



Staff Policies, Procedures and Responsibilities

v1.0 Whistleblower Policy

Prepared by Business Manager

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Monitored by Principal

Review by Business Manager

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Status Final

Policy Pertains to: All staff

File Details: ...

Version History

Version	Date	Notes
1.0	January 2020	New Policy

1 INTRODUCTION

The provisions in the “Whistleblower Act” and associated amendments to the Corporations Act 2001 [Cth] provide new protections for whistleblowers from 1 July 2019, however the disclosures may be about matters that occurred prior to that date.

The protections relate only to reports made in specific circumstances by “eligible whistleblowers”. It is very important that people wishing to make a report understand the criteria which attract the protections under the Act. These are set out in this policy document.

Where the provisions of the Act are met, a whistleblower cannot be subjected to any criminal, civil or administrative liability for making the disclosure, even if it constitutes a breach of contract.

Green Point Christian College expects a high level of compliance with the professional and ethical requirements that apply to all staff. Its continuing professional development processes aim to equip staff to understand their duties and responsibilities, and to support staff to carry out their duties with integrity.

The College seeks to be transparent and accountable in its activities. Therefore, it aims to foster a culture of compliance where staff are encouraged to report matters of non-compliance without fear of victimisation or other retribution. All staff and all volunteers are expected to follow the procedures of the Grievance Policy to report breaches of general law, College policy, Codes of Conduct or other generally recognised principles of ethics.

Whistleblowers, in reporting non-compliances that are eligible under the “Whistleblower Act”, ie that may cause harm to individuals, or financial or other loss to the College, or damage to its reputation, assist in maintaining the College’s standards and in protecting its reputation.

ASIC considers a strong and effective Whistleblower Policy to be an important feature of open and transparent governance.

2 CHRISTIAN RATIONALE

The core business of the College, of educating children and young people in a safe and supportive environment, is conducted through relationships. Therefore, a high value is placed on maintaining and protecting relationships within the College community. Genuine Christian love for one another will direct people to resolve differences swiftly, and to protect others from harm as a result of their own actions or the actions of others.

The College’s policies and procedures guide decisions and actions which will promote and safeguard the College’s core purpose through sound practice. The Staff Employment Agreement and Code of Conduct requires all staff to maintain compliance with the College’s policies and also to exemplify godly living to students and other stakeholders.

The College recognises that we live in a fallen world and that people make mistakes, or exercise wrong choices, which impact others, sometimes seriously. The College’s processes aim to assist management and individuals to address and rectify issues, also with the goal of humble restoration and support of the person who erred.

Brothers and sisters, if someone is caught in a sin, you who live by the Spirit should restore that person gently. But watch yourselves, or you also may be tempted. (Galatians 6:1)

Christians are called to live in the light. Where current safeguards to compliance have failed or have not identified wrongdoing within the College, the College recognises that whistleblowers are important in bringing such actions into the light.

For you were once darkness, but now you are light in the Lord. Live as children of light (for the fruit of the light consists in all goodness, righteousness and truth) and find out what pleases the Lord. Have nothing to do with the fruitless deeds of darkness, but rather expose them.

Be very careful, then, how you live—not as unwise but as wise, making the most of every opportunity, because the days are evil. Therefore, do not be foolish, but understand what the Lord’s will is. (Ephesians 5:8-11; 15-17)

The whistleblower provisions support the College’s commitment to honour God in every part of its governance and operations, and to work towards continual improvement. The College shall investigate all reports of misconduct or wrongdoing and take necessary action. Where misconduct results in regulatory or legislative breaches, the College complies with the requirements of the law.

