

Whistleblower Policy

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1.0 Rationale

Kilvington Grammar School (the School) is committed to educating students by and strives to maintain the highest standard of conduct and ethical behaviour in all areas of operation.

The School strives to ensure there is a robust culture of openness and feedback in which concerns and complaints are addressed appropriately and are handled respectfully and fairly.

This Whistleblower Policy (Policy) falls within the School's governance policy framework and forms part of the School's risk management system. The School is committed to implementing procedures that comply with the School's legal obligations in relation to the protection of Eligible Whistleblowers and to the management of any eligible disclosure they make.

The School is a company limited by guarantee regulated by the Corporations Act 2001 (Cwth). As such, the School is required to comply with the Treasury Laws Amendment Act (Enhancing Whistleblower Protections) 2019 (Cwth) and all other Whistleblower Laws outlined in the Relevant Legislation section of this Policy.

2.0 Communication

The School will ensure that this Policy is communicated to the Board, staff, contractors and the wider school community via the school website, Staff and Parent Policy Portal.

This Policy should be read and understood by, and made available to:

- All Board Members, employees, contractors, volunteers and external service providers of the School.
- Those who are eligible and may wish to make a disclosure (Eligible Whistleblowers).
- Those who are eligible to receive disclosures (Eligible Recipients).

3.0 Purpose

The purpose of this Policy is to set out the principles, guidelines and procedures governing the School's approach to the protection of Eligible Whistleblowers and the management of relevant disclosures and to:

- Help deter wrongdoing, in line with the School's risk management and governance framework.
- Encourage more disclosures of wrongdoing.
- Ensure disclosures are dealt with appropriately and on a timely basis.
- Ensure individuals who disclose wrongdoing (hereinafter referred to as disclosers or whistleblowers) can do so safely, securely and with confidence that they will be protected and supported.
- Support the School's values, long-term sustainability and reputation.
- Meet the School's legal and regulatory obligations.
- Provide transparency around the School's framework for receiving, handling and investigating disclosures.

4.0 Scope

Whistleblowing is defined as the disclosure of information by an individual (the 'discloser') to an 'eligible recipient' when the discloser has 'reasonable grounds to suspect that the information concerns misconduct, or an improper state of affairs or circumstances in relation to the regulated entity'.

This Policy applies to:

- Any person who is eligible to make disclosures that qualifies for protection (Eligible Whistleblowers as defined in this Policy).
- Any person or body who is eligible to receive disclosures (Eligible Recipients as defined in this Policy).

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5.0 Protected Disclosures

Under the Corporations Act 2001 (Cwlth), Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019 (Cwlth) and Taxation Administration Act 1953 (Cwlth), Eligible Whistleblowers are protected when making Protected Disclosures.

These disclosures may be reported internally within the School or externally to the School's auditor, actuary, or authorised whistleblower complaints service or hotline, or to ASIC, APRA and other regulatory bodies as a regulator.

A disclosure of information qualifies for protection under the applicable legislation provided the disclosure is:

1. made by an Eligible Whistleblower as defined in this Policy; and
2. in relation to a Disclosable Matter as defined in this Policy; and
3. disclosed to an Eligible Recipient as defined in this Policy; and
4. in relation to the School or its related body corporate.

5.1 Eligible Whistleblowers

An individual is an Eligible Whistleblower in relation to the School if the individual is, or has been, any of the following:

1. A Board Member or employee of the School.
2. A volunteer of the School.
3. An individual who supplies services or goods to the School (whether in a paid or unpaid capacity).
4. An employee of a person that supplies services or goods to the School (whether in a paid or unpaid capacity).
5. An individual who is an associate of the School within the meaning of the Corporations Act 2001 (Cwlth), for the purpose of disclosures protected under that Act, or within the meaning of the Income Tax Assessment Act 1936 (Cwlth), for disclosures protected under the Taxation Administration Act 1953 (Cwlth).
6. An officer of a related body corporate.
7. A relative, dependent, spouse, or child of an individual referred to in any of 1. to 6. (above).

