

# Whistle-blower Policy

## VISION STATEMENT

GERALDTON GRAMMAR SCHOOL WILL PROVIDE OUTSTANDING EDUCATION AND A STRONG SENSE OF COMMUNITY, CULTIVATING PEOPLE OF INTEGRITY, INDEPENDENCE OF MIND AND A LOVE OF LEARNING.

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| <b>Introduction</b>                       | This statement outlines the Geraldton Grammar School policy on Whistleblowing  |
| <b>Scope and application</b>              | This policy applies to and is binding upon all employees, parents, students and volunteers of the School, and to the School Board of Governors.  |
| <b>Related legislation and guidelines</b> | <i>Not-for-profit incorporated organisations that meet the definition of a trading or financial corporation must comply with the corporate sector <b>whistleblower protection regime</b> in Part 9.4AAA of the Corporations Act 2001 (Corporations Act).</i>   |
| <b>Related Policies</b>                   | Child Protection and Mandatory Reporting Policy, Complaints Policy Parents/Students, Staff Code of Conduct , School Community Code of Conduct, Student Code of Conduct, Anti-bullying Policy, Risk Management Policy, Privacy Policy, Sexual Harassment Policy |
| <b>Evaluation</b>                         | BiAnnual   |

| <b>Date</b> | <b>Action</b><br>(issue, reissue, amendment, replacement of pages, etc) | <b>Initials</b> |
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## WHISTLE-BLOWER POLICY

### PURPOSE:

The purpose of the Whistle-blower Policy is to allow Geraldton Grammar School staff, parents, students, volunteers and members of the School community to report serious concerns about school operations through appropriate and confidential channels without risk of retaliation, victimisation or harassment in any form. The policy is to ensure that all School operations are conducted ethically and with integrity.

From 1 July 2019 Geraldton Grammar School is obliged to observe the provisions of the Corporations Act 2001 which relate to whistleblowing.

### TERMS OF REFERENCE:

To assist with determining which School policy is best suited to support your concern, refer to the following Terms of Reference in the first instance.

#### **Complaints Policy**

Refer to this policy if you have a concern or complaint about conduct which does not rise to the level of illegality, dishonesty, fraud or other serious misconduct within the School.

#### **Whistle-blower Policy**

Refer to this policy if you have a significant concern around business operations of the School, a breach of legislative responsibility, serious misconduct or unlawful activity.

### RATIONALE:

Geraldton Grammar School is committed to achieving its business objectives while minimising the impact of significant risks that Geraldton Grammar School can meaningfully and realistically control; protecting and enhancing its reputation, and behaving as a responsible and ethical corporate citizen. As such, the School recognises the value of transparency and accountability in its administrative and management practices and supports the making of disclosures that reveal corrupt conduct, conduct involving a substantial mismanagement of resources, or that which involves substantial risk to public health and safety or the environment. It is policy at Geraldton Grammar School that all staff, students, volunteers, parents and members of the school community shall be free to report concerns without fear of retaliation. They may wish to report activity occurring in school operations that they believe in good faith to be illegal, dishonest, unethical, fraudulent, or not in compliance with school policy.

#### **Relationship with the Complaints Policy**

This policy is designed to complement normal communication channels between students, parents, teachers, other employees, volunteers and the Senior Leadership Team. It should be read together with the Complaints Policy, which is designed to deal with concerns and/or complaints about conduct which do not rise to the level of illegality, dishonesty, fraud or other serious misconduct.

#### **Reports or Disclosures about Child Protection**

This policy should also be read in conjunction with the Child Protection and Mandatory Reporting Policy, which sets out the specific requirements and processes

for dealing with concerns relating to child protection, including as required by relevant legislation. Disclosures or complaints that fall within the scope of the Child Protection and Mandatory Reporting Policy must be dealt with in accordance with that Policy.

#### DEFINITIONS:

**Misconduct** is conduct or practice within the School that is potentially illegal, corrupt, improper, dishonest, unsafe, unethical or which amounts to significant mismanagement.

**Whistleblowing** is the means by which a person can raise concerns about such misconduct, and is able to do so without fear of victimisation and with confidence that their concerns will be taken seriously and dealt with properly.

A **whistle-blower** is defined as an employee, volunteer, parent, student, member of the school community or the public who discloses misconduct taking place within the School.

#### POLICY:

##### Reporting Process

A person who has knowledge of or information about misconduct in school operations should report the misconduct in writing to a member of the Senior Leadership Team or the Principal, or the chair of the board.

These might include:

- Fraud
- Theft
- Dealing in illicit drugs
- Offering or taking a bribe
- negligence
- default,
- breach of trust
- causing or threatening detriment to a discloser
- breach of a regulatory requirement
- breach of duty
- an offence against a range of Acts
- an offence against a Commonwealth law that is punishable by imprisonment for more than 12 months.
- Something representing a danger to the public or financial system
- Breaching employment law and the punishment can be imprisonment for 12 months or more.

If a serious allegation of misconduct relates to a member of the Senior Leadership Team, a written complaint should be made to the Principal, who will raise the matter with the Chair of the Board of Governors.

If a serious allegation of misconduct relates to the Principal, a written complaint should be made to the Chair of the Board, whose contact details are available by contacting School Administration.

If the reporting person desires anonymity, the report should be in writing and delivered via regular mail.

