

POLICY

NAME:	Whistleblower Protection Policy August 2019
UPDATE DUE:	August 2020, or more often as circumstances require

COMMITMENT TO CHILD SAFETY

All students who attend Camberwell Girls Grammar School (CGGS) have a right to feel and to be safe. The wellbeing and safety of all students in our care is our first priority and we have zero tolerance to child abuse. The protection of students is the responsibility of everyone who is employed at, or is engaged by CGGS in child connected work. To ensure the safety and best interests of all students, we take into account the needs of those with an Aboriginal or Torres Strait Islander heritage, those from culturally and/or linguistically diverse backgrounds and those with a disability.

POLICY STATEMENT

CGGS is committed to a culture of good corporate governance and compliance and maintaining a high standard of integrity to promote school community confidence. The school upholds this commitment through its whistleblowing program by providing a mechanism to support the reporting of serious misconduct, corruption, danger and illegal practices within the school.

The school recognises that people who have a work, service or client relationship with the school are often the first to realise there may be something seriously wrong. However, they may choose not to speak up due to fear of victimisation. The purpose of this policy is to set the framework to provide the protection for these individuals (both past and present) to come forward and report wrong doing confidentially and anonymously.

GUIDING PRINCIPLES

The school's whistleblowing policies and procedures are built upon the following guiding principles:

- All 'eligible whistleblowers' (refer to definitions section) are encouraged to voice or act on any concerns of serious misconduct
- Information about how and where to 'whistleblow' as well as how a disclosure will be handled is clearly documented and publicly available on the school's website
- The school acknowledges, investigates and responds to disclosures within an appropriate and timely manner
- There is no cost to the whistleblower to access the Whistleblower Protection Program
- Whistleblowers will not be victimised or discriminated against
- The Whistleblower Protection Program is objective and confidential
- The Whistleblower Protection Program is regularly reviewed for improvement

POLICY REVIEW

CGGS is committed to the continuous improvement of its whistleblowing program. All whistleblowing incidences are handled in accordance with this policy and reviewed upon completion for opportunities for improvement.

This policy will be reviewed annually or more often as circumstances require.

Next scheduled review date is August 2020.

COMMUNICATION

The school community will be informed about this policy. It will be publicly available. It will be available on the school's website and communicated during the induction process.

Further questions regarding this policy should be addressed to the Whistleblower Protection Officers.

DEFINITIONS

Whistleblowing	The disclosure of actual or suspected wrongdoing in the school that reveals fraud, corruption, illegal activities, gross mismanagement, malpractice or any other serious wrong doing.
Regulated entity	All companies registered under the Corporations Act
Eligible Whistleblower	A current or former: <ul style="list-style-type: none">• director / officer• employee• supplier of goods or services (whether paid / unpaid) - includes school volunteers• relative of any of the above individuals• dependent(s) of any of the above individuals or of such an individual's spouse
Disclosable Matter	Disclosure information that concerns: <ul style="list-style-type: none">• misconduct (fraud, negligence, default, breach of trust and breach of duty); or• an 'improper state of affairs or circumstances' Excludes: personal work related grievances of the whistleblower that is not about victimisation for whistleblowing.
Eligible Recipient	<ul style="list-style-type: none">• Director / officer• Senior manager• Auditor or member of an audit team conducting an audit• A person authorised by the school to receive disclosures
Designated Commonwealth Authority	<ul style="list-style-type: none">• ASIC• APRA• Other Commonwealth authority

LEGAL CONTEXT

A 'whistleblower' is a person within the school who makes a disclosure, whether anonymously or not, with respect to serious misconduct or illegal activity that has occurred within the school.

In order to be eligible for protections under the Corporations Act ('Act'), the disclosure must be:

- in relation to a **regulated entity** (companies registered under the Corporations Act); and
- made by an **eligible whistleblower**; and
- of a **disclosable matter**; and
- made to an **eligible recipient** or a **designated Commonwealth authority**

The whistleblower must have 'reasonable grounds to suspect' wrong doing. Reasonable ground is an objective test and relates to whether a reasonable person in possession of the information would form the belief that conduct of a disclosable nature has occurred.

