

Whistleblower Policy

1. Purpose

The purpose of this policy is to:

- encourage the reporting of matters that may cause harm to individuals or financial or nonfinancial loss to Firbank Grammar School or damage to its reputation;
- enable Firbank Grammar School to deal with reports from whistleblowers in a way that will protect the identity of the whistleblower as far as possible and provide for the secure storage of the information provided;
- establish policies for protecting whistleblowers against reprisal by any person internal or external to the entity;
- help to ensure Firbank Grammar School maintains the highest standards of ethical behaviour and integrity.

2. Scope

Whistleblowing is a sign of a serious failure of the usual processes in the School to fix the problems reported. Whistleblowing should be a last resort, used when other reporting systems have been exhausted or are not effective. This policy is relevant to all definitions detailed below, and does not include activities that would fall within our Complaints and Grievances policy and procedures.

3. Relevant Legislation

- a. Corporations Act
- b. Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019 (Cth)The Commonwealth Public Interest Disclosure Act 2013
- c. Occupational Health and Safety (OHS) laws and regulations
- d. Fair Work Act 2009

4. Definitions

- a. **An eligible Whistleblower:**
 - i. Employees (including directors, managers, interns, and secondees);
 - ii. Contractors, consultants, service providers, suppliers, business partners;
 - iii. Former employees;
 - iv. A relative, dependant or spouse of the above.

- b. **Reportable conduct:**

Breaches of general law or legal code, organisational policy, or generally recognised principles of ethics include:

- corrupt, unethical or illegal conduct
- fraud or theft

- official misconduct
- maladministration
- harassment or unlawful discrimination
- serious and substantial waste of public resources
- practices endangering the health or safety of staff, volunteers, or the general public
- practices endangering the environment.
- allows for protected 'emergency' or 'public interest' disclosures to be made to the media or members of Parliament **in extreme cases** (excluding tax matters)

Any conduct which is detrimental to Firbank and could cause financial or non-financial loss.

c. Protecting Whistleblowers:

The Schools whistleblower framework must be able to protect genuine whistleblowers from retaliation. It is essential to allow decisions on how to respond to a reported offence to be reviewed by an independent person when a whistleblower who feels aggrieved requests this. The School will ensure to protect the Whistleblower from retaliation.

d. Retaliation.

Retaliation can take many forms. Whistleblowers can be punished by:

- being rebuked
- being given less desirable work, hours or facilities
- being dismissed, being made redundant, or not having temporary work renewed
- not being considered for promotions, other positions or other duties.
- Whistleblowers who suffer retaliation are protected and are eligible to access compensation.

e. Anonymity for Whistleblower:

Protecting someone from retaliation is a lot easier if their identity can be concealed from the person they have informed against. Not all wrongdoing or misconduct, however, allows the identity of the complainant to be concealed. Each case should be looked at on its merits and the competing or conflicting interests of the parties assessed and dealt with. Every effort will be taken by Firbank to ensure anonymity is assured for the Whistleblower as is reasonably possible. Legal advice will be obtained in difficult cases.

f. Non disclosable matters

Personal work-related grievances do not qualify for protections under the Corporations Act, and must be submitted through the Complaints and Grievances policy and procedures.

g. Legal obligations to report:

The School may be legally obliged to report the breaches to the relevant authorities, such as the police, and the School and Whistleblower may be obliged to cooperate with them. The Schools legal

obligations may not permit Firbank to shield the identity of the Whistleblower. The School may offer not to disclose the identity of a Whistleblower unless:

- The Whistleblower consents to the disclosure
- The disclosure is required by law
- The disclosure is necessary to prevent a serious threat to a person's health or safety.

The School will however, offer to protect the Whistleblower from retaliation.

h. Retaliation versus discipline:

All parties – the Whistleblower, the person accused, and witnesses in the investigation – are legally entitled at all times to protection from reprisals or retaliation. There is a difference between retaliation and discipline. If a Whistleblower has knowingly made a false or malicious disclosure, they may be disciplined. That discipline might consist of anything from a warning to termination of employment, according to what is proven, and should be carried out in accordance with the Schools policies and procedures and the law. As an employer, the school is legally obliged to ensure Whistleblowers are protected from retaliation or victimisation.

5. Roles and Responsibilities

a. The School Board:

The Schools Board is responsible for adopting this whistleblower policy, and for nominating the organisation's Whistleblower Protection Officer (WPO).

b. The Whistleblower Protection Officer(s)

The WPO is responsible for:

- i. Coordinating an investigation into any report received from a whistleblower.
- ii. Documenting and handling all matters in relation to the report and investigation.
- iii. Finalising all investigations.

c. The Schools Principal

The Principal is responsible for the implementation of the whistleblower policy.

d. All Staff:

All staff and all volunteers are responsible for reporting breaches of general law, organisational policy, or generally recognised principles of ethics to a person authorised to take action on such breaches. Employees are also required to complete any assigned training on the topic.

i. Concerns regarding illegal or corrupt behaviour.

