipient recognises that the disclosure qualifies for protection or whether the Protected Disclosure is made to an internal or external party. A Whistleblower may also qualify for protection even if the Protected Disclosure turns out to be incorrect.
- 6.7 If a Whistleblower is concerned that their confidentiality has been breached or they have otherwise been subject to conduct that has caused detriment, they should make a report to the Whistleblower Protection Officer. A separate investigation will then be conducted by an experienced senior person who has not been involved in relation to the original Protected Disclosure. The Whistleblower Protection Officer will also take steps to protect the Whistleblower from any further detriment.

## 7. Investigation, Reporting and Communication

- 7.1 The Whistleblower Disclosure Officer will be responsible for ensuring the following:
- A Whistleblower Protection Officer is appointed to provide support to the Whistleblower;
  - Each disclosure is appropriately considered and reviewed by a Whistleblower Investigation Officer;
  - Action taken in response to an inquiry/investigation is appropriate; or
  - The Whistleblower is protected in accordance with section 6.
- 7.2 The Whistleblower Disclosure Officer has direct, unfettered access to independent financial, legal and operational advisers as required.
- 7.3 A Whistleblower Investigation Officer will be appointed by the Principal, or if the allegation is about the conduct of the Principal, then the Whistleblower Investigation Officer will be appointed by the Board Chair. If the allegation is about the conduct of

the Board Chair or other Board Directors, then the Whistleblower Investigation Officer will be appointed by the School's external auditor.

- 7.4 Without the Whistleblower's consent, the School must not disclose any information that is contained in a Protected Disclosure as part of its investigation process unless:
- the information does not include the Whistleblower's identity;
  - the School removes information relating to the Whistleblower's identity or other information that is likely to lead to the identification of the Whistleblower (e.g. name, position title and other identifying details); and
  - it is reasonably necessary for investigating the issues raised in the Protected Disclosure.
- 7.5 The School will provide natural justice to the person who is the subject of a Protected Disclosure. The Whistleblower Investigation Officer will conduct his or her investigations in a fair and reasonable manner in accordance with the School's Whistleblower Reporting Procedure, with due regard to the nature of the allegation and the rights of the persons involved in the investigation. Evidence, including any materials, documents or records will be held securely by the Whistleblower Investigation Officer.
- 7.6 Subject to Section 7.4, during the investigation the Whistleblower Investigation Officer will have access to all relevant materials, documents and records. The directors, officers, employees and agents of the School must cooperate fully with the Whistleblower Investigation Officer.
- 7.7 The Whistleblower Protection Officer will provide support to the Whistleblower during the investigation. Depending on the circumstances, this may include:
- arranging counselling or other support services;
  - working with the Whistleblower to develop strategies to help the Whistleblower minimise and manage stress, time or performance impacts, or other challenges resulting from the Protected Disclosure or its investigation; and
  - making modifications to the Whistleblower's workplace or the way they perform their work duties to minimize the risk of detriment to the Whistleblower (for example, reassigning the Whistleblower to another role at the same level).
- 7.8 The Whistleblower Protection Officer will also be responsible for keeping the Whistleblower informed of the progress of the investigation into the Protected Disclosure at each stage of the investigation process, subject to the privacy of the person(s) against whom allegations are made.
- 7.9 At the end of the investigation, the Whistleblower Investigation Officer will prepare an independent report of the findings to the Principal, the Board Chair or the School's

appointed external auditor, as appropriate, depending upon circumstances under Section 7.3.

- 7.10 Where the independent report under Section 7.9 indicates that Reportable Conduct has occurred, the report will include recommendations for steps to be taken to prevent the Reportable Conduct in future, as well as any disciplinary or other action against the person/s responsible for the Reportable Conduct. Such matters may be referred to the appropriate authorities as deemed appropriate by the Whistleblower Investigation Officer or the School.

## **8 Monitoring and review of this Policy**

- 8.1 The Whistleblower Disclosure Officer has responsibility for monitoring compliance of this Policy. The Risk and Compliance Committee will review this Policy and Whistleblower Reporting Procedure at least every two years and make recommendations to the School Board to ensure the Policy is operating effectively.