5.1.1 Parents/Carers/Guardians and Students

As parents/carers/guardians (hereinafter referred to as parents) and students are not recognised as Eligible Whistleblowers under the Corporations Act 2001 (Cwlth), they are not afforded the same level of protection under the law unless they fall within the above eligibility criteria (such as a parent volunteer to the School).

Nonetheless, we recognise the importance of all members of the school community and will take all reasonable steps to provide parents and students with the highest possible level of protection while treating all matters raised seriously and investigating them appropriately.

Parents and students who wish to raise a concern or make a complaint should refer to the School's Complaints Resolution Policy (Parents, Guardians and Students) which is available on the School's website. Alternatively, they could contact a senior staff member as shown in the table below.

Junior School	Senior School
Junior School Team Coordinator (P -Y2) / (Y3 – Y6)	Heads of House/Year International Student Coordinator
Deputy Head of Junior School	Deputy Head of Senior School
Head of Junior School	Head of Senior School
Deputy Principal or Director of Business	

If no satisfaction is reached, the matter should be addressed with the Principal.

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Where a parent is, due to their role with the School, also an Eligible Whistleblower, any disclosure they make must **not** be in their capacity as a parent.

5.2 Disclosable Matters

A disclosure of information will be a Protected Disclosure if it involves a Disclosable Matter.

A Disclosable Matter is where the discloser has reasonable grounds to suspect the School, its related body corporate, or its Board Members, employees, officers, of misconduct or an improper state of affairs or circumstances.

The discloser does not have to prove their concerns in order to qualify for protection. The discloser must only prove they had reasonable grounds to suspect there was misconduct or impropriety.

5.2.1 Misconduct or Improper State of Affairs or Circumstances

Misconduct or an improper state of affairs or circumstances (also referred to as Improper Conduct) may include conduct which:

- Constitutes an offence against, or contravention of, a provision of the Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019 (Cwth), the Australian Securities and Investment Commission (ASIC), banking, financial, insurance, credit or superannuation legislation or instrument; or
- Constitutes 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.

Examples of misconduct or an improper state of affairs or circumstances may include:

- Dishonest activity (eg fraud, money laundering or misappropriation of funds).
- Unethical behaviour.
- Illegal activity (eg theft, illicit and/or illegal substances, violence, threats of violence).
- A danger to the public (eg involving substantial risk to health and safety)
- A danger to financial system (eg bribes, financial irregularities).
- A systematic issue of which the School or a regulator should be aware.
- Harm or threat of harm to whistleblowers or suspected whistleblowers.

5.3 Eligible Recipients

An Eligible Recipient is a person who is authorised to receive a disclosure and includes any person who occupies any of the following roles in relation to the School or a related company:

- The Director of Business; or
- The Chair of the School Board's Risk and Finance Committee, whom the Board has designated to receive disclosures; or
- An auditor of the School or of a related company; or
- An actuary of the School or a related company.

Other people or bodies who can receive a disclosure include:

- Legal practitioners for the purposes of obtaining legal advice or legal representation about the operation of the whistleblower provisions of the Corporations Act 2001 (Cwth) or the Taxation Administration Act 1953 (Cwth);
- ASIC, APRA and other regulatory bodies.
- Journalists and members of Parliament (see Emergency Disclosure and Public Interest Disclosure).

In circumstances where the disclosure concerns an Eligible Recipient, the disclosure should not be made directly to that person.

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5.3.1 Emergency Disclosures

An Emergency Disclosure is a disclosure made by an Eligible Whistleblower to a journalist or a member of Parliament where the following circumstances are met:

- The information has been previously disclosed to ASIC, APRA or a prescribed Commonwealth authority.
- The Eligible Whistleblower has reasonable grounds to believe that the information concerns a substantial and imminent danger to the health or safety of one or more persons or to the natural environment.
- Before making the disclosure, the Eligible Whistleblower gives written notice to the original recipient that includes sufficient information to identify the previous disclosure and states that they intend to make an emergency disclosure.
- The disclosure of information is no greater than necessary to inform the recipient of the substantial and imminent danger.

