



WHISTLEBLOWER POLICY

1. Reflection Material

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

2. Rationale

This policy exists to encourage the disclosure of corrupt, illegal or other undesirable conduct at All Hallows' School (the school) under the Whistleblower Protection Regime. This policy outlines how individuals can make disclosures (reports) about such conduct appropriately and how the school will protect the identity of those individuals and ensure they are protected from detrimental consequences.

3. Definitions

Board means the Board of Directors from time to time of either All Hallows' School Limited or All Hallows' Foundation Limited.

Conflict of Interest – means a situation or set of circumstances that has the potential to influence the impartiality of a person because of the possibility of a real or perceived link between the employee's private interests and their professional duties and responsibilities. The private interest can include, but is not limited to, financial gain, desire for professional advancement, potential to unfairly treat another person, or the desire to assist family and friends. **Conflict of interest** includes an actual or potential conflict of interest.

Detriment means unfair action against, or unfair treatment of a person, and includes the following (whether done directly or indirectly):

- dismissal of an employee;
- injury of an employee in their employment;
- alteration of an employee's position or duties to their 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;
- any other damage to a person, or
- threatening to do any of the above.

It does not include legitimate performance management or the legitimate exercise of legal rights against a person.

Disclosable Matters – What kind of disclosures can be made under this policy?

A Disclosable Matter means information which a person has reasonable grounds to suspect involves:

- misconduct (including fraud, negligence, default, breach of trust or breach of duty) or an improper state of affairs or circumstances in relation to the school
- the school, or an officer or employee of the school, engaging in conduct that:
 - is an offence against, or contravention of, a provision of the Corporations Act or the Australian Securities and Investments Commission Act 2001 (Cth); or
 - is an offence against any other law of the Commonwealth that is punishable by imprisonment for a period of 12 months or more; or
 - represents a danger to the public or the financial system.

A Disclosable Matter does not include information to the extent that it is a Personal Work Grievance. For this policy, a Personal Work Grievance has the same meaning as "personal work-related grievance" as defined in the Corporations Act, which means information disclosed relating to the discloser if:

- the information concerns a grievance about any matter in relation to the discloser's employment or former employment, having (or tending to have) implications for the discloser personally; and
- the information does not have significant implications for the school or another regulated entity, that do not relate to the discloser.

Eligible Recipients – to whom can a disclosure be made?

Each of the following is an Eligible Recipient:

- an officer or senior manager of the school;
- the auditor or member of an audit team conducting an audit of the school;
- a current Board member, or such other person authorised by the school to receive disclosures that may qualify for protection under the Corporations Act, such as the Whistleblower Protection Officer.

Disclosures made directly to the Australian Securities and Investments Commission (ASIC), the Australian Prudential Regulation Authority (APRA) or another prescribed body are also protected by the regime.

Eligible Whistleblowers

The following persons are capable of being “Eligible Whistleblowers”:

- an officer or employee of the school,
- a supplier of services or goods to the school (whether unpaid or paid, including volunteers),
- an employee of a person who supplies services or goods to the school,
- an associate of the school, and
- a relative, spouse, or dependent of any of these individuals.

An **employee** is any person who is employed by the school, on a temporary, casual, part-time, fixed term or continuing basis pursuant to a contract of employment. The term ‘employees’ does not include volunteers, independent contractors and employees of labour-hire companies.

Whistleblower Protection Regime – what is it?

The Whistleblower Protection Regime is contained in the *Corporations Act 2001* (Cth). The regime contains protections for individuals who disclose information regarding suspected wrongdoing or misconduct within an entity where certain requirements are met. The regime applies to all Australian corporations.

4. Scope

This policy applies to the school’s Board directors, officers, employees, contractors and service providers, and other persons associated with the school, including students, parents and third-party providers.

5. Policy statement

The school is committed to maintaining and promoting high standards of integrity, governance and ethical behaviour within the organisation by people at all levels, starting with the governing body, the principal, senior leaders and all other persons employed or engaged by the school.

