Whistleblower Policy

Hills
Grammar

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Approval and Review	Details
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Purpose

The purpose of this policy is to ensure eligible whistleblowers, and those who may be involved in an investigation, understand:

- the ways in which a whistleblower can make a disclosure of information
- the protections which arise under whistleblower laws
- the School's process for handling and investigating disclosures
- the fair treatment of the individuals involved; and how whistleblowers will be supported and protected by Hills Grammar.

Hills Grammar School is committed to being ethical and compliant with relevant legal and regulatory requirements. In line with this, the purpose of this Whistleblower Policy (Policy) is to encourage individuals to report Improper Conduct when they reasonably believe it has occurred. The Policy seeks to achieve this by:

- providing a supportive environment in which people feel comfortable to raise issues of legitimate concern to them and to the School.
- enabling individuals, including but not limited to Eligible Persons, to raise concerns about any Improper Conduct
- safeguarding against the victimisation or detriment of any person who makes a report of Improper Conduct on reasonable grounds
- providing for the fair and independent investigation of alleged Improper Conduct and to ensure appropriate follow-up where necessary.

Scope

This policy applies to all staff and community members of the School, as well as any eligible whistleblower who has made a protected disclosure under the whistleblowing legislation, as set out within this document.

Preamble

- The School has a responsibility for the stewardship of School resources and the public and private support that enables it to pursue its mission.
- The School is committed to compliance with the laws and regulations to which it is subject. Laws, regulations, policies, and procedures strengthen and promote ethical practices and ethical treatment of members of the School community and those who conduct business with the School.
- The School's internal controls and operating procedures are intended to detect and prevent or deter improper activities.
- Intentional and unintentional violation of laws, regulations, policies, and procedures may occur and may constitute improper activities as defined by statute.
- The School has a responsibility to investigate and report to relevant parties, allegations of suspected improper activities and the actions taken by the School and its employees.

Eligible Whistleblowers

Eligible whistleblowers are current and former:

- staff of Hills Grammar
- individuals who supply goods or services to Hills Grammar (and their staff)
- individuals who are associates of Hills Grammar
- relatives of any of the above-named persons, as well as the dependents of any of the individuals listed above or their spouse.

Grievances made by other organisations or schools, their community or stakeholders are not covered by whistleblowing legislation.

Disclosable matters

An eligible whistleblower may make a disclosure under this policy if they have reasonable grounds to suspect the information concerns:

- a misconduct; or
- an improper state of affairs or circumstances; in relation to the School.

For example, this could include conduct by the School, its Executive or a staff member, involving:

- fraud;
- bribery or corruption;
- money laundering or misappropriation of funds;
- conduct which is detrimental to the School and could cause financial or non-financial loss;
- contravention of any law administrated by ACNC or ASIC;
- offences punishable by imprisonment or more; or,
- conduct that represents a danger to the public or the financial system.

Non-disclosable matters

Matters involving personal or work-related grievances are not generally capable of being a disclosable matter under whistleblowing legislation unless they point to a systemic issue.

Personal or work-related grievances include grievances about:

- personal or interpersonal issues connected to work; and
- transfers, promotions, demotions, disciplinary action, performance management, or any other grievance connected to conditions of employment or employment generally.

Reports raised about concerns which are not disclosable matters do not qualify for protection under whistleblower laws.

Eligible Recipients

Only reports about disclosable matters made to an eligible recipient, or another individual recognised by whistleblower legislation, as being able to receive such a report - and therefore, attract protection under the whistleblowing legislation.

For the purposes of this policy, Hills Grammar's nominated eligible recipients are:

- The Principal
- Director of Business Services
- Heads of School
- Finance Manager

Or any of the above people by way of e-mail or ordinary mail to Private Bag No.1 Kenthurst NSW 2158.

