

CONTENTS

1. Purpose.....	2
2. Definitions.....	2
3. Policy.....	4
a) What is Unacceptable Conduct.....	4
b) Making Disclosures Internally.....	5
c) Making Disclosures Externally.....	6
d) Action Required to Respond to Unacceptable Conduct.....	6
Unacceptable Conduct Report Investigation.....	6
Protection of Identity.....	7
Protected Disclosures.....	8
Protection from Victimisation & Harassment.....	9
Compensation & Other Remedies.....	10
Protection from Liability.....	10
e) Disclosure Reporting.....	10
f) Visibility of the Policy.....	11
4. Maintenance & Review.....	11
Appendix 1: Whistleblower Workflow.....	12

1. PURPOSE

Wyong Christian Community School (WCCS) is committed to honouring the name of Christ in all it does, as [1 Corinthians 10:31](#) encourages us to. Our Christian faith underpins our ongoing commitment to promoting and maintaining an open working environment in which the School Board, staff, contractors, parents, and students can report instances of unacceptable, unlawful or unethical conduct without fear of intimidation or reprisal.

WCCS is committed to maintaining sound corporate governance through providing a framework for reporting and investigating unacceptable conduct, and ensuring the person raising the report can do so without fear of intimidation or reprisal. In doing so the School will ensure compliance with the requirements of the *Corporations Act 2001 (Cth) (Corporations Act)*, as [Romans 13:1](#) calls us to.

This policy applies to all current and former Wyong Christian Community School:

- Board members;
- employees;
- contractors, suppliers, and their employees;
- volunteers and associates; and
- spouses, relatives, and dependants of any of the above.

These persons are described as **'Eligible Whistleblowers'** in the *Corporations Act*.

2. DEFINITIONS

In this policy:

- **'Associates'** means an Associate as defined in the *Corporations Act*, including a related body corporate; and a director or secretary of a related body corporate.
- **'Eligible Disclosure Matter'** means information concerning misconduct, or an improper state of affairs or circumstances as defined in the *Corporations Act*, including:
 - an offence under the *Corporations Act* or other Act listed in the *Corporations Act*;
 - an offence against other Commonwealth law punishable by imprisonment for 12 months or more; or
 - a danger to the public or financial system.

Examples of such matters include:

- illegal conduct, such as theft, dealing in, or use of illicit drugs, violence or threatened violence, and criminal damage against property;
 - fraud, money laundering or misappropriation of funds;
 - offering or accepting a bribe;
 - financial irregularities;
 - failure to comply with, or breach of, legal or regulatory requirements; and
 - engaging in or threatening to engage in detrimental conduct against a person who has made a disclosure or is believed or suspected to have made, or be planning to make, a disclosure.
- **'Eligible Disclosure Recipient'** means ASIC, Australian Prudential Regulation Authority (APRA), other prescribed body under the *Corporations Act*, a legal practitioner, the School's Auditor and staff, the Principal, Assistant Principal, Chief Financial Officer, and the School Board.
 - **'Emergency Disclosure'** means the disclosure by an Eligible Whistleblower made where there are reasonable grounds to believe that there is a substantial and imminent danger to health, safety, or the environment to a Member of Parliament or Journalist in accordance with the requirements of the *Corporations Act*.
 - **'Protected Disclosure'** means the disclosure by an Eligible Whistleblower to an Eligible Disclosure Recipient of:
 - an Eligible Disclosure Matter;
 - a Public Interest Disclosure; or
 - an Emergency Disclosure.
 - **'Public Interest Disclosure'** means the disclosure by an Eligible Whistleblower made where there are reasonable grounds to believe that further disclosure is in the public interest to a Member of Parliament or Journalist in accordance with the requirements of the *Corporations Act*.

3. POLICY

Wyong Christian Community School will establish appropriate systems for the reporting and management of complaints of unacceptable conduct. Appropriate support will be made available to anybody making a disclosure.

A person wanting to report unacceptable conduct should do their best to ensure that the report is:

- factually accurate;
- complete from first-hand knowledge; and
- made in good faith.

It is not the reporting person's role to investigate or prove a case of unacceptable conduct. A report can still be protected if it is subsequently determined to be incorrect.

A report can be made anonymously.

