



# Wyong Christian Community School

## Whistleblower Policy

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Prepared by	School Board
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### Version History

Version	Date	Notes
1.0	19/11/2019	Created by School Board

### 1 PURPOSE

As a Christian School, Wyong Christian Community School (WCCS) is committed to honouring the name of Christ in all it does. Our Christian faith underpins our ongoing commitment to promoting and maintaining an open working environment in which our Board, employees, school community, volunteers and contractors are able to report instances of unacceptable, undesirable, unlawful or unethical conduct without fear of intimidation or reprisal.

The objective of this policy is to encourage reporting of reportable conduct that is of legitimate concern by providing a convenient and safe reporting mechanism, and protection for people who make serious disclosures. In doing so, WCCS will ensure compliance with the requirements of the *Corporations Act 2001*(Cth) (Corporations Act).

### 2 SCOPE

This Policy applies to all current and former WCCS: directors, employees, volunteers, contractors, consultants, suppliers of services or goods and their employees, associates, and spouses, relatives and dependants of any of the above.

### 3 POLICY STATEMENT

WCCS is committed to maintaining the highest standards of conduct and integrity and to promoting and supporting a culture of honest and ethical behaviour, corporate compliance and good corporate governance.

People who have a working relationship with WCCS are often the first to realise that there may be something seriously wrong. However, they may not wish to speak up for fear of appearing disloyal or may be concerned about being victimised or subject to reprisals for reporting wrongdoing.

WCCS encourages the reporting of any instances of suspected unethical, illegal, fraudulent or undesirable conduct involving WCCS and provides protections and measures so that those persons who make a report may do so confidentially and without fear of intimidation, disadvantage or reprisal. This process is outlined in Appendix 1

When a person makes a disclosure:

- their identity must remain confidential according to their wishes;
- they will be fairly treated and protected from reprisal, discrimination, harassment or victimisation for making the disclosure;
- an independent internal inquiry or investigation will be conducted;
- issues identified from the inquiry/investigation will be resolved and/or rectified;
- they will be informed about the outcome; and
- any retaliation for having made the disclosure will be treated as serious wrongdoing under this Policy.

## 4 DEFINITIONS

Terms used in this Policy are:

**WCCS:** Wyong Christian Community School

**Whistleblowing:** disclosure by (or for) a witness of actual or suspected reportable conduct.

**Whistleblower:** a person who reports wrongdoing in accordance with this Policy.

**Reportable conduct:** is conduct that includes but is not limited to:

- breaches legislation, regulations or local government by-laws or is otherwise illegal (including whistleblower laws, corporations law, theft, drug sale/use, violence or threatened violence, harassment or intimidation, or criminal damage against property);
- an offence against any other law of the Commonwealth that is punishable by imprisonment for a period of 12 months or more;
- corrupt or an abuse of public trust or position as a public official;
- dishonest, fraudulent or corrupt behaviour such as falsification of records, contracts or data, adopting questionable or improper accounting practices or bribery;
- perverting the course of justice;
- action that unreasonably endangers health and safety or the environment;
- maladministration (e.g. unjust, based on improper motives, is unreasonable, oppressive or negligent);
- serious or substantial waste (including public money or public property);
- gross mismanagement or repeated breaches of administrative procedures;
- financial or non-financial loss detrimental to the interests of WCCS;
- behaviour contrary to, or is a breach of any provision of the WCCS School Company Constitution, WCCS policies or Codes of Conduct, or generally recognised principles of ethics;
- potential damage to an employee or person, such as unsafe work practices or substantial wasting of School resources;
- causing damage to the reputation of the School; or
- serious improper conduct or an improper state of affairs.

## 5 RESPONSIBILITIES

### 5.1 Whistleblowers

Protection is available to Whistleblowers who disclose an act of reportable conduct that is made with reasonable grounds to believe it is true.

To ensure that all employees are treated fairly and that resources are not wasted, protection is not available where the disclosure is:

- trivial or vexatious in nature with no substance. This will be treated in the same manner as a false report and may itself constitute reportable conduct;
- unsubstantiated allegations which are found to have been made maliciously, or knowingly to be false. These will be viewed seriously and may be subject to disciplinary action that could include dismissal, termination of service or cessation of a service or client relationship.

A Whistleblower must provide information to assist any inquiry/investigation of the reportable conduct being disclosed.

