



Purpose

The School recognises the value of transparency and accountability in its administrative and management practices and the importance of identifying and addressing wrongdoings as early as possible. It therefore encourages those who are aware of wrongdoing to speak up and disclose serious concerns about improper conduct or dishonest or illegal practices within the School's operations, including about corrupt conduct, conduct involving a substantial mismanagement of resources, or conduct involving a substantial risk to health and safety or the environment.

Under the provisions in the Corporations Act, a person who is an 'eligible' whistleblower who makes a disclosure to an 'eligible recipient' about a 'disclosable matter' is entitled to certain protections, including a right to have their identity kept confidential and protection from detriment.

Who the policy applies to

This policy applies to all 'defined' eligible whistleblowers. An **eligible whistleblower** is:

- a member of the School Council;
- an employee of the school;
- a person who supplies goods or services (paid or unpaid) to the school,
- an employee of a person who supplies goods or services (paid or unpaid) to the school;
- 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.
- parents who volunteer or have volunteered for such things as camps, canteen or sport activities.
- the relatives and dependents of the volunteer and of the volunteer's spouse

There is no requirement that the disclosure be related to information obtained while the person was providing the particular service, they were at the school to deliver.

Matters the policy applies to

Disclosable matters

A disclosable matter is a disclosure of information where the discloser has "reasonable grounds to suspect" that information relating to the school or its employees is:

- misconduct;

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- an improper state of affairs or circumstances;
- an illegal activity (including conduct of officers and employees) or
- conduct (including conduct of officers and employees) that represents a danger to the public or financial system

Misconduct includes fraud, negligence, default, breach of trust and breach of duty.

'Reasonable grounds to suspect' is based on the objective reasonableness of the reasons for the discloser's suspicion. A mere allegation with no supporting information is not likely to be considered as having 'reasonable grounds to suspect'. However, a discloser does not need to prove their allegations.

Examples of wrongdoing that could include:

- illegal conduct, such as theft, dealing in, or use of illicit drugs, violence or threatened violence, and criminal damage against property;
- fraud, money laundering or misappropriation of funds;
- offering or accepting a bribe;
- financial irregularities;
- failure to comply with, or breach of, legal or regulatory requirements; and
- engaging in or threatening to engage in detrimental conduct against a person who has made a disclosure or is believed or suspected to have made, or be planning to make, a disclosure.

For matters not deemed to be a disclosable matter, please refer to the [School's Complaints Policy and Procedures](#).

Child safety and wellbeing issues

For child safety and wellbeing issues, please follow the procedures referred to the [School's Complaints Policy and Procedures](#).

Work-related grievances

Disclosures that relates solely to personal work-related grievances, that do not relate to detriment or threat of detriment to the discloser, do not qualify for protection under the Corporations Act. For work-related grievances, refer to the School's Grievance Resolution Policy.

Examples of work-related grievances that do **not** qualify for protection under the Corporations Act are:

- a. an interpersonal conflict between the discloser and another employee;
- b. a decision that does not involve a breach of workplace laws;
- c. a decision about the engagement, transfer or promotion of the discloser;
- d. a decision about the terms and conditions of engagement of the discloser; or
- e. a decision to suspend or terminate the engagement of the discloser, or otherwise to discipline the discloser.

Examples of work-related grievances that do qualify for protection under the Corporations Act are:

- a. it includes information about misconduct, or information about misconduct includes or is accompanied by a

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personal work-related grievance (mixed report);

- b. the School has breached employment or other laws punishable by imprisonment for a period of 12 months or more, engaged in conduct that represents a danger to the public, or the disclosure relates to information that suggests misconduct beyond the discloser's personal circumstances;
- c. the discloser suffers from or is threatened with detriment for making a disclosure; or
- d. the discloser seeks legal advice or legal representation about the operation of the whistleblower protections under the Corporations Act.

Deliberate false reporting

If an eligible recipient makes an allegation under this Whistleblower Policy in good faith, but is not confirmed, the matter will be closed and no further action will be taken. In this situation, the discloser can still qualify for protection under the Corporations Act.

If the investigation shows the allegation is untrue, malicious, vexatious or made for personal gain, the School will consider taking disciplinary action. In the case of parents or volunteers, such an allegation will be dealt with by the Principal. In this situation, the discloser does not qualify for protection under the Corporations Act.

Who can receive a disclosure

An **eligible recipient** is:

- an officer or senior manager of Christ Church Grammar School, such as a member of the School Council, the Principal, the Deputy Principal/Head of Senior School, Head of Preparatory School or any member of the School Executive Team;
- legal practitioners;
- ASIC, APRA or another Commonwealth body prescribed by regulation and qualify for protection under the Corporations Act.

The discloser needs to make a disclosure directly to one of the entity's eligible recipients to be able to qualify for protection as a whistleblower under the Corporations Act.

Disclosure to a legal practitioner for the purpose of obtaining legal advice or legal representation in relations to the operations of the whistleblower provisions in the Corporations Act are protected (even in the event that the legal practitioner concludes that a discloser does not relate to a 'disclosable matter').

