Whistleblower Policy

Introduction

The value of Integrity is one of Hunter Valley Grammar School's eight Values. Our Whistleblower Policy supports this value and reinforces the importance of reporting unethical behaviour.

The School is committed to a transparent and ethical culture that promotes honesty and encourages employees and the broader School community to report practices that do not align with the School's values. Reporting wrongdoing allows the School to address concerns and maintain an environment for our employees and students that reflects our School's values.

Purpose

This policy provides guidance to the School community of Hunter Valley Grammar School (the School) about how to manage qualifying disclosures made regarding misconduct in relation to the school and the importance of protecting eligible whistleblowers.

This policy will be published on the School website and made available to Board Directors and employees.

Scope

This policy applies to the whole School including the School Board and is specifically related to behaviours defined as qualifying disclosures under the Corporations Act 2001.

Areas that are not covered by this Policy include:

- Complaints or allegations of employee misconduct that do not meet the criteria of a qualifying disclosure will be addressed in accordance with the school's Complaint Management Policy.
- Disclosures about reportable conduct will be addressed in accordance with the school's Child Safe Policy.
- Disclosures regarding a grievance between employees about work matters, including work relationships and decision made by other employees which impact

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on their work, may be addressed in accordance with the School's Appropriate Workplace Behaviour Policy.

- Unlawful discrimination, harassment or bullying complaints may be addressed in accordance with the school's Bullying Prevention and Intervention Policy or Harassment or Assault Policies.

What is a qualifying disclosure?

A qualifying disclosure is when an eligible whistleblower makes a disclosure to an eligible recipient, and the eligible whistleblower has reasonable grounds to suspect that the information concerns a disclosable matter.

Who can make a qualifying disclosure?

Eligible whistleblowers

An eligible whistleblower is an individual who is or has been any of the following, in relation to the school:

- a Board Director;
- an employee;
- a person who supplies goods or services (paid or unpaid);
- an employee of a person who supplies goods or services (paid or unpaid);
- an individual who is an associate of the School (as defined in the Corporations Act); and
- a relative or dependent (or dependents of a spouse) of any individual described above.

Anonymous disclosures

A disclosure can be made anonymously.

However, this may make it difficult to investigate the reported matter. The school encourages disclosers to provide their names. If a discloser wishes to disclose anonymously, the discloser should provide sufficient information to allow the matter to be properly investigated and the school encourages the discloser to provide an anonymous email address through which additional questions can be asked and information provided.

Where a person has made an anonymous disclosure or their identity is known however they wish to remain anonymous, the Investigator should use strategies to continue anonymous communication including the use of anonymous email accounts and pseudonyms.

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Further information about whistleblowing disclosures and protection are available through the ASIC (including Whistleblower Protections page), APRA and ATO websites.

Disclosable matters that qualify for protection

Disclosable matters

A disclosable matter is a disclosure of information where the eligible whistleblower has reasonable grounds to suspect that the information relating to the School or a related company concerns:

- misconduct;
- an improper state of affairs or circumstances;
- illegal activity (including conduct of officers and employees) – meaning activity in breach of the Corporations Act or specified financial services legislation, or an offence against any law of the Commonwealth punishable by imprisonment of 12 months or more; or
- conduct (including conduct of officers and employees) that represents a danger to the public or financial system.

This may include any conduct in relation to the operation of the school that involves:

- fraudulent activity;
- unlawful or corrupt use of school funds;
- improper accounting or financial reporting practices;
- systemic practices that pose a serious risk to the health and safety of any person on school premises or during school activities.

Reasonable grounds to suspect

A discloser would have 'reasonable grounds to suspect' if the discloser has a suspicion that could reasonably be formed based on the facts and information available to them.

If a disclosure is made without 'reasonable grounds to suspect' (e.g. where the disclosure is unfounded), the disclosure will not be a qualifying disclosure and the discloser will not have the protections provided for under this policy and the Corporations Act.

Personal work-related grievances

Generally, disclosures that concern personal work-related grievances do not qualify for protection.

A disclosure will concern a personal work-related grievance of the discloser if the information:

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- 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
- does not have significant implications for the school that do not relate the discloser; and
- does not concern conduct that is:
  - an alleged contravention of the Corporations Act and specified financial services laws; or
  - an offence against another law of the Commonwealth, which is punishable by imprisonment of 12 months or more; or
- a danger to the public or financial system; or

Examples of disclosures regarding personal work-related grievances that may not qualify for protection include:

- an interpersonal conflict between the discloser and another employee;
- a decision relating to the engagement, transfer or promotion of the discloser;
- a decision relating to the terms and conditions of engagement of the discloser;
- a decision to suspend or terminate the engagement of the discloser or otherwise discipline the discloser.

