

GEELONG GRAMMAR SCHOOL

Whistleblower Protection Policy

1. Purpose

- 1.1 The purpose of this Policy is to provide members of the School Community with an avenue to communicate concerns of wrongdoing confidentially, and if preferred, anonymously, without fear of prejudice or retribution. Individuals who disclose wrongdoing can do so safely and with confidence that they will be supported and protected by the School.

2. Scope

- 2.1 This Policy applies to current or former:
- 2.1.1 School Employees;
 - 2.1.2 volunteers;
 - 2.1.3 Directors of the School Council;
 - 2.1.4 members of the School Company (Geelong Grammar School Limited);
 - 2.1.5 contractors, or their employees, who have a contract to provide goods and/or services to the School; and
 - 2.1.6 relatives, dependants or spouses of any of the above,
- (Collectively, **Disclosers**).

3. Disclosable Matters

- 3.1 Disclosers must have reasonable grounds to suspect that the information they are disclosing about the School, an officer or employee of the School is in relation to:
- 3.1.1 misconduct; or
 - 3.1.2 an improper state of affairs or circumstances.
- 3.2 The following types of behaviours or conduct may be disclosed under this Policy:
- 3.2.1 fraud, money laundering or misappropriation of funds;
 - 3.2.2 negligence;
 - 3.2.3 default;
 - 3.2.4 breach of trust or breach of duty;
 - 3.2.5 dishonesty;
 - 3.2.6 unethical conduct;
 - 3.2.7 serious improper conduct;
 - 3.2.8 unsafe work practices;
 - 3.2.9 child abuse (see clause 3.3 below);
 - 3.2.10 illegal acts including but not limited to theft, drug sale or use, violence or threatened violence and criminal damage against property;
 - 3.2.11 offering or accepting bribes;
 - 3.2.12 information that amounts to an improper state of affairs or circumstances where it is of relevance to the regulatory functions of ASIC, APRA, ACNC, VRQA, VIT, QARD, ACECQA or other State or Commonwealth authorities;
 - 3.2.13 breaches of relevant laws, regulations, by laws; or
 - 3.2.14 any other conduct (whether illegal or otherwise) which may cause loss to the School or to be otherwise detrimental to the School.
- (collectively, a **Disclosable Matter**).
- 3.3 Note: the School has a robust process in place to report and investigate incidents of child abuse. Refer to the Geelong Grammar Student Safeguarding Policy and reporting procedures. This Policy does not supersede that process.

4. Legal Protections

- 4.1 A Discloser will qualify for protection as a whistleblower under the *Corporations Act* whether their concern is proven or not, if:
- 4.1.1 they have made a disclosure of information relating to a Disclosable Matter directly to a Whistleblower Protection Officer, ASIC, APRA, ACNC, VRQA, VIT, QARD, ACECQA or other State or Commonwealth authorities prescribed by regulation;
 - 4.1.2 they have made a disclosure to a legal practitioner for the purpose of obtaining legal advice about the operation of the whistleblower provisions in the *Corporations Act*; or
 - 4.1.3 they have made an Emergency Disclosure or a Public Interest Disclosure (see clause 6 of this Policy).
- 4.2 General protections are available for Disclosers who report a Disclosable Matter that they have witnessed or reasonably suspect to the Whistleblower Protection Officer, external reporting service or to a legal practitioner. Protections include:
- 4.2.1 protection of information and identity;
 - 4.2.2 protection from civil, criminal and administrative liability or litigation; and
 - 4.2.3 protection from victimisation and detrimental action.
- 4.3 Please note that the protections do not grant immunity for any misconduct by the Discloser as disclosed by a Discloser during the course of reporting their concerns.
- 4.4 It is illegal for the School to identify the Discloser except in the following circumstances:

- 4.4.1 the identity of the Discloser may be made to ASIC, APRA or the Police;
- 4.4.2 the identity of the Discloser may be made to a legal practitioner for the purposes of obtaining advice about the whistleblower provisions in the *Corporations Act*;
- 4.4.3 the identity of the Discloser may be made to another person prescribed by regulations; or
- 4.4.4 the identity of the Discloser may be made with the Discloser's consent.
- 4.5 All reports will be kept confidential and secure. Subject to clause 4.3. all persons making a report are assured that they will not be personally disadvantaged by dismissal, demotion, any form of harassment, discrimination or current or future bias.
- 4.6 A Discloser, or any other employee or person can seek civil compensation if they suffer loss, damage or injury because of a disclosure and the School failed to take reasonable precautions to prevent the detrimental conduct. Disclosers (or other employee or persons) should seek independent legal advice in this regard.