## **9 Awareness and training**

- 9.1 All employees of the School will receive upfront (at induction) and ongoing training regarding this Policy and Whistleblower Reporting Procedure. Additional training will also be provided to people identified in this Policy who have specific duties to ensure they understand their responsibilities.

## **10 Related Policies, Guidelines and Procedures**

- 10.1 Staff Code of Conduct
- 10.2 Volunteer and Coaches Code of Conduct
- 10.3 Policy on Child Protection
- 10.4 Policy on Complaints Against Employees

Date Approved	2019
Next Review	2021

# WHISTLEBLOWER REPORTING PROCEDURE

**The School supports disclosures of any wrongdoing so that appropriate action can be taken**

**Reportable Conduct includes:**

- Serious improper conduct including fraudulent, corrupt, illegal, unethical conduct;
  - Conduct involving gross mismanagement or substantial mismanagement of resources;
  - Repeated serious breaches of the policies and practices of the School, including the Whistleblower Policy;
  - Conduct seriously jeopardizing risk to work health and safety or the environment; and
  - Conduct involving sexual abuse, abuse, harm or misconduct in relation to children or adults (\*), or suspicion of potential or actual sexual abuse, abuse, harm or misconduct in relation to children or adults (\*).
- \* NOTE: In all cases where there is statutory mandatory requirement to report a wrongdoing or student/client abuse/mistreatment - for example, in child protection, or as a condition of public funding and contracts, those processes will be adhered to under the appropriate School policy (e.g. Policy on Student Protection).

**If you have a reasonable grounds to suspect that reportable conduct has occurred, there are several ways to make a Protected Disclosure:**

Make a **report to a Whistleblower Disclosure Officer (WDO)** or under the School's *Whistleblower Policy*

**Make a report to any officer or senior manager of the school, or the School's auditor**

or

Make a **report to STOPline** as outlined in the School's *Whistleblower Policy*

Phone: 1300 304 550

Email: ahsqld@stoline.com.au

Mail: All Hallows' School  
c/o STOPline Pty Ltd  
Locked Bag 8  
HAWTHORN VIC 3122

Web: www.ahsqld.stoplinereport.com

or

**Make a report to an appropriate external party under the School's Whistleblower Policy**

**PROTECTION**

Is your confidentiality at risk of being breached or are you at risk of being subject to detrimental conduct?

yes

Make a report to the **Whistleblower Protection Officer (WPO)**<sup>^</sup>.

A separate investigation will be conducted by an experienced senior person (outside of the area).

Appropriate action will be taken to ensure your protection.

**SUPPORT**

Do you require additional support, such as counselling?

yes

The **Whistleblower Disclosure Officer** can arrange this for you.

Make an anonymous report.

no

Are you happy to provide your contact details?

yes

Report directly.

An independent **Whistleblower Investigation Officer (WIO)** will be appointed to assess the report and conduct an investigation.

WDO may report to an authority if appropriate.

**OUTCOMES**

The **Whistleblower Disclosure Officer** will provide you with information.

The WDO will be advised of the findings of the investigation and will ensure that appropriate action is undertaken.

<sup>^</sup> the Whistleblower may also seek independent legal advice or contact an appropriate external authority (e.g. ASIC).

## Complaint Procedure

Whistleblowers can make a report to any of:

- Whistleblower Disclosure Officer
- STOPline (the School's third party disclosure service)
- Any officer or senior manager of the school, or the School's auditor
- Appropriate external party as set out in Whistleblower Policy

Contact details are provided below, where relevant.

### Whistleblower Disclosure Officer

A Protected Disclosure can be made to the Whistleblower Disclosure Officer as follows:

Claire Easton (Director of Mission)

Phone: 07 3230 9505

Email: [DirMission@ahs.qld.edu.au](mailto:DirMission@ahs.qld.edu.au)

Protected Disclosures can be made by post to: All Hallows' School, 547 Ann Street, Brisbane QLD 4000 (marked URGENT and CONFIDENTIAL to the attention of the Whistleblower Disclosure Officer).