SCOPE

This policy applies to 'eligible whistleblowers' as defined within the Corporations Act (sec 1317AAA).

Students and parents are not recognised as eligible whistleblowers under the Act and are therefore not afforded the same level of protection under the law. However, the school recognises the importance of these individuals and takes all reasonable steps to provide these individuals with the highest possible level of protection while treating all matters raised seriously and investigating them appropriately.

Unlike a complaint where an individual expresses a personal dissatisfaction or mistreatment, the person blowing the whistle is usually not directly or personally affected by the matter of concern. They are raising the concern as they believe it has far reaching implications on the wider school community.

For the school's complaints handling protocol and procedures refer to the Complaints Management Policy on SEQTA.

KEY RESPONSIBILITIES

- The School Council is responsible for governing the Whistleblower Protection Program and ensuring that an appropriate framework is in place to protect and support whistleblowers within the school
- The Principal holds overall accountability for ensuring that the system for managing disclosures within the school is effective and communicated throughout the school
- The Principal is responsible for authorising the Whistleblower Protection Officers (WPO) to receive disclosures. WPO's may be internal, external or a combination of both.
- The Whistleblower Protection Officer is an eligible recipient responsible for safeguarding the interests of the whistleblower and appointing the Whistleblower Investigation Officer (WIO).
- The Whistleblower Investigation Officer is responsible for investigating the disclosure and reporting back to the WPO. The WIO may be internal or external depending on the nature of the disclosure and the parties involved.

WHISTLEBLOWER PROTECTION OFFICERS (WPO)

Below are the names and contact details of the WPO's at the school:

Name	School Position	Contact no.	Email
Debbie Dunwoody	Principal	9813 1166	principal@cggs.vic.edu.au
Stephen Cuddon	Chief Financial & Operating Officer	9813 1166	financeops@cggs.vic.edu.au
Cathy Poyser	Deputy Principal / Head of Senior School	9813 1166	poyserc@cggs.vic.edu.au
Paul Donohue	Head of Junior School	9813 1965	donohuep@cggs.vic.edu.au

Where a disclosable matter involves one or more of the above individuals, the whistleblower should proceed to report to the alternative, available WPO that is independent to the matter.

MAKING A REPORT

In the first instance, prior to action under this policy, the whistleblower is encouraged to follow normal reporting channels and discussing the matter with their immediate manager.

If the nature of the matter or the parties involved are deemed to be inappropriate to report through the normal channels or if the whistleblower has reasonable concerns about doing so, the whistleblower should contact the WPO in person, via phone or in writing. The whistleblower may report anonymously, however, anonymity may hamper the investigation process and impact on the ability of the school to provide the protection afforded to the whistleblower under this policy. The report should be factually accurate, complete, based on first-hand knowledge and without material omission. It should be as detailed as practicable and include (but not be limited to):

- the exact nature of the alleged disclosable matter
- when the alleged disclosable matter took place
- where the alleged disclosable matter took place
- parties involved
- the names of witnesses who may know information that is relevant to the investigation

Refer to SEQTA for a copy of the latest Whistleblower Disclosure Form.

The WPO is responsible for ensuring that all reports and supporting documents are kept confidential and secure and that the safety and wellbeing of the reporter is maintained at all times. The WPO must maintain their independence at all times.

WHISTLEBLOWER PROTECTION

Protection afforded to whistleblowers under the Act include:

- Confidentiality
- Limited liability
- Prohibited victimisation and detrimental conduct

If a whistleblower makes a disclosure under this policy in good faith, provided they are not involved in the conduct reported, the whistleblower will not be penalised or disadvantaged by the school. Where it is established by the WIO that the whistleblower has not acted in good faith or they have intentionally made a false, malicious or vexatious report of alleged misconduct, then this will be reported to the WPO and may result in the whistleblower being the subject of disciplinary action.

