



1. Introduction

1.1 Purpose and scope

This policy applies to Calrossy Anglican School (the School) to ensure individuals who disclose wrongdoing in relation to the School can do so safely, securely and with confidence that they will be protected and supported.

This policy will be published on the School website and made available to School Board members and employees.

1.2 Related policies

- ◁ Complaints or allegations of staff misconduct that do not meet the criteria of a whistleblowing disclosure will be addressed in accordance with the S *Complaints Handling Policy and Procedures*.
- ◁ Disclosures about reportable conduct will be addressed in accordance with the S *Child Protection Policy*.
- ◁ Disclosures regarding a grievance between staff members about work matters, including work relationships and decision made by other staff members which impact on their work, may be addressed in accordance with the S *Staff Grievance Policy*.
- ◁ Unlawful discrimination, harassment or bullying complaints may be addressed in accordance with the S *Discrimination, Harassment and Bullying Statement*.

2. What is a qualifying disclosure?

A **qualifying disclosure** is when an **eligible whistleblower** makes a disclosure to an **eligible recipient**, and the eligible whistleblower has **reasonable grounds to suspect** that the information concerns a **disclosable matter**.

A disclosure referred to in paragraph (1)(b) is authorised under this subsection if it:

- a) is made to ASIC; or
- b) is made to the Registrar*; or
- c) is made to APRA; or
- d) is made to a member of the Australian Federal Police (within the meaning of the *Australian Federal Police Act 1979*); or
- e) is made to a legal practitioner for the purpose of obtaining legal advice or legal representation in relation to the operation of this Part; or
- f) is made to a person or body prescribed by the regulations for the purposes of this paragraph; or
- g) is made with the consent of the discloser.

3. Who can make a qualifying disclosure?

3.1 Eligible whistleblowers

An eligible whistleblower is an individual who is or has been any of the following, in relation to the school:

- < a Board member;
- < an employee;
- < a person who supplies goods or services (paid or unpaid);
- < an employee of a person who supplies goods or services (paid or unpaid);
- < 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.

3.2 Anonymous disclosures

A disclosure can be made anonymously and still be protected under the *Corporations Act*. A discloser can choose to remain anonymous while making a disclosure, over the course of the investigation and after the investigation is finalised.

However, this may make it difficult to investigate the reported matter. The School therefore encourages disclosers to provide their names.

If a discloser wishes to disclose anonymously, the discloser should provide sufficient information to allow the matter to be properly investigated. The school encourages the discloser to provide an anonymous email address through which additional questions can be asked and information provided. It will also allow the school to report the progress of the investigation to the discloser, as appropriate.

4. Disclosable matters that qualify for protection

4.1 Disclosable matters

A disclosable matter is a disclosure of information where the eligible whistleblower has reasonable grounds to suspect that the information relating to the School or a related company concerns:

- ◁ improper accounting or financial reporting practices;
- ◁ systemic practices that pose a serious risk to the health and safety of any person on school premises or during school activities.

If a disclosure is not about a disclosable matter, it will not qualify for whistleblower protection under the *Corporations Act*.

4.2 Reasonable grounds to suspect

reasonableness of the reasons for the discloser's suspicion, having regard to all the circumstances when considered objectively.

If a disclosure is made without 'reasonable grounds' to be a qualifying disclosure and the discloser will not have the protections provided for under this policy and the *Corporations Act*. Any deliberate false reporting will be regarded very seriously.

A discloser can still qualify for protection even if their disclosure turns out to be incorrect.

4.3 Personal work-related grievances

Generally, disclosures that concern personal work-related grievances do not qualify for protection.

A disclosure will concern a personal work-related grievance of the discloser if the information:

- ◁ concerns a grievance about any matter in relation to the discloser's employment, or former employment, having or tending to have implications for the discloser personally; and
- ◁ does not have significant implications for the school that do not relate the discloser; and
- ◁ does not concern conduct that is:
 - an alleged contravention of the *Corporations Act* and specified financial services laws; or
 - an offence against another law of the Commonwealth, which is punishable by imprisonment of 12 months or more; or
 - a danger to the public or financial system; or

Examples of disclosures regarding personal work-related grievances that may not qualify for protection include:

- ◁ an interpersonal conflict between the discloser and another employee;
- ◁ a decision relating to the engagement, transfer or promotion of the discloser;
- ◁ a decision relating to the terms and conditions of engagement of the discloser;
- ◁ a decision to suspend or terminate the engagement of the discloser, or otherwise discipline the discloser.

These matters will be addressed in accordance with the S

A personal work-related grievance may still qualify for protection if:

- ◁ it includes information about misconduct, or information about misconduct includes or is accompanied by a personal work-related grievance (mixed report);
- ◁ the entity 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

- ◁ the discloser suffers from or is threatened with detriment for making a disclosure; or
- ◁ the discloser seeks legal advice or legal representation about the operation of the whistleblower protections under the Corporations Act.

5. Who can receive a qualifying disclosure

5.1 Eligible recipients

An eligible recipient is an individual who occupies any of the following roles, in relation to the school or a related company:

- ◁ A Board member or the Principal, Deputy Principal or Chief Operating Officer of Calrossy Anglican School;
- ◁ an auditor, or member of an audit team of the school or a related company;
- ◁ an actuary of the school or a related company; and
- ◁ The Chair of the Calrossy Anglican School Board

- ◁ at least 90 days has passed since the eligible whistleblower made the first disclosure to ASIC, APRA or a prescribed Commonwealth authority; and
- ◁ the eligible whistleblower does not have reasonable grounds to believe action is being, or has been, taken to address the information in the disclosure; and
- ◁ the eligible whistleblower has reasonable grounds to believe that making a further disclosure of the information would be in the public interest; and
- ◁ before making the disclosure, the eligible whistleblower gives written notice to the original recipient that includes sufficient information to identify the previous disclosure and states that they intend to make a public interest disclosure; and
- ◁ the extent of information disclosed is no greater than necessary to inform the recipient of the disclosable matter.

An eligible whistleblower may wish to consider obtaining independent legal advice before making a public interest disclosure.

5.5 Emergency disclosures

An eligible whistleblower can disclose to a member of Parliament or a journalist only if the information has been previously disclosed to ASIC, APRA or a prescribed Commonwealth authority, and;

- ◁ the eligible whistleblower has reasonable grounds to believe that the information concerns a substantial and imminent danger to the health or safety of one or more persons or to the natural environment; and
- ◁ before making the disclosure, the eligible whistleblower gives written notice to the original recipient that includes sufficient information to identify the previous disclosure and states that they intend to make an emergency disclosure; and
- ◁ the disclosure of information is no greater than necessary to inform the recipient of the substantial and imminent danger.

An eligible whistleblower may wish to consider obtaining independent legal advice before making an emergency disclosure.

6. Investigating a qualifying disclosure

6.1 Receiving a disclosure

Upon receiving a disclosure, the recipient, generally the Principal or Chair of the Board will assess the disclosure to determine whether it qualifies for protection under the *Corporations Act* and is to be managed in accordance with this policy (qualifying disclosure) or the disclosure concerns matters that should be managed in accordance with related policies (see section 1.2).

6.2 Investigating a qualifying disclosure

The School will acknowledge

could include NSW Police, t
Standards Authority or the NSW Department of Education.

It is also permissible to disclose information which could lead to the identification of the discloser if the disclosure is reasonably necessary for the purpose of investigating the matter, if all reasonable steps are taken to reduce the risk that the discloser will be identified as a result of the information being disclosed.

Breach of these confidentiality protections regarding the discloser's identity and information likely to lead to the identification of the discloser is a criminal offence and