Making a disclosure may not protect the Whistleblower from the consequences flowing from involvement in the reportable conduct itself. A person's liability for their own conduct is not affected by their report of that conduct under this policy. However active cooperation in the investigation, an admission and remorse may be taken into account when considering disciplinary or other action.

Even though a Whistleblower may be implicated in the reportable conduct they must not be subjected to any actual or threatened retaliatory action or victimisation in reprisal for making a report under this policy.

### 5.2 Whistleblower Protection Officer

If the Whistleblower wishes a Whistleblower Protection Officer may be appointed who is an director, senior manager or employee to support and provide protection to the Whistleblower according to this policy.

The Whistleblower Protection Officer must have a direct reporting line to the Protected Disclosure Coordinator.

The Whistleblower Protection Officer will provide mentoring and other support deemed necessary by the Whistleblower Protection Officer.

The Whistleblower Protection Officer is responsible for keeping the Whistleblower informed of the progress and outcomes of the inquiry/investigation subject to considerations of privacy of those against whom a disclosure has been made.

### 5.3 Whistleblower Reporting Officer

A Whistleblower Reporting Officer is a person responsible for receiving Whistleblower disclosures of reportable conduct and informing the Protected Disclosures Coordinator.

The Whistleblower Reporting Officer must notify the Protected Disclosures Coordinator of disclosure allegations.

Alternatively, if the disclosure contains allegations against any Wyong Christian Community School Executive or where the Whistleblower has a reasonable belief that the Whistleblower Reporting Officer is not sufficiently independent a report should be made to:

The Chairperson of the WCCS School Board

### 5.4 Integrity Contact

The Integrity Contact is an alternative reporting channel to who can receive disclosures of reportable conduct as well as unresolved reports of wrongdoing. Aside from providing

advice about wrongdoing reporting, the Integrity Contact will take a reportable conduct disclosure to the Protected Disclosures Coordinator on behalf of the Whistleblower.

The Integrity Contact is structured to be independent contact so that an objective assessment of the disclosure can be made. The Integrity Contact (Chairperson of the WCCS School Board) may be contacted by email at:

Email: [board@wyongccs.nsw.edu.au](mailto:board@wyongccs.nsw.edu.au)

### 5.5 Protected Disclosures Coordinator

The Protected Disclosures Coordinator receives particulars about all whistleblower events and performs the following functions:

- appoints a Whistleblower Protection Officer if requested by the Whistleblower;
- arranges for an inquiry/investigation into the disclosures made by the Whistleblower by nominating either an internal or external investigator;
- ensures appropriate government agencies are notified about Whistleblower events where required;
- be satisfied that each disclosure of wrongdoing they received was appropriately inquired into or investigated;
- be satisfied that action taken in response to the inquiry/investigation is appropriate to the circumstances;
- provide governance oversight over any inquiry/investigation into retaliatory action taken against the Whistleblower;
- maintains the full report on each disclosure including: the allegation, any statements of relevant evidence and supportive documents of the investigation; and
- maintains a Whistleblower Register for trend analysis and to identify systemic issues requiring attention.

The Protected Disclosures Coordinator is the WCCS Company Secretary.

### 5.6 Investigator

The Investigator is appointed by the Protected Disclosures Coordinator and may be internal or external to the WCCS.

The Investigator must have internal independence of line management in the area affected by the reportable conduct disclosure. The internal investigator may be a member of the Senior Leadership team or a member of the WCCS School Board.

The Investigator may second the expertise of other members of the WCCS or the WCCS School Board to assist in the investigation and may seek the advice of internal or external experts as required.

### 5.7 Staff

All Staff who receive a disclosure about reportable conduct must notify the Whistleblower Reporting Officer or Chairperson of the WCCS School Board and provide particulars and maintain confidentiality about the issue raised. The Whistleblower Reporting Officer or Chairperson will then inform the Protected Disclosures Coordinator to arrange for investigation of the reportable conduct disclosure.

