



## Whistleblower policy and procedure

## Policy document information

|  |   |
|--|---|
| <b>Policy name:</b>  | Whistleblower policy and procedure  |
| <b>Author:</b>   | ADS   |
| <b>Trust &amp; reputation</b>                                    |   |
| NSW Education Standards Authority                                | Registered and Accredited Individual Non-government Schools (NSW) Manual<br>Section 3.6 (Safe and supportive environment)   |
| Legislation  | <ul style="list-style-type: none"> <li>• Public Interest Disclosures Act 1994 (NSW)</li> <li>• Public Interest Disclosure Act 2013</li> </ul>   |
| <b>Other policy relationships</b>                                | <ul style="list-style-type: none"> <li>• Code of conduct</li> <li>• Investigations policy</li> <li>• Whistleblower report form</li> <li>• Unreasonable complainant conduct policy</li> <li>• Workplace investigations policy</li> </ul> |
| <b>Document Location</b>   |   |
| <b>Board Checklist</b>   | Verified by the most technically competent person inside or outside the organisation and confirmed by the Executive Principal / Head of Campus to be in accordance with the College Mission Statement and Board Governance Manual GM01. |
| Date of issue/last revision:                                     | 25 October 2022   |
| Last Date submitted to Board of Directors:                       | 20 October 2022   |
| Date of Formal Ratification by the Principal on behalf of Board: | 20 October 2022   |
| Date set for review:   | October 2024  |

## Commitment

This document outlines the Sapphire Coast Anglican College's (SCAC) (the School) commitment to practices which are ethical and congruent with the Mission and Values of the school.

This policy outlines the process for personnel to safely raise concerns about practices that are not aligned to this commitment.

## Purpose and scope

This policy is school wide and applies to all personnel.

## Policy

The School is committed to practices which support the mission and values of the School and the Anglican Diocese of Canberra and Goulburn. It is also committed to practices that provide good stewardship. All personnel are expected to act in accordance with this commitment and with regard to the Code of Conduct and other school policies. Where personnel experience practices that are not in line with this position and they have no other recourse (as identified in the *Workplace Complaints Policy*), this Policy provides a protected reporting path.

Personnel that witness, are subject to, or become aware of actions or behaviour that can be defined as *Improper conduct* will be provided with an avenue of protected disclosure.

Personnel who are genuine in their report of such incidents or their suspicion of such incidents will be provided with protection from any victimisation. The School encourages personnel to make such reports so that proper investigations may be undertaken.

Personnel who genuinely believe that it is appropriate to report will be protected from victimisation as a result of making a report. This Policy provides an avenue of redress for personnel who have made a *Whistleblower report* and believe they have experienced victimisation as a result of their disclosure.

## Definitions

**Whistleblower** -The term "whistleblower" is usually used to refer to someone who discloses *Improper Conduct* to an authority that has the power or perceived willingness to take corrective action.

**Improper conduct** – Defined as any action/behaviour or the concealment of actions or behaviour incorporating:

- Abuse of students or personnel;
- Issues of waste or maladministration;
- Illegal activity;
- Any behaviour that that is in conflict with the School's values or Code of conduct.

**Protected disclosure** – is a disclosure relating to *improper conduct* made by personnel that entitles the person who made the disclosure to support and protection from reprisals. In order for a disclosure to qualify as a *Protected disclosure* it must be made in good faith and relate to *Improper conduct* (as defined above).

**Victimisation** – includes any unfavourable treatment of personnel who have been involved in a *Whistleblower report*. Unfavourable treatment may include adverse changes in the working environment, denial of training or promotion, making negative, unfounded or belittling comments, inappropriate disciplinary action or exclusion by peers.

### Responsibilities

The School's operational policy documents must be ratified by the Principal. The Principal is responsible for reviewing this policy every two years.

All personnel are responsible for ensuring that practice that is not in accordance with the policies, values and mission of the school is reported.

The Principal is responsible for receiving Whistleblower reports and determining the most appropriate course of action. Should the allegations involve the Principal the Chairperson of the Board or the relevant Director from Anglican Diocesan Services (ADS) should be contacted.

### Procedure

#### Making a report

In the first instance all personnel are encouraged to use the available processes for making a complaint or identifying workplace issues as identified in the *Workplace Complaints policy*.

Where personnel are unable to access this process due to fear of recrimination or victimisation, they are encouraged to use the process defined in this policy.

Whistleblower reports are made directly to the Principal and may be emailed or posted to the Principal, marked confidential.

If the allegation involves the Principal the report can be made directly to the chair of the Board and may be emailed or posted to the Principal, marked confidential.

#### Investigation

The Principal will determine the most appropriate course of action upon receiving a Whistleblower report. All investigations will be conducted in accordance with the Investigations policy.

#### Confidentiality

The identity of the person making a Whistleblower report is kept confidential and will not be divulged, without the consent of that person, except so far as it may be necessary to ensure the matter is fully investigated or where required as a statutory reporting requirement. This policy provides for whistleblower(s) to be informed about the outcome of the disclosure and the result of any investigation undertaken.

#### Victimisation

Personnel who believe they have suffered victimisation or a whistleblower who believes they have been victimised or subjected to unfair pressure should report their concerns through the normal reporting process or if they are uncomfortable in using that avenue may report their concerns direct to the Principal.

## Defamation

This policy cannot provide personnel or a whistleblower the protection that is provided under the *Whistleblowers Protection Act 1993* as Anglican Schools are not covered by that Act. Consequently the law in relation to defamation applies, except as provided for within Reportable conduct.

## Appeal

Where the Whistleblower is not satisfied that a proper investigation has been carried out for the Whistleblowers Report they have made, and all normal managerial avenues to the Principal have been exhausted, a report in relation to the matter may be made to the Chair of the Board.

## Vexatious reporting

This policy does not protect Staff Members or other individuals who knowingly make unsubstantiated allegations, false claims, or trivial or reckless claims. It also does not protect staff members or other individuals who engage in unreasonable complainant conduct (see the *Unreasonable complainant conduct policy*).

A staff member who is found to have knowingly making a false report shall be subject to disciplinary action.

## Whistleblower's liability

Making a disclosure may not protect the Whistleblower from the consequences of their own involvement in wrongdoing. Active cooperation in an investigation, including an admission of wrongdoing and remorse, may be taken into account when considering disciplinary action.

If implicated in wrongdoing, a Whistleblower must not be subjected to any actual or threatened victimisation in reprisal for making a disclosure under this policy.

## Feedback

Feedback on this policy can be emailed to [admin@scac.nsw.edu.au](mailto:admin@scac.nsw.edu.au)

## Compliance

Non-compliance with this policy may result in disciplinary action up to and including dismissal.

## Review

This document is reviewed on a biennial basis and approved by the Principal.