



Oakleigh Grammar

Policy Document Name	Whistleblower Policy
Date Ratified by Board of Management	November 2019
Date for Review	November 2022

1. Purpose

The purpose of the Whistleblower Policy is to allow Oakleigh Grammar staff, parents, students, volunteers and members of the School community to report serious concerns about school operations through appropriate and confidential channels without risk of retaliation, victimisation or harassment in any form. The policy is to ensure that all School operations are conducted ethically and with integrity.

2. Rationale

Oakleigh Grammar is committed to achieving its business objectives while minimising the impact of significant risks that Oakleigh Grammar can meaningfully and realistically control; protecting and enhancing its reputation, and behaving as a responsible and ethical corporate citizen. As such, the School recognises the value of 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 that which involves substantial risk to public health and safety or the environment. It is policy at Oakleigh Grammar that all staff, students, volunteers, parents and members of the school community shall be free to report concerns without fear of retaliation. They may wish to report activity occurring in school operations that they believe in good faith to be illegal, dishonest, unethical, fraudulent, or not in compliance with school policy.

3. Definitions

Whistleblowing is defined as the deliberate, voluntary disclosure of an actual, suspected or anticipated misconduct by an organisation or individual within that organisation.

Whistleblowing is the means by which a person can raise concerns about such misconduct, and is able to do so without fear of victimisation and with confidence that their concerns will be taken seriously and dealt with properly.

A **whistleblower** is defined as a past or present employee, volunteer, parent, student, member of the school community or the public who discloses misconduct taking place within the School.

Misconduct is conduct or practice within the School that is potentially illegal, corrupt, improper, dishonest, unsafe, and unethical or which amounts to significant mismanagement. Misconduct covered by the policy includes any conduct that:

- Is dishonest, fraudulent or corrupt;
- Is illegal, such as theft, drug sale or use, violence, harassment, criminal damage to property or other breaches of state or federal legislation
- Is unethical, such as dishonestly altering company records or engaging in questionable accounting practices or wilfully breaching Oakleigh Grammar Policies;
- Is potentially damaging to Oakleigh Grammar, such as unsafe work practices or substantial wasting of resources;
- May cause non-financial or financial loss to the School or damage Oakleigh Grammar's reputation or interests; or
- Involves any other kind of serious impropriety

4. Relationship with the Complaints Management or Harassment, Discrimination & Grievances Policies

This policy is designed to complement normal communication channels between students, parents, teachers, other employees, volunteers and the Executive. It should be read together with the other related policies, which are designed to deal with concerns and/or complaints about conduct which do not rise to the level of illegality, dishonesty, fraud or other serious misconduct.

To assist with determining which School policy is best suited to support your concern, refer to the following Terms of Reference in the first instance.

Complaints Management or Grievances Policy - Refer to this policy if you have a concern or complaint about conduct which does not rise to the level of illegality, dishonesty, fraud or other serious misconduct within the School.

Whistleblower Policy - Refer to this policy if you have a significant concern around business operations of the School, a breach of legislative responsibility, serious misconduct or unlawful activity.

5. Reports or Disclosures about Child Safe Policy

This policy should also be read in conjunction with the Child Safe and Mandatory Reporting Policies, which set out the specific requirements and processes for dealing with concerns relating to child protection, including as required by relevant legislation. Disclosures or complaints that fall within the scope of the Child Safe and Mandatory Reporting Policies must be dealt with in accordance with those policies.

6. Reporting Process

A person who has knowledge of or information about misconduct in school operations should report the misconduct in writing to a member of the Executive or the Principal.

If a serious allegation of misconduct relates to a member of the Executive, a written complaint should be made to the Principal, who will raise the matter with the Chair of the Board.

If a serious allegation of misconduct relates to the Principal, a written complaint should be made to the Chair of the Board, whose contact details are available by contacting the EA to the Principal.

If the reporting person desires anonymity, the report should be in writing and delivered via regular mail.

A whistleblower reporting misconduct in school operations should not attempt to investigate the matter independently, as doing so may compromise the integrity of an official investigation and adversely impact both the whistleblower, the School and the situation in focus.

A member of the Executive Team, Principal or Chair of the Board (as appropriate) will promptly and discreetly investigate any report of misconduct in school operations, with the assistance of other school officials, as appropriate. An investigator, other than one of the previously mentioned, may be appointed.

