



## Whistleblower Policy

### 1. Purpose

This Policy aims to:

- encourage workers to report an issue if they genuinely believe someone has engaged in serious wrong doing;
- outline how Rossbourne will deal with all reports of serious wrong doing; and
- set out the avenues available to workers to report serious wrong doing to Rossbourne.

Whilst it is generally expected that these issues will be raised through the normal channels of line management, reporting by these avenues may be appropriate or necessary in certain situations.

### 2. Scope

Rossbourne School as a Public Company is committed to compliance of the [Treasury Laws Amendment \(Enhancing Whistleblower Protections\) Bill 2018](#) which passed through the Senate and the House of Representatives, February 2019.

The reforms aim to help protect those who "blow the whistle" or make disclosures about corporate, financial or tax misconduct. The reform protects whistleblowers and promote open, transparent and accountable practices within the public and private sectors.

### 3. Overview

This Policy applies to:

- employees;
- directors & members;
- officers;
- contractors (including employees of contractors)
- suppliers; and
- consultants

### 4. Matters that should be reported

Any matter that a person (see item 3) genuinely believes is in breach of Rossbourne's policies or the law should be reported in accordance with this Policy. Issues related to human resources and industrial relations are managed under separate mechanisms and policies and are excluded from this Policy.

Reportable matters include any conduct that involves:

- dishonest behaviour;
- fraudulent activity;
- unlawful, corrupt or irregular use of company funds or practices;
- illegal activities (including theft, dealing in or use of illicit drugs, violence or threatened violence and criminal damage against property);

- unethical behaviour, including anything that would breach the Rossbourne's Code of Conduct;
- improper or misleading accounting or financial reporting practices;
- a breach of any legislation relating to Rossbourne's operations or activities;
- behaviour that is oppressive, discriminatory or grossly negligent;
- an unsafe work-practice;
- any behaviour that poses a serious risk to the health and safety of any person at the school;
- a serious risk to public health, public safety or the environment ;or
- any other conduct which may cause loss to Rossbourne or be otherwise detrimental to the interests of Rossbourne.

## **5. Responsible**

All teaching and non-teaching staff including contractors and volunteers are accountable to this policy.

Rossbourne will not tolerate conduct that should be reported under this Policy. It is therefore expected that any responsible person who becomes aware of such conduct will make a report.

## **6. Protection of Whistleblowers**

A worker making a report in good faith in accordance with this Policy ("Whistleblower") will not be discriminated against or disadvantaged in their employment or engagement with Rossbourne, even if the report is subsequently determined to be incorrect or not substantiated. All reasonable steps will be taken to ensure that a Whistleblower will not be subject to any form of victimisation, discrimination, harassment, demotion, dismissal or prejudice, because they have made a report.

However, this Policy will not protect the Whistleblower if they are also involved in or connected to the improper conduct or illegal activities that are being reported.

### **Anonymous Reporting**

A report can be made anonymously. However, it may be difficult for Rossbourne to properly investigate anonymous reports. If authorities take further legal action on the reported matter, it may become necessary for a Whistleblower to identify themselves. If the Whistleblower wishes to benefit from statutory protections provided to whistleblowers (for example, under the Corporations Act 2001), they may also have to disclose their name.

### **Reporting in Good Faith**

A report may have serious consequences, including potential damage to the career prospects and reputation of people who are the subject of allegations of wrongdoing. Therefore, it is very important that those who make a report under this Policy do so in good faith, with reasonable grounds for believing that the information is correct or likely to be correct. Rossbourne takes very seriously all reports made under this Policy and it looks particularly unfavourably on any false reports or claims. Disciplinary action may be taken against any employee who makes a report that is not in good faith. A report will not be considered to be made in good faith if it is frivolous, raised for a malicious reason or ulterior motive, or if it is not based on facts and/or circumstances that provide a reasonable basis for the report. Repeated reports about trivial matters may also be considered not to be made in good faith.

## **7. Making a report**

### **Internal Reporting**

Employees may wish to first discuss the matter informally with their direct line manager in order to determine whether serious misconduct has occurred. This is an opportunity to clarify the incident, ask questions and determine whether the matter comes under this Policy. At all times, these discussions will remain confidential. Where this is not appropriate, or where the person making a report does not feel comfortable making an internal report via a line manager, the report can be made:

- a) Staff may wish to deal with the complaint/grievance personally(person/person):  
In this situation, the person may wish to speak directly to the person(s) relating to the matter. The person should keep a record of the matter.  
Where a person prefers to deal with the person personally, there is no obligation to report the matter to the Principal / Executive staff member / Business Manager. However, the person may choose to discuss the matter with the Principal / Executive staff member / Business Manager who can provide support and advice on possible strategies to achieve resolution, or can then assist if no resolution is achieved.
  - b) Staff notifies the matter to either the Principal / Executive staff member / Business Manager in writing.
  - c) Each complainant has the opportunity to present their case to the Principal or Executive staff member or Business Manager and may be accompanied by a support person.
- Rossbourne’s formal complaints process will commence within 10 working days of the lodgement of the complaint with the Principal or Executive staff member or Business Manager.
  - Once a decision regarding the complaint has been decided, the staff member will be informed in writing of the outcome and the reasons for the outcome.
  - If the complaints procedure finds in favour of the staff member, Rossbourne will immediately implement the decision and any corrective action required.
  - If the complaints procedure does not find in favour of the staff member or the staff member is dissatisfied with the result of the complaints procedure, Rossbourne will advise of the external complaints and appeals process available to them at minimal or no cost.
  - Rossbourne undertakes to finalise all grievance procedures within 10 working days where practical

### **External Reporting**

A Whistleblower may make a report to:

<https://asic.gov.au/about-asic/asic-investigations-and-enforcement/whistleblowing/guidance-for-whistleblowers/>

<https://www.fairwork.gov.au/how-we-will-help/how-we-help-you/help-us-keep-workplaces-fair>

### **Reports concerning the Principal/Business Manager/Chairperson**

If the report involves the Principal / Business Manager / Chairperson of Rossbourne School this will be directed to the Deputy Principal or non-implicated executive. In this instance, a Whistleblower may make a report as per Section 7 ‘Making a Report’ and include the instruction to refer the report directly to the Deputy Principal or non-implicated executive.

## **8. Investigating a report**

Where a report is made in good faith about a matter that comes under this Policy, Rossbourne will investigate the report. Where it is considered appropriate and deemed necessary, an external investigator may conduct an investigation, either in conjunction with the executives of Rossbourne or independently. Where it is deemed necessary, Rossbourne may also use an external expert to assist with an investigation. All investigations will be conducted in a fair and independent manner and all reasonable efforts will be made to preserve confidentiality of an investigation. To avoid jeopardizing an investigation, a worker who has made a report under this Policy is required to keep confidential the fact that a report has been made (subject to any legal requirements).

## **9. Investigation Feedback**

Wherever possible, and assuming that the identity of the person making the report is known, the Whistle blower will be kept informed of the progress and outcomes of the investigation, subject to privacy and confidentiality considerations.

## **10. General**

Any breach of this Policy will be taken seriously and may result in counselling and/or disciplinary action, up to and including summary dismissal.

It is a condition of any employment or engagement by Rossbourne that all Workers must comply at all times with this Policy. However, this Policy does not form part of any agreement between any person, nor does it constitute terms and conditions of any person's employment or engagement.

## **11. On going review**

This policy is to be reviewed after twelve months from original Council ratification, followed by every two (2) years from the initial review.

Further reference:

- Rossbourne Complaints and Grievances Policy

This policy was last ratified by the Rossbourne School Council, 21 August 2019

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