5. Personal Work-related Grievances

- 5.1 Disclosures relating solely to personal work-related grievances do not qualify for whistleblower protection under the *Corporations Act*. A personal work-related grievance includes for example, an interpersonal conflict between the Discloser and another employee, a decision that does not involve a breach of workplace laws, or a decision about the conditions of engagement, suspension or termination of the Discloser.
- 5.2 Disclosure of a personal work-related grievance may still qualify for protection under the *Corporations Act* if:
 - 5.2.1 it also contains information relating to a Disclosable Matter;
 - 5.2.2 the School has breached employment or other laws punishable by imprisonment of 12 months or more, engaged in conduct that represents a danger to the public, or relates to information suggesting misconduct beyond the Discloser's personal circumstances;
 - 5.2.3 the Discloser suffers from, or is threatened with detriment for making a disclosure; or
 - 5.2.4 the Discloser seeks legal advice about the operation of the whistleblower protections under the *Corporations Act*.

6. Public Interest Disclosures and Emergency Disclosures

- 6.1 Disclosures may be made to a journalist or parliamentarian under certain circumstances, and qualify for protection under the *Corporations Act*.
- 6.2 A **Public Interest Disclosure** is disclosure of information to a journalist or parliamentarian where:
 - 6.2.1 at least 90 days have passed since the Discloser made the disclosure to ASIC, APRA or another Commonwealth body prescribed by regulation;
 - 6.2.2 the Discloser does not have reasonable grounds to believe that action is being, or has been taken, in relation to their disclosure;
 - 6.2.3 the Discloser has reasonable grounds to believe that making a further disclosure of the information is in the public interest; and
 - 6.2.4 before making the public interest disclosure, the Discloser has given written notice to the body to which the previous disclosure was made that:
 - 6.2.4.1 includes sufficient information to identify the previous disclosure; and
 - 6.2.4.2 states that the Discloser intends to make a public interest disclosure.
- 6.3 An **Emergency Disclosure** is disclosure of information to a journalist or parliamentarian where:
 - 6.3.1 the Discloser has previously made a disclosure of the information to ASIC, APRA or another Commonwealth body prescribed by regulation;
 - 6.3.2 the Discloser has reasonable grounds to believe that the information concerns a substantial and imminent danger to the health or safety of one or more persons or to the natural environment;
 - 6.3.3 before making the emergency disclosure, the Discloser has given written notice to the body to which the previous disclosure was made that:
 - 6.3.3.1 includes sufficient information to identify the previous disclosure; and
 - 6.3.3.2 states that the Discloser intends to make an emergency disclosure; and
 - 6.3.4 the extent of the information disclosed in the emergency disclosure is no greater than is necessary to inform the journalist or parliamentarian of the substantial and imminent danger.
- 6.4 It is recommended that a Discloser seek legal advice prior to making a Public Interest Disclosure or Emergency Disclosure.

7. How to make a Disclosure

- 7.1 The School has two separate procedures for Disclosers to communicate suspected or identified Disclosable Matters. It is up to the Discloser to decide the preferred reporting procedure, however, the School seeks the opportunity to address wrongdoing as early as possible. It is important to note that the investigation method will be determined by the School.
- 7.2 The School fully supports the right of each individual making a report to maintain their anonymity throughout the process. Wherever there is comfort to do so, should a person choose to disclose their identity for the purposes of allowing a full and thorough investigation to take place, the School commits to protecting their rights under this Policy.
- 7.3 To make an internal disclosure, Disclosers should contact Ms. Nicole Sablyak (the School's Director of Employee Engagement and Whistleblower Protection Officer) on 03 5273 9348.
- 7.4 Alternatively, a report may be made in writing, sent via email and marked "strictly confidential" to HRmanager@ggs.vic.edu.au or via post to the Director of Employee Engagement C/O 50 Biddlecombe Avenue, Corio, Victoria 3214.
- 7.5 The School is committed to ensuring the current and any future Whistleblower Protection Officer(s) is/are appropriately qualified for this role and readily accessible.