Confidentiality

Where a whistleblower has made a qualifying disclosure, they may request for their identity to remain confidential. In this instance, the school will take all reasonable steps to protect information about the identity of the whistleblower or information that is likely to lead to the identification of the whistleblower. Any staff member who breaches confidentiality is subjected to disciplinary proceedings by the school and may be liable for penalties and fines as well as up to 6 months' imprisonment. Refer to the penalties table for further details.

Limited liability

A whistleblower is not subject to any civil, criminal or administrative liability (including disciplinary action) for making a disclosure so long as the whistleblower is not a party to the conduct revealed by the disclosure.

Prohibited victimisation and detrimental conduct

It is an offence under the Act to victimise, harass, discriminate or cause detriment to any person who makes a qualifying disclosure. Any staff member found to be in breach is subjected to disciplinary proceedings by the school and may be liable for penalties and fines as well as up to 2 years' imprisonment. The school may also be vicariously liable as an organization if it does not take reasonable precautions and exercise due diligence to avoid the detriment conduct. Refer to the penalties table for further details.

Penalties

Breach	Individual			School	
	Fine	Civil Penalty	Imprisonment	Fine	Civil Penalty
Confidentiality	\$12,600	\$200,000 *	6 months	\$126,000	\$1,000,000 *
Victimisation	\$50,400	\$200,000 *	2 years	\$504,000	\$1,000,000 *

* To increase to \$1,050,000 (individuals) and \$10,500,000 (School) under amendments made by the Strengthening Corporate and Financial Sector Penalties Act.

CONDUCTING AN INVESTIGATION

The WPO will appoint a Whistleblower Investigation Officer (WIO) whose role is to obtain evidence that either substantiates or refutes the claims made by the whistleblower. Where the WPO decides that the allegations are of a very serious nature or involve members of the school where a conflict of interest may arise, external investigators may be engaged. The WIO must maintain their independence at all times, provide timely progress reports and allow all parties the opportunity to respond.

As soon as practicable, after the investigation is concluded, the WIO will prepare a report providing a summary of the facts of the suspected misconduct and of the findings of the investigation (i.e. whether the misconduct was substantiated or unsubstantiated). The report shall be provided to the WPO who shall in consultation with the Principal, ensure that appropriate measures are taken in light of the findings in the report, which may include notification to regulatory and/or enforcement agencies.

In certain instances, where there is a potential risk to the parties involved or a risk to the reputation of the school, the person alleged to have engaged in misconduct may be stood down from duty pending investigation. Where a person is stood down while the investigation takes place, no inference of wrongdoing or assumed guilt will apply.

DETERMINATION / OUTCOME

The investigator will provide a written report to the nominated WPO and Principal detailing all the evidence and a finding as to whether the disclosable matter is substantiated or not.

The Principal will make a determination on the report, following which both parties will be provided with the Principal's conclusion in writing.

If the determination substantiates the disclosable matter, the Principal may decide outcomes that may include the following:

