



## WHISTLE-BLOWER PROTECTION POLICY

### PURPOSE AND OBJECTIVES

Leighland Christian School is committed to establishing and maintaining a high standard of integrity, community confidence, culture of good corporate governance and ethical behaviour within the School. This includes the ability for people within and outside of the School being encouraged to come forward with complaints of fraud, corruption or general misconduct ("reportable conduct") and not to fear retribution.

This Whistle-blower Protection Policy ensures a consistent and focused approach to protocols in place for managing whistle-blower protection across Leighland Christian School and forms part of its risk management framework and other associated risk and compliance policies.

A whistle-blower may have concerns about conduct within Leighland Christian School which appears to be illegal, unethical or otherwise improper, but the whistle-blower may feel apprehensive about raising their concerns because of the fear of possible adverse repercussions to them.

The objective of this Policy is to make the whistle-blower feel confident about raising concerns internally, by offering a reporting and investigative mechanism that is objective, confidential, and independent and protects the whistle-blower from reprisal or disadvantage.

### SCOPE AND RESPONSIBILITY

This Policy applies to anyone who is employed by or works at Leighland Christian School.

### POLICY STATEMENT

A critical component of Leighland Christian School's strategy is maintaining its reputation for delivering its services in a reliable and credible manner.

This Policy is underpinned by Leighland Christian School's values to be open and trustworthy.

Leighland Christian School is committed to the effective reporting of corrupt and illegal practices, and all behaviour that is contrary to the Code of Conduct Policy, by people at all levels, commencing with the School's Board, Principal, Senior Executive Team and all other staff. Leighland Christian School's people are assured that any information will be kept confidential and secure.

All Leighland Christian School employees have a responsibility to help detect, prevent and report instances of suspicious activity or wrongdoing, referred to as a Reportable Conduct. They are encouraged to raise concerns about any issue or suspicion of malpractice at the earliest possible stage with their immediate manager, and serious matters will then be escalated through to senior management.

Leighland Christian School is committed to comply with the applicable laws and practices included in the Australian Standard AS8004-2003 Whistle-blower Protection Program for Entities; and The Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019 (Cth) (Whistleblower Law) which amends the Corporations Act and was assented to on 12 March 2019.

### ***Under this Policy:***

- persons are encouraged to report concerns, whether openly or, if preferred, anonymously; whistle-blowers will be afforded confidentiality unless indicated (or the law requires) otherwise;
- concerns reported by whistle-blowers will be properly investigated with a view to establishing the truth and correcting any wrongdoing where possible;

- whistle-blowers will be advised of the outcome of the investigation and any action taken as much as practicable;
- whistle-blowers will not be victimised or adversely affected because of their action in reporting concerns provided, that there is a basis for their concerns, and that they have acted in good faith and without malicious intent;
- any person found in breach of the provisions in this Policy will be subject to disciplinary procedures, up to and including the termination of employment or engagement with Leighland Christian School.

**Reporting:**

Any member of the Board, management, any staff member or any external party who is involved with the School can report reportable conduct and be protected under this Whistle-blower Protection Policy. Whistle-blowers will receive feedback on the progress of investigations commenced as a result of their report.

All reportable conduct should be referred to the following Whistle Blowing Service (WBS) online. Follow the link to the Christian Education National landing page: <https://www.whistleblowingservice.com.au/cen/>

**How do I make a report?**

To make an “Online” report, please click on the ‘Make a Report’ button on your landing page. You will be redirected to the new page where you need to enter: **Ics2020** in the ‘Unique Key’ field. Click on ‘Next’ and follow the prompt. You will then be asked for your “Client Reference Number” that is: **j87fs2020**

**Investigation Process:**

Investigation processes will vary depending on the precise nature of the conduct being investigated. The purpose of the investigation is to determine whether the concerns are substantiated, with a view to Leighland Christian School then rectifying any wrongdoing uncovered to the extent that this is practicable in all the circumstances.

The investigation will be thorough, objective, fair and independent of the whistle-blower, anyone who is the subject of the Reportable Conduct, and any School unit concerned. The investigation will also have proper regard to the principles set out in the Australian Standard on Whistle-blower Protection Programs.

**Protection:**

A Whistle-blower Protection Officer will be appointed to undertake the responsibility of protecting the whistle-blower within the meaning of AS8004-2003.

A whistle-blower who reports or seeks to report reportable conduct will be given a guarantee of anonymity, if desired by the whistle-blower, bearing in mind that in certain circumstances, the law may require disclosure of the identity of the whistle-blower in legal proceedings.

A whistle-blower will not be personally disadvantaged by having made a report to the School. This includes not being disadvantaged by way of current or future bias, dismissal, demotion, any form of harassment and discrimination.

The whistle-blower may agree to disclose their identity to the Whistle-blower Protection Officer, who will ensure that all files relating to the report are kept secure, and that information received is held in confidence and is only disclosed to a person not connected with the investigation if:

- the whistle-blower has been consulted and has consented to the disclosure, or
- it is required or permissible by law.