The school is committed to operating:

- legally, and in accordance with all applicable laws;
- properly, in accordance with all organisational policy and procedures; and
- ethically, in accordance with the school’s values and vision.

All employees and associates have a responsibility to help detect, prevent and report instances of suspicious activity or wrongdoing. The school encourages the disclosure of suspected misconduct in accordance with this policy.

The responsibilities of the Whistleblower Protection Officer and Whistleblower Investigations Officer do not reside in the same person. They operate, and should be seen and understood to operate, independently of each other and should act in such a way that they discharge the two quite separate functions independently of each other. Training for these positions is provided to ensure awareness of the obligations and responsibilities of the officer holders.

6. When the protections apply

A person is entitled to protection under the Whistleblower Protection Regime if:

1. she or he is an Eligible Whistleblower; and
2. their disclosure is made to an Eligible Recipient or to ASIC, APRA or another prescribed body, and
3. their disclosure concerns a Disclosable Matter.

Furthermore, a disclosure made to a legal practitioner (e.g. a lawyer) for the purpose of obtaining legal advice or legal representation in relation to the operation of the Whistleblower Protection Regime under the Corporations Act will also be protected under the regime.

Furthermore, in certain circumstances, the Whistleblower Protection Regime allows Eligible Whistleblowers to make disclosures to professional journalists and members of parliament. These are called “emergency disclosures” and “public interest disclosures”. Strict conditions apply in order for such a disclosure to qualify for protection.

Public interest disclosure

An individual will be protected under the Whistleblower Protection Regime if they make a "public interest disclosure" that meets the following conditions:

- the individual is an Eligible Whistleblower and makes an initial disclosure of a Disclosable Matter in relation to the school to ASIC, APRA or another prescribed body;
- 90 days have passed since the first disclosure was made;
- the individual does not have reasonable grounds to believe that action is being, or has been, taken to address the matters to which the previous disclosure related;
- the individual has reasonable grounds to believe that making a further disclosure of the information would be in the public interest;

- after at least 90 days from when the first disclosure was made, the individual gives to the person to whom the first disclosure was made written notice that:
 - includes sufficient information to identify the first disclosure; and
 - states that the individual intends to make a public interest disclosure;
- the individual makes the second disclosure to:
 - a member of parliament (either of the Commonwealth or State); or
 - a journalist (meaning a person who is working in a professional capacity as a journalist for a newspaper, magazine, radio or television broadcasting service, or an electronic service that is operated on a commercial basis or by a body that provides a national broadcasting service and which is similar to a newspaper, magazine or radio or television broadcast); and
- the extent of the information disclosed by the individual in making the public interest disclosure is no greater than is necessary to inform the recipient of the Disclosable Matter.

Emergency disclosure

An individual will be protected under the Whistleblower Protection Regime if they make an "emergency disclosure" that meets the following conditions:

- the individual is an Eligible Whistleblower and makes an initial disclosure of a disclosable matter in relation to the school to ASIC, APRA or another prescribed body;
- the individual has reasonable grounds to believe that the information concerns a substantial and imminent danger to:
 - the health and safety of one or more persons; or
 - the natural environment;
- the individual gives to the person to whom the first disclosure was made, written notice that:
 - includes sufficient information to identify the first disclosure; and
 - states that the individual intends to make an emergency disclosure; and
- the individual makes the second disclosure to:
 - a member of parliament (either of the Commonwealth or State); or
 - a journalist (meaning a person who is working in a professional capacity as a journalist for a newspaper, magazine, radio or television broadcasting service, or an electronic service which is operated on a commercial basis or by a body that provides a national broadcasting service and which is similar to a newspaper, magazine, radio or television broadcast); and
- the extent of the information disclosed by the individual in making the emergency disclosure is no greater than necessary to inform the recipient of the substantial and imminent danger.

7. How to make a disclosure

The school is committed to providing a safe, reliable and confidential way of reporting Disclosable Matters. ASIC is the government regulator of the Whistleblower Regime, and it encourages Eligible Whistleblowers to make a disclosure to one of the school's internal or external Eligible Recipients in the first instance.