These matters will be addressed in accordance with the School's Appropriate Workplace Behaviour Policy or other relevant policy.

A disclosure could qualify for protection if it concerns a personal work-related grievance and also concerns:

- alleged detriment (or a threat of detriment) to the discloser
- includes information about misconduct
- includes activity that involves breach of employment laws or other laws that would include a penalty of imprisonment of 12 months of more.

A discloser is also eligible for protections if they are seeking legal advice or legal representations about the operation of the whistleblower protections.

Public Interest Disclosures and Emergency Disclosures

An eligible whistleblower may make a public interest disclosure or emergency disclosure to a journalist or parliamentarian only if the information has been previously disclosed to ASIC, APRA or a prescribed Commonwealth authority and under certain circumstances.

A public interest disclosure is the disclosure of information to a journalist or member of parliament where:

- at least 90 days have passed since the disclosure to ASIC, APRA or another prescribed commonwealth body

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- the discloser has no reasonable grounds to believe that action is being taken
- the discloser has reasonable grounds to believe that further disclosure of the information is in the public interest
- before making a public interest disclosure the discloser must notify the body previously notified in writing of the intention to make a public interest disclosure.

An emergency disclosure is the disclosure of information to a journalist or member of parliament where:

- at least 90 days have passed since the disclosure to ASIC, APRA or another prescribed commonwealth body
- the discloser has reasonable grounds to believe that the information contains a substantial and imminent danger to the health and safety of one or more persons or to the natural environment,
- before making a public interest disclosure the discloser must notify the body previously notified in writing of the intention to make an emergency disclosure
- the information disclosed is no greater than necessary to inform the recipient of substantial and imminent danger.

An eligible whistleblower may wish to seek independent legal advice before making these types of disclosures.

Who can receive a qualifying disclosure

Eligible recipients

An eligible recipient is an individual who occupies any of the following roles, in relation to the school or a related company:

- a Board member or the Principal;
- an auditor, or member of an audit team of the school or a related company;
- an actuary of the school or a related company; and
- any member of the Executive Leadership Team.

Making a qualifying disclosure

While an eligible whistleblower can make a disclosure to any eligible recipient, the School encourages them to make a disclosure in writing to the Principal, via email at Principal@hvgs.nsw.edu.au.

If it is not appropriate for the disclosure to be made to the Principal, the eligible whistleblower is encouraged to make the disclosure, in writing, to the Chair of the Board,

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via email at Boardchairman@hvgs.nsw.edu.au or via post at PO Box 458 East Maitland NSW 2323.

Where a disclosure is made to an eligible recipient who is not the Principal, then subject to the confidentiality protections set out at Section 9 below, it will generally be passed on to the Principal and dealt with in accordance with Section 8 below.

External disclosures

Disclosures may also qualify for protection if they are made to the Australian Securities and Investment Commission (ASIC), the Australian Prudential Regulation Authority (APRA) or a prescribed Commonwealth authority, or if an eligible whistleblower makes a disclosure to a legal practitioner to obtain advice about the operation of the whistleblower provisions.

Investigating a qualifying disclosure

Receiving a disclosure

Upon receiving a disclosure, the recipient (generally the Principal or Chair of the Board) will assess the disclosure to determine whether it qualifies for protection under the Corporations Act and is to be managed in accordance with this policy (qualifying disclosure) or the disclosure concerns matters that should be managed in accordance with related policies (see Scope).

The Principal or Chair of the Board will provide the discloser with written confirmation of the receipt of their disclosure within five (5) business days where the discloser has provided contact details.

Where practicable, whistleblowers will receive updates about when the investigation has begun, while the investigation is in progress and after the investigation has been finalised. The frequency and timeframe of any updates may vary depending on the nature of the disclosure. The School will also have regard to confidentiality considerations for all parties when providing updates.

Investigating a qualifying disclosure

How the school investigates a qualifying disclosure will depend on the nature of the disclosure. An investigation will generally involve the making of inquiries or collection of evidence for the purpose of assessing the disclosure made by the whistleblower.

External professionals may be engaged to assist or conduct the investigation process.

In instances where the school reports the allegations within the disclosure to a third party, such as NSW Police, Australian Federal Police or Australian Securities and

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Investments Commission (ASIC), the investigation procedures of the relevant third party will generally take precedence.