5.3.2 Public Interest Disclosures

A Public Interest Disclosure is a disclosure made by an Eligible Whistleblower to a journalist or member of Parliament where the following circumstances are met:

- The information has been previously disclosed to ASIC, APRA or a prescribed Commonwealth authority; and
- At least 90 days has passed since the first disclosure was made; and
- The Eligible Whistleblower does not have reasonable grounds to believe action is being, or has been, taken to address the information in the disclosure; and
- The Eligible Whistleblower has reasonable grounds to believe that making a further disclosure of the information would be in the public interest; and
- Before making the disclosure, the Eligible Whistleblower gives written notice to the original recipient that includes sufficient information to identify the previous disclosure and states that they intend to make a public interest disclosure; and
- The extent of information disclosed is no greater than necessary to inform the recipient of the Disclosable Matter.

5.4 Kilvington Grammar School or its Related Body Corporate

The disclosure must also be in relation to the School or its related body corporate in order to qualify for protection.

Disclosures that are determined to be vexatious or deliberately false will not qualify for protection. A discloser making vexatious or deliberately false disclosures is unlikely to receive the protections under the applicable legislation and may be subject to disciplinary action by the School.

6.0 Protections Available to Eligible Whistleblowers

Where a disclosure meets the criteria of a Protected Disclosure as outlined above, it is protected under the terms of the Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019 (Cwlth). This protection commences from the time the Protected Disclosure is made.

In circumstances where the investigation determines that the disclosure is incorrect, individuals can still qualify for protection.

The key protections available to Eligible Whistleblowers are:

- The identity of the Eligible Whistleblower (and information that could identify them) will remain confidential unless the Eligible Whistleblower consents to their identity being disclosed.
- The Eligible Whistleblower is protected from criminal, civil and administrative liability in relation to their disclosure.
- The Eligible Whistleblower will not be subject to disciplinary action (for example, an official warning, termination of contract, change of contract to the detriment of the Whistleblower) in response to a whistleblowing action.
- The Eligible Whistleblower will be protected from retaliation, harassment, victimisation or the threat of such behaviour (for example, discrimination in how the Eligible Whistleblower is treated by the School, reputational damage).

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- The protections offered to the Eligible Whistleblower extend to the threat of the above detriments.
- Protection from criminal, civil and administrative liability for making the disclosure.
- Protection from admissibility of certain information against the discloser where the discloser was a party to the conduct.
- Entitlement to seek compensation and other remedies under legislation from the discloser for loss, damage or injury suffered because of the detriment caused because of the disclosure

6.1 Breach of Protections

Where there is a breach of any of the protections available to Eligible Whistleblowers, this breach may not only expose the contravener and/or the School to liability but may also result in disciplinary action against the contravener, which may include termination of employment, engagement or appointment (as applicable).

Any staff member found to be in breach of the Corporations Act 2001 (Cwlth) by victimising, harassing discriminating against or causing detriment to any person who makes a disclosure under this Policy will be subjected to disciplinary proceedings by the School. That staff member may also be liable for penalties and fines as well as up to two years imprisonment. The School may also be vicariously liable as an organisation if it does not take reasonable precautions and exercise due diligence to avoid the detrimental conduct.

7.0 Support and Welfare Available to Eligible Whistleblowers

The School is committed to supporting Eligible Whistleblowers and is prepared to take the necessary measures to support the individual while an investigation is in progress and/or when the Eligible Whistleblower may be particularly vulnerable.

