



Whistleblower Policy

POLICY CATEGORY: GOVERNANCE AND RISK

EXTERNAL POLICY
STATUS: APPROVED

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INTRODUCTION

Woodleigh School (the **School**) takes seriously its commitment to provide a safe and encouraging place for education and work, for all students, staff and others in the School Community.

Protection for whistleblowers under this Whistleblower Policy (**Policy**) is an important feature of this commitment and represents an avenue for the escalation of issues that may otherwise be unaddressed or unknown.

This Policy also strengthens the School's ability to reach its objectives and live its core values of respect for self, respect for others and respect for environment

The School encourages those aware of Disclosable Matters to come forward under the details of this Policy.

This Policy is available via the external [Website](#) and internal Policy Hub.

PURPOSE

The purpose of this Policy is to establish and maintain safe reporting mechanisms and protections for Disclosers to raise concerns of serious wrongdoing.

This Policy aims to:

- Encourage Disclosers to report an issue if they have reasonable grounds to suspect it concerns a Disclosable Matter(s);
- provide details about how (and to whom) a Discloser can make a report;
- provide details about how the School will deal with reports of Disclosable Matters;
- provide details about the protections available to Disclosers, and how the School will ensure fair treatment of those affected by a report; and
- fulfil obligations under whistleblower laws in the *Corporations Act 2001* (Cth) and the *Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019* (Cth) (collectively, the **Whistleblower Laws**)

WHO THIS POLICY APPLIES TO

This Policy is intended for the whole of Woodleigh School (inclusive of all campuses and any off-campus operations as conducted by Woodleigh School).

This Policy applies to qualifying Disclosers, being any person who is or has been an officer, employee, supplier or associate of Woodleigh School, or a relative, dependant or spouse of any such persons.

However, a person who makes a report about alleged Disclosable Matter, but does not qualify as a Discloser under this Policy will not qualify for protection as a whistleblower.

MATTERS THAT THIS POLICY APPLIES TO

Disclosable Matters that are protected under this Policy are identified below. Also identified are those matters that would not be considered eligible for disclosure under this Policy and associated protections.

Disclosable Matters

A Discloser is able to make a report under this Policy if they have reasonable grounds to suspect that information indicates there has been a Disclosable Matter.

Disclosable Matters include:

- Misconduct or an improper state of affairs or circumstances in relation to the School (or a related body corporate).
- Conduct that breaches the Corporations Act, ASIC Act, Banking Act, Data Collection Act, Insurance Act, Life Insurance Act, National Consumer Credit Protection Act or Superannuation Industry (Supervision) Act (or regulations made under those laws).
- Conduct that constitutes an offence against any other law of the Commonwealth that is punishable by imprisonment for a period of 12 months or more.
- Conduct that represents a danger to the public or the financial system.
- Conduct that is otherwise prescribed by Whistleblower Laws.
- Conduct that may indicate a 'systemic issue'.

Practical examples of Disclosable 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 victimisation.

However, Disclosable Matter can include conduct that may not involve a contravention of a particular law.

Matters not Covered by this Policy

You cannot use this Policy to report a Personal Work-related Grievance or complaint not relating to Disclosable Matters. Instead, these matters can be effectively managed through the School's existing complaint procedures.

Personal Work-related Grievances means a grievance in relation to one's own employment matters (whether current or former employment), and which:

- may have implications for the Discloser personally;
- do not have any other significant implications for the School (or another entity); and
- do not relate to any conduct, or alleged conduct about a Disclosable Matter.

Practical examples include decisions relating to:

- terms and conditions of employment
- changes to a position, including engagement, transfer, changes to structure or promotion
- interpersonal conflict between employee(s)
- performance and performance management, including decisions to suspend or terminate employment
- decisions that do not involve a breach of workplace laws

Please note that Personal Work-related Grievances may qualify for other protections in limited circumstances. However, they primarily will be dealt with under the School's workplace policies and applicable industrial laws.

INTERACTIONS BETWEEN THIS POLICY AND OTHER POLICIES

In some cases, a Discloser may make a disclosure to which multiple policies or legal obligations may apply.

For example, a Discloser may make a report about a Disclosable Matters, which also raises reportable allegations under the Reportable Conduct Scheme. The School will therefore have obligations under both Whistleblower Laws and the Reportable Conduct Scheme.