A person can make a disclosure directly to regulatory bodies (ASIC, APRA or another prescribed body) about a Disclosable Matter and qualify for protection under the Whistleblower Regime without making a prior disclosure to the school.

A disclosure to the school may be made verbally, including via telephone, or in writing, including by email.

School Whistleblower Hotline

Disclosures can also be made to the school's anonymous Whistleblower Hotline by the following means:

- email: ahsqld@stoline.com.au
- phone (hotline): 1300 304 550

Disclosures will be treated confidentially as follows:

- The telephone number above will be staffed only by Eligible Recipients, and numbers will not be recorded. Individuals may also send text messages to this telephone number. If an Eligible Whistleblower wishes to remain anonymous, any text messages should be sent from a number that is not known to the school.

Written disclosures sent to the email address listed will only be accessible by Eligible Recipients. If an Eligible Whistleblower wishes to remain anonymous, any emails should be sent from an email address that is unknown to the school and that does not identify the Eligible Whistleblower.

Disclosures should include details of:

- the nature of the allegation(s),
- the individuals involved,
- the key facts on which the person making the disclosure has formed the view that a Disclosable Matter exists and involves the individual or individuals named in the disclosure, and
- the nature and whereabouts of any additional evidence that may assist in substantiating the allegation(s).

Whistleblower Protection Officer

The Whistleblower Protection Officer's role is to:

- make an initial assessment as to whether a disclosure qualifies for protection under the Whistleblower Protection Regime;
- as appropriate, advise the discloser that their disclosure does or does not qualify for protection,
- (where a disclosure does qualify for protection), to protect and assist the interests of the Eligible Whistleblower.

The Whistleblower Protection Officer is the person employed or acting as the school's HR Manager, or such other person as appointed by the Principal (or, in the event of a conflict, the relevant Board Chair) from time to time.

The Whistleblower Protection Officer will have direct, unfettered access to independent financial, legal and operational advisers as reasonably required.

The Whistleblower Protection Officer can be contacted by the following means:

- email: HRManager@ahs.qld.edu.au
- phone (direct number) 07 3230 9552
- in person: HR Manager's Office in the All Hallows' Convent, Level 2

Whistleblower Investigations Officer

The Whistleblower Investigations Officer's role is to investigate (or cause to be investigated) the disclosure and prepare a report as required under this policy.

The Whistleblower Investigations Officer is the person employed or acting as the school's Deputy Principal, or such other person as appointed by the Principal (or in the event of a conflict of interest, the relevant Board Chair) from time to time.

The Whistleblower Investigations Officer can be contacted by the following means:

- email: DeputyPrincipal@ahs.qld.edu.au
- phone 07 3831 3100
- in person: Deputy Principal's office, Main Building

Reports regarding disclosures of Disclosable Matters

The Whistleblower Protection Officer and the Whistleblower Investigations Officer will each separately report up to their respective line manager/supervisor. If this line manager/supervisor is in any way involved in

the Disclosable Matter, then the matter is to be referred to the Principal, or (in the event of a conflict of interest) the relevant Board Chair.

The Principal will ensure that the relevant Board is promptly informed of all disclosures dealt with under this policy, whether or not assessed as qualifying for protection.

Anonymous disclosures

Whilst the identity of a discloser will enable the Eligible Recipients and Whistleblower Protection Officer to have ongoing communication with a discloser (which will likely assist in any investigation), disclosers may remain anonymous. If a discloser wishes to remain anonymous, they should maintain ongoing two-way communication with the Whistleblower Protection Officer so that the officer can ask follow-up questions or provide feedback without knowing the discloser's identity.

The school will protect the anonymity of a discloser by communicating via an anonymous phone number or email address and allowing the discloser to adopt a pseudonym for purposes of the disclosure and investigation.

Importantly, qualifying disclosures made anonymously will still be protected under the Whistleblower Protection Regime.

