



INTEGRITY | ALLEGIANCE | SINCERITY

UNITY
GRAMMAR

WHISTLEBLOWER POLICY

Version 1

2019

Written By	Chief Executive Officer
Approved By	Board of Directors
Date	21 November 2019
Relevant to	All Unity Grammar Staff, Students and Affiliates
Related College Documents	<ul style="list-style-type: none">• Complaints and Grievances Policy• Child Protection Policy
Legislation	<ul style="list-style-type: none">• Education Act 1990 (NSW) as amended by the Education Amendment Government Schools Registration) Act 2004 (NSW).• Treasury Laws Amendment Act• Corporations Act
Next Policy Review	November 2020

Table of Contents

WHISTLEBLOWER POLICY	1
Whistleblower Policy	3
1. Purpose	3
2. Scope	3
3. Related policies.....	3
4. Definitions	3
5. Accountability.....	3
6. Rationale.....	3
7. What is a qualifying disclosure?	4
8. Who can make a qualifying disclosure?	4
9. Disclosable matters that qualify protection	4
10. Who can receive a qualifying disclosure?	6
11. Investigating a Qualifying Disclosure?	6
12. Confidentiality and records	7
13. Additional Support for Eligible Whistleblowers	8
14. Appendix 1 – Is the disclosure covered by the whistleblower policy?.....	9

Whistle-blower Policy

1. PURPOSE

- 1.1 This policy applies to Unity Grammar in protecting eligible whistle-blowers and managing qualifying disclosures made regarding misconduct in relation to the College.
- 1.2 This policy will be published on the Unity Grammar website and made available to Board members and employees.

2. SCOPE

- 2.1 The policy allows Unity Grammar Directors, Staff, Parents, Students, Volunteers and Members of the College community to report serious concerns about College operations through appropriate and confidential channels without risk of retaliation, victimisation or harassment in any form.

3. RELATED POLICIES

- 3.1 Complaints or allegations of staff misconduct that do not meet the criteria of a whistleblowing disclosure will be addressed in accordance with the College's Complaints and Grievance Policy.
- 3.2 Disclosures about reportable conduct will be addressed in accordance with the College's Child Protection Policy.
- 3.3 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 College's Complaints and Grievance Policy.
- 3.4 Unlawful discrimination, harassment or bullying complaints may be addressed in accordance with the College's Discrimination, Harassment and Workplace Bullying Policy.

4. DEFINITIONS

- 4.1 Whistleblowing is the means by which employees, volunteers, parents and students can raise concerns about conduct or practices within the School which are potentially illegal, corrupt, improper, dishonest, unsafe or unethical or which amounts to mismanagement, and are able to do so without fear of victimisation and with confidence that their concerns will be taken seriously and dealt with properly.
- 4.2 A Whistle-blower is defined as a person who discloses wrong doings, corruption, mismanagement and any illegal activities taking place within the School.

5. ACCOUNTABILITY

- 5.1 All Unity Grammar Staff are accountable for implementing this Policy.
- 5.2 The CEO has the overall responsibility for the implementation, evaluation and for all final decisions in respect of this Policy.

6. RATIONALE

- 6.1 Unity Grammar is committed to transparency and accountability in its administrative and management practices and supports the making of disclosures that reveal corrupt conduct, conduct involving a substantial mismanagement of resources or conduct involving a substantial risk to public health, safety or the environment.

7. WHAT IS A QUALIFYING DISCLOSURE?

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

8. WHO CAN MAKE A QUALIFYING DISCLOSURE?

8.1 ELIGIBLE WHISTLEBLOWERS:

An eligible whistle-blower is an individual who is or has been any of the following:

- a College Board Director;
- a College employee;
- a person who supplies goods or services (paid or unpaid) or their employee who has a current contract to supply goods and services to the College;
- an individual who is an associate of the College (as defined in the Corporations Act); and
- a relative or dependent (or dependents of a spouse) of any individual described above.

8.2 ANONYMOUS DISCLOSURES:

A disclosure can be made anonymously. However, this may make it difficult to investigate the reported matter. The College 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 and the College encourages the discloser to provide an anonymous email address through which additional questions can be asked and information provided.