In such circumstances, the School will adopt the procedures outlined in this Policy to ensure compliance with its statutory obligations (while also avoiding duplication or time-wasting).

WHO CAN RECEIVE A DISCLOSURE

Disclosers may choose to report a Disclosable Matter internally or externally, however to warrant protection under this Policy, the report must be made to an Eligible Recipient. This is detailed further below.

Internal Disclosure

Woodleigh School encourages all Disclosers to consider making an internal report in the first instance, as this will allow the School to identify and address any wrongdoing as early as possible. This approach is intended to assist the School in building trust and confidence in the practices outlined in this Policy.

Internal reports should be made to a Whistleblower Protection Officers (**WPO**), whose role is to receive disclosures that qualify for protection under this Policy.

Reports can also be made to an officer, senior manager or auditor of the School (collectively, called **Eligible Recipients**). However, an Eligible Recipient must promptly forward a report to a WPO.

Eligible Recipients and WPO's are authorised by the School to:

- receive reports of alleged Disclosable Matters and coordinate any necessary action by the School
- keep the Discloser updated on developments
- safeguard the interests of Disclosers in making reports under this Policy
- ensure the integrity of the reporting system

The School's WPO's are:

Position	Details
HR Manager	Name: Camille Savage Telephone: (03) 5971 6100 Email: csavage@woodleigh.vic.edu.au
Business Manager	Name: Cameron Blew Telephone: # 03 5971 6100 Email: cblew@woodleigh.vic.edu.au

External Disclosure

Additional protections are available to Disclosers under the *Corporations Act 2001* (Cth) who may choose to make a report to external parties.

Woodleigh School strongly encourages the reporting of Disclosable Matters internally at first instance, through one of the methods detailed in this Policy.

However, it is open to the Discloser to report a Disclosable Matter directly to Australian Securities and Investments Commission (**ASIC**), Australian Prudential Regulation Authority (**APRA**), the Australian Taxation Office (**ATO**) or any other prescribed Commonwealth authority. For more information please see ASIC's fact sheet, available [here](#).

Where a Discloser takes action by making a report to an external party, the School will take appropriate action to comply with the requirements of Whistleblower Laws, to the extent that the Discloser is eligible for protection under the same.

External Disclosure to a Legal Practitioner

Disclosable Matters shared by the Discloser to a legal practitioner for the purpose of obtaining legal advice or legal representation, in relation to the operation of whistleblower provisions under Whistleblower Laws will be protected by this Policy. This protection applies even if the legal practitioner concludes that the disclosure is not a Disclosable Matter.

Public Interest and Emergency Disclosures

In some limited circumstances, the Discloser may be permitted to make a public interest or emergency disclosure to a Member of Parliament or a journalist. Before doing so, it is highly recommended that the Discloser seek legal advice.

For more information on these disclosures please see the ASIC fact sheet, available [here](#).

HOW TO MAKE A DISCLOSURE

Before making a disclosure, we recommend that you:

- review the information at ASIC, available [here](#).
- consider sourcing personal and independent legal advice.

Form of report

A report made under this Policy about a Disclosable Matter can be made at any time, either verbally or in writing.

In the event that a Discloser makes a report by mail, it should be marked “strictly confidential”, addressed to “The WPO” and sent by post to:

Woodleigh School
485 Golf Links Road
Langwarrin South, Victoria 3911

However, it is Woodleigh School's preference that contact with a WPO by email is made in the first instance. This email communication must be marked “strictly confidential” and advise the WPO that the intention of the email is to report a Disclosable Matter in accordance with this Policy.

Reports made under this Policy will need to describe the relevant Disclosable Matter and provide as much as detail as possible of all relevant facts and supporting documentation.

After the initial communication and report of a Disclosable Matter, the WPO will:

- Assess each disclosure to determine whether the matter qualifies for protection and if a formal, in-depth investigation is required.
- Arrange an appointment (either in person or by telephone) between the WPO and the Discloser. The purpose of this meeting is to discuss the substance of the report in detail.

If a report concerns alleged Disclosable Matter by the WPO, or the WPO otherwise has a conflict of interest, the WPO will refer the report to the Principal. If the Principal is similarly conflicted, the report will be referred to the Board Chair.

A WPO may request that a Discloser make their report to the School's legal advisors if they consider it appropriate.