## **7 POLICY APPLICATION**

### **7.1 Reporting a Reportable Conduct Disclosure**

#### **7.1.1 Internal Whistleblowers (current or former Directors, employees, volunteers, contractors or consultants)**

Internal Whistleblowers are encouraged to report their concerns to their supervisor or the Whistleblower Reporting Officer to seek an immediate response. Where the internal Whistleblower believes this is not appropriate, then an alternative reporting mechanism is available. (See 7.1.3)

#### **7.1.2 External Whistleblowers (Other people with a relationship with WCCS – e.g. clients & suppliers)**

Where an external Whistleblower is reluctant to report their concerns for fear of retribution, they can report their concerns to a higher level of management other than the person in WCCS that they ordinarily deal with. Where this is not appropriate, an alternative reporting mechanism is available. (See 7.1.3)

#### **7.1.3 Alternative reporting**

Alternative reporting to normal channels are available where:

- the normal reporting channel is considered inappropriate to the circumstances;
- WCCS's line management was notified but failed to deal with it; or
- the person or organisation disclosing reportable conduct is concerned about possible retaliation.

In any of these circumstances;

- an internal Whistleblower may provide the report of reportable conduct directly to:
  - the Whistleblower Reporting Officer;
  - the Integrity Contact; or
  - a person or entity who is eligible to receive the disclosure under the Corporations Act 2001.
- an external Whistleblowers (people or organisations with a relationship with Wyong Christian Community School) may provide the report of reportable conduct to:
  - the Integrity Contact; or

- a person or entity who is eligible to receive the disclosure under the *Corporations Act 2001*.

#### 7.1.4 Other Complaint Mechanisms

This policy is in addition to:

- Grievance procedures for employees, which is for all staff to raise any matters they may have in relation to their work or their work environment, other persons, or decisions affecting their employment. This policy does not replace other reporting structures such as those for dispute resolution, discrimination, victimisation or matters relating to workplace bullying or harassment.
- Standard complaint mechanisms for clients or volunteers
- Any exercising of rights under the terms of their contract by contractors and suppliers

An exception to this is where the issue of reportable conduct of a serious nature, yet the existing reporting system failed to attend to the issue or has processed it in a substantially inappropriate, grossly unfair or heavily biased manner.

#### 7.1.5 Anonymous reporting

Anonymous reports of wrongdoing are accepted under this policy. Anonymous reports have significant limitations that may inhibit a proper and appropriate inquiry or investigation. These limitations include the inability to provide feedback on the outcome and/or to gather additional particulars to assist the inquiry/investigation. Specific protection mechanisms may be difficult to enforce if you choose to remain anonymous.

### 7.2 Protection

Not all disclosures of serious reportable conduct are protected at law. To meet the WCCS's philosophy of accepting tip-offs from anyone, WCCS adopts the principle of providing protection to people or organisations with a relationship (or a former relationship as an officer, employee or contractor) with the School:

- at least to the extent of protection at law; and
- a brief summary of legal protection is at Appendix 2.

### 7.3 Confidentiality

WCCS will not disclose a Whistleblower's identity unless:

- it is necessary to further an investigation and the Whistleblower consents to the disclosure, and/or
- the disclosure is required or authorised by law.

When a report is investigated it may be necessary to reveal its substance to people such as other WCCS personnel, external persons involved in the investigation process and, in appropriate circumstances, law enforcement agencies.

It will be necessary to disclose the facts and substance of a report to a person who may be the subject of the report as it is essential for natural justice to prevail. Although confidentiality is maintained, in some circumstances, the source of the reported issue may be obvious to a person who is the subject of a report.

WCCS will take reasonable precautions to store any paper or electronic records relating to a report of wrongdoing securely and to restrict access to authorised persons only.

Unauthorised disclosure of information that could prejudice confidentiality and identify a Whistleblower will be regarded seriously and may result in disciplinary action and where applicable, WCCS will notify the Australian Federal Police.

### 7.4 Retaliation

WCCS will not tolerate any retaliatory action or threats of retaliatory action against a Whistleblower, or against a Whistleblower's colleagues, employer (if a contractor, consultant or supplier) or relatives.

For example, a Whistleblower must not be disadvantaged or victimized for having made the report by:

- dismissal or termination of services or supply;
- demotion;
- discrimination, victimization or harassment;
- damage to a person's reputation, business or financial position;
- current or future bias; or
- threats of any of the above.

Any such retaliatory action or victimisation in reprisal for a disclosure made under this policy will be treated as serious misconduct and will result in disciplinary action, which may include dismissal. In some circumstance it may be illegal; in which case WCCS will notify Police.

### 7.5 Investigation

All reports of alleged or suspected reportable conduct made under this policy to a Whistleblower Protected Disclosure Coordinator will be properly assessed, and if appropriate, inquired into or independently investigated - with an objective of gathering evidence relating to the claims made by the Whistleblower. That evidence may substantiate or refute the claims made.

