

Whistleblower Policy and Procedure

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| Relevant Legislation / Related information | <ul style="list-style-type: none"> • Registered and Accredited Individual Non-government Schools (NSW) Manual – B8.1 • Public Interest Disclosures Act 1994 (NSW) • Public Interest Disclosure Act 2013 (Cth) | |
| Related documents (Including but not limited to) | <ul style="list-style-type: none"> • Staff Code of Conduct • Investigations Policy • Complaints Policy and Procedure – Workplace • Complaints Policy and Procedure - Community • Unreasonable Complainant Conduct Policy • Child Protection Policies | |
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Commitment

This document outlines St Peter's Anglican College's (St Peter's) (the College) commitment to ethical practices that align with the College's mission and values.

This policy outlines the process for personnel to raise concerns about practices that are not aligned to this commitment.

Purpose

The **Whistleblower policy and procedure** is intended to:

- Encourage personnel and others to make good faith reports of suspected fraud, corruption, or other improper governance activity, or health and safety concerns within the School
- Help deter potential misconduct
- Ensure individuals can safely and confidently disclose potential misconduct
- Ensure disclosures are dealt with appropriately and in a timely manner
- Provide transparency around receiving, handling and investigating disclosures
- Meet St Peter's legal and regulatory obligations

Disciplinary action, up to and including termination of employment or engagement, may be imposed on anyone shown to have caused detriment to a person because they want to, or have, made a report of potential misconduct.

Scope

This policy is College wide and applies to all current and former employees, officers, associates and contractors, as well as their spouses, dependents, and other relatives. The policy also allows for anonymous disclosures.

Disclosures that relate solely to personal work-related complaints/grievances, and do not relate to detriment or threat of detriment to the person making a disclosure, are not covered by this Policy. *See Complaints policy and procedure – Workplace.*

Definitions

Personnel - employees, volunteers and contractor

Potential misconduct – Defined as any action/behaviour or the concealment of actions or behaviour incorporating:

- Abuse of students or personnel
- Issues of waste or maladministration
- Illegal activity
- Any behaviour that is in conflict with the School's values or codes of conduct.

Protected disclosure – is a disclosure relating to *potential misconduct* made by personnel that entitles the person who made the disclosure to support and protection from reprisals. In order for a disclosure to qualify as a *Protected disclosure* it must be made in good faith and relate to *potential misconduct* (as defined above)

Report – a written submission providing initial evidence that potential misconduct has occurred

Victimisation – includes any unfavourable treatment of personnel who have been involved in a *Whistleblower report*. Unfavourable treatment may include adverse changes in the working environment, denial of training or promotion, making

negative, unfounded or belittling comments, inappropriate disciplinary action or exclusion by peers.

Whistleblower - someone who reports *potential misconduct* to an authority that has the power or perceived willingness to take corrective action.

Policy

St Peter's Anglican College is committed to practices which support its mission and values and the Anglican Diocese of Canberra and Goulburn. It is also committed to practices that provide good stewardship. All personnel are expected to act in accordance with this commitment and with regard to the Staff Code of Conduct and other College policies. Where personnel experience practices that are not in line with this position and they have no other recourse (as identified in the *Complaints policy and procedure - Workplace*), this policy provides a protected reporting path.

Personnel who witness, are subject to, or become aware of actions or behaviour that can be defined as *potential misconduct* will be provided with an avenue of protected disclosure.

Personnel who make a report in good faith will be protected from victimisation. St Peter's encourages personnel to make such reports so that proper investigations may be undertaken.

This policy provides an avenue of redress for personnel who have made a *Whistleblower report* and believe they have experienced victimisation as a result of their disclosure.

The College encourages eligible whistleblowers to provide their name and as much information as possible, when making a report as it will assist the investigation and address concerns raised.

Anonymous reports are permitted under this policy and are protected by legislation. Should the allegations involve the Principal and/or the Board Chair, the relevant Director from Anglican Diocesan Services (ADS) should be contacted.

The whistleblower/s are to be informed about the outcome of their report and the result of any investigation undertaken.

