



Whistleblower Policy

Aims

- A. To encourage those who see improper conduct to speak up.
- B. To establish a procedure to provide whistleblowers reporting improper conduct with protection, allowing staff and others to come forward confidentially and anonymously, to the extent possible under existing laws, and ensuring that they are not victimised or subjected to any form of detrimental action.

Scope and Application

This policy is available on the school website and applies to:

- A. Employees
- B. Board members
- C. Volunteers
- D. Association members
- E. External providers

Definitions

- F. **Confidentiality** - the eligible recipient must not disclose the identity of the eligible whistleblower or information which is likely to lead to the identification of the eligible whistleblower.
- G. **Detriment** - a very broad meaning and includes dismissal of an employee, injuring an employee in their employment, alteration of an employee's position or duties to their disadvantage, discrimination between an employee and other employees, victimisation of a dependent of the discloser, harassment or intimidation of a person or harm or injury to a person, including psychological harassment, damage to a person's property, reputation or business, or financial position.
- H. **Disclosable matters** - is a disclosure of information where the discloser has "reasonable grounds to suspect" that information relating to the school, or a related company is:
 - 1. misconduct;
 - 2. an improper state of affairs or circumstances;
 - 3. an 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

4. conduct (including conduct of officers and employees) that represents a danger to the public or financial system
- I. Eligible recipient** - in the school context the following are eligible recipients:
1. an officer or senior manager of the school or a related company, such as a member of the governing body of the school, the Principal, the Deputy Principal, the Business Manager and possibly heads of departments;
 2. an auditor, or member of an audit team, of the school or a related company;
 3. an actuary of the school or a related company; and
 4. a person authorised by the school to receive disclosures.
- J. Eligible whistleblower** - In the school context the following are eligible whistleblowers:
1. a member of the governing body of the school;
 2. an employee of the school;
 3. a person who supplies goods or services (paid or unpaid) to the school;
 4. an employee of a person who supplies goods or services (paid or unpaid) to the school;
 5. an individual who is an associate of the School (as defined in the Corporations Act);
 6. a relative or dependent (or dependents of a spouse) of any individual described above;
 7. parents who volunteer or have volunteered for such things as camps, canteen, or sport activities; and
 8. the relatives and dependents of the volunteer and of the volunteer's spouse.
- K. Legal protections** - under the *Corporations Act*, include:
1. identity protection (confidentiality);
 2. protection from detrimental acts or omissions;
 3. compensation and remedies; and
 4. civil, criminal, and administrative liability protection.
- L. Reasonable grounds** - mean that the discloser has the suspicion that could reasonably be formed based on the facts and information available to them. The recipient is not required to believe the suspicion.
- M. Reportable Conduct** – improper conduct that may or may not involve a contravention of a particular law, and may include but not be limited to:
1. Illegal conduct, such as theft, dealing in, or use of illicit drugs, violence or threatened violence, and criminal damage against property.
 2. Fraud, money laundering, or misappropriation of funds.
 3. Offering or accepting a bribe.
 4. Issues that risk the stability of the school's financial system.
 5. Failure to comply with, or breach of, legal or regulatory requirements.

- 6. Breach of trust or duty.
 - 7. Issues that are reasonably considered a significant risk to public safety.
 - 8. 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.
- N. Whistleblower** - an insider within an organisation who reports misconduct or dishonest or illegal activity that has occurred within that same organisation.
 - O. Whistleblower protections** - whistleblowers are protected in two ways, confidentiality, and detriment. These protections apply if an eligible whistleblower makes a qualifying disclosure.
 - P. Work related grievances** - any grievance that is related to the discloser's employment, or former employment.

Principles

- A.** Kerry Street Community School values transparency and accountability in its administrative and management practices and expects staff and community members to behave in a manner that is consistent with our school values and codes of conduct.
- B.** The School encourages the reporting of misconduct, conduct involving a substantial mismanagement of resources, or conduct involving a substantial risk to public health and safety or the environment.
- C.** This policy compliments normal communication channels between leadership, employees, volunteers, students, and parents. Employees, volunteers, students, and parents are encouraged to continue to raise appropriate matters at any time with the relevant staff member and/or members of the Board. As an alternative, employees and volunteers may make disclosure of misconduct, mismanagement, or corruption in accordance with the *KSCS Whistleblower Policy*.
- D.** Reported allegations will be treated confidentially to the greatest extent possible and will be promptly investigated. The school will ensure fair treatment of employees who are mentioned in or the subject of disclosures that qualify for protection.
- E.** Neither the School nor any of its employees will take adverse employment or other action in retaliation against a person/s who reports information under this policy.

Responsibilities

- A. Board**
 - 1. Writing and updating this policy in consultation with relevant parties.
- B. Principal**
 - 1. Implementing this policy and procedures.
 - 2. Ensuring all staff and volunteers are aware of and understand this policy.
 - 3. Dealing with reports and grievances that do not fall within the scope of this policy through appropriate KSCS policies.
- C. Eligible Recipients (Principal and Board Chair)**
 - 1. Receiving reports directly from a whistleblower.

2. Protecting a whistleblower's confidentiality and protecting them from detrimental conduct.
3. Conducting thorough and fair investigations.
4. Ensuring fair treatment of all employees involved in a report and investigation.
5. Supporting and protecting the whistleblower.
6. Preparing investigation reports.
7. Keeping the whistleblower informed of the progress and outcome of the investigation.
8. Taking any action required to prevent any future occurrences of the same or similar conduct.
9. Dealing with any issues of discipline appropriately.
10. Ensuring that any records relating to a report of unacceptable conduct are stored securely and confidentially.

D. All Staff, Volunteers, Association Members and External Providers

1. Ensuring behaviour is consistent with our school values and codes of conduct.
2. Resolving issues informally and internally where appropriate.
3. Reporting improper conduct to Eligible Recipients.
4. Refraining from making untrue, malicious and/or vexatious allegations.
5. Refraining from taking adverse action in retaliation against a person/s who reports information.
6. Refraining from investigating matters independently,
7. Cooperating with investigations.

Related Legislation

- A. Banking Act 1959
- B. Corporations Act 2001
- C. Insurance Act 1973
- D. Life Insurance Act 1995
- E. Superannuation Industry (Supervision) Act 1993
- F. Treasury Laws Amendment (Enhancing Whistleblower Protections) Bill 2018
- G. Taxation Administration Act 1953

Related Kerry Street Documentation

- A. Procedures and Forms including:
 1. Whistleblower Procedure
- B. KSCS Policies including:
 1. Child Safety and Wellbeing Policy
 2. Non-Discrimination and Anti-Harassment Policy
 3. Concerns and Complaints Policy

- 4. Human Resource Management Policy
- 5. Privacy Policy
- 6. Records Management Policy
- 7. Staff Conduct and Discipline Policy
- 8. Staff Grievances Policy
- C. KSCS values and Philosophy
- D. KSCS Codes of Conduct
- E. School forms/records

References and Resources

- A. [Whistleblower Protections for Not-For-Profit Organisations](#) – ASIC
- B. [Whistleblower Policies](#) - ASIC

Contact Person

Enquiries relating to this policy should be directed to the School Principal or Board Chair.

Breaches of this Policy

Any breach of this policy may result in disciplinary action up to and including termination.

NOTE: A Discloser can seek compensation or other remedies through the courts.

Review and Authorisation

- A. New policy created June 2021
- B. To be reviewed S2 2023

Revision History

Date	Revision	Detail
June 2021	V.1	Policy and procedures created.