

Whistleblower Policy

1. Purpose

Ruyton Girls' School (Ruyton) is committed to ensuring a robust culture of openness and feedback in which concerns and complaints are addressed appropriately and are handled respectfully and fairly. This Policy sets out the principles, guidelines and procedures governing the School's approach to the protection of whistleblowers and the management of the related disclosures. The Policy aims to assist the School with identifying wrongdoing that may not be uncovered unless there is a safe and secure means of disclosure.

2. Scope

This Whistleblower Policy covers the disclosure of information by an individual ('discloser') to an 'eligible recipient' when the discloser has 'reasonable grounds to suspect that the information concerns misconduct, or an improper state of affairs or circumstances'¹ in relation to the operation of the School. Disclosures may not involve unlawful conduct but may indicate a systemic issue that the relevant regulator should know about.

This Policy does not apply to:

- concerns that staff may have in relation to their employment that are covered by the Staff Grievances and Dispute Resolution Policy; or
- concerns that parents or students may have in relation to the operation of the School covered in the Concerns and Complaints policy.

Concerns that arise in relation to the Child Safe Standards may be included under the terms of this Policy but should be raised under the terms of the School's Child Safety Policy in the first instance.

3. Responsibilities

	Responsibility
Ruyton Board	<ul style="list-style-type: none"> • determining this Policy and reviewing it on a biennial basis; • responding to an eligible disclosure when called upon to do so; • appointing a member of the Ruyton Board to oversee and manage a 'whistleblowing event' if and when that happens; • monitoring the number, nature and outcome of whistleblowing events, bearing in mind the need for strict confidentiality.
Principal	<ul style="list-style-type: none"> • overseeing a school culture in which concerns and complaints are addressed appropriately and are handled respectfully and fairly; • determining the whistleblowing procedures and ensuring they are up-to-date; • ensuring that eligible recipients are aware of their roles and responsibilities; • ensuring the Whistleblower Policy is communicated to staff, contractors and the wider School community via the website; • setting up an appropriate process to manage and investigate a disclosure brought under this Policy;

¹ The Treasury Laws Amendment (Enhancing Whistleblowers Protections) Act 2019 (the *Whistleblower Act*), Section 1317AA (4).

	<ul style="list-style-type: none"> retaining a confidential register of protected disclosures (listing the date, subject and resolution) for reporting to the Ruyton Board on an annual basis and to be available to the authorities if required; providing training for all staff including specifically eligible recipients; retaining a record of the training.
Eligible recipients	<ul style="list-style-type: none"> understanding their role as an eligible recipient; participating in relevant training; knowing and understanding the School's whistleblower policies and procedures; being ready to receive and respond to a disclosure if and when that happens.
Staff	<ul style="list-style-type: none"> participating in relevant training; knowing and understanding the school's whistleblower policies and procedures.

4. Key elements of the policy

4.1. Eligible Whistleblowers

A person making a whistleblower disclosure will be eligible for protection under the Whistleblower Act if they meet the definition of an eligible whistleblower. An eligible whistleblower includes someone who is or has been:

- a current or former Ruyton Board member;
- a current or former employee of the School;
- an individual who currently supplies or has previously supplied goods or services to the School (whether paid or unpaid), this includes contractors, suppliers and volunteers and any employees of those who supply goods or services;
- a relative or dependant of any of the above.

The definition of an eligible whistleblower does not extend to parents or students. Concerns and allegations of misconduct or improper behaviour raised by parents or students should be dealt with using the School's Concerns and Complaints Policy.

4.2. Eligible Disclosures

The following three conditions must be met in order for a disclosure to qualify as a protected disclosure:

- the whistleblower must have reasonable grounds to suspect misconduct or an improper state of affairs relating to the School:
 - the whistleblower will have reasonable grounds if his or her suspicion is founded on facts and information available to the whistleblower and is a suspicion that other people in a similar position might reasonably draw. The whistleblower does not need to prove their suspicions.
 - if the whistleblower's disclosure is not based on reasonable grounds, the disclosure is unfounded (e.g. could be conjecture or malicious) and does not qualify for protection under the legislation.
 - deliberately false disclosures in which the whistleblower seeks to report information that they know to be untrue will not qualify as a protected disclosure.
- the subject of a protected disclosure must concern the School and its operation and could include:
 - misconduct;
 - dishonest activity;
 - illegal activity, such as theft, dealing in or use of illicit drugs, violence or threatened violence, and criminal damage against property;

- behaviour that is a danger to the public or the natural environment;
- behaviour that is contrary to the Child Safe Standards;
- behaviour that is a danger to the financial system, such as corruption, offering or accepting a bribe, fraud or money laundering;
- improper accounting or financial reporting practices;
- engaging in or threatening to engage in detrimental conduct against a person who has made a disclosure or who is planning to make a disclosure.

3) the disclosure must be made to an eligible recipient.

If the disclosure does not satisfy all three conditions the disclosure will not qualify for protection under the Whistleblowers Act.