Responsibilities

St Peter's Board

- policy owner and approval biennially

Principal

- ensure the document is reviewed with consultation
- implement the policy and procedure
- receiving Whistleblower reports and determining the most appropriate course of action.
- treating all complaints seriously and taking immediate action to document, investigate and resolve the matter

Line managers

- monitoring the work environment to ensure that acceptable standards of conduct are observed

- identify and manage issues with appropriate support and guidance
- treating all complaints seriously and taking immediate action to investigate and resolve the matter

All personnel

- treat everyone with respect and courtesy
- identifying topics, gaps and areas where policy, procedure and instruction are required
- their own health and safety
- complying with this policy and reporting any practices that are inconsistent with School policies, values or mission
- maintaining complete confidentiality if they provide information during the investigation of a complaint
- cooperate fully with any investigation to resolve the complaint promptly

Procedure

Identifying and reporting potential misconduct

The College encourages individuals to report potential misconduct and to provide as much detail as possible, including the nature of the misconduct, people involved, dates, locations, and any supporting evidence.

When reporting, you are expected to have reasonable grounds to believe the information disclosed is true and based on first-hand knowledge. Reports known to be false or misleading must not be made.

Examples of potential misconduct include but are not limited to:

- failure to comply with, or breach of legal or regulatory requirements;
- engaging in or threatening to engage in detrimental conduct against a person who has made a disclosure, or is believed or suspected to have made, or be planning to make a disclosure of potential misconduct;
- criminal activity;
- bribery or corruption;
- conduct endangering health and safety or causing damage to the environment;
- dishonest, unethical or irresponsible behaviour;
- conflicts of interest, including those relating to outside business interests, relationships, improper payments and donations;
- victimisation or harassment;
- modern slavery, which exists if a person is not working of their own free will, is treated like property, or is seriously exploited or abused. Examples of modern slavery are human trafficking, slavery and slavery-like practices, forced labour, servitude, early and forced marriage, debt bondage and forms of child labour;
- misleading or deceptive conduct, including conduct or representations which amount to improper or misleading accounting, taxation or financial reporting practices;
- breaches of privacy;
- unauthorised use of Anglicare's confidential information;
- concerns that pose a danger to the public or financial system (even if it does not involve a breach of law); and deliberate concealment of any of the above.

Personal work-related grievances and potential misconduct

Disclosures that relate solely to personal work-related grievances, and do not relate to detriment or threat of detriment to the whistleblower/s, are not covered by this policy. See *Complaints policy and procedure – Workplace*.

However, if the personal work-related grievance includes information about potential misconduct, or suggests potential misconduct beyond your personal circumstances, it may qualify for whistleblower protections. Examples of a personal work-related grievance mixed with a potential misconduct include:

- where there is a breach of employment or other laws punishable by imprisonment of 12 months or more
- engaging in conduct that represents a danger to the public
- you suffer from or are threatened with detriment for making a disclosure.

Making a report

In the first instance all personnel are encouraged to use the available processes for making a complaint as identified in the *Complaints policy and procedure - Workplace*. If personnel are unable to access this process due to fear of reprisal or victimisation, they are encouraged to use this procedure governed by the *Whistleblower policy*.

Where a person believes in good faith, on reasonable grounds, that an employee/s, volunteer/s, or contractor/s have breached general law, organisational policy, or generally recognised principles of ethics, that person must report their concern via the [online](#) incident form or the public [Feedback](#) link on the College's webpage.

All incidents and feedback are triaged by the ADS Risk and Compliance team and will not be assigned to identified persons complicit in the breach.

Anonymous reporting

Persons may choose to report anonymously and remain anonymous over the course of any investigation. Anonymous reports can be made via the [Feedback](#) link on the College's website. If an anonymous report is made any investigation will be conducted to the extent possible under the circumstances. Communications via an agent, de-identified email or pseudonym allow the whistleblower to refuse to answer questions that may reveal their identity.

The College may be unable to provide the same level of practical support and protection if a name is not provided.

Victimisation

Persons who believe they have suffered victimisation or a whistleblower who believes they have been victimised or subjected to unfair pressure within the workplace should report their concerns using the [online](#) incident form or [Feedback](#) link on the College's webpage.

Investigation

A report of potential misconduct does not guarantee a formal investigation. However, all investigations will be conducted in accordance with the *Investigations policy*.

Internal investigations will be conducted with care and sensitivity, ensuring natural justice and procedural fairness is followed. Findings will be based solely on the **facts** and **evidence** gathered during the investigation process.

St Peter's is committed to implementing the findings and recommendations of any investigation with a view to rectifying any wrongdoing as far as is practicable in the circumstances.