The investigation will be conducted in an objective and fair manner, and as is reasonable and appropriate having regard to the nature of the disclosure and the circumstances. Where a report is submitted anonymously, the investigator will conduct the investigation and its enquiries based on the information provided to it. However, anonymity can sometimes prevent the investigator from taking the issue further if the school is not able to obtain further information from the source of the report.

## 7.6 Disclosure Management

WCCS recognises that individuals against whom a report is made must also be supported during the handling and investigation of the reportable conduct report. WCCS takes reasonable steps to treat fairly any person who is the subject of a report, particularly during the assessment and investigation process in accordance with an established support protocol which may be extended to include appointing an independent protection officer to provide support.

Where a person is identified as being suspected of possible wrongdoing, but preliminary inquiries determines that the suspicion is baseless or unfounded and that no formal investigation is warranted, then the Whistleblower will be informed of this outcome and the matter laid to rest.

The Whistleblowing Protected Disclosures Coordinator will decide whether or not the person named in the allegation should be informed that a suspicion was raised and found to be baseless upon preliminary review. This decision will be based on a desire to preserve the integrity of a person so named, so as to enable workplace harmony to continue unfettered and to protect the Whistleblower where it is a bona fide disclosure.

Where an investigation does not substantiate the report, the fact that the investigation has been carried out, the results of the investigation and the identity of the person who is the subject of the report must be handled confidentially.

Generally, where an investigation is conducted and the investigator believes there may be a case for an individual to respond, the Investigator must ensure that a person who is the subject of a disclosure:

- is informed of the substance of the allegations;
- is given a fair and reasonable opportunity to answer the allegations before the investigation is finalised;
- has their response set out fairly in the Investigator's report; and
- is informed about the substance of any adverse conclusions in the investigator's report that affects them.

Where adverse conclusions are made in an investigator's report about an individual, that individual has a right to respond to those conclusions prior to any action being taken by the School against them.

WCCS will give its full support to a person who is the subject of a report where the allegations contained in the report are clearly wrong.

## 8 FAILURE TO COMPLY

Any breach of this Policy may result in disciplinary action that could result in severance from the organisation.

## 9 RELATED POLICIES

Other organisational policies that should be read in conjunction with this policy and with WCCS's ethical value principles include WCCS's:

- Statement of Faith;
- Statement of Life and Conduct;
- Board and School Codes of Conduct
- Conflicts of Interests Policy;
- School Company Constitution;
- Grievance Policy;
- Financial Management Policy.

## 10 MAINTAINING POLICY EFFECTIVENESS

The Whistleblower Policy will be publicised in such a way that the whole School community is reasonably aware of its contents and obligations. A copy of the Policy will be available on the WCCS website, along with other WCCS policies and procedures, and it will be included in regular communication of WCCS requirements.