Public interest disclosures and emergency disclosures

Under certain circumstances, disclosures can be made to a journalist or parliamentarian and qualify for protection under the Corporations Act.

When making a public interest or emergency disclosure, the disclosure must have previously been made to ASIC, APRA or a prescribed body and written notice provided to the body to which the disclosure was made. In the case of a public interest disclosure, at least 90 days must have passed since the previous disclosure. Refer to [Corporations Act 2001 – Section 1317AAD](#) for full details.

A discloser should contact an independent legal advisor before making a public interest disclosure or an emergency disclosure.

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How to make a disclosure

The School accepts disclosures lodged verbally by phone, in-person, by letter or email to an eligible recipient.

Serious concerns about disclosable matters within the School's operations, including management, illegal activities, corruption or misconduct in School operations, should be reported to a member of the School Executive or the Principal.

If the disclosable matter involves the Chaplain or a member of the School Executive, the report should be made in writing to the Principal, who will then raise the matter with the Chair of School Council.

Disclosures, in writing, should be addressed to:

PRIVATE AND CONFIDENTIAL

The Principal
PO Box 399
CLAREMONT WA 6910

If the disclosure involves any allegation of misconduct by or with the knowledge of the Principal, the disclosure should be made in writing to the Chair of Council. If the person desires anonymity, the disclosure should be in writing and delivered via regular mail or School mail, addressed to:

PRIVATE AND CONFIDENTIAL, to be opened by the Chairman only

The Chair of Council
PO Box 399
CLAREMONT WA 6910

If the Chair of Council is the subject of the disclosure, the disclosure should be reported in writing to the Principal. The School Council, excluding the Chair of Council, will be advised of the disclosure by the Principal. School Council will appoint another Council member to substitute for the Chairman when and if considered by School Council to be necessary.

If a whistleblower considers that none of the above are acceptable for the disclosure, the whistleblower should report the concern in writing to the Archbishop of Perth, addressed to:

PRIVATE AND CONFIDENTIAL

The Visitor
Anglican Church
Diocese of Perth
PO Box W2067
PERTH WA 6846

Anonymous disclosures

Anonymous disclosures may be where there is no name or address supplied, or where the complainants say they do not wish to be identified. Disclosures made anonymously will still be considered under this Whistleblower Policy and are protected under the Corporations Act.

However, disclosers are encouraged to provide their names, whenever possible, and will be given reassurance on the issue of confidentiality. If they persist in wishing to remain anonymous, the disclosure will be dealt with, taking into account the following factors:

- The seriousness of the issue raised;
- The creditability of the concern; and

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- The likelihood of confirming the allegation from attributable sources, and obtaining information about the concern.

If the discloser submits an anonymous disclosure, the School may not be able to undertake an investigation if the School has no means of contacting the discloser. Providing an anonymous email to allow questions to be asked and information to be provided would assist with investigations.

A report will be provided to School Council if it is decided that an anonymous disclosure is not investigated including the reasons for not investigating or otherwise inquiring into the allegation, having regards to the three factors specified above.

A discloser can choose to remain anonymous, or adopt a pseudonym, while making a disclosure, over the course of the investigation and after the investigation is finalised. A discloser can refuse to answer questions that they feel could reveal their identity at any time, including during follow-up conversations. It is suggested the anonymous discloser maintain ongoing two-way communications with the School, so the School can ask follow-up questions or provide feedback.

Disclosures from an email address from which the person's identity cannot be determined, and the discloser does not identify themselves in the email, will be treated as an anonymous disclosure.

Legal protection for disclosers

Eligible disclosers who make a disclosure in accordance with this Whistleblower Policy are protected under the Corporations Act. The School will not tolerate harassment or victimisation of eligible whistleblowers when eligible disclosures are made in accordance with this Whistleblower Policy.

Confidentiality

If a discloser made a disclosure that qualifies for protection, it is illegal for the eligible recipient to disclose the identity of the eligible whistleblower or information which may lead to the identification of the eligible whistleblower.

Exceptions to the above apply if the identity of the discloser is disclosed:

- to ASIC, APRA, or a member of the Australian Federal Police (within the meaning of the Australian Federal Police Act 1979);
- to a legal practitioner (for the purposes of obtaining legal advice or legal representation about the whistleblower provisions in the Corporations Act);
- to a person or body prescribed by regulations; or
- with the consent of the discloser.

Detrimental acts

Any staff and students who threatens (expressed or implied) or engages in conduct that causes detriment to the discloser in relation to the disclosure made in accordance with this Whistleblower Policy may be dealt with by appropriate disciplinary actions as determined by the Principal and, if appropriate, applicable legislation. Any parents and volunteers who threatens (expressed or implied) or engages in conduct that causes detriment to the discloser in such circumstances will be dealt with by the Principal.

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Compensation and other remedies

A discloser can seek compensation and other remedies through the courts if:

- a. they suffer loss, damage or injury because of a disclosure; and
- b. the entity failed to take reasonable precautions and exercise due diligence to prevent the detrimental conduct.

