

AGS Whistleblower Policy

Alphington Grammar School ("the School") is committed to providing those involved with our School a safe environment to report an issue if they reasonably believe someone has engaged in serious Wrongdoing relating to the School.

1. Introduction:

The School is committed to fostering a culture of legal, ethical and moral behaviour and exemplary corporate governance.

We recognise the value of transparency and accountability in our administrative and management practices, and support reporting of improper conduct.

2. Purpose:

The purpose of this policy is to:

- Provide an understanding of what can be reported under this policy;
- Demonstrate the importance the School places on ensuring a safe and supportive environment where people feel confident to report serious Wrongdoing relating to the School;
- Explain the process for reporting serious Wrongdoings; and to
- Outline how the School will protect those who make a report.

3. Policy:

3.1. Application:

- This Policy applies to "Disclosers", which means any individual who is, or has been, a staff member, Officer, Council Member, contractor, supplier, student, parent or volunteer of the School, or a relative, dependent, spouse of any of the aforementioned individuals.

3.2. Definitions:

- **Personal work-related grievances** means those grievances that relate to the discloser's current or former employment with the School that might have implications for the discloser personally including grievances such as interpersonal conflicts, decisions about promotions, decisions. Personal work-related grievances are grievances that do not involve a breach of workplace laws, or terms and conditions of employment and do not:
 - a) Have any other significant implications for the School; or
 - b) Relate to any conduct or alleged conduct about a disclosable matter.
- **Reasonable Grounds** means: that a reasonable person in your position would also suspect the existence of a Wrongdoing.
- **Service** means all customer/parent/guardian complaints or grievances. This includes complaints/grievances relating to teaching and learning, leadership selections and billing.
- **Whistleblower Protection Officer** means: A person who has the responsibility for receiving disclosures whether verbally or in writing and for ensuring that the Discloser is adequately protected from any and all forms of reprisal.
- **Wrongdoing** refers to reportable conduct, the reporting of which being based on Reasonable Grounds, that includes a breach of the law by the School or an employee of the School. This includes:
 - a) breaches of legislation, regulations, by-laws or other illegal act – by commission or omission (including theft, illicit drug sale / use, violence or threatened violence or criminal damage against property;



- b) dishonesty or fraudulent activities;
- c) unreasonable endangerment to the health and / or safety of one or more persons or to the environment;
- d) maladministration (e.g. unjust, based on improper motives, is unreasonable, oppressive or negligent);
- e) gross mismanagement or repeated breaches of administrative procedures;
- f) any conduct which may cause financial or non-financial loss to the School or be otherwise detrimental to the School;
- g) an unethical breach of the School's Codes of Conduct; and
- h) serious improper conduct that could give Reasonable Grounds for disciplinary action.

3.3. What is not Reportable Conduct?

- While everybody is encouraged to speak up and report any concerns to the School, not all types of conduct are intended to be covered by this Policy or by the protections under the Corporations Act 2001 (Cth).
- This Policy does not apply to complaints by parents/guardians or caregivers relating to service or personal work-related grievances unless the grievance includes victimisation due to whistleblowing.
- However, personal work-related grievances may be covered by this policy where they include information about misconduct, an allegation that the entity has breached employment or other laws punishable by imprisonment by a period of 12 months or more, or the grievance includes victimisation due to whistleblowing.

3.4. School Commitment:

- The School does not tolerate Wrongdoing and is committed to:
 - a) operating with the highest legal and ethical standards;
 - b) supporting and protecting persons who make disclosures under this Policy or under applicable legislation;
 - c) conducting investigations in a fair and objective manner;
 - d) informing persons who make disclosures under this Policy of the progress and outcome of any investigation;
 - e) taking disciplinary action against any person found to have engaged in Wrongdoing and, where appropriate, notifying the relevant authorities; and
 - f) taking all appropriate action to rectify any Wrongdoing.

3.5. Disclosure:

- Where a Discloser believes in good faith on reasonable grounds that there has been a serious Wrongdoing, they must report their concern to:
 - a) the Business Manager or Principal: or, if they feel that these Executives may be complicit in the breach,
 - b) a member of the Senior Management Team who is not complicit in the breach. All reports will be documented using the Whistleblower Report Form.
- All reports will be kept confidential and secure. Disclosers making a report are assured that in making a report they will not be personally disadvantaged by dismissal, demotion, any form of harassment, discrimination or current or future bias from the School provided that their actions
 - a) are in good faith, and
 - b) are based on Reasonable Grounds, and
 - c) conform to the designated procedures.
- Any person within the School to whom such a disclosure is made shall
 - a) ensure that the allegation is investigated if they believe the



behaviour complained of to be neither trivial nor fanciful, or

- b) dismiss the allegation if they believe the behaviour complained of to be unquestionably trivial or fanciful and notify the person making the allegation of their decision.
- Disclosures may be made anonymously, and this anonymity shall as far as possible be preserved by the School. However, we encourage all individuals to disclose their identity when raising a concern. This will assist us to gather further information on your report.
- If you choose to disclose your identity, your details will be treated confidentially to the fullest extent possible in connection with the investigation, and your identity will not be disclosed unless:
 - a) you consent in writing to the disclosure;
 - b) the disclosure is made to ASIC, APRA or the Australian Federal Police (AFP);
 - c) the disclosure is made to a Legal Practitioner for the purpose of obtaining advice;
 - d) the disclosure is authorised under the Corporations Act 2001 (Cth); and/or
 - e) disclosure is necessary to prevent or lessen a threat to a person's health, safety or welfare.

3.6. Investigation:

- All investigations will be conducted by the Whistleblower Protection Officer or otherwise as provided at 3.5 above.
- The Discloser will be kept informed of the progress of the investigation.
- All investigations shall observe the rules of natural justice and the provisions of procedural fairness.
- Internal investigations will include the following steps:
 - a) Full details of the allegations obtained in writing;
 - b) Person against whom allegations are made is informed;
 - c) Involvement of external parties such as the police to be preceded by consultation with the Principal;
 - d) Allegations fully investigated;
 - e) Principal decides on the action to be taken.
- Where the Whistleblower Protection Officer decides that the allegations are of a sufficiently serious nature, they will be raised with the Principal at the outset and an external investigator may be engaged.
- The identity or any information that could lead to the identity of the Discloser will not be released to any person who is not involved in the investigation or resolution of the matter.
- Any person who, having made a report, believes that they have been personally disadvantaged has an automatic right of appeal to the Staff Executive. Any member of the Executive thought to be complicit in the breach will be removed from the appeals process.

3.7. Vexatious Claims:

- Inaccurate, misleading, malicious or false accusations have negative consequences for the person(s) concerned, interpersonal relationships and the morale of the School community.
- Where it is found that a complaint has been made in bad faith (for example to cause distress to one or more persons), or as a practical joke, disciplinary measures will be taken up to and including termination of employment.

3.8. Monitoring and Training:

- The School will monitor and review this Policy regularly to assess its effectiveness in encouraging the reporting of reportable conduct, protection of



persons making reports, and investigation of reports.

- Education and training will be provided to those involved in managing or investigating disclosures. The Whistleblower Protection Officer will be appropriately qualified for this role and readily accessible.
- This Policy will be available on the School's website and intranet to ensure it is readily available to all staff and the School's community.

4. Related Documents:

- Complaints Management Policy and Procedure Whistleblower Report Form
- Working with Children Code of Conduct

5. Relevant Legislation:

- Corporations Act 2001 (Cth)
- Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019