- 7.6 If a Discloser does not wish to make a report via the internal reporting procedure, would prefer to remain anonymous, or who, having made a report, believes that they have been personally disadvantaged, has the ability to contact an external independently managed Disclosure Service, at the cost of the School. 'Your Call' has been engaged by the School to receive confidential reports via its website or telephone for issues covered in this Policy.
- 7.7 Contact Information for *Your Call*, Telephone: 1300 790 228, 9am – 12 Midnight, Monday to Friday excluding national public holidays. An online report can be made 24/7 via: www.yourcall.com.au/ggs.

8. Support and Practical Protection for Disclosers

- 8.1 The School will take the following reasonable measures to support a Discloser and protect them from detriment:
- 8.1.1 information regarding a disclosure will be kept in a secure and confidential location;
 - 8.1.2 all personal information relating to a Discloser will be redacted from written material and the Discloser will be referred to in a gender-neutral context;
 - 8.1.3 disclosures are managed and investigated by qualified School employees or external investigators;
 - 8.1.4 at the time of disclosure, the School will assess the risk of detriment against the Discloser or other affected parties and implement any reasonable risk mitigation strategies; and
 - 8.1.5 counselling services are available to Disclosers.

9. Internal Disclosure Procedure

- 9.1 All Disclosable Matters will be subject to a thorough investigation by the Whistleblower Investigation Officer. This individual will be delegated authority to perform the investigation by the Whistleblower Protection Officer. Each disclosure will be assessed to determine whether the Discloser qualifies for protection under this Policy.
- 9.2 The Whistleblower Investigation Officer will be fair and independent of the Discloser and the person who is the subject of the Disclosable Matter.
- 9.3 Each investigation will vary according to its nature, but may include the following steps:
- 9.3.1 provision of full details of the allegations;
 - 9.3.2 person against whom allegations are made will be informed and provided with procedural fairness and provided with access to counselling if required;
 - 9.3.3 involvement of external parties such as the Police will be considered by the Principal or Chair of the School Council as appropriate;
 - 9.3.4 allegations will be fully investigated;
 - 9.3.5 the Principal or Chair of the School Council will decide on the appropriate action to be taken; and
 - 9.3.6 the person making the report will be kept informed of the progress of the investigation.
- 9.4 Where the Principal or the Chair of the School Council determine that the allegations are of a very serious nature, an external investigator will be engaged by the School to perform an independent investigation.
- 9.5 The Discloser can choose to remain anonymous while making a disclosure, during the course of the investigation and after the investigation is finalised. A Discloser can refuse to answer questions if they feel it could reveal their identity, and can use anonymised email addresses and a pseudonym for the purpose of their disclosure and ongoing communication with the School. However, the School may not be able to conduct an investigation if it is not able to contact the Discloser. To balance the need between respecting the Discloser's wishes regarding anonymity and ability to conduct a thorough investigation, the Discloser may consent to a limited disclosure. Disclosers may discuss this with the Whistleblower Protection Officer or independent disclosure service, *Your Call*.

10. External Disclosure Procedure via *Your Call*

- 10.1 If a Discloser wishes to make an external disclosure, a trained *Your Call* Officer will receive the disclosure securely (online or by telephone).
- 10.2 The *Your Call* Officer will obtain and review the provided information and any evidence that the Discloser wishes to provide to support the disclosure.
- 10.3 After making a disclosure, the *Your Call* Officer will issue a Disclosure Identification Number (DIN) for the disclosure and provide details to login to the *Your Call* online portal. The Discloser can access the Message Board and communicate with *Your Call* and the School (anonymously if preferred), receive updates and provide further information and/or evidence. The portal can be accessed via <http://www.yourcall.com.au/ggs>.
- 10.4 The *Your Call* Officer will notify the School's Whistleblower Protection Officer/s. If the relevant Whistleblower Protection Officer is involved or otherwise conflicted, the report will be provided to an alternative and appropriately qualified recipient within the School nominated by the Principal.
- 10.5 The *Your Call* Officer acts as an intermediary between the Discloser and the School in receiving the initial information and when communicating subsequent to the making of a disclosure, via the *Your Call* Message Board. *Your Call* does not investigate the report.