8. False Disclosures

Knowingly false disclosures are not protected under this policy or the Whistleblower Protection Regime, and any such disclosure will be treated as a serious matter, and the discloser will be subject to disciplinary proceedings as per applicable employment policies or be subject to other legal referral or action as appropriate.

9. Investigation

The school will commence investigating all matters disclosed pursuant to this policy as soon as practicable once a disclosure has been received, and (wherever possible) within 7 days of receipt.

The purpose of the investigation is to determine whether or not the Disclosable Matters are substantiated, with a view to addressing and rectifying any wrongdoing uncovered to the extent that this is practicable in all circumstances. The scope and extent of any investigation will be a matter to be determined by the Whistleblower Investigations Officer, having regard to the nature and content of the reported information. This may include either an internal investigation or the appointment of an independent third party.

The investigation will be thorough, objective, fair, and independent of the Eligible Whistleblower and anyone implicated in the Disclosable Matter. The principles of procedural fairness (natural justice) will be observed, including investigating without bias and ensuring that any person implicated in the Disclosable Matter has the right to respond.

Eligible Whistleblowers (where possible, having regard to any request for anonymity) will be kept informed of the outcomes of the investigation arising from their disclosure, subject to considerations of the privacy of anyone who is the subject of the Disclosable Matter and confidentiality requirements. Any Eligible Whistleblower who is not an employee must first agree in writing that they will maintain the strict confidentiality of the disclosure and the substance of the disclosure and the investigation before they can be kept informed of the investigation.

Investigation processes will vary depending on the precise nature of the matter being investigated, but will generally proceed as follows:

- With the consent of the Eligible Whistleblower, the Eligible Recipient will inform the Whistleblower Protection Officer and the Whistleblower Investigations Officer of the disclosure. In the event of a conflict of interest, they will inform another appropriate, responsible individual, e.g. Principal or relevant Board Chair.
- If a disclosure is not made anonymously, or the Eligible Whistleblower has otherwise provided a means of contact, the Whistleblower Protection Officer will be in contact with the Eligible Whistleblower to provide information and support regarding the assessment and investigation of the disclosure, including advice as to who may be contacted during the investigation.
- If the disclosure is made anonymously, and the Eligible Whistleblower does not provide a means by which they may be contacted, the investigation will be conducted based solely on the content of the disclosure.
- The Whistleblower Investigations Officer (or other person appointed to investigate the disclosure) will be required to notify the Board of the school in order to commence the investigation. The identity of the Eligible Whistleblower will be protected if required.
- Where appropriate, the Whistleblower Protection Officer may provide an Eligible Whistleblower with feedback regarding the investigation and outcome.
- Throughout the investigation:
 - All information obtained will be properly secured to prevent unauthorised access and disclosure in accordance with this policy;
 - All relevant witnesses will be interviewed, and documents examined, to the extent considered appropriate by the Whistleblower Investigations Officer;
 - The identity of any individuals named or implicated in the reported conduct will be kept confidential;

- Witnesses will be directed not to draw inferences regarding the identity of any individuals involved in any alleged misconduct based on the substance of the questions asked;
- Detailed notes will be made of all discussions, phone calls and interviews;
- Without the Eligible Whistleblower's consent, the school cannot disclose information that is likely to lead to their identification as part of its investigation process unless:
 - the disclosure is authorised under the Whistleblower Protection Regime (for example, the disclosure is made by the school to ASIC, APRA or another prescribed body or to a legal practitioner for the purpose of obtaining legal advice or legal representation in relation to the operation of the Whistleblower Protection Regime); or
 - it is reasonably necessary for the investigation of the issues raised in the disclosure.
- If the Eligible Whistleblower has provided contact details or a means by which they may be contacted, the Whistleblower Protections Officer will provide the Eligible Whistleblower with regular updates. The frequency and timeframe of updates will vary depending on the subject matter of the disclosure.
- The School Board will ensure that the investigation is completed within a reasonable time, depending on the circumstances, and within no more than 90 days of the commencement of the investigation, subject to extraordinary circumstances justifying extension beyond this time.
- An Eligible Whistleblower who makes an anonymous disclosure may choose to remain anonymous while making a disclosure, over the course of the investigation and after the investigation is finalised. Accordingly, an Eligible Whistleblower can refuse to answer questions that they feel could reveal their identity at any time.
- The investigation process may be subject to some limitations, including that the school may not be able to undertake an investigation if it is not able to identify the Eligible Whistleblower; for example, if a disclosure is made anonymously and the Eligible Whistleblower has refused to provide or has not provided, a means of contact for any further questions or follow up which the school may need as part of the investigation.
- At the conclusion of the investigation, the Whistleblower Investigations Officer (or other person appointed to conduct the investigation) will prepare a report for the Board of the school, which will include:
 - the allegations;
 - a statement of all relevant findings of fact and the evidence gathered, and upon which conclusions have been based;
 - the conclusions reached, including the damage caused, if any, and the impact on the school and any other affected parties;