A person who has committed or been involved in unacceptable conduct themselves, will not be immune from disciplinary action merely because they have reported the unacceptable conduct in accordance with this policy. However, the person's conduct in making the report is likely to be considered in determining what disciplinary action is appropriate.

a) What is Unacceptable Conduct

Wyong Christian Community School considers any conduct unacceptable which:

- is dishonest, fraudulent, or corrupt such as falsification of records, contracts, or data, adopting questionable or improper accounting practices or bribery;
- is illegal, such as theft, violence (actual or threatened), harassment or intimidation, criminal damage to property or other breaches of any law or regulatory requirements in Australia or any other jurisdictions in which the School operates;
- is unethical or dishonours the name of Christ, such as unlawful discrimination, oppression, actions causing substantial damage to God's creation or acts in breach of any applicable School Code of Conduct;
- is potentially damaging to an employee or person, such as unsafe work practices or substantial wasting of School resources;

- may cause financial loss to the School or damage its reputation or be otherwise detrimental to the School's interests; or
- involves any other kind of serious malpractice or impropriety.

A personal work-related grievance as defined in the *Corporations Act* is not unacceptable conduct for the purposes of this policy. A personal work-related grievance may still qualify for protection if:

- it includes information about misconduct, or information about misconduct includes or is accompanied by a personal work-related grievance (mixed report);
- the entity has breached employment or other laws punishable by imprisonment for a period of 12 months or more, engaged in conduct that represents a danger to the public, or the disclosure relates to information that suggests misconduct beyond the discloser's personal circumstances;
- the discloser suffers from or is threatened with detriment for making a disclosure; or
- the discloser seeks legal advice or legal representation about the operation of the whistleblower protections under the *Corporations Act*.

Concerns on matters outside the scope of unacceptable conduct as outlined above are dealt with under other policies of the School.

b) Making Disclosures Internally

Unacceptable conduct concerns or queries can be discussed or raised by a person directly with one of the following people:

- a) Principal (principal@wyongccs.nsw.edu.au)
- b) Assistant Principal (AP@wyongccs.nsw.edu.au)
- c) Chief Financial Officer (cfo@wyongccs.nsw.edu.au)
- d) School Board members (board@wyongccs.nsw.edu.au)
- e) Representative of the School's Auditors

Contact information for all these people is available within the School's internal directory on Sentral or from the School office.

c) Making Disclosures Externally

For issues of such sensitivity that a person does not feel able to use the internal options, or they feel the concern they have raised has been inadequately addressed or the parties involved may not be impartial, Christian Schools Australia (CSA) should be consulted to receive guidance in respect of actual or suspected unacceptable conduct.

Disclosures can be made to CSA by phone, mail, or email from any location worldwide. The contact details are as follows:

Christian Schools Australia
PO Box 3069
Unit 14, Level 1, 22-30 Franklin St
Manuka ACT 2603
Phone: [1300 321 272](tel:1300321272)
Email: csa@csa.edu.au
Website: www.csa.edu.au

Where a person contacts CSA to discuss actual or suspected unacceptable conduct, the person who receives the call will make a record of all the relevant data provided by the person. The person will have the option of either identifying themselves or remaining anonymous.

d) Action Required to Respond to Unacceptable Conduct

Unacceptable Conduct Report Investigation

All reports of suspected or actual unacceptable conduct referred to an Eligible Disclosure Recipient will be thoroughly investigated.

In appropriate circumstances, external investigators may be appointed.

The Principal or Senior Leadership Team member will only be asked to investigate a matter if they can do so in an impartial manner (e.g., an SLT member will not be asked to investigate any matter which relates to their own area of responsibility).

Where a report of suspected or actual unacceptable conduct relates to a significant matter involving the Principal, the matter will be referred directly to the School Board.

The person appointed to investigate the report will be required to follow normal School procedures for handling a complaint or disciplinary issue. This will include updates to the person who made the report.

At the end of the investigation, the investigating person must report their findings to either the Principal or School Board as appropriate who will determine the appropriate response.

Responses to investigations will include rectifying any unacceptable conduct and taking any action required to prevent any future occurrences of the same or similar conduct.

Where allegations of unacceptable conduct made against another person cannot be substantiated, that person will be advised accordingly and will be entitled to continue in their role as if the allegations had not been made.

Once the investigation is completed, a report will be made to the person who reported the unacceptable conduct. This report may explain the findings and actions taken to the fullest extent possible within commercial, legal and confidentiality constraints. If the report made was anonymous, alternative arrangements, if possible, will be made for providing a report of the outcome of the investigation to that person.

Protection of Identity

If a person makes a report of unacceptable conduct under this policy, the School will endeavour to ensure that person's identity is protected from disclosure.

The person's identity will not be disclosed unless:

- the person making the report consents to the disclosure;
- the disclosure is required by law;
- the disclosure is necessary to prevent or lessen a serious threat to a person's health or safety; or
- the disclosure is necessary to protect or enforce Wyong Christian Community School's legal rights or interests, or to defend itself against any claims.