Anonymous Disclosures

A Discloser can choose to remain anonymous while making a disclosure, including over the course of the investigation (if applicable) and after the investigation is finalised.

Anonymous Disclosers will have the same protections as Disclosers who identify themselves, provided the Disclosable Matter and Discloser meet the eligibility requirements for protection this Policy.

Where a Discloser wishes to remain anonymous, the School requests that the Discloser maintain ongoing two-way communication with the School so that it can ask follow up queries, offer feedback and provide systematic updates.

The Discloser's identity will not be deliberately disclosed by the School, including to the Whistleblower Investigations Officer (**WIO**) if the matter is formally investigated, unless allowed under Whistleblower Laws.

The School will take active steps to protect the anonymity of the Discloser, by ensuring the safety and security of disclosed information, referring to the Discloser in a gender-neutral context and assessing the risk detriment against the Discloser. A Discloser can also refuse to answer questions that may identify themselves, and may adopt a pseudonym (i.e. by not using their legal first and/or last name).

Anonymous disclosures may be more difficult for the School to investigate properly or take appropriate action – particularly if there is insufficient information provided about the Disclosable Matter. For these reasons, it is preferred that Disclosable Matters are not reported to the School anonymously.

Reasonable grounds and false claims

A report made under this Policy may have serious consequences, including potential damage to the personal reputation and career prospects of the person(s) who are the subject of the alleged Disclosable Matter. A Discloser must therefore have reasonable grounds to suspect that the concerns being raised fall within the definition of a Disclosable Matter. However, this is not the same as having absolute proof (which is not required).

Prior to making a report, a Discloser can contact a WPO to obtain additional information, and is encouraged to do so.

Persons found to have knowingly made a false report may be in breach of this Policy, and may be subject to appropriate disciplinary action (including the termination of their employment or engagement with the School). You should not report a matter you know to be false.

HANDLING AND INVESTIGATING A DISCLOSURE

The role of the Whistleblower Investigations Officer (WIO)

Where a Disclosure is made under this Policy, and the School determines that an investigation is warranted, the WIO will usually lead (or delegate) the investigation.

The WIO at Woodleigh School is typically:

Name: David Baker

Position: Principal

Telephone: (03) 5971 6104

Email: dbaker@woodleigh.vic.edu.au

If a report concerns alleged Disclosable Matters by the Principal, the Board Chair will act as the WIO for the purpose of this Policy.

Investigation procedure

All formal investigations will be conducted in accordance with the principles of natural justice and procedural fairness (including for both the Discloser, and the person(s) the subject of a report under this Policy), and all reasonable efforts will be made to preserve the confidentiality of an investigation.

Investigations under this Policy must be conducted as soon as is reasonably practicable. In ideal circumstances, investigations will be completed in weeks rather than months. However, this depends on the complexity of the alleged Disclosable Matters, and the availability of witnesses and evidence.

The School will periodically update the Discloser of the status of the investigation, if they can be contacted.

Appropriate records and documentation for each step in the investigation process will be maintained.

Outcome

Following an investigation, findings will be made about whether or not the allegations arising from the Disclosable Matter have been substantiated. These findings will be communicated (subject to any conflicts of interest), to the Principal, the Chair, the Discloser and any person the subject of the alleged Disclosable Matter(s).

Subject to the nature and complexity of the matter, the School will communicate the outcome of the investigation to relevant persons, within 14 days of making its findings.

The method for documenting and reporting the findings, whilst reserving confidentiality, will depend on the nature of the alleged Disclosable Matters and related report. In some cases, it may not be appropriate to provide details of any outcomes to the Discloser.

PROTECTIONS FOR DISCLOSURES

Disclosers who report to WPOs and Eligible Recipients will be assured of the following:

- The report of a Disclosable Matter will be dealt with in a secure and confidential manner.
- Investigations will be undertaken in accordance with this Policy.
- Where requested and where possible, to the extent possible, the Discloser's identity will be protected and will not be released to any person outside the body investigating or resolving the matter without the Discloser's consent.
- All reasonable steps will be taken to ensure that a Discloser will not be subject to any form of victimisation, discrimination, harassment, demotion, dismissal or prejudice because they have made a report.

Where the report made does not meet the eligibility criteria as specified under this Policy, the disclosure or report will not be protected by this Policy.