These measures include:

- The Eligible Whistleblower may seek support from the School's employee assistance program (EAP).
- The School recognises that in some situations, the effect of an eligible disclosure may impact on employees other than the Eligible Whistleblower. The support provided by the School to the Eligible Whistleblower extends to them as well.
- Supporting staff who have made a Protected Disclosure include moving a member of staff out of a department while the investigation is ongoing, granting leave or working from home.
- Where possible, the Eligible Recipient will keep the Eligible Whistleblower informed of any action taken in relation to the disclosure and is also responsible for providing support to the Eligible Whistleblower.
- In addition to the naming of a person designated as an Eligible Recipient, the School may wish to name a point of contact that the Eligible Whistleblower could approach in order to seek advice.

The School acknowledges that the act of disclosure of wrongdoing should not shield Eligible Whistleblowers from the reasonable consequences flowing from any involvement in improper conduct. A person's liability for their own conduct is not affected by the person's disclosure of that conduct. In some circumstances, however, an admission may be a mitigating factor when considering disciplinary or other action.

8.0 Disclosures of Other Concerns or Complaints

A complaint is where an individual expresses a personal dissatisfaction or mistreatment, whereas a whistleblower is usually not directly or personally affected by the matter of concern. Unlike a complainant, a whistleblower is raising the concern as they believe it has far-reaching implications on the wider school community.

Concerns or complaints that do not meet the definition of a Protected Disclosure must be managed with reference to the policies as outlined in the Related Policies section of this Policy.

These concerns or complaints include:

- Complaints or allegations made by students or parents.
- Complaints or allegations of staff misconduct.
- Complaints or allegations made by staff.

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- Unlawful discrimination, harassment or bullying.

8.1 Child Safety and Wellbeing

Child safety and wellbeing related issues, including disclosures about reportable conduct, must be dealt with immediately in accordance with the School's Child Safety and Wellbeing Policies and Procedures.

8.2 Personal Work-Related Grievances

Disclosures that relate solely to a personal work-related grievance and do not also involve a type of disclosure protected under the whistleblower protection legislation cannot be dealt with under this Policy.

Any staff member who has a concern about a personal work-related grievance should raise this with their line manager, the Director of Human Resources and Operations or follow the School's Complaints Resolution Policy (Staff).

Personal work-related grievances are those that relate to the discloser's current or former employment and have, or tend to have, implications for the discloser personally, but do not:

1. have any other significant implications for the School or related body corporate; or
2. relate to any conduct or alleged conduct, about a disclosable matter as defined in this Policy.

Examples of a personal work-related grievance include, but are not limited to:

- 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 to discipline the discloser, which does not involve any of the matters defined as misconduct or improper state of affairs or circumstances in Section 4.2.1 of this Policy.

In circumstances where a personal work-related grievance also involves a Disclosable Matter (a Mixed Report), the disclosure may still qualify for protection under the Treasury Laws Amendment Act (Enhancing Whistleblower Protections) 2019 (Cwlth). The disclosure may also be dealt with under this Policy.

If you believe your concern is a Mixed Report, please contact an Eligible Recipient as outlined in Section 5.3 of this Policy.

9.0 Roles and Responsibilities

9.1 The Board

The Board is responsible for:

- Determining this Policy and reviewing it on a biennial basis.
- Responding to an eligible disclosure when called upon to do so.
- Appointing a member of the Board to oversee and manage a 'whistleblowing event' if and when that happens.
- Monitoring the number, nature and outcome of whistleblowing events, bearing in mind the need for strict confidentiality.

9.2 The Principal

The Principal is responsible for.

- Overseeing a school culture in which concerns and complaints are addressed appropriately and are handled respectfully and fairly.
- Determining the whistleblowing procedures and ensuring they are up to date.
- Ensuring that eligible recipients are aware of their roles and responsibilities.
- Ensuring this Whistleblower Policy is communicated to staff, contractors and the wider school community via the School website, Staff and Parent Policy Portal.