Let everyone be subject to the governing authorities, for there is no authority except that which God has established. (Romans 13:1)

The College seeks the wellbeing and integrity of all its employees, stakeholders and students as people made in the image of God, and for His glory; and to supporting them in their faith and Christian walk. Do your best to present yourself to God as one approved, a worker who does not need to be ashamed and who correctly handles the word of truth. (2 Timothy 2:15)

3 PURPOSE AND SCOPE

The Green Point Christian College Board is committed to maintaining sound corporate governance through providing a framework for reporting and investigating unacceptable conduct, and ensuring the person raising the report can do so without fear of intimidation or reprisal. In doing so, the College will ensure compliance with the requirements of the Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019 (Cth) “Whistleblower Act” and Corporations Act 2001 (Cth) (Corporations Act).

This Plan applies to all current and former Green Point Christian College:

- Board members;
- Employees;
- Contractors, suppliers and their employees;
- Associates;
- Spouses, relatives and dependants of any of the above.

These persons are described as “Eligible Whistleblowers” in the Corporations Act.

4 LEGISLATIVE FRAMEWORK

The provisions described in this policy are informed by the following legislation:

- Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019 (Cth) “Whistleblower Act”
- Amendments to the Corporations Act 2001 - Section 9; Section 1317

5 TABLE OF RESPONSIBILITIES

This policy is to be read in conjunction with related Green Point Christian College policies as stated in this policy.

<i>Responsibilities</i>	<i>Evidence of Compliance</i>
Board	
Oversight of delegations; and corporate responsibility	Delegations Authority
May appoint an external agent to receive whistleblower reports	Board Delegation Authority
Receive complaints about the Principal (Board Chair)	Confidential files; Complaint Register
Review complaints, reports and trends	Board reports and minutes
Principal	
Implementation of Whistleblower Program	Confidential records; Investigation reports
Maintain effective complaints procedures	This document; Complaints Handling Procedure
Promote a College culture of continuous improvement	Policies; Strategic Plan; Board reports
Ensure no employment reprisals to eligible whistleblowers	Confidential file notes
Consultation, investigation, mediation, review	Complaint file; Complaints Register
Report to the College Board	Board reports
Maintain Complaints Register	Confidential file
Eligible Recipients	
Follow processes of this document	Notes
Maintain confidentiality	
All Staff	
Report breaches of general law, College policy, Code of Conduct or other generally recognised principles of ethics	Complaint/ report of non-compliance files, plus Registers
Use Complaints Framework processes to address complaints and/ or staff grievances.	Complaints files; Complaints Registers
Refer and report complaints from other stakeholders	Files; Registers
Maintain confidentiality and respect for people making a complaint	
Report any evidence of victimisation, harassment etc of any staff member or other stakeholder of the College	Files; Registers
Eligible Whistleblowers	
Follow reporting requirements of this document to ensure protections under the Act	Whistleblower report; Investigation notes
Maintain Confidentiality	

6 DEFINITIONS

- **Associates** means an Associate as defined in the Corporations Act, including a related body corporate, and a director or secretary of a related body corporate.
- **Detriment** – includes dismissal, disciplinary action, harassment, discrimination and disadvantage in employment, as well as discrimination or threats, physical and psychological harm, other unfavourable treatment connected with making a report.

- **Eligible Disclosable Matter** is a disclosure of information where the eligible whistleblower has reasonable grounds to suspect that the information relating to the College or a related company concern:
 - 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
- **Eligible Disclosure Recipient** means ASIC, Australian Prudential Regulation Authority (APRA), other prescribed body under the Corporations Act, a legal practitioner, the College’s auditor and staff, the Business Manager and Principal, and the College Board.
- **Eligible whistleblower** – provisions of the “Whistleblower Act” only apply to:
 - an officer or employee of the College;
 - a contractor or supplier to the College, and their employees;
 - a volunteer at the College, and associates of the College;
 - a relative or dependent of any of the above categories of persons; and
 - who, whether anonymously or not, makes, attempts to make or wishes to make a report in connection with “disclosable matters” (see below); and
 - who wishes to avail themselves of protection against reprisal for having made the report.
- **Emergency Disclosure** means the disclosure by an Eligible Whistleblower made where there are reasonable grounds to believe that there is a substantial and imminent danger to health and safety or the environment to a Member of Parliament or Journalist in accordance with the requirements of the Corporations Act.
- **Protected Disclosure** means the disclosure by an Eligible Whistleblower to an Eligible Disclosure Recipient of an Eligible Disclosure Matter or a Public Interest Disclosure or an Emergency Disclosure.
- **Public Interest Disclosure** means the disclosure by an Eligible Whistleblower made where there are reasonable grounds to believe that further disclosure is in the public interest to a Member of Parliament or Journalist in accordance with the requirements of the Corporations Act.
- **Whistleblower** – a person who reports wrongdoing by a person, group or company.