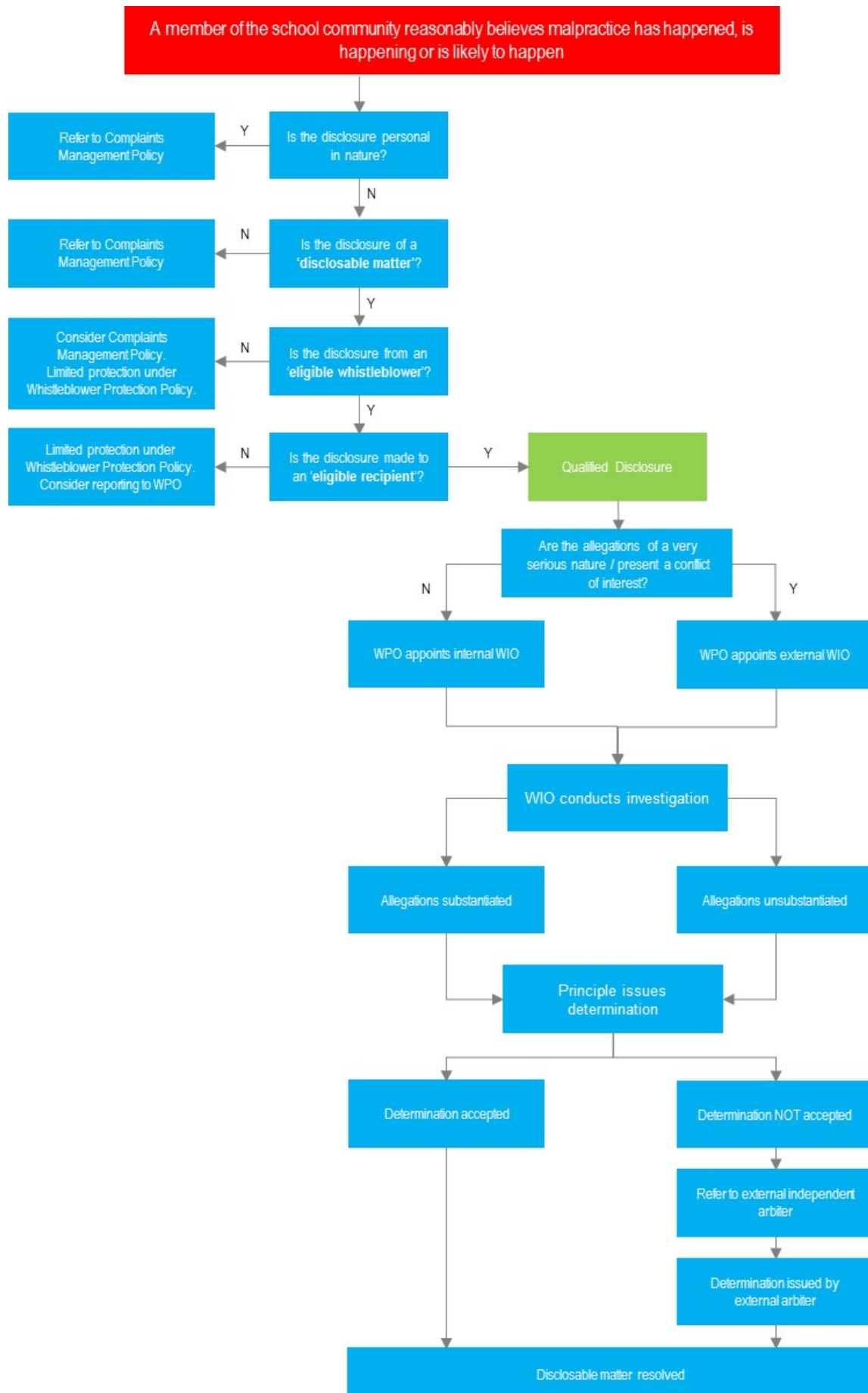
- Counselling;
- Support for the parties involved, as deemed appropriate;
- Staff professional learning and development;
- Warning – oral/written;
- Suspension; and
- Dismissal/Expulsion

If the decision concludes that the disclosable matter is not substantiated, all parties will be advised accordingly. Each party has the right to appeal and request an independent arbiter to review the decision.

If an appeal is lodged, the Principal will outsource to an independent arbiter to examine all of the evidence and advise accordingly. The independent arbiter's review will be final with CGGS.

If the Principal believes that there is a risk of litigation, the school's insurers and Chair of School Council will be notified.

WHISTLEBLOWER PROCESS MAP



VERSION CONTROL

Version No.	Date Approved	Author	Comments
1.0	25.07.2016	Debbie Dunwoody	Initial version.
2.0	13.08.2019	Phong Pham	Renamed 'Whistleblower Policy' to 'Whistleblower Protection Policy' Expanded policy to coincide with amendments to the Corporations Act 2001 Added 'Guiding Principle' section Added 'Legal Context' section Added 'Key Responsibilities' section Added 'Making a Report' section Added 'Whistleblower Protection' section Added 'Penalties' table Added 'Conducting an Investigation' section Added 'Determination Outcome' section Added 'Whistleblower Process Map'