Where an employee of Firbank Grammar School believes on reasonable grounds that any other employee, volunteer, or contractor has breached any provision of the general law, **Or**

ii. Concerns regarding improper or unethical behaviour

Where an employee of Firbank Grammar School believes on reasonable grounds that any other employee, volunteer, or contractor has breached any provision of the organisation's

constitution, or its bylaws, or its policies, or its code of conduct, or generally recognised principles of ethics,

(i and ii) that employee must report their concern to:

- their supervisor: or, if they feel that their supervisor may be complicit in the breach,
- the Principal: or, if they feel that the Principal may be complicit in the breach,
- the organisation's nominated Whistleblower Protection Officer (WPO); or, if they feel this to be necessary,
- a person may submit a complaint to our whistleblower@firbank.vic.edu.au (see procedures in appendix)
- If a Whistleblower is unsatisfied with the options above, they may also submit a complaint either via use of independent legal advice, or contact regulatory bodies such as ASIC.
- the duly constituted authorities responsible for the enforcement of the law in the relevant area. (for illegal or corrupt behaviour only)

e. Students and Families

Are not covered under this policy, except where they are acting as an "employee".

6. Related Policies and Procedures

- Privacy Policy:** All information gathered and communicated will be done so in accordance with the schools Privacy Policy.
- Complaints Policy:** Non disclosable matters are to be handled in accordance with the Complaints and Grievances policy.
- Training and Communications of the policy**
 - To staff:** All staff will be required to read this policy, which is stored in Complispace. Staff also receive information on this policy and related procedures at Staff information sessions periodically throughout the year.
 - To the Board:** The Board of Directors is updated every quarter on Firbank's Whistleblowing program, inclusive of reports, investigations and results by a representative from the Whistleblowers Protection Officer group.

7. Feedback / Enquiries

- Whistleblower Protection Officers:**
 - Le Lu – Financial Controller,
 - Amy McKay – Human Resources Manager,
 - Jen Shakespeare – Risk and Compliance Manager
 - whistleblower@firbank.vic.edu.au
 - +61395915188
- Principal:**
 - Jenny Williams
 - jwilliams@firbank.vic.edu.au

- c) For anonymous reporting, please see Appendix
- d) Complaints regarding occupational health and safety should where possible be made directly to the Risk and Compliance officer.
- e) Complaints regarding Human Resources should where possible be made directly to the Head of Human Resources. hr@firbank.vic.edu.au

8. Approvals

- a. **Approved by:** Jenny Williams, Principal.
- b. **Date:** Nov 2019
- c. **Next Review date:** Nov 2023

9. Appendix

a. **Process for making a report**

All whistleblowing allegations are to be reported via the school email address, or by calling reception at the Senior Campus on **+61395915188**, and asking to speak to any of the WPO's or the principal.

Should a reporter wish to remain anonymous, they can use a non-firbank email address, or use/create a pseudonym and related private email account for the purpose of providing 2 way communication with Firbank, for example nothappy123@gmail.com

The person making their concern known shall not suffer any sanctions from the organisation on account of their actions in this regard provided that their actions

- are based on the reporter having objectively reasonable grounds to suspect misconduct or a contravention, and
- conform to the designated procedures.

Any person within the organisation to whom such a disclosure is made shall

- Immediately investigate the allegation where it is ensured that the motivation of the allegation is irrelevant, and that there is sufficient evidence that the person has objectively reasonable grounds to suspect misconduct.
- Ensure a finding is made, and the person making the allegation is informed of the finding.
- Any such investigation shall observe the rules of natural justice and the provisions of procedural fairness. Disclosures may be made anonymously, and this anonymity shall as far as possible be preserved by Firbank.

b. **How reports are to be investigated and communicated**

Access to the whistleblowing mailbox is restricted to the Whistleblower Protection Officers, as detailed in the policy.

The mailbox is regularly monitored by the team, and all disclosures will be investigated within 2 weeks upon receipt.

Reporters, both identified and anonymous, will be advised of the progress of the investigation on a fortnightly basis, until the issue is resolved, or unless agreed otherwise.

c. Use of third parties

For any disclosures made to external parties (ASIC, independent lawyers, or any legal entity) Firbank will be required to comply with any policies or procedures as directed by them as required by the law.