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Policy Number (PN): 3.4.2

Last Revised: November 2021

1. Introduction

1.1 Purpose and scope

This policy applies to the management of all staff members in relation to managing qualifying disclosures made regarding misconduct in relation to the School.

This policy will be published on the NGS's website and made available to Board members and employees.

1.2 Related policies

Complaints or allegations of staff misconduct that do not meet the criteria of a whistleblowing disclosure will be dealt with in accordance with the School's *Complaints and Grievance Resolution Procedure and Policy*.

Disclosures relating to the safety or well-being of children will be dealt with in accordance with the School's *Child Protection Policy*.

Disclosures relating to the safety or well-being of staff or other staff members which impact on their work may be addressed in accordance with the School's *Complaints*.

4. Disclosable matters that qualify for protection

A disclosable matter is a disclosure of information where the eligible whistleblower has reasonable grounds to suspect that the information relating to the School or a related company concerns:

serious matters

- an improper state of affairs or circumstances;
- illegal activity (including conduct of officers and employees) – meaning activity in breach of the Commonwealth punishable by imprisonment of 12 months or more; or
- conduct (including conduct of officers and employees) that conceals a danger to the public or financial system.

This may include any conduct in relation to the operation of the SeS's school that involves:

- fraudulent activity;
- unlawful or corrupt use of School funds;
- improper accounting or financial reporting practices;
- systemic practices that pose a serious risk to the health and safety of any person on School premises or during School activities.

4.2 Reasonable grounds to suspect

A discloser would have 'reasonable grounds to suspect' if the discloser has a suspicion that could reasonably be formed based on the facts and information available to them.

the disclosure will not be a qualifying disclosure and the discloser will not have the protections provided for under this policy and the Comptroller Act.

4.2 Personal work-related grievances

- information does not relate to a workplace matter

A discloser will access a personal work-related grievance if the disclosure of the information concerns a personal work-related grievance in relation to the disclosure, resolution or enforcement of employment law or conditions of employment for the discloser personally.

These are the most significant inclinations for the School that do not relate to the discloser, and does not concern conduct that is:

- an alleged contravention of the Comptroller Act and specified financial legislation or
- an offence against any law of the Commonwealth or a law of a State or Territory that would result in a sentence of 12 months or more; or
- a danger to the public or financial system.

Examples of disclosures regarding personal work-related grievances that may not qualify for protection include:

- dispute between a teacher and an employer employee or another person;
 - a decision relating to the general management or administration of the disclosure;
 - a decision relating to the terms and conditions of employment of the discloser.
- disclosure

These matters will be addressed in accordance with the School's *Staff Grievance Policy*.

could qualify for protection if it concerns a personal work-

6. ~~Investigation of qualifying disclosures~~

6.1 Receiving a disclosure

Upon receiving a disclosure, the recipient (generally the Head of School or Chief Financial Officer) will assess the disclosure to determine whether it qualifies for protection under the Corporations Act and is to be managed in accordance with this policy (qualifying disclosure) or the disclosure concerns matters that should be managed in accordance with the School's policies (non-qualifying disclosure) (see Section 1.2).

How the School investigates a qualifying disclosure will depend on the nature of the disclosure.

For example, if the disclosure is about a matter that is not a matter of public interest, the School will generally investigate the disclosure internally, unless the disclosure is about a matter that is a matter of public interest, in which case the School will generally investigate the disclosure externally.

In instances where the School discloses the information in the disclosure to a third party, such as NSW ICAC, the School will generally disclose the information to the relevant third party, unless the School is a party to the investigation.

The School will depend on the circumstances of the matter and whether the School is the primary investigator of the disclosure.

Employees about whom disclosures are made will generally be given an opportunity to respond to the relevant allegations made in the disclosure.

8.

Eligible whistleblowers will be given the same level of confidentiality as a person who reports exceptions as set out in Section 7 above.

Eligible whistleblowers will not be subject to any civil, criminal or administrative liability (including disciplinary action) for making the disclosure. No contractual or other

Whistleblowers who make an administrative disclosure (to the Head of School) are also not admissible in evidence against them provided immunities to ensure that information they disclose in criminal proceedings or in proceedings for the imposition of a penalty other than proceedings in respect of the falsity of the information.

These immunities do not prevent an eligible whistleblower being subject to criminal, civil or other liability not admissible in certain proceedings against them.

Eligible whistleblowers will be protected from victimisation, suffering any detriment by reason of the or will suffer detriment where the person believes or suspects that the other person or a third person

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- compensation;
- injunctions and apologies;
- reinstatement of a person whose employment is terminated;
- exemplary damages.

Schools and individuals may face significant civil and criminal penalties for failing to comply with confidentiality and detrimental conduct provisions.

Should immediate detriment or a threat of detriment arise, the Head of School via email.

If it is not appropriate for the report to be made to the Head of School, the eligible whistleblower should report the matter in writing to the Chair of the Board via email at chair@pers@angscnewschool.a

9. Additional support for eligible whistleblowers and their colleagues
School's employee assistance will be available to eligible whistleblowers' colleagues and other employees affected by the disclosure should they require that support.

10. Confidentiality