Disclosers are encouraged to seek independent legal advice if they wish to seek compensation and other remedies.

Civil, criminal and administration liability protection

A discloser is protected from any civil liabilities, criminal liabilities and administrative liability for making a disclosure. However, the protection does not prevent an eligible whistleblower is not granted immunity for an misconduct a discloser has engaged in that is revealed in their disclosure.

Support and practical protection for disclosers

The School will protect the confidentiality of a discloser's identity by adopting the following:

- all personal information or reference to the discloser witnessing an event will be redacted;
- the discloser will be referred to in a gender-neutral context;
- where possible, the discloser will be contacted to help identify certain aspects of their disclosures that could inadvertently identify them;
- disclosures will be handled and investigated by qualified staff;
- all paper and electronic documents and other materials relating to disclosures will be stored securely;
- access to all information relating to a disclosure will be limited to those directly involved in managing and investigating the disclosure;
- only a restricted number of people who are directly involved in handling and investigating a disclosure will be made aware of a discloser's identity (subject to the discloser's consent) or information that is likely to lead to the identification of the discloser;
- communications and documents relating to the investigation of a disclosure will not to be sent to an email address or to a printer that can be accessed by other staff; and
- each person who is involved in handling and investigating a disclosure will be reminded about the confidentiality requirements, including that an unauthorised disclosure of a discloser's identity may be a criminal offence.

The School will protect the discloser from detrimental acts or omissions by adopting the following:

- processes for assessing the risk of detriment against a discloser and other persons (e.g. other staff who might be suspected to have made a disclosure), which will commence as soon as possible after receiving a disclosure;
- support services (including counselling or other professional or legal services) that are available to disclosers;
- strategies to help a discloser minimise and manage stress, time or performance impacts, or other challenges resulting from the disclosure or its investigation;

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- actions for protecting a discloser from risk of detriment—for example, the entity could allow the discloser to perform their duties from another location, reassign the discloser to another role at the same level, make other modifications to the discloser’s workplace or the way they perform their work duties, or reassign or relocate other staff involved in the disclosable matter;
- the School will ensure that management are aware of their responsibilities to maintain the confidentiality of a disclosure, address the risks of isolation or harassment, manage conflicts, and ensure fairness when managing the performance of, or taking other management action relating to, a discloser, are in place;
- procedures on how a discloser can lodge a complaint if they have suffered detriment, and the actions the entity may take in response to such complaints (e.g. the complaint could be investigated as a separate matter)

Disclosers may seek independent legal advice or contact regulatory bodies, such as ASIC, ASPRA or the ATO, if they believe they have suffered detriment.

Handling and investigating a disclosure

The Principal or eligible recipient responsible for investigating an allegation made under this Whistleblower Policy will normally provide an initial written acknowledgement to the whistleblower within 5 working days (except in cases of anonymous allegations) acknowledging that the concern has been received.

The investigator will then provide the whistleblower with further information as appropriate, in as timely a manner as is possible, about the investigation process, including the following aspects:

- Who will be advised of the disclosure (without revealing the identity of the whistleblower or any identifying information);
- Who will be conducting the investigation;
- How the investigator proposes to deal with and investigate the matter;
- An estimate of how long the investigator will take to provide a final response;
- The type of enquiries that may be made by the investigator;
- How to communicate any questions the investigator may have to the whistleblower and the whistleblower’s responses without disclosing the identity;
- What steps will be taken to protect the whistleblower from detriment;
- How the investigation findings will be communicated to the discloser;
- The support available to the whistleblower while the matter is being investigated.

The investigator will then promptly and discreetly investigate the report under this Whistleblower Policy, with the assistance of other School personnel as appropriate. The investigator will keep the discloser informed and updated during various stages of the investigation.

The whistleblower should not attempt to investigate this matter independently as doing so may compromise the School’s investigation and adversely impact on both the whistleblower and the School.

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Ensuring fair treatment of individuals mentioned in a disclosure

The following measures and/or mechanisms will be used for ensuring fair treatment of individuals mentioned in a disclosure (where applicable):

- disclosures will be handled confidentially, when it is practical and appropriate in the circumstances;
- each disclosure will be assessed and may be the subject of an investigation;
- the objective of an investigation is to determine whether there is enough evidence to substantiate or refute the matters reported;
- when an investigation needs to be undertaken, the process will be objective, fair and independent;
- an employee who is the subject of a disclosure will be advised about the subject matter of the disclosure as and when required by principles of natural justice and procedural fairness and prior to any actions being taken—for example, if the disclosure will be the subject of an investigation; and
- an employee who is the subject of a disclosure may contact the School's support services (e.g. counselling).

Policy dissemination and review

This policy is available to all employees via the School's Intranet and the School community via the School's website. Regular training on this policy will be provided to every employee.

This policy will be reviewed annually and updated, as necessary, to take into account any issues identified.

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Flow chart