7 WHAT IS UNACCEPTABLE CONDUCT

Green Point Christian College considers any conduct unacceptable which:

- is dishonest, fraudulent or corrupt such as falsification of records, contracts or data, adopting questionable or improper accounting practices or bribery;
- is illegal, such as theft, violence (actual or threatened), harassment or intimidation, criminal damage to property or other breaches of any law or regulatory requirements in Australia or any other jurisdictions in which the College operates;
- is unethical or dishonours the name of Christ, such as unlawful discrimination, oppression, actions causing substantial damage to God's creation or acts in breach of any applicable College Code of Conduct;
- is potentially damaging to an employee or person, such as unsafe work practices or substantial wasting of College resources;
- may cause financial loss to the College or damage its reputation or be otherwise detrimental to the College's interests; or
- involves any other kind of serious malpractice or impropriety.

A personal work-related grievance as defined in the Corporations Act is not unacceptable conduct for the purposes of this policy. 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 discloser's personal circumstances;
- 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.

Concerns on matters outside the scope of unacceptable conduct as outlined above are dealt with under other policies of the College.

8 POLICY

8.1 General

- (a) The College is committed to a responsive and effective grievance management process and to addressing issues as they arise.
- (b) The College is committed to continual improvement of its services and systems and therefore values the feedback of its stakeholders.
- (c) The College seeks to promote a culture of compliance with the requirements of legislation and regulators, professional and ethical standards, and Christian witness and lifestyle, as set out in the College's policies, procedures, codes of conduct, Statement of Faith and other guidelines or practice.
- (d) The College expects all staff members, volunteers and contractors who have reasonable grounds to suspect wrong-doing or non-compliance to report such matters to their immediate supervisor or a member of the College executive through the grievance processes.
- (e) A person wanting to report unacceptable conduct should do their best to ensure that the report is:
 - a. factually accurate
 - b. completed from first-hand knowledge, and
 - c. made in good faith.

- (f) It is not the reporting person's role to investigate or prove a case of unacceptable conduct.
- (g) A report can be made anonymously.

8.2 Whistleblower Policy

- (a) The College shall maintain a Whistleblower Program to protect staff and other eligible reporters who wish to report a "disclosable matter".
- (b) The College shall not bring any detrimental action against a person who makes a report under this policy.
- (c) The College shall treat any retaliatory action or victimisation as reprisal for a report being made as serious misconduct by a staff member, which will result in disciplinary action which may lead to dismissal.
- (d) The College shall protect the identity of whistleblowers through limited access to files by authorised personnel only.
- (e) Unauthorised disclosure of information relating to a report, the identity of the reporter, or from which the identity of a reporter may be inferred, will be regarded as a serious breach which may lead to disciplinary action.
- (f) The College shall offer support to persons making, or named in, a whistleblower report.
- (g) A person who has committed or been involved in unacceptable conduct themselves, will not be immune from disciplinary action merely because they have reported the unacceptable conduct in accordance with this Plan. However, the person's conduct in making the report is likely to be considered in determining what disciplinary action is appropriate.

9 PROCEDURES

9.1 Eligible Recipients

Unacceptable conduct concerns or queries can be discussed or raised by a person to an "eligible recipient" through the following channels:

- (a) a member of the College Executive
- (b) the Business Manager
- (c) the Principal, or
- (d) the Board Chair.