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- Setting up an appropriate process to manage and investigate a disclosure brought under this Policy.
- Retaining a confidential register of protected disclosures (listing the date, subject and resolution) for reporting to the governing board on an annual basis and to be available to the authorities if required.
- Providing training for all staff including specifically Eligible Recipients; retaining a record of the training.

9.3 Eligible Recipients

Eligible Recipients are responsible for:

- Understanding their role as an Eligible Recipient.
- Participating in relevant training.
- Knowing and understanding the School's whistleblower policies and procedures.
- Being ready to receive and respond to a disclosure if and when that happens.

9.4 Staff

Staff are responsible for.

- Participating in relevant training.
- Knowing and understanding the School's Whistleblower Policy.

10.0 Record Keeping

The School will adhere to all relevant legislation regarding the collection, use, storage and retention of all reports, investigations and outcomes of all whistleblower activity.

11.0 Procedural Documents

The following procedures explain with detail how to make and respond to a disclosure and how to support those involved in a disclosure.

- Appendix A: Making a protected disclosure.
- Appendix B: Making an anonymous disclosure.
- Appendix C: Making a public interest disclosure.
- Appendix D: Making an emergency disclosure.
- Appendix E: Receiving a disclosure.
- Appendix F: Investigating a disclosure.
- Appendix G: Support for Whistleblowers.
- Appendix H: Legal Protections for Victimisation or Threats of Some Form of Retaliation.

12.0 Relevant Legislation and Related Policies

12.1 Relevant Legislation

- Australian Securities and Investments Commission Act 2001(Cwlth)
- Banking Act 1959 (Cwlth)
- Corporations Act 2001 (Cwlth)
- Financial Sector (Collection of Data) Act 2001(Cwlth)
- Insurance Act 1973(Cwlth)
- Life Insurance Act 1995(Cwlth)
- National Consumer Credit Protection Act 2009 (Cwlth)
- Superannuation Industry (Supervision) Act 1993 (Cwlth)
- Taxation Administration Act 1953 (Cwlth)
- Treasury Laws Amendment Act (Enhancing Whistleblower Protections) 2019 (Cwlth)
- An instrument under made under an Act referred to in 11.1 of this Policy

12.2 Related Policies

- Anti-Bullying and Harassment Policy.
- Anti-Discrimination Policy and Procedures
- Child Safety and Wellbeing Policy Child Safety Code of Conduct.

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- Complaints Resolution Policy (Parent, Guardian and Student).
- Complaints Resolution Policy (Staff).
- Procedures for Managing Child Safety Incidents or Concerns, including Child Safe Complaints at or Involving the School or its Staff, Volunteers or Contractors.
- Procedures for Responding to and Reporting Child Safety Incidents or Concerns (including Mandatory Reporting).
- Occupational Health and Safety Policy
- Performance and Conduct Management Policy
- Privacy Policy
- Psychosocial Hazards Policy and Procedures
- Retention and Disposal Authority for Records of Schools.
- Staff and Student Professional Boundaries Policy.
- Staff Stress Policy and Procedures
- Visitors Policy and Procedures
- What to Do if You Feel You Have Been Discriminated Against
- Work-Related Aggression Violence Policy and Procedures
- Workplace Behaviour and Social Media Policy and Procedures

13.0 Implementation

The Board will review this Policy and monitor its implementation as new legislation and regulations come into force.

14.0 Evaluation

Policy last reviewed: June 2025.

Approval: The Board.

Review cycle: 2 years.