Keeping you informed

If your identity is known and disclosure is appropriate, you will be kept informed and updated during the following key stages of the investigation:

- when the investigation process has begun
- while the investigation is in progress
- after the investigation has been finalised.

There may be some circumstances where it may not be appropriate to provide details of the outcome to you. A copy of the investigation report will not be provided.

Supports

It is acknowledged that raising issues may be difficult for some people. The following supports may be selected where appropriate:

- accessible policy and procedure
- St Peter's Employee assistance program
- Anglican Diocesan Services – Human Resources for advice
- bring a support person to meetings where a complaint is being investigated.

The support person is:

- to provide support to the complainant by provision of wise counsel
- not an advocate for the complainant
- not become actively involved in the discussions.
- a legal practitioner for the purposes of obtaining legal advice or legal representation about the whistleblower requirements.
- regulatory bodies (such as Australian Securities and Investments Commission (ASIC), Australian Prudential Regulation Authority (APRA), the Australian Charities and Not-for-profits Commission (ACNC))
- in certain circumstances, public interest disclosures or emergency disclosures can be made to a journalist or parliamentarian.

There are criteria for making public interest disclosures or emergency disclosures and it is strongly recommended that you contact ADS Human Resources, or obtain independent legal advice in the first instance, to ensure you understand the requirements for making a public interest or emergency disclosure that qualifies for protection under law.

Protections

Protecting your identity

The identity of the person making a Whistleblower report is kept confidential and will not be divulged, without the consent of that person, except:

- Where disclosure is necessary to conduct a thorough investigation, or
- Where required by law or statutory reporting obligations.

All documents, records and reports relating to the investigation of potential misconduct will be securely stored and handled with strict confidentiality. Access to this information is limited to those directly involved in managing and investigating the disclosure. Only a restricted number of authorised personnel – subject to your

consent – will be made aware of your identity or any information that could reasonably lead to your identification.

If you believe your confidentiality has been breached under this policy, you may lodge a complaint with the relevant regulator.

Protecting you from detriment

You will not be penalised or subjected to any detriment for reporting potential misconduct. It is unlawful to cause harm or disadvantage to you—or any other person—based on the belief or suspicion that a report has been, or may be, made, regardless of whether the report was actually submitted. St Peter's does not tolerate such unlawful behaviour.

Examples of detrimental conduct include (but are not limited to):

- a) dismissal from employment
- b) injury in the course of employment
- c) Unfavourable changes to duties or position
- d) Discrimination or harassment
- e) intimidation or psychological harm
- f) damage to property, reputation, business or financial standing.

Reasonable administrative or management action - such as performance management - does not constitute a detriment if conducted in line with St Peter's policies. Protective measures (e.g. relocation, reassignment, or modified duties) may be implemented to safeguard you from potential harm.

If you believe you've experienced detriment due to a disclosure, report the matter immediately to ADS Human Resources. You may also seek independent legal advice or contact a regulatory body. Reports of detrimental conduct will be treated confidentially.

Anyone found to have engaged in unlawful detrimental conduct may face disciplinary action, which may include:

- Reprimand
- Formal warning
- Demotion
- Termination of employment or contract

Protection from legal liability

You may be protected from civil, criminal, and administrative liability (including disciplinary action) in relation to your disclosure. However, whistleblower protections do not extend to any misconduct you may have personally engaged in that is revealed through your report.

Defamation

This policy does not provide protection against defamation claims. For more information, refer to the Corporations Act 2001. Legal protections may apply under the Reportable Conduct Scheme in specific circumstances.

Appeal

If you believe a proper investigation has not been conducted and all managerial avenues to the Principal have been exhausted, you may escalate the matter to the Board Chair.

Vexatious reporting

This policy does not protect individuals who knowingly make false, trivial, or reckless claims, or who engage in unreasonable complainant conduct (see *Unreasonable Complainant Conduct Policy*).

Personnel found to have made a knowingly false report may face disciplinary action.

Compensation and other remedies

If you suffer detriment due to St Peter's failure to take reasonable precautions, you may be entitled to compensation or other legal remedies through the courts. If unsure of your rights, seek independent legal advice.

Reporting

ADS Risk and Compliance will report findings and actions directly to the Board Chair.

If the Principal or a Board member is implicated in the misconduct or has a close personal relationship with the accused, they will be excluded from the reporting process and relevant meetings.

Compliance

Noncompliance with this policy and procedure may result in disciplinary action up to and including dismissal.