Contact information for these people is available within the College's staff portal or from the College reception.

9.2 Making a Qualifying Disclosure

While an eligible whistleblower can make a disclosure directly to any eligible recipient, the College encourages them to make a disclosure in writing to the Principal, via email at principal@gpcc.nsw.edu.au

If it is not appropriate for the disclosure to be made to the Principal, the eligible whistleblower is encouraged to make the disclosure, in writing, to the Chair of the Board, via email at boardchair@gpcc.nsw.edu.au

Where a disclosure is made to an eligible recipient who is not the Principal, then subject to the confidentiality protections set out at Section 9.8, it will generally be passed on to the Principal and dealt with in accordance with Section 9.7.

If an eligible whistleblower wishes to obtain additional information about whistleblowing procedures and protections before formally making their disclosure, they can contact the Business Manager or an independent legal advisor.

9.3 Making Disclosures Externally

Disclosures may also qualify for protection if they are made to ASIC, APRA or a prescribed Commonwealth authority, or if an eligible whistleblower makes a disclosure to a legal practitioner to obtain advice about the operation of the whistleblower provisions.

Eligible whistleblowers who make a “public interest disclosure” or an “emergency disclosure” also qualify for protection.

9.4 Public Interest 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:

- 90 days has passed since the time of the first disclosure; 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
- the eligible whistleblower informs the original recipient 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.

9.5 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
- the eligible whistleblower informs the original recipient 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.

Eligible whistleblowers who make a “public interest disclosure” or an “emergency disclosure” also qualify for protection under this policy.

9.6 Personal Work-Related Grievances

Generally, disclosures that concern personal work-related grievances do not qualify for protection under this policy. 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 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 INVESTIGATING A QUALIFYING DISCLOSURE

10.1 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 below).

10.2 Unacceptable Conduct Report Investigation

How the College investigates a qualifying disclosure will depend on the nature of the disclosure.

All reports of suspected or actual unacceptable conduct referred to the Board Chair will require a senior manager or appropriately qualified person to conduct a thorough investigation of the report.

In appropriate circumstances, the Chair may decide to appoint external investigators.

Managers will only be asked to investigate a matter if they can do so in an impartial manner (eg a manager will not be asked to investigate any matter which relates to their own area of responsibility).

Where a report of suspected or actual unacceptable conduct relates to a significant matter involving the Principal, the eligible recipient shall refer the matter directly to the Board.

The person appointed to investigate the report will be required to follow normal College procedures for handling a complaint or disciplinary issue.

At the end of the investigation, the investigating person must report their findings to the Board Chair who will determine the appropriate response.

Responses to investigations will include rectifying any unacceptable conduct and taking any action required to prevent any future occurrences of the same or similar conduct.

Where allegations of unacceptable conduct made against another person cannot be substantiated, that person will be advised accordingly and will be entitled to continue in their role as if the allegations had not been made.

Where practicable, the College will keep the eligible whistleblower informed of the steps taken or to be taken (or if no action is to be taken, the reason for this), and provide appropriate updates, including about the completion of any investigation. However, the extent of the information provided, or whether it will be provided at all, will be subject to applicable confidentiality considerations, legal obligations and any other factors the College considers relevant in the particular situation.

The College may not be able to undertake an investigation, or provide information about the process etc, if it is not able to contact the eligible whistleblower; for example, if a disclosure is made anonymously and has not provided a means of contact.

Where practicable, whistleblowers will receive updates about when the investigation has begun, while the investigation is in progress and after the investigation has been finalised. The frequency and timeframe of any updates may vary depending on the nature of the disclosure. The College will also have regard to confidentiality considerations when providing updates.

Once the investigation is completed, a verbal report will be made to the person who reported the unacceptable conduct. This report will explain the findings and actions taken to the fullest extent possible within commercial, legal and confidentiality constraints. If the report made was anonymous, alternative arrangements, if possible, will be made for providing a verbal report of the outcome of the investigation to that person.