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Appendix A: Making a Protected Disclosure

- 1.1 If possible, and as a first step, you should seek to raise your concern informally or through the School's Complaints Resolution Policy (Staff) with the Principal or the Chair of the Board. This could be done verbally or in writing.
- 1.2 If you don't feel this is possible or if you are concerned about how the issue will be handled, you may find it helpful to seek advice from someone you trust. You could, for example, speak to a senior manager or member of the Board within the School or seek legal advice from a legal practitioner external to the School.
- 1.3 Once you have decided that you wish to make a protected disclosure under the terms of this Whistleblower Policy, you are able to do so to either of the eligible recipients listed below. You are encouraged, however, to communicate with the following eligible recipients via the below listed means:
 - Email:
 1. Director of Business: confidentialdisclosures@kilvington.vic.edu.au
 2. Chair of the Board's Risk Finance Committee: chairfcommittee@kilvington.vic.edu.au
 - Telephoning Main Reception on 03 9578 6231 and asking for the Director of Business.
- 1.4 If you sought advice from a legal practitioner, you could make the disclosure to that person.
- 1.5 To help the Eligible Recipient decide whether the disclosure is eligible for protection under the terms of this Policy, you should set out your concern(s) in writing stating the information and facts on which you have based your concern.
- 1.6 You should only disclose the names and contact details of other people connected to the disclosure to the extent that it is necessary for the Eligible Recipient to understand the concern you are raising.
- 1.7 When the Eligible Recipient receives your disclosure, the first thing they will do is to decide or seek advice as to whether the disclosure qualifies as a protected disclosure and so is to be managed under the terms of the Whistleblower Policy.
- 1.8 The Eligible Recipient will let you know the outcome of this decision. If you have lodged the disclosure using the designated confidential email address, the recipient will be able to reply to you even if you have made an anonymous disclosure.

The advantage of using the designated confidential email address is that the Eligible Recipient will be able to continue to communicate with you in this way even if you have made an anonymous disclosure (see Appendix B).
- 1.9 By law, the School is required to keep your name and details, and the details of any other person who may be connected to the disclosure confidential unless you give permission for your confidentiality to be waived.
- 1.10 If you are not satisfied with the way the School has handled the disclosure process you could lodge a complaint with ASIC.

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Appendix B: Making an Anonymous Protected Disclosure

- 1.1 If you feel it likely that you may decide to make an anonymous disclosure, you may still find it helpful to seek advice from someone you trust. It could be that person will be outside the School, for example, a legal practitioner external to the School.
- 1.2 Once you have decided that you wish to make an anonymous protected disclosure under the terms of this Whistleblower Policy, you are able to do so to any of the eligible recipients listed below.
 1. Chair of the Board's Risk and Finance Committee: chairrfcommittee@kilvington.vic.edu.au or post to the School with the envelope marked 'Private and Confidential – Chair of the Board's Risk and Finance Committee'.
 2. Director of Business: confidentialdisclosures@kilvington.vic.edu.au or post to the School with the envelope marked 'Private and Confidential – Director of Business'.
- 1.3 If you sought advice from a legal practitioner, you could make the disclosure to that person.
- 1.4 If you make a disclosure using an email address from which your identity can't be determined, the disclosure will be treated as anonymous.
- 1.5 In order to enable the recipient to decide whether the disclosure is eligible for protection under the terms of this Policy, you should set out your concern(s) in writing stating the information and facts on which you have based your concern.
- 1.6 You should only disclose the names and contact details of other people connected to the disclosure to the extent that it is necessary for the recipient to understand the concern you are raising.
- 1.7 When the Eligible Recipient receives your disclosure, the first thing they will do is to decide or seek advice as to whether the disclosure qualifies as a protected disclosure and so is to be managed under the terms of the Whistleblower Policy.
- 1.8 The Eligible Recipient will wish to let you know the outcome of this decision. If you have lodged the disclosure using the designated confidential email address, the recipient may be able to reply to you even if you have made an anonymous disclosure.

The advantage of using the designated confidential email address is that the Eligible Recipient may be able to continue to communicate with you in this way even if you have made an anonymous disclosure.
- 1.9 By law, the School is required to keep your details (although, if anonymous those won't be known) and the details of any other person who may be connected to the disclosure confidential unless they give permission for their confidentiality to be waived.
- 1.10 If you are not satisfied with the way the School has handled the disclosure process you could lodge a complaint with ASIC.