Confidentiality

All reports made under this Policy will be confidential.

A Discloser who has made a report under this Policy is required to keep the reporting and the detail of the report confidential, to ensure the investigation can be conducted in the most appropriate manner.

A person cannot disclose the identity of a Discloser, or information that is likely to lead to the identification of the Discloser, which they have obtained directly or indirectly because the Discloser has made a report that qualifies for protection under Whistleblower Laws.

There are exceptions to this, including where the Discloser consents to their identity being disclosed. A person can also disclose information contained in a report, 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.

It is illegal for a person to identify a Discloser, or disclose information that is likely to lead to the identification of the Discloser, unless an exception applies.

All files and records created during an investigation will be retained in secure files and any unauthorised release of information will be regarded as a breach of this Policy.

If a Discloser considers there has been a breach of confidentiality, they can choose to lodge a complaint directly with the School – to be addressed to the Principal, the Chair or a WPO where appropriate, or with an external regulator, such as ASIC or APRA, for investigation.

Support for Disclosers

The School recognises the significance of making a Disclosure under this Policy.

Practical options available to support Disclosers are:

- Access to the Employee Assistance Program (**EAP**).
- Connecting the Discloser with external, third party support organisations and wellbeing contacts.

However, use of these support services by a Discloser may require the Discloser to consent to disclosure of their identity and/or the information in the report about the Disclosable Matter that is likely to lead to the discovery of their identity.

Practical Protection for Disclosers

The School is committed to protecting and respecting the rights of a Discloser, and will not tolerate any detrimental treatment (such as victimisation) against a person who has made, proposes to make, or could make a report under this Policy (or against that person's colleagues, associates, or family).

Examples of detrimental acts or omissions include:

- harassment or intimidation of a person
- harm or injury to a person, including psychological harm
- the alteration of an employee's position or duties to his or her disadvantage

Any such treatment will be treated as serious misconduct by the School and may result in disciplinary action (including termination of employment or engagement). However, detrimental treatment does not include:

- administrative action that is reasonable for the purpose of protecting a Discloser from detriment (e.g. moving a Discloser who has made a report about their immediate work area to another office, to prevent them from detriment)
- reasonably managing a Discloser's unsatisfactory conduct or work performance

Compensation

Any Discloser who is subjected to detrimental treatment may be entitled to compensation and other remedies if:

- they suffer loss, damage or injury because of a disclosure under this Policy; and
- the School failed to take reasonable precautions and exercise due diligence to prevent the detrimental treatment.

For more information, please see ASIC's fact sheet available [here](#).

Protection against legal action

Whistleblower Laws protect a Discloser against certain civil, criminal and administrative liabilities related to making a whistleblower disclosure.

However, this protection does not grant immunity to a Discloser for any misconduct they have engaged in that is revealed by the disclosure.

For more information, please see ASIC's fact sheet available [here](#).

Protections under the Tax Whistleblower Regime

Whistleblower Laws introduced a whistleblower regime for Disclosers in relation to tax avoidance behaviour and other tax issues concerning the School. In summary, the same protections will apply for a Discloser who considers that a disclosure will help the ATO (or the recipient) perform their duties under taxation law.

MANAGEMENT OF THIS POLICY

It is a condition of any employment or engagement by the School that all officers, employees and contractors comply at all times with this Policy. However, this Policy does not form part of any agreement between any person and Woodleigh School, nor does it constitute terms and conditions of any person's employment or engagement with the School.

This Policy is disseminated regularly as part of internal and ongoing whistleblower protection and general training for the School's employees.

The Principal will oversee the day to day operational implementation of the Policy, and is otherwise assisted by the School's Finance and Executive Committee. If you have any questions in relation to this Policy, please contact the Principal or a WPO.

The Finance and Executive Committee will be advised by the Principal, of summary level information regarding the number of reports made under this Policy and the outcomes of any such investigation (if applicable).

This Policy will be reviewed by the Principal and the Board every 3 years (as a minimum) or from time to time as required and at the sole discretion of Woodleigh School. The School is committed to ensuring this Policy remains consistent with all relevant legislative requirements, as well as the changing nature of the School.

Owned by: Woodleigh School Board and Principal

Approved by: Woodleigh School Board and Principal

Next review date: December 2023