- recommendations, based on the report's conclusions, to address any wrongdoing identified and any other matters that arose during the investigation.
- The report will be provided to the relevant Board and the Eligible Whistleblower (if possible), with any applicable confidentiality stipulations.

10. **Protection of Eligible Whistleblowers and others**

To encourage reporting, the school is committed to ensuring the confidentiality of all matters raised under this policy and the protection and fair treatment of Eligible Whistleblowers who make a disclosure and those named or implicated in any such disclosure (or investigation of such a disclosure).

The school will not tolerate or permit anyone to cause Detriment to an Eligible Whistleblower because that person has made, or is suspected to have made, a disclosure concerning a Disclosable Matter.

If an Eligible Whistleblower believes they have been subjected to detrimental treatment as a result of disclosing a Disclosable Matter (or, they reasonably believe, as a result of being suspected of having made such a disclosure), they should immediately inform the Whistleblower Protection Officer. Disciplinary action may be taken against any employee who causes Detriment to an Eligible Whistleblower.

Protection of Eligible Whistleblower's identity and confidentiality

Subject to any legal requirements, on receiving a disclosure under this policy, the school will act in accordance with the Corporations Act requirements for confidentiality and only share an Eligible Whistleblower's identity or information likely to identify them if:

- the Eligible Whistleblower consents; or the information is shared by the school with ASIC, APRA or another prescribed body for the purpose of making a report; or
- the concern is raised with a lawyer for the purpose of obtaining legal advice or representation.

Under the Corporations Act, it is illegal for a person to identify an Eligible Whistleblower or disclose information that is likely to lead to the identification of the Eligible Whistleblower, outside the above exemptions.

An Eligible Whistleblower may lodge a complaint with the school about a breach of confidentiality in accordance with the school's Policy on Complaint and Dispute Resolution.

An Eligible Whistleblower may also lodge a complaint with a regulator, such as ASIC or APRA, if their confidentiality is not protected.

The school will protect the confidentiality of an Eligible Whistleblower by:

- reducing the risk that they will be identified from the information contained in the disclosure by:
 - redacting all personal information or reference to them witnessing an event;
 - referring to them in gender-neutral terms;
 - contacting them to help identify certain aspects of the disclosure that could inadvertently identify them; and
 - ensuring that disclosures are handled and investigated by appropriately qualified individuals.
- ensuring that its record-keeping and information sharing processes are adequate to ensure the protection of their identity, such as by:
 - storing all records securely;
 - ensuring access to all records and information relating to the disclosure is limited to those directly involved in managing and investigating the disclosure;
 - ensuring that only a restricted number of individuals directly involved in the handling and investigation of a disclosure will be aware of the Eligible Whistleblower's identity (subject to the Eligible Whistleblower's consent) or information which may identify the Eligible Whistleblower;
 - ensuring that material relating to the matter will not be sent to an email address or left in a situation (such as at a communal printer) that can be accessed by other individuals; and
 - regularly reminding all individuals involved in the handling and investigation of a matter of their confidentiality requirements, including that, in the circumstances that apply under the Whistleblower Protection Regime, the unauthorised disclosure of an individual's identity may be a criminal offence.