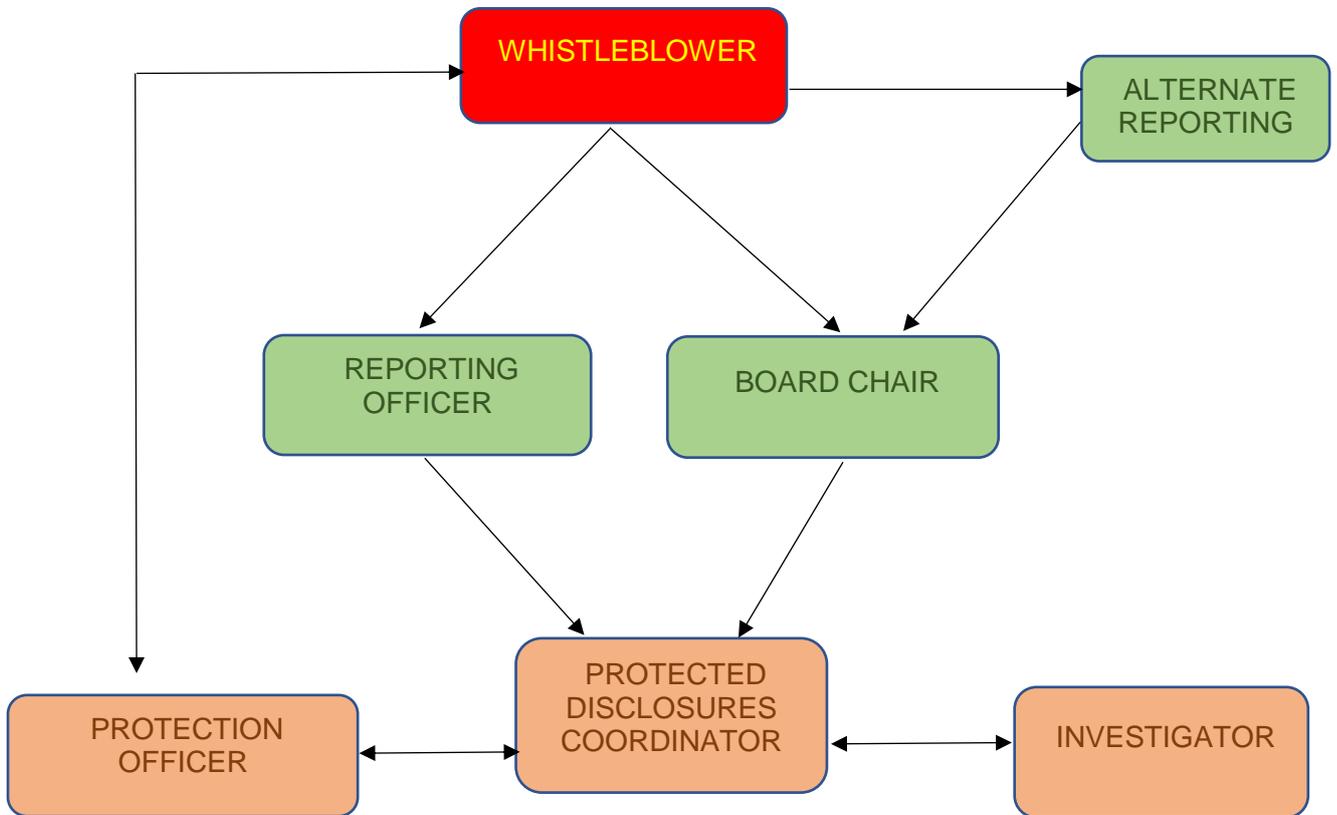
In addition, WCCS ensures that its procedures are very familiar to all Board members, employees and contractors in the following manner:

- the Policy and any update are distributed to Board members and staff;
- all new Board members and staff must confirm that they have read the Policy;
- an overview of the Policy is available to all contractors and their staff and is included in site induction processes; and
- periodic on-going training in the Policy, in conjunction with both the Board and Staff Codes of Conduct, (which outline what the WCCS considers to be acceptable behaviour and practices).

The Chairperson of the School Board is responsible for ensuring that:

- this Policy is monitored and its effectiveness tested annually, with any identified issues fixed accordingly;
- this Policy, and any related documents, are updated when necessary to reflect changes in the law or to improve existing procedures; and
- the current updated version of this document is given to all relevant people and uploaded onto the WCCS website.

## Appendix 1: Flowchart of Reportable Conduct process



## Appendix 2: Legal Protection

Part 9. 4AAA of the Corporations Act 2001 (as amended)	
Essential Element	Description
Reportable conduct	A report is made about serious breaches of the corporation laws or other reportable conduct such as information concerning misconduct or an improper state of affairs or circumstances by the company or by an officer or employee of the company.
Reasonable grounds for suspecting	The person making the report has reasonable grounds for suspecting the reportable conduct .
Person making the disclosure	The person is or has been: <ul style="list-style-type: none"> <li>- a Board members of WCCS;</li> <li>- an employee of WCCS;</li> <li>- a volunteer of WCCS;</li> <li>- a contractors and supplier (including their employees) who provides or has provided services or goods to WCCS;</li> <li>- an associate of WCCS; or</li> <li>- a spouses, relative and dependants of an individual referred to in any of the above.</li> </ul>
Person receiving the disclosure	The person receiving the report is one of either: <ul style="list-style-type: none"> <li>- ASIC</li> <li>- the company auditor or an audit team member;</li> <li>- a legal practitioner;</li> <li>- the Principal or Board Director of WCCS;</li> <li>- WCCS Whistleblower Reporting Officer;</li> <li>- WCCS Protected Disclosure Coordinator; or</li> <li>- WCCS Integrity Contact.</li> </ul>