It is possible that someone might deduce the whistle-blower's identity without there having been a breach of confidentiality, if the nature of the report points to one individual having made it, or otherwise because of the nature of the investigatory process.

Leighland Christian School recognises that "whistle-blowing" can be a very stressful and difficult thing to do. Provided that a person acts in good faith and that they have not engaged in serious misconduct or illegal conduct, to the maximum extent possible they will not be subject to disciplinary actions by Leighland Christian School in relation to any matter that is reported.

Leighland Christian School will safeguard a person's interests, having regard to this Policy, the Australian Standard on Whistle-blower Protection Programs, and any other applicable policies and laws.

If reprisals are taken or are claimed to have been taken against a whistle-blower, the Whistleblower Protection Officer will investigate the matter and recommend appropriate action be taken.

**False Reporting:**

A false report of a Reportable Conduct could have significant effects on Leighland Christian School's reputation and the reputations of other staff members and could also cause considerable waste of time and effort.

Any deliberately false reporting of a Reportable Conduct, whether under this Policy or otherwise, will be treated as a serious disciplinary matter.

**REFERENCE**

Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019 (Cth) (Whistleblower Law) amends the Corporations Act and was assented to on 12 March 2019  
Australian Standard AS8001-2008: Fraud and Corruption Control  
Corporations Act 2001 (Cth).

**Links to other policy / policies**

[Staff Code of Conduct](#)

[Conflicts of Interest Policy](#)

[Fraud Control Policy](#)

[Risk Management Policy](#)

**DEFINITIONS**

**Terms Definitions**

**Fraud**

*Fraud is defined in Australian Standard AS8001-2008: Fraud and Corruption Control, as:*

*"Dishonest activity causing actual or potential financial loss to any person or entity, including theft of moneys or other property by staff or persons external to the entity, and whether or not deception is used at the time, immediately before or immediately following the activity. This also includes the deliberate falsification, concealment, destruction or use of falsified documentation used or intended for use for a normal business purpose or the improper use of information or position for personal financial benefit."*

*"Fraud", being:*

*A person who dishonestly:*

- a. Applies to his or her own use or to the use of another person:  
property belonging to another; or  
property belonging to the person, or which is in the person's possession, either solely or jointly with another person, subject to a trust, direction or condition or on account of any other person; or*
- b. Obtains property from any person; or*
- c. Induces any person to deliver property to any person; or*
- d. Gains a benefit or advantage, pecuniary or otherwise, for any person; or*
- e. Causes a detriment, pecuniary or otherwise, to any person; or*  
ERM Online provides this template policy and authorises Leighland Christian School to use it strictly on the condition that each school using this template indemnifies ERM Online against any actions, claims, liability or loss, cost or damage ERM Online may incur as a result of a school using this template or any adaptation of this template. By using this template, a school accepts this condition and indemnifies ERM Online in the terms of the condition in respect of the School's use of this template.
- f. Induces any person to do any act which the person is lawfully entitled to abstain from doing; or*
- g. Induces any person to abstain from doing any act which that person is lawfully entitled to do; or*
- h. Makes off, knowing that payment on the spot is required or expected for any property lawfully supplied or returned or for any service lawfully provided, without having paid and with intent to avoid payment; commits the crime of fraud."*

**Whistle-blower**

*Whistle-blower is a person being a director, manager, staff member or contractor of an entity who, whether anonymously or not, makes, attempts to make or wishes to make a report in connection with reportable conduct*

*and where the whistle-blower wishes to avail themselves of protection against reprisal for having made the report. A whistle-blower may or may not wish to remain anonymous.*

### **Corruption**

*Corruption is defined in Australian Standard AS8001-2003: Fraud and Corruption Control, as:*

*"Dishonest activity in which a director, executive, manager, staff or contractor of an entity acts contrary to the interests of the entity and abuses his/her position of trust in order to achieve some personal gain or advantage for him or herself or for another person or entity."*

### **Reportable Conduct**

*Reportable Conduct is defined in Australian Standard AS8004-2003: Whistle-blower Protection Programs for Entities, as:*

*"Conduct by a person or persons connected with an entity which, in the view of whistle-blower acting in good faith, is:*

- a) Dishonest*
- b) Fraudulent*
- c) Corrupt*
- d) Illegal (including theft, drug sale/use, violence or threatened violence and criminal damage against property)*
- e) In breach of Commonwealth or state legislation or local authority by-laws*
- f) Unethical*
- g) Other serious improper conduct*
- h) Representative of gross mismanagement, serious or substantial waste and/or repeated breach of administrative procedures*
- i) An unsafe work-practice; or*
- j) Any other conduct which may cause financial or non-financial loss to the entity or be otherwise detrimental to the interests of the entity."*

ERM Online provides this template policy and authorises Leighland Christian School to use it strictly on the condition that each school using this template indemnifies ERM Online against any actions, claims, liability or loss, cost or damage ermonline may incur as a result of a school using this template or any adaptation of this template. By using this template, a school accepts this condition and indemnifies ERM Online in the terms of the condition in respect of the School's use of this template