Protection of files and records

In order to protect the Eligible Whistleblower and any individual named or implicated in the disclosure, the school will ensure that all files and records created from an investigation arising from a disclosure made under this policy will be stored safely and securely and will be appropriately protected, having regard to whether the records are stored in electronic form or in paper copy.

This will be achieved by:

- If the files are electronic – ensuring that the system is adequately protected by password protection or encryption, and the files and records are stored on secure data storage systems and accessible only by authorised individuals involved with the investigation or with sufficient security clearance;
- If the files are hard copy – ensuring that the files are stored in locked storage and that the keys to the storage are kept safely and securely in a location only known to authorised individuals involved with the investigation or with sufficient security clearance.

Protections under the Corporations Act

In addition to the above internal mechanisms to protect an Eligible Whistleblower, the Corporations Act contains special protections for Eligible Whistleblowers if the conditions in section 6 of this policy are met. These special protections are:

- the Eligible Whistleblower is immune from any civil, criminal or administrative legal action (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 Eligible Whistleblower for making the disclosure;
- in some circumstances, the disclosed information is not admissible against the Eligible Whistleblower in criminal proceedings or in proceedings for the imposition of a penalty;
- anyone who causes or threatens to cause Detriment to an Eligible Whistleblower or another person in the belief or suspicion that a disclosure has been made, or may have been made, proposes to or could be made, may be guilty of an offence and may be liable for damages;
- an Eligible Whistleblower's identity cannot be disclosed to a court or tribunal except where considered necessary; and
- the person receiving the disclosure commits an offence if they disclose the Eligible Whistleblower's identity or information that is likely to lead to the identification of the Eligible Whistleblower, without the Eligible Whistleblower's consent, to anyone except:
 - ASIC;
 - APRA;
 - the Australian Federal Police (AFP); or
 - a legal practitioner for the purpose of obtaining legal advice or representation in relation to the disclosure.

However, these protections do not grant immunity for any misconduct that an Eligible Whistleblower has engaged in that is revealed in (or revealed in the course of investigating) their disclosure.

The school will ensure that Eligible Whistleblowers are protected against Detriment by:

- undertaking an assessment of the risk of Detriment against the Eligible Whistleblower and other persons (e.g. other personnel who may be suspected to have made a disclosure) as soon as possible after receiving the disclosure;
- where possible, providing support services to the Eligible Whistleblower, e.g. counselling sessions to assist the Whistleblower to minimise and manage stress;
- where possible, engaging with the Eligible Whistleblower to assist in providing or identifying strategies to minimise and manage time or

performance impacts, or other challenges resulting from the disclosure or the investigation, such as by providing other modifications for the Eligible Whistleblower to continue to work, e.g. reassignment to another role, changes to their role or the way they perform their duties;

- ensuring the school's management is aware of their responsibilities to maintain the confidentiality of a disclosure, address the risks of isolation or harassment, manage conflicts and ensure fairness when managing the performance of, or taking other management action relating to, an Eligible Whistleblower;
- informing the Eligible Whistleblower that they can lodge a complaint with the school via the Whistleblower Protection Officer if they have suffered Detriment in accordance with the school's complaints policy. Any complaint will be taken seriously and dealt with by the school in accordance with that policy.

Compensation/Remedies

An Eligible Whistleblower can seek compensation and other remedies through the courts if:

- they suffer loss, damage or injury because of a disclosure; and
- the school failed to take reasonable precautions and failed to exercise due diligence to prevent Detrimental conduct.

11. Awareness and access

This school will ensure that all its officers and employees have access to this policy through the school intranet portal.

The school will ensure that all its officers and employees are aware of this policy in the following ways:

- Through its induction and continuous training procedures.
- The school's Employees Code of Conduct includes reference to this policy.

Information on the Whistleblower Policy is available on the school's website and internal intranet.

12. Related Policies, Guidelines and Procedures

- 12.1 Employees Code of Conduct
- 12.2 Policy on Child Safety and Wellbeing
- 12.3 Policy on Complaint and Dispute Resolution

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