Whistleblowing legislation states that reports about disclosable matters made to the following people will also attract protection:

- senior managers of the School, being anyone in the Executive Team
- the School's auditors, members of an audit team conducting an audit.
- ACNC, ASIC, the Commissioner of Taxation, members of the Australian Federal Police and other prescribed external agencies
- legal practitioners (for the purpose of obtaining legal advice and representation)
- other external parties authorised by the School from time to time
- journalists or Members of Parliament (but only in relation to public interest or emergency disclosures)

A whistleblower who intends to make such a disclosure should seek independent advice before doing so.

If an eligible whistleblower wishes to obtain additional information in relation to whistleblower laws or the operation of this Policy, they should contact the Director of Business Services.

Investigation Team

When a protected disclosure is received, the School will follow the process set out in 'Disclosure and Investigation Process'.

As part of that process, the eligible recipient will pass the disclosure to a member or members of the investigation team. The members of the investigation team in each case will depend upon the nature of the disclosable matter, but will likely be made up of a combination of the following people:

- Applicable Executive Team members, Human Resources, Finance, and where applicable, School Council members

External providers may be engaged by the School for their specialist knowledge or in situations where (for reasons of confidentiality or independence) it is appropriate to have an external provider assist the School in the investigation process.

Disclosure and Investigation Process

The process for reporting a disclosable matter is as follows:

- The School' s preference is that eligible whistleblowers who wish to report a disclosable matter do so by submitting the report directly to the Principal.
- If the Principal is not available or is unsuitable, the disclosure can be reported directly to an eligible recipient by email, telephone, in person or in hard copy.

Protected disclosures can be made anonymously as per the *Public Issues Disclosure Act 2022* that encourages and facilitates disclosures of improper conduct and mitigates risk of reprisal by others. The process the School will follow when a disclosure is made to an eligible recipient will vary depending on whether the whistleblower chooses to remain anonymous, as described below.

Where the Eligible Whistleblower is Anonymous

- The eligible recipient will send an acknowledgement message to the eligible whistleblower, assuming contact details are available, confirming receipt of the disclosure and that the matter will be referred to the investigation team.
- The eligible recipient will send the matter to the investigation team (or another eligible recipient or other appropriate person, depending on the circumstances).
- A member of the investigation team will contact the eligible whistleblower, assuming contact details are available to:
  - ask if they are prepared to identify themselves to assist with the investigation; and
  - obtain further information, if possible, relevant to the disclosure and investigation.
- If the eligible whistleblower is prepared to identify themselves, a member of the investigation team or another eligible recipient will confirm with them whether the eligible whistleblower's identity can be shared with a limited group of people, which will typically include the investigation team members, and where appropriate, the School Council. If the eligible whistleblower is a current employee of the School, the investigation team member will also ask whether they consent to their identity being shared with the School's Executive team so that support can be provided throughout and following the investigation, if required.
- If the eligible whistleblower decides to remain anonymous, the investigation will proceed on that basis.
- It is important to note that while the School will make appropriate efforts to investigate a disclosable matter from an eligible whistleblower who remains anonymous, there may be limitations on what can be achieved by the investigation process in those circumstances.

Where the Eligible Whistleblower is Identified

- The eligible recipient will send an acknowledgement message to the eligible whistleblower, assuming contact details are available to facilitate, confirming receipt of the disclosure and that the matter will be referred to the investigation team.

  They will also ask for confirmation as to whether the eligible whistleblower's identity can be shared with a limited group of people, which will typically include the investigation team. If the eligible whistleblower is a current employee of the School, the eligible recipient will also ask whether they consent to their identity being shared with the School's Executive team so that support can be provided throughout and following the investigation, if required.
- If the eligible whistleblower confirms that they do not want their identity to be disclosed, the eligible recipient will advise the eligible whistleblower that confidentiality with respect to the whistleblower's identity will be maintained to the fullest extent possible when passing the matter to the investigation team. The eligible recipient will then send the matter to a member of the investigation team without disclosing the whistleblower's identity.
- If the eligible whistleblower confirms that they agree to their identity being disclosed, the eligible recipient will send the matter to a member of the investigation team along with the name and contact details of the whistleblower. This information may also then be shared with the members of the relevant group, in accordance with the whistleblower's consent.