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Appendix C: Making a Protected Public Interest Disclosure

- 1.1 In order to make a protected public interest disclosure, you must first decide that it is reasonable to consider making a further disclosure of this information is in the public interest.
- 1.2 Secondly, and in addition, you are only able to make a protected public interest disclosure if you have already made a disclosure to ASIC or APRA or other relevant Commonwealth regulator at least 90 days before and you have reasonable grounds to believe no action has been taken or is being taken.
- 1.3 Thirdly, and in addition, following the conclusion of the 90 days, you must give the regulator written notice, including sufficient information to enable the regulator to identify the previous disclosure, that you intend to make a public interest disclosure.
- 1.4 If all of these conditions have been met, you may make a disclosure to a journalist or to a Commonwealth or State member of parliament.
- 1.5 The information you disclose to the journalist or Member of Parliament must only be enough to inform them of the misconduct or improper state of affairs or circumstances.
- 1.6 If you disclose your concerns to a journalist or Member of Parliament or in public in another way (eg. using social media) and the above conditions do not apply, the protections provided by the Whistleblower Policy may not apply.

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Appendix D: Making a Protected Emergency Disclosure

- 1.1 In order to make a protected emergency disclosure, you must first have reasonable grounds to believe the disclosure concerns a matter of substantial and imminent danger to the health and safety of a person (or persons including, in the context of a school, children) or to the environment.
- 1.2 Secondly, and in addition, you are only able to make a protected emergency disclosure if you have already made a disclosure to ASIC or APRA or other relevant Commonwealth regulator and you have reasonable grounds to believe no action has been taken or is being taken.
- 1.3 Thirdly, and in addition, you must give the regulator written notice, including sufficient information to enable the regulator to identify the previous disclosure, that you intend to make an emergency disclosure.
- 1.4 If all of these conditions have been met, you may make a disclosure to a journalist or to a Commonwealth or state Member of Parliament.
- 1.5 The information you disclose to the journalist or Member of Parliament must only be enough to inform them of the misconduct or improper state of affairs or circumstances.
- 1.6 If you disclose your concerns to a journalist or Member of Parliament or in public in another way (eg using social media) and the above conditions do not apply, the protections provided by the Whistleblower Policy may not apply.

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Appendix E: Receiving a Disclosure

- 1.1 Eligible Recipients have participated in training in relation to this function.
- 1.2 When the Eligible Recipient receives the disclosure, the first thing they must do is to form an opinion or take advice as to whether the disclosure qualifies as a protected disclosure and so is to be managed under the terms of the Whistleblower Policy.
- 1.3 The Eligible Recipient should stay neutral. They do not need to take a position as to whether the suspicion or allegation is true or not. All they need to make a judgment on is as to whether they have reasonable grounds to suspect that the information concerns misconduct, or an improper state of affairs or circumstances in relation to the regulated entity.

This may well be a complex decision and could well be made more complicated by the need for strict confidentiality. It is, therefore, wise for the Eligible Recipient to seek legal advice. To this end, it is recommended that the School provides all Eligible Recipients, and specifically the person whom the Board has designated to receive disclosures, with an avenue for direct contact with the School's appropriate legal advisers or an equivalent.

- 1.4 The Eligible Recipient will wish to let you know the outcome of this decision. If you have lodged the disclosure using a designated confidential email address, the Eligible Recipient will be able to reply to you even if you have made an anonymous disclosure.

The use of a designated confidential email address will enable the Eligible Recipient to continue to communicate with you even if you have made an anonymous disclosure.