9. DISCLOSABLE MATTERS THAT QUALIFY PROTECTION

9.1 DISCLOSABLE MATTERS

A disclosable matter is a disclosure of information where the eligible whistle-blower has reasonable grounds to suspect that the information relating to the College:

- misconduct;
- an improper state of affairs or circumstances;
- 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
- conduct (including conduct of officers and employees) that represents a danger to the public or financial system.

This may include any conduct in relation to the operation of the College that involves:

- fraudulent activity;
- unlawful or corrupt use of College funds;
- improper accounting or financial reporting practices;

- systemic practices that pose a serious risk to the health and safety of any person on College premises or during College activities.

9.2 REASONABLE GROUNDS TO SUSPECT

A discloser would have 'reasonable grounds to suspect' if the discloser has a suspicion that could reasonably be formed based on the facts and information available to them.

If a disclosure is made without 'reasonable grounds to suspect' (e.g. where the disclosure is unfounded), the disclosure will not be a qualifying disclosure and the discloser will not have the protections provided for under this policy and the Corporations Act.

9.3 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 College 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 College's Complaints and Grievance Policy.

A disclosure could qualify for protection if it concerns a personal work-related grievance and also concerns alleged detriment (or a threat of detriment) to the discloser.

10. WHO CAN RECEIVE A QUALIFYING DISCLOSURE?

10.1 ELIGIBLE RECIPIENTS

An eligible recipient is an individual who occupies any of the following roles, in relation to Unity Grammar:

- Chief Executive Officer; or
- Chairman of Board if regarding the Chief Executive Officer; or
- College Accountant

10.2 MAKING A QUALIFYING DISCLOSURE

While an eligible whistle-blower can make a disclosure to any eligible recipient, the College encourages them to make a disclosure in writing to the Chief Executive Officer, via email at whistleblow@unitygrammar.com.au

If it is not appropriate for the disclosure to be made to the Chief Executive Officer, the eligible whistle-blower is encouraged to make the disclosure, in writing, to the Chairman of the Board of Directors, via email at whistleblow@unitygrammar.com.au

Where a disclosure is made to an eligible recipient who is not the Chief Executive Officer, then subject to the confidentiality protections set out at Section 7 below, it will generally be passed onto the Chief Executive Officer and dealt with in accordance with Section 6 below.

The Officer who receives the email disclosure will determine whether the disclosure is covered under this policy or if another policy applies. Appendix 1 will assist the Officer in determining the eligibility of the disclosure under this policy. If the disclosure is covered under this policy, then the Officer will forward the disclosure to the respective eligible recipient.

11. INVESTIGATING A QUALIFYING DISCLOSURE?

11.1 RECEIVING A DISCLOSURE

Upon receiving a disclosure, the recipient, will promptly 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 3).

11.2 Appendix 1 will assist the recipient of the disclosure to ascertain whether it is covered by the Whistle-blower policy.

11.3 INVESTIGATING A QUALIFYING DISCLOSURE

The College will investigate a qualifying disclosure depending on the nature of the disclosure. The investigation will generally involve the making of inquiries or collection of evidence for the purpose of assessing the disclosure made by the whistle-blower. External professionals may be engaged to assist or conduct the investigation process.

If it is found that the disclosure is to be dealt through another policy the subsequent investigation will differ having regard to:

- The requirement not to disclose the person's identity if the person is an eligible whistle-blower
- The incapacity to take disciplinary action against a complainant if the complaint was not made in good faith

- The serious legal consequences for the company if the detriment is taken against the whistle-blower

If it is found that a non-qualifying disclosure made by an employee is deemed to be unfounded and not made in good faith, then Complaints and Grievance policy may apply.

11.4 In instances where the College reports the allegations within the disclosure to a third party then the investigation procedures of the relevant third party will generally take precedence. Third party organisations may include:

- NSW Police
- Australian Federal Police
- Australian Securities and Investments Commission (ASIC)
- Legal practitioner (for the purpose of obtaining legal advice or representation)

The timing of an investigation will depend on the circumstances of the matter and whether the College is the primary investigator of the disclosure. Employees about whom disclosures are made will generally be given an opportunity to respond to the relevant allegations made in the qualifying disclosure.

An eligible whistle-blower and the relevant parties that the disclosure is about may choose to have an appropriate support person present at any meeting with representatives of the College.