The timing of an investigation will depend on the circumstances of the matter and whether the school is the primary investigator of the disclosure.

Employees about whom disclosures are made will generally be given an opportunity to respond to the relevant allegations made in the qualifying disclosure.

An eligible whistleblower and the relevant parties that the disclosure is about may choose to have an appropriate support person present at any meeting with representatives of the school.Fair Treatment of Employees Mentioned in Disclosures

The School will take steps to ensure the fair treatment of employees who are mentioned in a disclosure that qualifies for protection:

- disclosures will be handled confidentially, when it is practical and appropriate in the circumstances;
- when an investigation needs to be undertaken, the process will be objective and fair;
- employees about whom disclosures are made will generally be given an opportunity to respond to the relevant allegations made in the qualifying disclosure.

The School's employee assistance program (EAP) services will be available to employees affected by the disclosure, should they require that support.

The School will document the steps of the investigation and the findings from the investigation and report those findings to those responsible in the School. The method for documenting and reporting the findings will depend on the nature of the disclosure.

Outcomes of Whistleblower Investigations

The outcomes of whistleblower investigations will be communicated to the eligible whistleblower as far as possible with consideration to Privacy requirements. There may be circumstances where it may not be appropriate to provide details of the outcome to the discloser.

Persons subject to whistleblower allegations will also be provided with advice regarding the outcomes and closure of investigations as far as possible with consideration to Privacy requirements and whistleblower protections. There may be circumstances where it may not be appropriate to provide details of the outcome to the subject of allegation.

Should an eligible whistleblower or investigated person be dissatisfied with the outcome of a whistleblower investigation, they should put their concerns in writing to the Chair of the Board at Boardchairman@hvgs.nsw.edu.au.

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The School is under no obligation to reinvestigate a matter where it is determined that the original process was done thoroughly and without bias or where there is no new evidence provided that was not known during the investigation or would not change the outcome of the investigation.

If the Chair of the Board decides that further investigation is required, it is best practice to allocate this second investigation to a person different from the original investigator.

If a person is not satisfied with the School's action regarding a whistleblower disclosure, they are able to lodge a complaint with an external agency such as ASIC.

Confidentiality and records

Under the Corporations Act, the identity of the discloser of a qualifying disclosure and information which is likely to lead to the identification of the discloser must be kept confidential.

Exceptions to this are disclosures to ASIC, the Australian Federal Police, a legal practitioner for the purpose of obtaining advice about the application of the whistleblower protections or made with the consent of the discloser.

The discloser's identity and information which is likely to lead to the identification of the discloser can also be provided to any Commonwealth or State authority for the purpose of assisting the authority in the performance of its functions or duties. This could include NSW Police, the NSW Office of the Children's Guardian, the NSW Ombudsman, NSW Education Standards Authority (NESA) or the NSW Department of Education.

It is also permissible to disclose information which could lead to the identification of the discloser if the disclosure is reasonably necessary for the purpose of investigating the matter, if all reasonable steps are taken to reduce the risk that the discloser will be identified as a result of the information being disclosed.

Breach of these confidentiality protections regarding the discloser's identity and information likely to lead to the identification of the discloser is a criminal offence and may be the subject of criminal, civil and disciplinary proceedings.

Confidentiality must be observed in relation to handling and storing records.

Whistleblower protections

Eligible whistleblowers making a qualifying disclosure are protected by the requirement that their identity, and information that may lead to their identification, should be kept confidential, subject to relevant exceptions as set out in Section 9 above.

A discloser is still protected even if the disclosure turns out to be incorrect, as long as the original disclosure was reasonable.

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Eligible whistleblowers making a qualifying disclosure cannot be subject to any civil, criminal or administrative liability (including disciplinary action) for making the disclosure. No contractual or other remedy or right may be enforced or exercised against the person on the basis of the disclosure.

Whistleblowers who make some types of qualifying disclosures (generally external to the school) are also provided immunities to ensure that information they disclose is not admissible in evidence against them in criminal proceedings or in proceedings for the imposition of a penalty, other than proceedings in respect of the falsity of the information.

These immunities do not prevent an eligible whistleblower being subject to criminal, civil or other liability for conduct that is revealed by the whistleblower, only that the information the person has disclosed is not admissible in certain proceedings against them.

Eligible whistleblowers are also protected from victimisation - suffering any detriment by reason of the qualifying disclosure. It is unlawful for a person to engage in conduct against another person that causes, or will cause detriment, where the person believes or suspects that the other person or a third person made, may have made, proposes to make or could make a qualifying disclosure.