10.3 Protection of Identity

If a person makes a report of unacceptable conduct under this Plan, the College will endeavour to ensure that person's identity is protected from disclosure.

The person's identity will not be disclosed unless the:

- (a) person making the report consents to the disclosure;
- (b) disclosure is required by law;
- (c) disclosure is necessary to prevent or lessen a serious threat to a person's health or safety; or
- (d) disclosure is necessary to protect or enforce Green Point Christian College's legal rights or interests, or to defend itself against any claims.

The College will also ensure that any records relating to a report of unacceptable conduct are stored securely and are able to be accessed only by authorised employees.

The following unauthorised disclosures will be regarded as a disciplinary matter and unacceptable conduct under this Plan, and will be dealt with in accordance with the College's disciplinary procedures:

- (a) unauthorised disclosure of the identity of a person who has made a report of unacceptable conduct; or
- (b) unauthorised disclosure of information from which the identity of the reporting person could be inferred.

A person who intends to make a report under this Plan may make a request for special protection measures if their identity is likely to be readily inferred from the nature of the information in the report.

10.4 Protected Disclosures

Under the Corporations Act, the disclosure of information relating to unacceptable conduct qualifies for certain protection where the disclosure is a Protected Disclosure.

Where the Corporations Act applies and information is disclosed by a person in accordance with these criteria, the person receiving the information may not tell anyone other than ASIC, APRA or the Australian Federal Police, or a legal practitioner to obtain advice on these obligations, of any of:

- the information disclosed
- the identity of the person making the disclosure, or
- any information which will enable the identification of the person making the disclosure, unless the person consents to that disclosure.

10.5 Protection from Victimisation and Harassment

The College will not cause the reporter any detriment because they made a report of unacceptable conduct or as a result of the investigating the report.

The College will not tolerate any reprisals, discrimination, harassment, intimidation or victimisation against any person suspected of making a report of unacceptable conduct, or against that person's colleagues, employer (if a contractor) or relatives. Any such retaliatory action will be treated as serious misconduct and will be dealt with in accordance with the College's disciplinary procedures.

11 DISCLOSURE REPORTING

Reports will be prepared which contain a general summary of the number and type of incidents identified or complaints received through the College's internal reporting processes, together with a description of the nature and results of any investigation conducted as a result of a reported incident or complaint.

All summary reports will be provided to the Principal or a delegate on a regular basis as determined by the Principal and to the Board Chair.

A consolidated report will be provided to the Board annually.

12 VISIBILITY OF THE PLAN

12.1 Publicity of Plan

The College believes that the existence of its Disclosure Protection Plan must be publicised in such a way that members of the Board and wider College community are reasonably aware of its contents and obligations.

A copy of the Plan will be available with other College policies and procedures and it will be included in regular communication of College requirements.

12.2 Training

The College ensures that its procedures are familiar to all Board members, employees and contractors in the following manner:

- all new Board members and staff are trained in the existence of the Plan;
- the Plan and any updates are distributed to Board members and staff;
- an overview of the Plan is available to all contractors and their staff, and is included in site induction processes; and
- periodic ongoing training in the Plan are undertaken by the College.

13 POLICY REVIEW

From time to time, this document may be revised to:

- improve existing procedures; or
- reflect changes in any applicable legislation.

The Business Manager is responsible for ensuring that:

- this document, and any related documents, are updated when necessary to reflect changes in the law or when otherwise appropriate; and
- the current updated version of this document is given to all relevant people.

14 POLICY DISTRIBUTION METHOD

Staff are advised of all policies by email when approved by the College and noted and minuted by the College Board.

This policy will be made available on the Green Point Christian College Staff Intranet.

Related Policies and Procedures	Person Responsible
Anti-Bullying Policy	Principal
Grievance Policy	Principal
Procurement Policy	Business Manager