A Protected Disclosure made to the Whistleblower Disclosure Officer may be anonymous in which case the Whistleblower should not provide details of their identity.

### Third Party Disclosure Service

A Protected Disclosure can be made online or via a smart-phone app through the School's third party disclosure service.

Phone: 1300 304 550

Email: [ahsqld@stopline.com.au](mailto:ahsqld@stopline.com.au)

Mail: All Hallows' School  
c/o STOPline Pty Ltd  
Locked Bag 8  
HAWTHORN VIC 3122

Web: [www.ahsqld.stoplinereport.com](http://www.ahsqld.stoplinereport.com)

## Contents of Protected Disclosure

The Whistleblower should endeavour to provide specific, adequate and pertinent information with respect to, among other things, dates, places, persons/witnesses, amounts and other relevant information as this may assist the School in investigating the matter.

An optional Whistleblower Report Form is attached as an appendix to this procedure, which may be helpful to a Whistleblower in compiling the information that should be included in a Protected Disclosure.

## Anonymous disclosures

Where a Protected Disclosure has been made anonymously, the Whistleblower can choose to remain anonymous over the course of the investigation and after the investigation has been finalised. The Whistleblower does not have to respond to any questions which they feel could reveal their identity.

However, the ability of the School to undertake an investigation properly may be limited if it is not able to contact the Whistleblower.

The Whistleblower may also choose to adopt a pseudonym for the purposes of their disclosure, and not use their true name. This may be appropriate in circumstances where the Whistleblower's identity is known to their supervisor, the Whistleblower Disclosure Officer or Whistleblower Protection Officer, but the Whistleblower prefers not to disclose their identity to others.

### **Communication of the Protected Disclosure**

The person receiving the Protected Disclosure will immediately escalate the matter to the Whistleblower Disclosure Officer (WDO) or if the Protected Disclosure involves the Whistleblower Disclosure Officer, to the Chair of the School Board. Without the Whistleblower's consent, the Protected Disclosure must only include information that:

- does not include the Whistleblower's identity;
- has had information relating to the Whistleblower's identity or other information that is likely to lead to the identification of the Whistleblower (e.g. name, position title and other identifying details) removed; and
- is reasonably necessary for investigating the issues raised in the Protected Disclosure.

A copy of the Protected Disclosure will also be provided to the Whistleblower Protection Officer (WPO) if they were not the original recipient of the Protected Disclosure.

If the Whistleblower has disclosed their name and contact details, the Whistleblower Disclosure Officer will appoint a Whistleblower Protection Officer who may liaise with, protect and support the Whistleblower in accordance with the School's Whistleblower Policy.

### **Investigation of Protected Disclosure**

Upon receipt of a Protected Disclosure, the Whistleblower Disclosure Officer will appoint a Whistleblower Investigation Officer (WIO) in accordance with the School's Whistleblower Policy, to assess the Protected Disclosure and if necessary, conduct further investigation. Unless the Protected Disclosure has been made anonymously, the Whistleblower Disclosure Officer will also acknowledge receipt of the Protected Disclosure as soon as possible.

If appointed, the Whistleblower Investigation Officer's role is to gather information relating to the alleged Reportable Conduct, consider the information and conclude whether or not there is any Reportable Conduct based on that information. The Whistleblower Investigation Officer will initially need to determine the expected time frame necessary to complete the investigation and whether it will need to obtain assistance from an internal or an external accounting or legal specialist as the Whistleblower Investigation Officer considers necessary. Unless the Protected Disclosure has been made anonymously, the Whistleblower will be updated on the progress of the investigation on a regular basis in the preferred method indicated by the Whistleblower.

At the completion of the investigation, the Whistleblower Investigation Officer will report back to the Whistleblower Disclosure Officer, or if the Protected Disclosure involves the Whistleblower Disclosure Officer, to the Chair of the School Board. Depending on the circumstances, the Whistleblower Investigation Officer may provide a recommendation about the action taken in response to the Protected Disclosure.

Investigations will be conducted on a confidential basis.