Threats of detriment are also unlawful.

Detriment has a very broad meaning and includes dismissal of an employee, injuring an employee in their employment, alteration of an employee's position or duties to their disadvantage; discrimination between an employee and other employees; victimisation of a dependent of the discloser, harassment or intimidation of a person or harm or injury to a person, including psychological harassment; damage to a person's property, reputation or business or financial position.

Remedies for being subjected to detriment could include:

- compensation
- injunctions and apologies
- reinstatement of a person whose employment is terminated
- exemplary damages

Schools and individuals may face significant civil and criminal penalties for failing to comply with confidentiality and detrimental conduct provisions.

If an eligible whistleblower believes they are being subjected to a detriment or a threat of detriment, this should immediately be reported in writing to the Principal, via email at Principal@hvgs.nsw.edu.au.

If it is not appropriate for the report to be made to the Principal, the eligible whistleblower should report the matter, in writing, to the Chair of the Board, via email

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at Boardchairman@hvgs.nsw.edu.au or via post at PO Box 458 East Maitland NSW 2323.

Actions that may occur and are not considered detrimental include:

- action that is reasonable for the purposes of protecting a whistleblower from detriment (e.g. moving a discloser who has made a disclosure about their immediate work environment to another office to protect them from detriment)
- managing a discloser's unsatisfactory work performance in line with School policy.

Additional support for eligible whistleblowers and other employees

The school's employee assistance program (EAP) services will be available to all eligible whistleblowers and other employees affected by the disclosure, should they require that support.

Related documents

This policy should be read in conjunction with the following related documents:

Policy and Procedure

- Complaint Management Policy
- Child Safe Policy
- Child Safe Code of Conduct
- Employee Code of Conduct
- Appropriate Workplace Behaviour Policy
- Bullying Prevention and Intervention Policy
- Harassment (Student against student)
- Assault (Student against student)

Legislation

- Corporations Act 2001

Other Resources

- Whistleblowing | ASIC
- Whistleblower rights and protections | ASIC

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Contacts

Governance Officer: Compliance Manager

Accountable Officer: Principal

Responsibilities

Position	Responsibility
Board	The Board is the Approver for this Policy. The Board has ultimate responsibility to ensure that this Policy is in place.
Principal	The Principal is the Accountable Officer for this Policy. The Principal is to ensure that appropriate resources are available for the implementation and application of this policy.
Compliance Manager	The Compliance Manager is the Governance officer for this Policy and is to ensure that this Policy is publicised and implemented at the School.

Definitions

Term	Meaning
Disclosable Matter	Where an eligible whistleblower has reasonable grounds to suspect that the information relating to the School or a related company concerns: • misconduct; • an improper state of affairs or circumstances; • illegal activity (including conduct of officers and employees) – meaning activity in breach of the Corporations • Act or specified financial services legislation, or an offence against any law of the Commonwealth punishable • by imprisonment of 12 months or more; or • conduct (including conduct of officers and employees) that represents a danger to the public or financial system.

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Eligible Whistleblower	A person who makes an eligible disclosure and is or has been any of the following: • a Board member; • an employee; • a person who supplies goods or services (paid or unpaid); • an employee of a person who supplies goods or services (paid or unpaid); • an individual who is an associate of the School (as defined in the Corporations Act); and • a relative or dependent (or dependents of a spouse) of any individual described above.
Misconduct	As per the Corporations Act 2001 misconduct is defined as "fraud, negligence, default, breach of trust and breach of duty".
Qualifying Disclosure	A qualifying disclosure is when an eligible whistleblower makes a disclosure to an eligible recipient, and the eligible whistleblower has reasonable grounds to suspect that the information concerns a disclosable matter.
ASIC	Australian Securities and Investments Commission
APRA	Australian Prudential Regulation Authority

Evaluation

The Board is responsible for evaluating compliance with the Policy. Evaluation will be facilitated by means of:

- Principal's Report to every Board Meeting;
- Minutes from Board Committee Meetings.

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Document information and review

Policy Code:	**POL-CMT-002**
Approved By:	Board
Approval Date:	25 November 2025
Effective From:	25 November 2025

This policy document will be reviewed at least every three years.

Review Due:	November 2028

Approval History

No	Effective	Approved by	Amendment
1	June 2019	Board	New policy document endorsed by the board
2	October 2019	Board	Document review and update (based on AIS review)
3	November 2022	Board	Document reviewed and approved
4	November 2025	Board	Document reviewed and approved

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