12. CONFIDENTIALITY AND RECORDS

12.1 Eligible whistle-blowers making a qualifying disclosure are protected by the requirement that their identity, and information that may lead to their identification, should be kept confidential, subject to relevant exceptions as set out in section 11.2 above or unless the discloser has provided consent. An exception to this is if the information disclosed is not the identity of the discloser and its disclosure was reasonably necessary to investigate a matter relating to the disclosure, and reasonable steps were taken to reduce the risk of the discloser being identified.

12.2 Eligible whistle-blowers making a qualifying disclosure cannot be subject to any civil, criminal or administrative liability (including disciplinary action) for making the disclosure. No contractual or other remedy or right may be enforced or exercised against the person on the basis of the disclosure.

12.3 Whistle-blowers who make some types of qualifying disclosures (generally external to the College) are also provided immunities to ensure that information they disclose is not admissible in evidence against them in criminal proceedings or in proceedings for the imposition of a penalty, other than proceedings in respect of the falsity of the information. These immunities do not prevent an eligible whistle-blower being subject to criminal, civil or other liability for conduct that is revealed by the whistle-blower, only that the information the person has disclosed is not admissible in certain proceedings against them.

12.4 Eligible whistle-blowers are also protected from victimisation - suffering any detriment by reason of the qualifying disclosure. It is unlawful for a person to engage in conduct against another person that causes, or will cause detriment, where the

person believes or suspects that the other person or a third person made, may have made, proposes to make or could make a qualifying disclosure. Threats of detriment are also unlawful.

Detriment has 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.

Remedies for being subjected to detriment could include:

- compensation
- injunctions and apologies
- reinstatement of a person whose employment is terminated
- exemplary damages

If an eligible whistle-blower believes they are being subjected to a detriment or a threat of detriment, this should immediately be reported in writing to the Chief Executive Officer via email.

If it is not appropriate for the report to be made to the Chief Executive Officer, the eligible whistle-blower should report the matter, in writing, to the Chairman of the College Board via email on

13. ADDITIONAL SUPPORT FOR ELIGIBLE WHISTLEBLOWERS

The College's employee assistance program (EAP) services will be available to all eligible whistle-blowers and other employees affected by the disclosure, should they require that support.

14. APPENDIX 1 – IS THE DISCLOSURE COVERED BY THE WHISTLEBLOWER POLICY?

All four requirements below must be met for a disclosure to be considered under the College Whistle-blower Policy. If all four requirements are not met, the disclosure does not qualify for protection under the College Whistle-blower Policy. Unity Grammar will manage the complaint under the appropriate policy, including the Complaints Handling Procedures, Staff Grievance Policy, Child Protection Policy and Discrimination, Harassment and Bullying Statement. However, disclosures may qualify for protection if they are a 'public interest disclosure' and 'emergency disclosure' or if they are made to ASIC, APRA or a prescribed Commonwealth authority.

Question	Requirement	Specifically
1. Who the disclosure is made by	The disclosure must be made by an eligible whistle-blower	An eligible whistle-blower is an individual who is or has been any of the following, in relation to the school: <ul style="list-style-type: none"> • a member of the governing body of the school; • 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); and • a relative or dependent (or dependents of a spouse) of any individual described above. Anonymous complaints, where the discloser's name is not known, can also meet the 'eligible whistle-blower' requirement.
2. Who the disclosure is made to	The disclosure must be made to an eligible recipient	An eligible recipient is an individual who occupies any of the following roles, in relation to the school: <ul style="list-style-type: none"> • an officer (such as a member of the governing body of the school) or senior manager of the school or a related company; • 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 • a person authorised by the school to receive disclosures that may qualify for protection. Eligible recipients also include ASIC, APRA or a prescribed Commonwealth authority.
3. The nature of the disclosure	The disclosure must be about a disclosable matter	Information that concerns: <ul style="list-style-type: none"> • misconduct or an improper state of affairs or circumstances in relation to the school or a related company; • illegal activity of the school or a related company (or its or their officers and employees) – meaning activity in breach of the Corporations Act or specified legislation or an offence against any law of the Commonwealth punishable by imprisonment of 12 months or more; or • a danger to the public or financial system.
4. Is there reasonable suspicion by the eligible whistle blower	The eligible whistle blower has reasonable grounds to suspect	Reasonable grounds to suspect is where the discloser has the suspicion that could reasonably be formed based on the facts and information available to them. It is not required that the recipient believe the suspicion, merely that the suspicion held by the discloser is reasonable.