

# Whistleblower Policy



**Guildford Grammar School**

FOUNDED 1896



<b>Whistleblower Policy</b>		
Adopted by:	School Council Guildford Grammar School Incorporated	Next Review Date: June 2022
<i>Revised</i>	<i>Details</i>	<i>Endorsed by</i>
2016	Whistleblower Policy draft created	
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## 1. Policy Statement

Guildford Grammar School is committed to best practice in corporate governance and compliance and observing the highest standards of ethical behaviour, integrity and accountability in delivering its services.

Guildford Grammar School is committed to developing a culture and systems that support transparency and accountability in its administrative and management practices and supports the making of disclosures of serious concerns about misconduct or improper practices within the School's operations.

## 2. Purpose and Context

Whistleblowers play a vital role in helping the School uncover misconduct that might otherwise not be detected, and the Whistleblower Policy provides a safe and secure means for disclosing wrongdoing.

This Whistleblower Policy forms part of the School's broader risk management and corporate governance framework. The Whistleblower Policy outlines the School's obligations and processes for dealing with disclosures by individuals of serious concerns about misconduct or improper practices within the School.

This policy encourages and facilitates the disclosure (either openly or anonymously) by staff, suppliers, contractors, students, parents, volunteers, and other key stakeholders within the Guildford Grammar School community, without fear of intimidation or retaliation and addresses the protections of individuals making the disclosure.

This policy is designed to complement other internal resolution, communication and reporting channels at the School. To assist with determining which policy is best suited to your concern, refer to the following:

- Child Safe Reporting Policy and Procedures
- Code of Conduct
- Concerns, Complaints and Grievance Management Policy
- Staff Equal Opportunity and Harassment Policy
- Staff Grievance Management Policy

Personal work-related grievances (such as interpersonal conflict between discloser and another employee, standards of behaviour, a decision about engagement, transfer or promotion of the discloser, or concerns that relate to individual working arrangements) do not qualify for protections under the *Corporations Act 2001*.

## 3. Guiding Principles

- Guildford Grammar School is committed to operate with integrity to high ethical and legal standards.
- Staff, students, parents and volunteers are encouraged to continue to raise appropriate matters at any time with the relevant managers and or Heads of sub School.
- The Whistleblower Policy outlines the processes for disclosing serious concerns about misconduct or improper practices within the School's operations through appropriate and confidential channels.
- The School will not tolerate intimidation, retaliation, victimisation or harassment of individuals making a disclosure in relation to this Whistleblower Policy.
- The School is committed to supporting and protecting persons who have reasonable grounds to suspect that information in their disclosure concerns misconduct or



improper practices. This includes eligible whistleblowers as defined in this policy and other key stakeholders such as parents, students, staff from other schools and other key stakeholders.

- The School encourages early identification and reporting of misconduct that may cause financial or non-financial loss to the School, cause risk to the safety and wellbeing of students, staff and visitors, cause substantial risk to the environment, or damage the School's reputation.
- Reported allegations will be treated confidentially to the greatest extent possible and will be promptly investigated, and information provided will be stored securely.

## 4. Definitions

4.1 **Whistleblowing** is the means by which a person can raise serious concerns about improper conduct or practices within the Schools' operations and is able to do so without fear of victimisation and with confidence that their concerns will be taken seriously and dealt with properly.

4.2 A **Whistleblower** is a discloser who reports misconduct or dishonest or illegal activity that has occurred within the School, that qualifies for protection under the *Corporations Act 2001* and the *Taxation Administration Act 1953*.

4.3 **Eligible whistleblower** is an individual who is or has been any of the following in relation to the School.

- a member of the governing body of the school;
- an employee of the school;
- a person who supplies goods or services (paid or unpaid) to the school;
- an employee of a person who supplies goods or services (paid or unpaid) to the school;
- an individual who is an associate of the School (as defined in the *Corporations Act 2001*);
- a relative or dependent (or dependents of a spouse) of any individual described above;
- parents who volunteer or have volunteered at the School; and
- the relatives and dependents of the volunteer and of the volunteer's spouse.

4.4 **Eligible recipient** A disclosure of information by an individual qualifies for protection under the *Corporations Act 2001* if it is made to an eligible recipient, including (a) an officer or senior manager of the School or related body corporate such as members of the School Council, the Principal, Heads of School and Director of Finance; (b) an auditor, or member of an audit team conducting an audit, of the School or a related body corporate; (c) an actuary of the body corporate or related body corporate; (d) a person authorised by the School to receive disclosures.

4.5 **Disclosable matters** involve information that the discloser has reasonable grounds to suspect concerning misconduct or an improper practice within the School's operations. Examples could potentially include:

- fraud, negligence, misappropriation of funds, financial mismanagement;
- offering and accepting bribes;
- unethical or dishonest behaviour;
- conduct that causes substantial risk to the environment or public health and safety;
- illegal conduct, such as theft, dealing in, or use of illicit drugs, violence or threatened violence, and criminal damage against property;
- gross mismanagement or waste of resources, or causes financial loss to the School;
- 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.

