



Our Whistle Blower Policy

Our Whistle Blower Policy

JUNIOR SCHOOL
6 QUEEN STREET
MOSMAN NSW 2088
+612 8968 7711

SENIOR SCHOOL
47 MANDOLONG ROAD
MOSMAN NSW 2088
+612 8968 7777

OFFICE HOURS: 8:00AM – 4:30PM
QUEENWOOD.NSW.EDU.AU

WHISTLE BLOWER POLICY

Introduction

PURPOSE AND SCOPE

This policy applies to Queenwood School in protecting eligible whistle blowers and managing qualifying disclosures regarding misconduct in relation to the School. This policy will be published on the School's website and made available to Council members and all employees.

RELATED POLICIES

The School takes seriously any reasonable disclosure made by a staff member, parent, student or member of the community. Whilst some disclosures will fall under the whistle blower policy, there are other policies, which may more suitably address the issue:

- Complaints or allegations of staff misconduct that do not meet the criteria of a whistleblowing disclosure will be addressed in accordance with Queenwood's *Community Feedback Guide*.
- Disclosures about reportable conduct will be addressed in accordance with Queenwood's *Child Protection Policy*.
- Disclosures regarding a grievance between staff members about work matters, including work relationships and decisions made by other staff members, which affect their work, will be addressed in accordance with Queenwood's *Staff Grievance Procedure*.
- Unlawful discrimination, harassment or bullying complaints will be addressed in accordance with Queenwood's *Bullying (Staff) Policy*.

What is a qualifying disclosure?

A qualifying disclosure is when an eligible whistle blower makes a disclosure to an eligible recipient, and the eligible whistle blower has reasonable grounds to suspect that the information concerns a disclosable matter.

Who can make a qualifying disclosure?

ELIGIBLE WHISTLE BLOWERS

An eligible whistle blower is an individual who is or has been any of the following, in relation to the School:

WHISTLE BLOWER POLICY

- a Council member;
- an employee;
- a person who supplies goods or services (paid or unpaid);
- an employee of a person who supplies goods or services (paid or unpaid);
- an individual who is an associate of the School (as defined in the Corporations Act); and
- a relative or dependent (or dependents of a spouse) of any individual described above.

ANONYMOUS DISCLOSURES

A disclosure can be made anonymously. However, this may make it difficult to investigate the reported matter. The School encourages disclosers to provide their names. If a discloser wishes to disclose anonymously, the discloser should provide sufficient information to allow the matter to be properly investigated. The School also encourages the discloser to provide an anonymous email address through which additional questions, and information can be asked and provided.

Disclosable matters that qualify for protection

DISCLOSABLE MATTERS

A disclosable matter is a disclosure of information where the eligible whistle blower has reasonable grounds to suspect that the information relating to the School or a related company concerns:

- misconduct;
- an improper state of affairs or circumstances;
- illegal activity (including conduct of officers and employees) – meaning activity in breach of the Corporations Act or specified financial services legislation, or an offence against any law of the Commonwealth punishable by imprisonment of 12 months or more; or
- conduct (including conduct of officers and employees) that represents a danger to the public or financial system.

This may include any conduct in relation to the operation of the School that involves:

- fraudulent activity;
- unlawful or corrupt use of school funds;

WHISTLE BLOWER POLICY

- improper accounting or financial reporting practices;
- systemic practices that pose a serious risk to the health and safety of any person on school premises or during school activities.

REASONABLE GROUNDS TO SUSPECT

A discloser would have 'reasonable grounds to suspect' if the discloser has a suspicion that could reasonably be formed based on the facts and information available to them.

If a disclosure is made without 'reasonable grounds to suspect', the disclosure will not be a qualifying disclosure and the discloser will not have the protections provided for under this policy and the Corporations Act.

PERSONAL WORK-RELATED GRIEVANCES

Generally, disclosures that concern personal work-related grievances do not qualify for protection.

A disclosure will concern a personal work-related grievance of the discloser if the information:

- concerns a grievance about any matter in relation to the discloser's employment, or former employment, having or tending to have implications for the discloser personally; and
- does not have significant implications for the school that do not relate the discloser; and
- does not concern conduct that is:
 - an alleged contravention of the Corporations Act and specified financial services laws; or
 - an offence against another law of the Commonwealth, which is punishable by imprisonment of 12 months or more; or
 - a danger to the public or financial system.

Examples of disclosures regarding personal work-related grievances that may not qualify for protection include:

- an interpersonal conflict between the discloser and another employee;
- a decision relating to the engagement, transfer or promotion of the discloser;
- a decision relating to the terms and conditions of engagement of the discloser;

WHISTLE BLOWER POLICY

- a decision to suspend or terminate the engagement of the discloser, or otherwise discipline the discloser.

These matters will be addressed in accordance with Queenwood's *Staff Grievance Procedure*.