All Eligible Whistleblowers – Investigation Process

Once the investigation team has received the report of the disclosable matter which has been raised, they will undertake an investigation in accordance with the School's standard practice, which will ordinarily include the following steps:

- reaching a decision as to who will form the investigation team and conduct the investigation
- informing the person (or group of people) to whom the disclosable matter relates (if it is a particular person, or group of individuals) that a report has been received and is being investigated
- ascertaining whether there are any potential witnesses who should be interviewed and speaking to those witnesses (if any)
- accessing and reviewing relevant material through mailboxes, historic documents, records, communications, and the like
- reviewing expenses, purchase orders, contracts, and other data
- reaching findings as to whether the allegations raised by the disclosure are substantiated; and
- preparing a report to document the outcomes of the investigation.

The eligible whistleblower will be kept informed of the progress and the outcome of the investigation, to the extent possible.

Records of whistleblowing disclosable matters will be kept in a locked documents area (including a secure record area within the Principal's Office) for reporting and compliance purposes, which are only accessible to authorised personnel.

Where the eligible whistleblower is an employee of the School and has given consent to their identity being revealed to the School's Executive Team, a member of the team will check in with the whistleblower at both one and three months after the resolution of the matter and will otherwise be available to provide support to the whistleblower as required throughout the investigation process. Such support might include how to raise a concern if the whistleblower experiences victimisation as a result of raising a disclosable matter or participating in an investigation, or assistance accessing the School's Employee Assistance Program.

Eligible Whistleblower Protections

Protection of Identity

If the eligible whistleblower discloses their identity, protections exist to ensure that the School (and any other individual who is made aware of the whistleblower's identity) does not:

- disclose the identity of the whistleblower; or
- disclose information that is likely to lead to identification of the whistleblower,

unless it is reasonably necessary to investigate the disclosure, and with the exception of disclosure to certain regulatory and government bodies or a legal practitioner.

It is not a breach of the law to disclose the identity of an eligible whistleblower if the eligible whistleblower consents to their identity being disclosed.

Complaints about any suspected or actual breach of the confidentiality requirements under whistleblower legislation may be raised with the Director of Business Services. Complaints may also be lodged with an external regulator, such as ACNC, ASIC or the ATO.

Protection From Victimisation

Eligible whistleblowers, and others who are involved in whistleblower investigations, also receive protection against victimisation and detrimental conduct.

Victimisation includes causing or threatening to cause a detriment to a person, including damage to the health, property, reputation, finances, or employment of the individual. Dismissal, demotion, harassment, and exclusion are examples of detriment to employment.

The School does not tolerate victimisation of any kind. Any employee found to be participating in such conduct will face disciplinary action, which may include termination of employment.

Complaints of victimisation should, in the first instance, be raised with the Principal.

While the School will take steps to protect those involved in whistleblowing investigations from unlawful victimisation, it is also important that employees are effective in their role and treated in regard to performance and conduct. The School may raise performance or conduct concerns, as long as these concerns are not raised as a result of participation in the whistleblowing investigation.

Compensation, Other Legal Remedies and Penalties

A person who participates in a whistleblower investigation may be entitled to seek compensation and other legal remedies if they suffer loss, damage, or injury as a result of the disclosure and reasonable steps were not taken to prevent detrimental conduct from occurring.

Relevant Legislation

The laws regarding whistleblower disclosures and protections are set out in the following whistleblower legislation:

- Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019 (Cth); and
- Treasury Laws Amendment (Strengthening Corporate and Financial Sector Penalties) Act 2019 (Cth).

These laws have resulted in changes to the following Commonwealth Acts:

- Corporations Act 2001
- Taxation Administration Act 1953
- Banking Act 1959
- Insurance Act 1973
- Life Insurance Act 1995
- Superannuation Industry (Supervision) Act 1993
- Fair Work Act 2009 (Cth)