All reports of reportable conduct will be subject to a thorough investigation. The person against whom the allegations are made will be informed accordingly. The investigation will be conducted in an objective and fair manner, and otherwise as is reasonable and appropriate having regard to the nature of the reportable conduct and the circumstances. All reports and investigation procedures will be dealt with promptly.

7. Anonymous Allegation

A person seeking to make a disclosure or allegation of misconduct under this Policy should put their name to allegations whenever possible, as anonymous concerns are far less powerful. While anonymity is the right of any whistleblower, maintaining anonymity restricts the School's ability to fully understand, explore, manage and resolve the situation. Nonetheless, anonymous allegations will be considered under this policy.

In relation to determining whether an anonymous allegation will be taken forward, the School will take the following factors into account:

- The seriousness of the issue raised
- The credibility of the concern
- The likelihood of confirming the allegation from attributable sources, and obtaining information required

8. Confidentiality

The School recognises that a person may want to raise concerns in confidence and will do its utmost to protect the identity of a person who raises a concern and who does not want their name to be disclosed. Reports of misconduct pursuant to this policy will be treated confidentially to the greatest extent possible and will be promptly investigated.

However, it should be noted that investigation into the concern could reveal the source of the information. Further, it is feasible that statements may be required from the whistleblower as part of the investigation process and that this may be seen by all parties involved in the investigation. If the disclosure leads to prosecution, then the whistleblower may be called to give evidence in court.

9. Timescale for Initial Response

The investigator who is looking into allegations will aim to provide a response to the whistleblower within five working days, where appropriate and possible.

The response will aim to:

- Acknowledge that the concern has been received;
- Indicate how the School proposes to deal with the matter;
- Give an estimate of how long it will take to provide a final response;
- Advise whether any initial enquiries have been made;
- Advise whether further enquiries will take place;
- Inform the whistleblower of support available to them whilst matters are looked into.

The Investigator may also determine that the concern may best be dealt with according to the Complaints Policy or the Child Safe and Mandatory Reporting Policies. This will be indicated where and when appropriate, according to the aims and processes of those policies.

The whistleblower will be kept informed of the progress and outcome of the investigation, subject to privacy considerations of individuals involved in the investigation.

10. Ongoing Process

The investigator will report the results of their investigation and any recommendations for appropriate corrective and/or disciplinary action to the Principal and Chair of the Board. The report will provide a summary of the facts of the suspected reportable conduct and of the investigation. It will also provide recommendations about whether an accusation is substantiated or unsubstantiated, whether the matter should be referred to the police, other disciplinary actions that may be required and if warranted, suggested actions to recover stolen funds or property, and internal control implications.

The Chair of the Board will consult with other Board members, the Principal and members of the Executive Team (as appropriate) to decide on the action to be taken and before taking action. Where relevant, the concern may be reported immediately to the appropriate law enforcement or professional agency. Additional penalties, processes and/or reporting obligations may also apply under federal, state and local laws.

Following the Chair of the Board's decision, the whistleblower will be notified of the final outcome of the School's investigation in a timely manner; the actions and outcome may be shared at this time.

Alternative Options to Disclose Information

If the Chair of the Board is the subject of a report of misconduct in school operations, the Board will be advised of the situation and will appoint another Board member to substitute for the Chair of the Board in their investigative or decision making role. If the Principal or the Business Manager is the subject of a report, then the Chair of the Board (or delegate) will conduct the investigation and decision-making process, safeguarding against reprisal, harassment and victimisation.

11. Safeguards

Whistleblowers can rely on the protection afforded by this policy. If a Whistleblower has any concerns regarding victimisation, discrimination or any other unfavourable treatment as a

result of a report made under this Policy, they should immediately contact the Principal.

The School will not tolerate harassment or victimisation of a whistleblower raising concerns in accordance with this policy. Any employees, volunteers, parents or students who victimise or harass any person as a result of their having raised a concern in accordance with the Whistleblower Policy may be dealt with under Oakleigh Grammar's Codes of Conduct, disciplinary procedures etc.

12. Untrue and Malicious/Vexatious Allegations

If a whistleblower makes an allegation in good faith and with reasonable belief but it is not confirmed by subsequent investigations, the matter will be closed and no further action taken and will not result in disciplinary actions. If, however, the inquiry shows that untrue allegations were malicious and/or vexatious or made for personal gain then the School will consider taking appropriate disciplinary and/or civil action.

Oakleigh Grammar may take disciplinary action, that may include dismissal where:

- A staff member/whistleblower breaches this policy in making an allegation in bad faith;
- A staff member breaches this policy by victimising a person who made, or may have made a whistleblower report.