- 1.5 By law, the Eligible Recipient is required to keep your details and the details of any other person who may be connected to the disclosure confidential unless those concerned give permission for their confidentiality to be waived.
- 1.6 Having established whether or not the disclosure is a Protected Disclosure under the terms of this Policy, the Eligible Recipient will then, with your permission, take steps to refer the matter to someone who is in a position to investigate or to oversee an investigation into the information. If the disclosure has been made anonymously, the communication outlined below will only be possible if the disclosure has been made using a designated confidential email address.

That may involve the Eligible Recipient taking the following steps:

- Seeking further legal advice.
- Communicating with you in order to gather further information about the allegation.
- Making it clear to you that information that you give:
 - should continue to protect your own identity and that of anyone else potentially implicated in the matter.
 - should only be as much information as is necessary to guide the setting up of an investigation.
- Referring the matter to the Principal or the Chair of the Board or another appropriate person for investigation, taking care to protect confidentiality and to ensure the referral is to someone who isn't directly or indirectly involved in the allegation of misconduct or improper activity.

- 1.7 Once the matter has been referred to an appropriate person, the Eligible Recipient would

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normally not take any further part in the matter.

Appendix F: Investigating a Disclosure

- 1.1 The School will investigate all eligible disclosures as soon as is practicable.
- 1.2 The nature and timing of the investigation will depend on the concern or allegation that has been made.
- 1.3 The School will appoint an independent investigator or an investigation team, which may be internal or external to the School depending on the nature of the allegation.
- 1.4 The School may be required to refer an allegation of Improper Conduct to Victoria Police or other agency (eg Victorian Registration and Qualifications Authority, Australian Charities & Not-for-profits Commission and Department of Education & Training). In such circumstances, the School may not be able to keep an Eligible Whistleblower informed on the progress of the investigation.
- 1.5 The investigator will undertake some or all of the following tasks:
 - Seek further information and evidence from you either in writing or in person.
 - Seek information and evidence from other sources as appropriate, eg interviews, reviewing documentation etc.
 - Seek advice from external professionals.
 - Refer the matter to regulators or other authorities if necessary.
 - Draft a report to summarise their findings.
 - Make recommendations for action.
- 1.6 The investigation report and recommendations will be tabled for the Principal and the Board unless they are the subject of the allegations.
- 1.7 The investigator will make recommendations to the Board as to whether and how the findings should be communicated back to you, to the school community, and/or to the authorities.
- 1.8 The investigator will also make recommendations to the Board as to the archiving of the report, bearing in mind the need for strict confidentiality.
- 1.9 If the disclosure is made to regulators or other authorities, their investigation process will normally take precedence of that of the School.

Whistleblower Policy

Policy Audience: Public Document



Appendix G: Support for Whistleblowers and Others Involved in the Process

- 1.1 You may seek support from the School's employee assistance program (EAP).
- 1.2 The School has appointed the Risk and Compliance Manager as a point of contact for a potential Whistleblower or Eligible Whistleblower to approach in order to seek advice.
- 1.3 You may choose to have a support person present in any meetings with the investigator or other authorities.
- 1.4 The School recognises that in some situations, the effect of an eligible disclosure may impact on employees other than you. The above support provided by the School extends to them as well.
- 1.5 The effect of an eligible disclosure may also impact on some against whom allegations have been made. They are also entitled to support from the School and will be given an opportunity to respond.

Whistleblower Policy

Policy Audience: Whole Community for PPC review



Appendix H : Legal Protections for Victimisation or Threats of Some Form of Retaliation

- 1.1 This Policy sets out the legal protections that apply to an eligible disclosure under this Policy.
- 1.2 If you believe you have suffered a detriment or a threat of detriment as a result of the disclosure, you are advised to report that to the Principal or to the Chair of the Board immediately.
- 1.3 If you believe it is not appropriate to report the detriment or threat of detriment to the Principal or to the Chair of the Board, you are advised to report the matter to the Eligible Recipient or to a legal practitioner immediately.
- 1.4 If you believe you have suffered a detriment or a threat of detriment as a result of the disclosure, you may be able to seek compensation or other remedy through the courts.