### **Action Following Investigation**

The Whistleblower Investigation Officer through the Whistleblower Disclosure Officer will recommend a course of action to the Principal, or if the Protected Disclosure involves the Principal or the Whistleblower Disclosure Officer, to the Chair of the School Board. Depending upon the nature of the matter and the outcome of the investigation, this may include no action being taken, internal disciplinary action, dismissal, or referral to the police or relevant authority.

Unless the Protected Disclosure was made anonymously, the Whistleblower will be advised of the outcome of the investigation and the action to be taken insofar as it does not reveal confidential information, breach privacy laws or prejudice a course of action to be taken or contravene any law.

### Reporting Requirements

Subject to confidentiality and privacy obligations and as required under the Acts or any other law:

- all Protected Disclosures, investigations and actions taken as a result of an investigation must be recorded by the Whistleblower Disclosure Officer (or if the Protected Disclosure involves the Whistleblower Disclosure Officer, the Chair of the School Board) and the Whistleblower Investigation Officer; and
- the Principal (or if the Protected Disclosure involves the Principal, the Chair of the School Board) must present the Protected Disclosure and its outcomes to the School Board.

## Optional – Whistleblower Report Form

Please complete this form and email it to the School's *Director of Mission* (DirMission@ahs.qld.edu.au) or post it to the *Director of Mission, Whistleblower Disclosure Officer, All Hallows' School, 547 Ann Street, Brisbane QLD 4000* marked URGENT and CONFIDENTIAL.

Reports can also be made online via [www.ahs.stoplinereport.com](http://www.ahs.stoplinereport.com) or via the "stop247" smart phone app (which can be downloaded from the iTunes or Google Play stores by searching under "stopline"). Reporting this way enables the reporter to decide if he or she want to remain anonymous or not throughout the reporting and investigation process.

A person who is (or has been) any of the following:

- an officer or employee of the School;
- a supplier of services or goods (whether paid or unpaid) to the School including their employees, volunteer, contractor, member of a School Committee or Board; or
- an associate of the School,

or a relative, dependent or spouse of any of the above people, will be protected under the Whistleblower Policy. All correspondence will be treated in confidence.

<b>Date:</b>		
<input type="checkbox"/> I consent to the use of the information provided in this report in accordance with the School policies and all relevant laws and regulations. <i>(You do not have to answer all of the questions below if you prefer not to or do not have relevant information).</i>		
<input type="checkbox"/> I would like a summary of my concerns and proposed action to be provided to me.		
<input type="checkbox"/> I wish to remain anonymous. <i>(If this is the case, you do not have to complete the identity information at the end of this form).</i>		
<b>Subject Matter:</b>		
<b>No.</b>	<b>Subject:</b>	<b>Description/ Details:</b>
1.	Location	
2.	Person(s) involved in Reportable Conduct (please provide name and details).	
3.	What is the nature of the Reportable Conduct?	
4.	Why do you think the information suggest that Reportable Conduct may have occurred?	
5.	Date when you suspect activity was detected:	
6.	Over what period of time has the suspect activity occurred?	
7.	How was the matter detected or how did you learn about it?	

8.	Information/ evidence of the subject matter: <input type="checkbox"/> Oral <input type="checkbox"/> Documentary <input type="checkbox"/> Electronic <input type="checkbox"/> Other	
9.	Is the evidence in danger of being lost or destroyed?	
10.	Any known financial loss or estimated financial cost of the matter?	
11.	Details of others who may have information or may be witnesses.	
12.	Were you told of this matter by someone else? If so, who?	
13.	Who else knows about this matter?	
14.	Please state (in detail) if you have any concerns regarding detrimental conduct taken or that might be taken against you or any other person because of this Report.	
15.	Please include any other details which you believe are relevant.	

**Details of Whistleblower (person lodging the allegation) OPTIONAL** (If the person lodging this form agrees to be contacted during the investigation, his/her contact details should be included in this section).

<b>Name:</b>	
<b>Position:</b>	
<b>Report to:</b>	
<b>Address:</b>	
<b>Preferred telephone number:</b>	
<b>Preferred email address:</b>	