The School will also ensure that any records relating to a report of unacceptable conduct are stored securely and are able to be accessed only by authorised employees with a direct involvement in dealing with the report.

In addition:

- all personal information or reference to the discloser witnessing an event will be redacted if necessary or appropriate;
- the discloser will be referred to in a gender-neutral context;
- where possible, the discloser will be contacted to help identify certain aspects of their disclosure that could inadvertently identify them; and
- disclosures will only be handled and investigated by suitably qualified people.

The following unauthorised disclosures will be regarded as a disciplinary matter and unacceptable conduct under this policy, and will be dealt with in accordance with the School's disciplinary procedures:

- unauthorised disclosure of the identity of a person who has made a report of unacceptable conduct; or
- unauthorised disclosure of information from which the identity of the reporting person could be inferred.

A person who has made a disclosure can lodge a complaint with the School about a breach of confidentiality. Such a complaint should be made to the Principal. A complaint may also be lodged with a regulator, such as ASIC, APRA or the ATO, for investigation.

A person who intends to make a report under this policy may make a request for special protection measures if their identity is likely to be readily inferred from the nature of the information in the report.

Protected Disclosures

Under the *Corporations Act*, the disclosure of information relating to unacceptable conduct qualifies for certain protection where the disclosure is a Protected Disclosure. Disclosures that are not a Protected Disclosure do not qualify for protection under the Act.

Deliberate false reporting is not acceptable and may not be protected under this policy.

Where the *Corporations Act* applies and information is disclosed by a person in accordance with these criteria, the person receiving the information may not tell anyone other than ASIC, APRA or the Australian Federal Police, or a legal practitioner to obtain advice on these obligations, of any of:

- the information disclosed;
- the identity of the person making the disclosure; or
- any information which will enable the identification of the person making the disclosure,

unless the person consents to that disclosure.

The School can disclose the information contained in a disclosure with or without the discloser's consent if:

- the information does not include the discloser's identity;
- the School has taken all reasonable steps to reduce the risk that the discloser will be identified from the information; and
- it is reasonably necessary for investigating the issues raised in the disclosure.

Protection from Victimisation & Harassment

The School will not cause any detriment to Eligible Whistleblowers who made a report of unacceptable conduct or as a result of the report being investigated.

The School will not tolerate any reprisals, discrimination, harassment, intimidation, or victimisation against any person suspected of making a report of unacceptable conduct, or against that person's colleagues, employer (if a contractor) or relatives. Any such retaliatory action will be treated as serious misconduct and will be dealt with in accordance with the School's disciplinary procedures.

The School, on receipt of a report will:

- assess the risk of detriment against a discloser and other persons (e.g., other staff who might be suspected to have made a disclosure);
- consider necessary support services (including counselling or other professional or legal services) that may be required;

- investigate strategies to help a discloser minimise and manage stress, time or performance impacts, or other challenges resulting from the disclosure or its investigation; and
- ensure that the School leadership 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, a discloser.

Compensation & Other Remedies

A person who makes a report (or any other employee or person) 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 exercise due diligence to prevent the detrimental conduct.

Protection from Liability

If you make a report, you are protected from any of the following in relation to your disclosure:

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

e) Disclosure Reporting

Reports will be prepared which contain a general summary of the number and type of incidents identified or complaints received through the School's internal reporting processes, together with a description of the nature and results of any investigation conducted as a result of a reported incident or complaint.

All summary reports will be provided to the Principal or a delegate on a regular basis as determined by the Principal and to the Auditors as is appropriate.

A consolidated report will be provided to the School Board annually, if required.

f) Visibility of the Policy

The School believes that the existence of its Whistleblower Policy must be publicised in such a way that members of the School Board and wider School community are reasonably aware of its contents and obligations.

A copy of the policy will be available with other relevant School policies and procedures on the school website for the wider community and on the school portals for staff (Canvas) and School Board members (Our Cat Herder).

The School ensures that its procedures are familiar to all School Board members, staff members and contractors in the following manner:

- all new School Board members and staff are aware of the policy;
- the policy is easily accessible to School Board members (via the Board portal) and staff (via the WCCS Staff Handbook on Canvas); and
- the policy is publicly available to all contractors and members of the wider community via the school website.

4. MAINTENANCE & REVIEW

From time to time, this document may be revised to:

- improve existing procedures; or
- reflect changes in any applicable legislation.

The Principal is responsible for ensuring that:

- this document, and any related documents, are updated when necessary to reflect changes in the law or when otherwise appropriate; and
- all relevant people have access to the current updated version of this policy.

APPENDIX 1: WHISTLEBLOWER WORKFLOW