### **Anonymous Allegation**

A person seeking to make a disclosure or allegation of misconduct under this Policy should put their name to allegations whenever possible, as anonymous concerns are far less powerful. While anonymity is the right of any whistle-blower, maintaining anonymity restricts the School's ability to fully understand, explore, manage and resolve the situation. Nonetheless, anonymous allegations will be considered under this policy.

In relation to determining whether an anonymous allegation will be taken forward, the School will take the following factors into account:

- The seriousness of the issue raised;
- The credibility of the concern;
- The likelihood of confirming the allegation from attributable sources, and obtaining information required.

### **Confidentiality**

The School recognises that a person may want to raise concerns in confidence and will do its utmost to protect the identity of a person who raises a concern and who does not want their name to be disclosed. **Reports of misconduct pursuant to this policy will** be treated confidentially to the greatest extent possible and will be promptly investigated.

However, it should be noted that investigation into the concern could reveal the source of the information. Further, it is feasible that statements may be required from the whistle-blower as part of the investigation process and that this may be seen by all parties involved in the investigation. If the disclosure leads to prosecution, then the whistle-blower may be called to give evidence in court.

### **Timescale for Initial Response**

A member of the Senior Leadership Team, Principal or the Chair of the School Board who is looking into allegations ('the Investigator') will aim to provide a response to the whistle-blower within five working days, where appropriate and possible. It will aim to:

- Acknowledge that the concern has been received;
- Indicate how the School proposes to deal with the matter;
- Give an estimate of how long it will take to provide a final response;
- Advise whether any initial enquiries have been made;
- Advise whether further enquiries will take place;
- Inform the whistle-blower of support available to them whilst matters are looked into.

The Investigator may also determine that the concern may best be dealt with according to the Complaints Policy or the Child Protection and Mandatory Reporting Policy. This will be indicated where and when appropriate, according to the aims and processes of those policies.

### **Untrue and Malicious/Vexatious Allegations**

If a whistle-blower makes an allegation in good faith and with reasonable belief but it is not confirmed by subsequent investigations, the matter will be closed and no further action taken and will not result in disciplinary actions. If, however, the inquiry shows that untrue allegations were malicious and/or vexatious or made for personal gain then the School will consider taking appropriate disciplinary and/or civil action.

### **Ongoing Process**

A whistle-blower reporting misconduct in school operations should not attempt to investigate the matter independently, as doing so may compromise the integrity of an official investigation and adversely impact both the whistle-blower, the School and the situation in focus.

A member of the Senior Leadership Team, Principal or Chair of the Board (as appropriate) will promptly and discreetly investigate any report of misconduct in school operations, with the assistance of other school officials, as appropriate.

The member of the Senior Leadership Team and/or Principal will report the results of their investigation and any recommendations for appropriate corrective and/or disciplinary action to the Chair of the Board. The Chair of the Board will consult with other Board members, the Principal and members of the Senior Leadership Team (as appropriate) to decide on the action to be taken and before taking action. Where relevant, the concern may be reported immediately to the appropriate law enforcement or professional agency.

Following an investigation and suitable action by the School - if any, decisions will be made in accordance with the School's Staff Code of Conduct, Professional Standards for Teachers and any other applicable School policies. Additional penalties, processes and/or reporting obligations may also apply under federal, state and local laws.

Following the Chair of the Board's decision, the whistle-blower will be notified of the outcome of the School's investigation in a timely manner; the actions and outcome may be shared at this time.

### **Alternative Options to Disclose Information**

If the Chair of the Board is the subject of a report of misconduct in school operations, the Board will be advised of the situation and will appoint another Board member to substitute for the Chair of the Board in their investigative or decision making role. If the Principal or the Business Manager is the subject of a report, then the Chair of the Board (or delegate) will conduct the investigation and decision-making process, safeguarding against reprisal, harassment, and victimisation.

Neither the School nor any of its employees, students, parents, or volunteers will take adverse employment-based or other action in retaliation against a whistle-blower who reports information under this policy. Geraldton Grammar School will take all reasonable steps to protect a whistle-blower from any detrimental action in reprisal for making the disclosure. It will also afford procedural fairness to the person/s who is the subject of the disclosure.

The School will not tolerate harassment or victimisation of a whistle-blower raising

concerns in accordance with this policy. Any employees, volunteers, parents or students who victimise or harass any person as a result of their having raised a concern in accordance with the Whistle-blower Policy may be dealt with under Geraldton Grammar School's Codes of Conduct, disciplinary procedures, and applicable laws.

### **Further Whistleblower protections**

Whistleblowers are protected in two ways, confidentiality and detriment. These protections apply if an eligible whistleblower makes a qualifying disclosure.

The recipient must not disclose the identity of the eligible whistleblower or information which is likely to lead to the identification of the eligible whistleblower.

There are several exceptions, such as disclosures to

- ASIC or APRA
- The Federal Police
- A legal practitioner (for particular reasons)
- Certain State or Commonwealth authorities (for particular reasons)
- With consent of the whistleblower
- When reasonably necessary to investigate the matter (steps must be taken to reduce the risk of identifying the whistleblower)

### **Detriment**

Whistleblowers are not subject to any civil, criminal or administrative liability (including disciplinary action) for making the disclosure. No contractual or other remedy or right may be enforced or exercised against the person based on the disclosure. Some disclosures to certain authorities such as ASIC, APRA or a prescribed Commonwealth Authority, or a public interest disclosure or an emergency disclosure are protected.