Disclosures made by staff members that relate solely to personal work-related grievances, and that do not relate to detriment or threat of detriment to the discloser, are not protected and should be dealt with using the School's Staff Grievances and Dispute Resolution Policy. A personal work-related grievance may qualify for protection if the disclosure also includes information about misconduct or a breach of employment or other laws punishable by imprisonment for a period of 12 months or more; or threatens detriment to the discloser. It is recommended that staff seek legal advice about their whistleblower rights and protections related to personal work-related grievances.

Public interest and emergency disclosures can be made to a journalist or parliamentarian under certain circumstances and qualify for protection. There are strict criteria regarding the circumstances under which protection is available and it is recommended that legal advice be sought (see [ASIC guide](#)).

4.3. Eligible Recipients

In order to qualify for protection, the disclosure must be made to an eligible recipient. At Ruyton, eligible recipients include:

- the President or Deputy President of the Board;
- the Chair of the Governance Committee;
- the Principal or Director Business, Finance and Facilities;
- the School's auditor;
- the School's nominated whistleblower protection officer/service, [Stopline](#), designated by the Ruyton Board to receive disclosures.

The School's whistleblower protection officer/service can be consulted before formally making a disclosure if required.

Whistleblowers are encouraged to make a disclosure to one of the School's eligible recipients in the first instance. An eligible disclosure can be made directly to a regulatory body, or other external party, about a disclosable matter and qualify for protection without making prior disclosure to the School.

A disclosure may qualify for protection if it is made directly to ASIC or where an eligible whistleblower seeks legal advice about an issue, in which case the legal practitioner could become an eligible recipient.

4.4. Whistleblower Protections

A whistleblower making an eligible disclosure is protected under the terms of the legislation.

The key whistleblower protections are:

- the identity of the whistleblower (and information that could identify the whistleblower) will remain confidential unless the whistleblower consents to their identity being disclosed;

- the whistleblower is protected from criminal, civil and administrative liability in relation to their disclosure;
- the whistleblower will not be subject to disciplinary action (for example, an official warning, termination of contract, change of contract to the detriment of the whistleblower) in response to a whistleblowing action;
- the whistleblower will be protected from retaliation, harassment, victimisation or the threat of such behaviour (for example, discrimination in how the whistleblower is treated by the school, reputational damage);
- the protections offered to the whistleblower extend to the threat of the above detriments.
- the whistleblower will be provided with support.

A discloser can still qualify for protection even if their disclosure turns out to be incorrect.

4.5. Support for potential whistleblowers

The School will provide support for potential whistleblowers in the following ways:

- eligible recipients are also charged with providing support for the whistleblower;
- the whistleblower may seek support from the School's employee assistance program (EAP);

The School recognises that in some situations, the effect of an eligible disclosure may impact on employees other than the whistleblower. The support provided by the School to the whistleblower extends to them as well.

4.6. Making a Disclosure

A whistleblower can make a disclosure anonymously and/or outside business hours.

Eligible (or protected) disclosures qualify for protection under the Whistleblower Act. Disclosures can qualify for protection even if the disclosure turns out to be incorrect.

The process for making a protected disclosure is outlined in [Appendix A](#).

4.7. Receiving a Disclosure

Guidance for eligible recipients when receiving a protected disclosure is contained in [Appendix B](#).

4.8. Investigating a Disclosure

The School will investigate all eligible disclosures as soon as is practicable. The nature and timing of the investigation will depend on the concern or allegation that has been made.

The School will appoint an independent investigator or an investigation team, which may be internal or external to the School depending on the nature of the allegation.

The investigator will undertake some or all of the following tasks:

- seek further information and evidence from the whistleblower either in writing or in person;
- seek information and evidence from other sources as appropriate, e.g. interviews, reviewing documentation, etc;
- seek advice from external professionals;
- refer the matter to regulators or other authorities if necessary;
- draft a report to summarise their findings;
- make recommendations for action.

The School will ensure the fair treatment of any staff who are mentioned in a disclosure that qualifies for protection, including those who are the subject of a disclosure. This will include ensuring that the staff member is informed about the disclosure and any investigation as and when required by the principles of natural justice and procedural fairness.

The investigation report and recommendations will be tabled for the Principal and the Ruyton Board unless they are the subject of the allegations. The investigator will make recommendations to the Ruyton Board as to whether and how the findings should be communicated back to the whistleblower, to the School community, and/or to the authorities.

The investigator will also make recommendations to the Ruyton Board as to the archiving of the report, bearing in mind the need for strict confidentiality.

If the disclosure is made to regulators or other authorities, their investigation process will normally take precedence of that of the School.

5. Communication

The School will ensure that the Whistleblower Policy is communicated to all Ruyton Board members, staff, contractors and the wider School community via such publications as initial employment information, the School's Intranet and via the website.