However, a disclosure about a personal work-related grievance will be protected if the School causes or threatens detriment because they believe or suspect the discloser might make a disclosure.

Some examples¹ of causing or threatening detriment include:

- dismissal from employment
- injury in the course of employment
- alteration of position or duties to the discloser's disadvantage

Who can receive a qualifying disclosure

ELIGIBLE RECIPIENTS

An eligible recipient is an individual who occupies any of the following roles, in relation to the school or a related company:

- Chair of the Council;
- Principal
- Deputy Principal
- Chief of Operations and Finance

MAKING A QUALIFYING DISCLOSURE

While an eligible whistle blower can make a disclosure to any eligible recipient, the School encourages them to make a disclosure in writing to the Principal, via email.

If it is not appropriate for the disclosure to be made to the Principal, the eligible whistle blower is encouraged to make the disclosure, in writing, to the Chair of the Council.

¹ Please see <https://asic.gov.au/about-asic/asic-investigations-and-enforcement/whistleblowing/whistleblower-rights-and-protections/> for further examples of causing or threatening detriment

WHISTLE BLOWER POLICY

EXTERNAL DISCLOSURES

Disclosures about the School may also qualify for protection if they are made directly to ASIC, APRA or a prescribed Commonwealth authority, or if an eligible whistle blower makes a disclosure to a legal practitioner to obtain advice about the whistle blower provisions.

Investigating a qualifying disclosure

RECEIVING A DISCLOSURE

Upon receiving a disclosure, the recipient (generally the Principal or Chair of the Board) will assess the disclosure to determine whether it qualifies for protection under the *Corporations Act* and is to be managed in accordance with this policy (qualifying disclosure) or the disclosure concerns matters that should be managed in accordance with related policies (see section 1.2).

INVESTIGATING A QUALIFYING DISCLOSURE

How the School investigates a qualifying disclosure will depend on the nature of the disclosure. An investigation will generally involve the making of inquiries or collection of evidence. External professionals may be engaged to assist or conduct the investigation process.

In instances where the school reports the allegations within the disclosure to a third party, such as NSW Police, Australian Federal Police or Australian Securities and Investments Commission (ASIC), the investigation procedures of the relevant third party will generally take precedence.

The timing of an investigation will depend on the circumstances of the matter and whether the school is the primary investigator of the disclosure.

Employees about whom disclosures are made will generally be given an opportunity to respond to the relevant allegations made in the qualifying disclosure. An eligible whistle blower and the relevant parties that the disclosure is about may choose to have an appropriate support person present at any meeting with representatives of the school.

Confidentiality and records

Under the *Corporations Act*, the identity of the discloser of a qualifying disclosure and information, must be kept confidential. Breach of these

WHISTLE BLOWER POLICY

confidentiality protections is a criminal offence and may be the subject of criminal, civil and disciplinary proceedings.

However, there are exceptions where disclosing the identity of the discloser must be made to the following entities:

- ASIC;
- the Australian Federal Police or the NSW Police
- the NSW Ombudsman;
- NSW Education Standards Authority;
- The NSW Department of Education; or
- a legal practitioner for the purpose of obtaining advice about the application of the whistle blower protections or made with the consent of the discloser.

It is also permissible to disclose information, which could lead to the identification of the discloser, if the disclosure is reasonably necessary for investigating the matter. Confidentiality must also be observed in relation to handling and storing records.

Whistle blower protections

INTERNAL TO QUEENWOOD

Queenwood recognises the importance of good governance and safety of all associated with the School. As such, we are committed to open communication with any eligible whistle blower and will not act to the detriment of them.

Eligible whistle blowers making a qualifying disclosure are protected by the requirement that their identity, and information that may lead to their identification, should be kept confidential, subject to relevant exceptions as set out in section 7 above.

If an eligible whistle blower believes they are being subjected to a detriment or a threat of detriment, this should immediately be reported in writing to the Principal, via email. If it is not appropriate for the report to be made to the Principal, the eligible whistle blower should report the matter, in writing, to the Chair of the Council, via email.

WHISTLE BLOWER POLICY

EXTERNAL TO QUEENWOOD

Eligible whistle blowers who make some types of qualifying disclosures (generally external to the School) may be provided immunities and additional protection. Further clarification can be sought from the following sources:

- <https://asic.gov.au/about-asic/asic-investigations-and-enforcement/whistleblowing/>
- <https://www.ombudsman.gov.au/Our-responsibilities/making-a-disclosure>

Additional support for eligible whistle blowers and other employees

The School recognises an eligible whistle blower and other employees affected by the disclosure may require support. In addition to support offered by the Principal, the School's Employee Assistance Program (EAP) services will also be available.

Contact

If you have any queries about this policy, please contact the Risk and Compliance Manager.

Reference

AIIS NSW