## 5. Procedures

### 5.1 Seeking advice

Prior to a disclosure, it is beneficial to seek independent, confidential and objective advice on the matter to help determine whether the Whistleblowing process is the most appropriate avenue to report the issues. The Protection officer can initially provide general advice confined to the explanation of the School policies and help the whistleblower understand their legal rights and responsibilities. The School cannot provide the whistleblower legal advice.

### 5.2 Deliberate and false disclosure accusations

A whistleblower must have reasonable grounds to suspect that reportable conduct has occurred. In circumstances where a person makes a baseless report or deliberately discloses false information, or the investigations shows that the allegation was reckless or malicious, the whistleblower is not afforded any protections under the *Corporations Act 2001*. The School will also consider taking appropriate disciplinary or legal actions.

If a whistleblower makes a disclosure in good faith but following investigations it is not confirmed, the matter will be closed and no further action taken.

### 5.3 Protections for Disclosers

A disclosure of information by an individual qualifies for protection under the *Corporations Act 2001* if the disclosure is made by an 'eligible whistleblower' in the relation to the School and they have made a disclosure of information relating to a 'disclosable matter' directly to an 'eligible recipient'. Refer section 6. Legal Protections for Whistleblowers

### 5.4 Anonymous allegation

A discloser can choose to remain anonymous while making a disclosure, over the course of the investigation and after the investigation is finalised. It is important to note, however, that anonymous disclosures are more difficult to investigate as they generally fail to disclose sufficient information to start or adequately complete an investigation. Informants are encouraged to put their name to allegations whenever possible, so a more thorough investigation can occur.

If an anonymous allegation is made, it is preferable that the report be made in writing, including date(s) and sufficient information relevant to the allegation to allow for a comprehensive investigation.

The School is committed to protecting a whistleblower from victimisation or detrimental conduct. The discloser is also encouraged to establish and maintain two-way communication with the School, so the School can ask follow up questions or provide feedback.

### 5.5 Confidentiality

The School recognises that a person may want to raise concerns in confidence and will do its utmost to protect the identity of the person who raises a concern and who does not want their name to be disclosed.

However, proper investigation into the concern could reveal the source of the information relevant to the concern. Further, if the investigation leads to legal proceedings, a statement may be required as part of the evidence, which may be required to be revealed to other parties



involved, including where the whistleblower is called upon to give evidence in a court or tribunal.

## 5.6 How to make a whistleblower report

A person who has reasonable grounds to suspect that information in their disclosure concerns misconduct or improper practices within the School's operations should report the concern to one of the following eligible recipients:

- **The Principal** (Protection Officer): If the concern involves any allegation of misconduct by or with the knowledge of the School Council, or member of the Strategic Leadership Team the report should be made to the Principal.
- **Chair of Council**: If the concern involves any allegation of misconduct by or with the knowledge of the Principal, then the report should be made to the Chair of School Council.

## 5.7 Reporting process

Options for individuals in making a report of suspected serious misconduct include face to face meeting or correspondence:

Contact: Protection Officer – Mrs Anne Dunstan, Principal  
Phone: (08) 9377 9283  
Email: Anne.Dunstan@ggs.wa.edu.au  
Mail: Protection Officer - Mrs Anne Dunstan, Principal  
Private and Confidential  
11 Terrace Road GUILDFORD WA 6055

Reports to the Chair of School Council can be made as follows:

Mail: Chair of Council, Guildford Grammar School  
Private and Confidential  
11 Terrace Road GUILDFORD WA 6055

## 5.8 Obligation of the Protection Officer (Principal / Chair of School Council)

The Protection Officer will, where appropriate:

- acknowledge receipt of the allegation and make a comprehensive record of the disclosure;
- discuss the rights, responsibilities and support available to the whistleblower;
- take reasonable steps to protect the identity of the whistleblower;
- outline the timeframes and process that will be followed in dealing with the allegation;
- advise whether further enquiries will be made under the Whistleblower Policy or whether the concern may be best dealt with under another process;
- advise how the whistleblower will be kept updated through the key stages, including when the investigation has begun, during the process and when the investigation has been finalised. Noting, for confidentiality reasons, minimal information will be provided during the course of the review or investigation.
- refer to an external authority for advice or immediate action; and
- inform the Chair of School Council of the disclosure.

## 5.9 Investigation of disclosures

Guildford Grammar School is committed to investigating all eligible whistleblower reports. The Protection Officer may delegate the investigation depending on the circumstance and type of investigation required.

### 5.9.1 Timeframe for initial response



The Protection Officer will respond to the whistleblower within five working days, where appropriate and possible.