6. References

- ASIC Regulatory Guide 270 – Whistleblower policies (November 2019)

7. Related Policies

- Ethical Code of Conduct
- Privacy Policy
- Concerns and Complaints Policy
- Staff Grievances and Dispute Resolution Policy
- Child Protection and Safety Policy
- Child Safety Code of Conduct
- Reportable Conduct of Staff, Volunteers and Others
- Mandatory Reporting Policy

Whistleblower Policy

How to Make a Protected Disclosure

1. If possible, and as a first step, you should seek to raise your concern informally or through the Concerns and Complaints Policy with the Principal or the President of the Ruyton Board. This could be done verbally or in writing.
2. If you don't feel this is possible or if you are concerned about how the issue will be handled, you may find it helpful to seek advice from someone you trust. You could, for example, speak to a member of the School's Executive Team or a Ruyton Board member or seek legal advice from a legal practitioner external to the School.
3. Once you have decided that you wish to make a protected disclosure under the terms of the Whistleblower Policy, you are able to do so to any eligible recipient defined in this policy. You are encouraged, however, to make the disclosure to our whistleblower service, Stopline via one of the methods below:

Telephone:	1300 30 45 50 (in Australia)
Facsimile:	Ruyton Girls' School, C/o Stopline +61 3 9882 4480
Email:	ruyton@stopline.com.au
On-line:	https://ruyton.stoplinereport.com
Mail:	Ruyton Girls' School, c/o Stopline, Locked Bag 8, Hawthorn, Vic 3122
APP	Smart phone APP (free download from the Apple iTunes store and Google Play)

4. If you sought advice from a legal practitioner, you could make the disclosure to that person.
5. If you make a disclosure using an email address from which your identity can't be determined, the disclosure will be treated as anonymous.
6. To help the recipient decide whether the disclosure is eligible for protection under the terms of this policy, you should set out your concern(s) in writing stating the information and facts on which you have based your concern.
7. You should only disclose the names and contact details of other people connected to the disclosure to the extent that it is necessary for the recipient to understand the concern you are raising.
8. When the eligible recipient receives your disclosure, the first thing they will do is to decide or seek advice as to whether the disclosure qualifies as a protected disclosure and so is to be managed under the terms of the Whistleblower Policy.
9. The eligible recipient will let you know the outcome of this decision. If you have lodged the disclosure using the designated confidential email address, the recipient will be able to reply to you even if you have made an anonymous disclosure.
10. The advantage of using the designated confidential email address is that the recipient will be able to continue to communicate with you in this way even if you have made an anonymous disclosure.
11. By law, the School is required to keep your name and details, and the details of any other person who may be connected to the disclosure confidential unless you give permission for your confidentiality to be waived.

Further information:

ASIC has an information sheet for whistleblowers (INFO 238) <https://asic.gov.au/about-asic/asic-investigations-and-enforcement/whistleblowing/whistleblower-rights-and-protections/>

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Receiving a Protected Disclosure

1. The recipient will be listed as an eligible recipient as per the Whistleblower Policy and will have participated in training in relation to this function.
2. When the eligible recipient receives the disclosure, the first thing he or she must do is to form an opinion or take advice as to whether the disclosure qualifies as a protected disclosure and so is to be managed under the terms of the Whistleblower Policy.
3. The recipient should stay neutral. They do not need to take a position as to whether the suspicion or allegation is true or not; all they need to make a judgment on is as to whether they have 'reasonable grounds to suspect that the information concerns misconduct, or an improper state of affairs or circumstances in relation to the regulated entity'.
4. This may well be a complex decision and could well be made more complicated by the need for strict confidentiality. It is, therefore, wise for the recipient to seek legal advice. To this end, the School will provide all eligible recipients, and specifically the person whom the Ruyton Board has designated to receive disclosures, with an avenue for direct contact with the School's appropriate legal advisers or an equivalent.
5. The recipient will ensure that the whistleblower is advised of the outcome of this decision. If the disclosure was lodged using the designated confidential email address, the recipient will be able to reply to the Whistleblower even if they have made an anonymous disclosure.
6. The use of the designated confidential email address will enable the recipient to continue to communicate with the Whistleblower in this way even if they have made an anonymous disclosure.
7. By law, the recipient is required to keep the Whistleblowers details and the details of any other person who may be connected to the disclosure confidential unless those concerned give permission for their confidentiality to be waived.
8. Having established whether or not the disclosure is a protected disclosure under the terms of this policy, the recipient will then, with the Whistleblowers permission, take steps to refer the matter to someone who is in a position to investigate or to oversee an investigation into the information. That may involve the recipient taking the following steps:
 - a. seeking further legal advice;
 - b. communicating with the Whistleblower in order to gather further information about the allegation.

In seeking additional information, the recipient should make it clear to the Whistleblower that information that is given:

- should continue to protect their own identity and that of anyone else potentially implicated in the matter
- should only be as much information as is necessary to guide the setting up of an investigation.

If the disclosure has been made anonymously, this communication will only be possible if the disclosure has been made using the designated confidential email address.

- c. The recipient referring the matter to the Principal or the President of the Ruyton Board or another appropriate person for investigation, taking care to protect confidentiality and to ensure the referral is to someone who isn't directly or indirectly involved in the allegation of misconduct or improper activity.
9. Once the matter has been referred to an appropriate person, the recipient would normally not take any further part in the matter.