11. Findings and Resolution Process

- 11.1 The findings of an investigation, whether by an internal or external investigation process, will dictate what remedial actions are required. This may result in a formal hearing in accordance with the School's *Discipline and Misconduct Policy*, and actions may range from and include, but not be limited to:
- 11.1.1 no case to answer;

- 11.1.2 restorative action, (for example an apology (informal/formal), training and mentoring, process redesign in the event of system failure);
- 11.1.3 facilitated mediation;
- 11.1.4 formal warning;
- 11.1.5 performance management process (Performance Improvement Plan);
- 11.1.6 termination of employment;
- 11.1.7 legal proceedings (where illegal activities identified); and/or
- 11.1.8 referral for criminal investigation.

12. Fair Treatment of Individuals Mentioned in a Disclosure

- 12.1 When investigating a Disclosure, the School will endeavour to ensure that:
- 12.1.1 Disclosures are handled confidentially, when practical and appropriate in the circumstances;
 - 12.1.2 each Disclosure is assessed and may be the subject of an investigation;
 - 12.1.3 the objective of an investigation is to determine whether there is sufficient evidence to substantiate or refute the matters reported;
 - 12.1.4 when an investigation is required, the process will be objective, fair and independent;
 - 12.1.5 an employee the subject of a Disclosure will be advised about the subject matter of the Disclosure as and when required by the principles of natural justice and procedural fairness, and prior to any actions being taken; and
 - 12.1.6 an employee who is the subject of a Disclosure is encouraged to utilise the School's support services (e.g. EAP Provider).

13. Abuse of reporting process

- 13.1 False reporting will be treated seriously. Abuse of the confidential reporting process (for example, a Discloser making a report that they know is untrue to harm, annoy or cause distress to someone) will not be tolerated and will be treated as a serious breach of the School's Code of Conduct, which may result in disciplinary action.

14. Monitoring and Training

- 14.1 This Policy is available on the School's website for access by the School's community.
- 14.2 The School will monitor and review this Policy regularly to assess its effectiveness in encouraging the reporting of reportable conduct, the protection of persons making reports and the investigation procedure.
- 14.3 This Policy is accessible to all employees on the School intranet and website, and regular reminders will be given to all employees at the School's staff briefing sessions.
- 14.4 Education and training about the procedures involved under this Policy will be provided to those involved in managing or investigating disclosures.

15. Record Keeping and Privacy

- 15.1 The School will retain accurate and contemporaneous records of any Disclosure, investigation and reasons for decisions related to this Policy in accordance with the School's Privacy Policy, Records Management Policy and record retention procedures.

16. Policy Limitations and Oversight

- 16.1 This Policy does not prevent any member of the School community from reporting their concerns to relevant external compliance, regulatory or law enforcement agencies.
- 16.2 The School reserves the right to amend, replace or terminate this Policy from time to time.
- 16.3 De-identified data regarding the number of Eligible and Non-Eligible Disclosures and associated investigation outcomes will be regularly reported to the Audit, Finance and Risk Committee of the School Council.
- 16.4 This Policy is reviewed and approved by the School Council.

17. Definitions

APRA	means Australian Prudential Regulation Authority
ASIC	means the Australian Securities and Investments Commission
Chair	means the current Chair of the School Council
Corporations Act	means the <i>Corporations Act 2001</i> (Cth)
Disclosable Matters	means the types of conduct listed under the Disclosable Matters section of this Policy
Eligible Recipient	means the School's Whistleblower Protection Officer, and employees of the School's appointed external reporting body, Your Call
the School	means Geelong Grammar School, including its registered boarding premises
Whistleblower Protection Officer	means the nominated person at the School to whom a Discloser may report suspected Disclosable Matters.
Whistleblower Investigation Officer	means the individual with delegated authority to perform the investigation, which may be internal or external

18. Review and Circulation

Responsible Department:	<input checked="" type="checkbox"/> Employee Engagement
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Approved by:	<input checked="" type="checkbox"/> School Council

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Applicable to:	<input checked="" type="checkbox"/> School Community
Audience:	<input checked="" type="checkbox"/> School Community
Publication:	<input checked="" type="checkbox"/> School Intranet >Policies and Procedures <input checked="" type="checkbox"/> School Website

19. Cross References / Related School Documents

Geelong Grammar School Staff School Code of Conduct
Geelong Grammar School (Teaching Staff) Enterprise Agreement
Geelong Grammar Discipline and Misconduct Policy
Geelong Grammar School's Pastoral Policies
Geelong Grammar School's Student Safeguarding Framework