

# Whistleblower Policy

## PURPOSE

Kincoppal-Rose Bay School is committed to maintaining a working environment in which students, parents, directors, employees, contractors and visitors are able to report suspected instances of unethical, unlawful or undesirable conduct without fear of intimidation or reprisal.

This policy is to assist the School in the detection and resolution of unacceptable/reportable conduct and to protect those persons who raise unacceptable/reportable conduct.

## DOCUMENT MANAGEMENT

<b>Relevant to</b>	KRB School Community
<b>Reviewed by</b>	Business Manager
<b>Modification history</b>	Created November 2019
<b>Related documents</b>	KRB Complaints Policy KRB Grievance Policy
<b>Related legislation</b>	Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019 Corporations Act 2001 (Cth) Taxation Administration Act 1953 (Cth)
<b>Review</b>	As required by annual updates to requirements. Substantive review every 2 years.

## PURPOSE

Kincoppal-Rose Bay School of the Sacred Heart (KRB) is committed to ensuring that individuals who disclose wrongdoing can do so safely, securely and with confidence that they will be protected and supported.

## SCOPE & RESPONSIBILITY

This policy applies to all School Students, Directors, Employees, Parents, Contractors, Visitors or just anyone who interacts with the School.

It is the responsibility of all the School staff and stakeholders (students, directors, parents, contractors and visitors) to

adhere to the guidelines established in this policy.

## KEY DEFINITIONS

**Whistleblower:** is any student, employee, director, parent, contractor or visitor who, whether anonymously or otherwise discloses unacceptable/reportable conduct in accordance with this policy.

The category of persons who can make disclosures protected by the laws is now expanded to include employees, officers and suppliers of companies as well as their family members.

**Unacceptable/Reportable Conduct:** Is conduct or behaviour that is:

- dishonest, improper, fraudulent or corrupt.
- criminal or breaches State or Federal Law.
- unethical or involves substantial risk to the health and safety of students, employees or the public.

It may involve illegal acts like theft, drug sale or use, violence or threatened violence or criminal damage to property.

It may constitute an illegal act or omission or is reasonable grounds for dismissing or terminating the person who engaged in the conduct.

**Protected Disclosure:** is any disclosure of unacceptable/ reportable conduct, provided it is made in good faith, is based on reasonable grounds and is made in accordance with this policy.

**Protected Disclosure Officers:** are any of the following-

- the Chair of the School Board
- the Principal
- the Company Secretary

## REPORTING PROCEDURE

Whistleblowers are encouraged to report matters of unacceptable/ reportable conduct to one of the Protected Disclosure Officers. If the matter pertains to a staff member they should contact either the Principal or the Company Secretary.

If a whistleblower seeks advice about whether a matter constitutes unacceptable/reportable conduct they should contact a Protected Disclosure Officer.

Protected Disclosure contact details: see over



Chair of the Board - [BC@krb.nsw.edu.au](mailto:BC@krb.nsw.edu.au)

Principal - 02 9388 6012

Company Secretary - 02 9388 6019

If the matter(s) pertain to the Principal, they should contact the Chair of the School Board.

Reports can also be anonymous mail or online disclosure.

The Protected Disclosure Officers shall consider what further action is to be taken. This may involve engaging external professionals to assist in the investigation process.

Anonymous mail should be addressed to: Protected Disclosure Officer at the registered office of the School. It is policy that any mail addressed this way will be delivered unopened to one of the protected disclosure officers.

Anonymous online disclosure can be sent to the Company Secretary [companysecretary@krb.nsw.edu.au](mailto:companysecretary@krb.nsw.edu.au) or the Principal [mryan@krb.nsw.edu.au](mailto:mryan@krb.nsw.edu.au)

Matters of concern or grievances that do not constitute unacceptable/reportable conduct, such as personal workplace grievances, are to be reported to the School as outlined in the School Complaints and Grievance Policies.

## INVESTIGATION PROCEDURE

All reports will be kept confidential and secure. The protected disclosure will be thoroughly investigated. The School will endeavour where possible to keep the Whistleblower informed of the investigation as it proceeds and when it has been closed.

## PROTECTING THE WHISTLEBLOWER

The School is committed to the protection of the Whistleblower against action taken in reprisal for making protected disclosures provided the disclosure is made in good faith and is based on reasonable grounds and in accordance with this policy.

### Protecting the Whistleblower's Identity & Confidentiality

The School will use all reasonable efforts to protect the identity of the whistleblower. It is a legal obligation to protect the confidentiality of the whistleblower

The School reserves the right however, to disclose information that might lead to the identification of the Whistleblower, where:

- (i) the disclosure is required by law;
- (ii) the disclosure is necessary to prevent or lessen a serious threat to the whistleblower's health and safety;
- (iii) it is necessary to protect legal rights or to defend any claims and a legal practitioner is engaged to provide advice or representation; and
- (iv) where the alleged conduct relates to a contravention or possible contravention of the Corporations Act.
- (vi) the consent of the Whistleblower has been given

## Protecting the Whistleblower from Detrimental Acts or Omissions

KRB and its employees cannot engage in conduct that causes detriment or threat of detriment to a whistleblower on the basis of their disclosure.

Detrimental Acts can be in the form of employee dismissal; injury in employment; alteration of position or duties causing disadvantage; discrimination; harassment or intimidation; harm or injury including psychological harm; damage to personal property, reputation or financial/business position.

Detrimental actions do not include administrative action that is reasonable for the purpose of protecting a whistleblower from detriment and managing a discloser's unsatisfactory work performance if this is necessary.

## Compensation & Other remedies

A whistleblower may seek compensation and other remedies through the courts if:

- (i) they suffer loss, damage or injury because of a disclosure
- (ii) KRB failed to take reasonable precautions and exercise due diligence to prevent detrimental conduct

## Civil, criminal & administrative liability protection

The whistleblower is protected from the following in relation to their disclosure:

- (i) civil liability (e.g.: legal action against the whistleblower for a breach of employment contract, duty of confidentiality or other contractual obligation)
- (ii) criminal liability (e.g.: attempted prosecution of the whistleblower for unlawfully releasing information; except in the instance of making a false declaration)
- (iii) administrative liability (e.g.: disciplinary action for making the disclosure)

## ABUSE OF REPORTING PROCEDURE

All protected disclosures must be made in good faith. Abuse of the reporting procedure will be treated seriously and may result in legal action and or disciplinary action (in instances related to employees of the School) and may result in termination or legal action.

## AVAILABILITY OF POLICY

This policy is available to the Staff through the KRB Knowledgebase located on Sharepoint.

It is available to the KRB community and the public through the school website.