

Whistleblower Policy

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Rationale

The Australian whistleblower legislation has been amended by The Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019 (Cth) (the Act). The purpose of the Act is to amend the *Corporations Act 2001 (Cth)* (*Corporations Act*) to broaden the whistleblower protection regime contained in the Corporation Act.

This Policy defines Wenona's ("the School") Board of Governors ("the Board") direction to promote an ethical culture to encourage and protect whistleblowers to speak up. This Policy complements other School Policies and documentation as identified in Section 1.2 below.

1. Introduction

1.1 Purpose and scope

This Policy applies to 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 the Board and School employees on the School intranet (Portal).

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 School's Grievance Procedures.

Disclosures about reportable conduct will be addressed in accordance with the School's *Child Protection and Mandatory Reporting Policy* (#301).

Disclosures regarding a grievance between staff members about work matters, including work relationships and a decision/s made by other staff members which impact on their work, may be addressed in accordance with the School's *Grievance Procedures for Staff* (#112).

Unlawful discrimination, harassment or bullying complaints may be addressed in accordance with the School's *Discrimination, Harassment and Bullying Statement* (#115).

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**.



systemic practices that pose a serious risk to the health and safety of any person on

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?

5.5 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

The School 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 School will also have regard to confidentiality considerations when providing updates.

6.3 Fair treatment of employees mentioned in disclosures

The School will take steps to ensure the fair treatment of employees who are mentioned in a disclosure that qualifies for protection.

- Disclosures will be handled confidentially, when it is practical and appropriate in the circumstances;

- When an investigation needs to be undertaken, the process will be objective and fair;

- Employees about whom disclosures are made will generally be given an opportunity to respond to the relevant allegations made in the qualifying disclosure.

The School's employee assistance program services (AccessEAP) will be available to employees affected by the disclosure, should they require that support.

The School will document the steps of the investigation and the findings from the investigation y to respond to

8. Whistleblower protections and support

Confidentiality

Eligible whistleblowers 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 7 above. The School will protect an eligible whistleblower's identity by appropriately redacting documents and referring to the whistleblower in gender-neutral terms. It will also secure all documents and communicate them in a way that will maintain confidentiality.

Immunity

Eligible whistleblowers 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.

Whistleblowers who make some types of qualifying disclosures (generally external to the School) 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 whistleblower being subject to criminal, civil or other liability for conduct that is revealed by the whistleblower, only that the information the person has disclosed is not admissible in certain proceedings against them.

Detriment

Eligible whistleblowers 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,



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