### **5.9.2 Investigation type**

All eligible disclosures will be subject to investigation by a suitable Investigation Officer. The type (nature and scope) of investigation will be determined by the Protection Officer and will be identified subject to circumstance to ensure the investigation is prompt and impartial. Where appropriate, the investigation may be conducted by a person within and/or outside the School. The investigator may seek assistance with regard to relevant expertise, either internal or external to the School.

### **5.9.3. Appropriate manner**

Investigations will be objective, fair and independent, while preserving the confidentiality of the investigation. To ensure fairness and independence, the investigation will be independent of the discloser, the individuals who are subject of the disclosure and the department or business unit involved. The School will ensure fair treatment of individuals mentioned in the disclosure (where applicable). The subject matter will be made known to the person who is responsible for and/or the subject of the disclosure, prior to any action taken, so that they are given opportunity to respond to the matter.

### **5.9.4. Record keeping**

A record of steps taken in the investigation, including correspondence and critical decisions made will be maintained in a confidential and secure manner in line with School Records Management processes.

## **6. Legal Protections for Whistleblowers (RG 270.87 – 270.105)**

A whistleblower who has not engaged in misconduct or illegal activity will be safeguarded from disciplinary proceedings, detrimental conduct and victimisation. Protections apply not only to internal disclosures, but to disclosures to legal practitioners, regulatory and other external bodies, and public interest and emergency disclosures that are made in accordance with the *Corporations Act 2001*.

### **6.1 Identity protection (confidentiality)**

The School is committed to preserving the confidentiality of the identity of the whistleblower, the identity of the person who is subject to the disclosure and the investigation of the disclosure.

Mechanisms for protecting the confidentiality of a discloser's identity include: all personal information or references to the discloser witnessing an event will be redacted; the discloser will be referred to in a gender-neutral context; all communication, documents and records will be managed in a secure manner; access to information relating to a disclosure will be limited to those directly involved in managing and investigating the disclosure; and each person involved in handling and investigating the disclosure will be reminded about confidentiality requirements.

However, the need to conduct a thorough investigation into the disclosure, take consequential disciplinary action or corrective procedures, could reveal the source of the information. In situations where the identity of the whistleblower is likely to be revealed, the whistleblower will be consulted prior to proceeding. In circumstances where the serious nature of the disclosure requires the investigation to continue, or is required by law, consideration will be given to what steps can be implemented to limit disclosure and protect relevant parties.

### **6.2 Protection from detrimental acts or omissions**



Processes for assessing the risk of detriment against a discloser will commence as soon as possible after receiving a disclosure. Where applicable, the School will implement strategies and take actions to protect the discloser from risk of detriment.

The School will not tolerate harassment or victimisation of a whistleblower raising concerns in accordance with this policy and will take all reasonable steps to protect the whistleblower from any detrimental action. A staff member who is found to have subjected a whistleblower to detrimental action will be subject to disciplinary action.

A whistleblower who reports a disclosable matter is entitled to protections under the *Corporations Act 2001* and must not be subject to detrimental conduct or victimisation. Where a court is satisfied that a person who engages in detrimental conduct does so in connection with their position as an employee, the court may order that the employee or employer or both pay compensation, or other remedies such as substantial fines or jail time.

### **6.3 Compensation and other remedies**

A discloser can seek compensation through the courts and other remedies through the courts if: (a) they suffer loss, damage or injury because of a disclosure; and (b) the School failed to take reasonable precautions and exercise due diligence to prevent the detrimental conduct.

It is recommended that independent legal advice is sought in regard to compensation and other remedies.

### **6.4 Civil, Criminal and administrative liability protection**

A discloser is protected from civil liability, criminal liability and administrative liability in relation to their disclosure.

Protections do not grant immunity for any misconduct a discloser has engaged in that is revealed in their disclosure.

## **7. Legislation and Regulations**

*Corporations Act 2001* (Cth) Compilation No.98, 25 March 2020

*Taxation Administration Act 1953*

## **8. Related School Policies**

- Child Safe Policy
- Child Safe Reporting Policy and Procedures
- Privacy Policy
- School Code of Conduct
- Concerns, Complaints and Grievance Management Policy
- Staff Grievance Management Policy

## **9. Policy Review**

This policy will be made available to staff via Policy Plus policy portal and through staff training.

Following an eligible disclosure and investigation, a delegate will review whether the School policy, procedures and processes were adhered to.

Guildford Grammar School may amend this policy at any time to ensure continuous improvement. The policy will be subject to review every two years by the School Council, or earlier if there has been a change in legislation.



## 10. References

Australian Securities and Investments Commission Regulatory Guide 270 Whistleblowers policies, November 2019.

AISWA Whistleblower Policies and Procedures Guidelines for Schools