



PRINCE ALFRED COLLEGE

## WHISTLEBLOWER PROTECTION POLICY

<b>Prepared by:</b>	<i>Director Corporate Services</i>
<b>Approved by:</b>	<i>The College Council</i>
<b>Approval Date:</b>	<i>This policy was ratified by the College Council in May 2023</i>
<b>Revision Date</b>	<i>May 2026</i>

### 1. Overview

This policy outlines what individuals should do if they wish to make a protected whistleblower disclosure in relation to:

- misconduct engaged in by the College;
- an improper state of affairs regarding the College; or
- the College engaging in conduct that is illegal or represents a danger to the public.

This policy sets out how the College approaches and manages whistleblower disclosures. The College aims to ensure that whistleblowers have the opportunity to make a disclosure when they feel we are not adhering to our values, are aware of how to make a disclosure, and are confident that they will be protected when doing so.

The information can be about College as a school, College employees, College Council members or Council Sub Committee members.

The policy is developed having regard to the whistleblower protections under the *Corporations Act 2001* (Cth) (**the Act**).

### 2. Who is a whistleblower under this policy?

A whistleblower includes a person who is, or was:

- The Headmaster;
- a teacher;
- a school support officer;
- any other employee of the College;
- a person who volunteers at the College;

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- a member of the Council;
- a member of the Advisory Committee;
- a supplier to the College (or an employee of the supplier);
- another type of employee or contractor; or
- a relative, spouse, dependent or dependent of a spouse, of any individual listed above.

A student or parent is not a whistleblower under this policy unless they also hold one of the positions listed above (for example a current or former volunteer).

A whistleblower may make a disclosure anonymously and still be protected under this policy.

**3. What can a whistleblower disclose under this policy?**

A disclosure protected under this policy includes a disclosure of information that a whistleblower has reasonable grounds to suspect concerns:

- misconduct engaged in by the College;
- an improper state of affairs regarding the College; or
- the College engaging in conduct that is illegal or represents a danger to the public.

Examples of misconduct or an improper state of affairs include the following:

- illegal conduct, including use of illicit drugs and violence or threatened violence;
- fraud, money laundering or misappropriation of funds;
- offering or accepting a bribe;
- misuse of confidential information;
- conflicts of interest or nepotism; and
- systemic bullying or harassment.

A disclosure made on reasonable grounds may still qualify for protection even if it turns out to be incorrect. However, if a disclosure is made which is not based on reasonable grounds and is deliberately misleading, vexatious or malicious, it may be regarded as misconduct and dealt with in accordance with the scope of existing Human Resources Policies or Contractual agreements.

A personal workplace grievance does not qualify for protection under this policy. A personal workplace grievance is about a matter that has sole implications for the discloser personally in their employment. This includes disclosures about:

- interpersonal conflict between a discloser and another employee;

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- decisions relating to promotions, transfers, demotions, terms and conditions of employment; and
- decisions about taking disciplinary action against a discloser (including decisions about suspension and termination of employment).

While a personal workplace grievance is not a disclosure under this policy, the College encourages employees and officers to raise any grievances in accordance with the Workplace Bullying and Harassment Policy.

#### **4. Who should a whistleblower make a disclosure to?**

The people who a whistleblower may make a disclosure to includes:

- All members of the College Council;
- Headmaster;
- Head of Secondary School and Deputy Headmaster;
- Head of Preparatory School;
- Director of Corporate Services;
- Director Teaching and Learning; and
- Director of Human Resources

A whistleblower may also make a disclosure by emailing the eligible whistleblower recipient or by post to 23 Dequetteville Terrace, PO Box 571, Kent Town, SA 5067.

A whistleblower may make a report to other people specified in the Act.

#### **5. What should a whistleblower include in a disclosure?**

When making a disclosure under this policy, the College requests that a person includes, in writing:

- a description of the suspected conduct;
- a description of the reasonable grounds for the suspicion that the conduct is covered by this policy;
- if the disclosure is not anonymous, whether they are willing to be contacted to provide additional information; and
- anything else that would assist the College to make an assessment of the conduct or to otherwise investigate it.

## **6. What is done with a whistleblower's disclosure?**

When the College receives a whistleblower's disclosure, the College may investigate the disclosure, and will approach the resolution of any issue on the basis of what is reasonably necessary to ensure appropriate responsible governance and behaviour.

It will be the responsibility of the Headmaster or the Council Chair to assess the disclosure to determine whether it qualifies for protection under the Corporations Act and determine what action is to be taken.

If an investigation is required the Headmaster or College Chair will determine who is to lead the investigation. The individual will be selected from the list of eligible whistleblower recipients as detailed in section 4 of this policy.

In endeavouring to ensure fair treatment of persons identified in a disclosure, the investigation will be conducted independently of any person who is the subject of the disclosure. Where appropriate, such persons may be informed of the allegations and provided with the opportunity to respond.

While the particulars of the investigation process will be determined by the nature and substance of the disclosure, if the disclosure is not anonymous, contact with the whistleblower may be made shortly after receipt of the disclosure, and further information may be sought. The College may provide feedback to a whistleblower regarding the progress or outcome of the investigation.

Where a report is submitted anonymously, the College may conduct an investigation based on the information provided.

Any findings of the investigation related to criminal activity may be reported to the police or regulators.

## **7. How is a whistleblower protected?**

A whistleblower qualifies for protection from the time they make a disclosure, regardless of whether the whistleblower or recipient recognises that the disclosure qualifies for protection.

Where a whistleblower makes a disclosure under this policy which qualifies for protection, the College will endeavour to support the whistleblower and protect them in the following ways.

### **7.1 Protection from detrimental conduct**

If a whistleblower makes a disclosure that qualifies for protection, another person must not subject the whistleblower (or threaten to subject the whistleblower) to detrimental treatment as a result of making a disclosure. This extends to a person who believes or suspects a person made, may have made, proposes to make, or could make, a whistleblower disclosure. Detrimental conduct includes:

- termination of employment;

- disciplinary action;
- demotion;
- performance management;
- bullying or harassment; or
- discrimination.

If it is determined that an employee or contractor engages in detrimental conduct, appropriate action (including disciplinary action, or termination of a contractor's engagement) will be taken. Such action will be separate from any penalties or damages that may be imposed upon a person for having contravened the Act.

If a whistleblower believes that they have been subjected to detrimental conduct, they may lodge a complaint in accordance with the existing Complaints Policy and Procedure. The College may investigate such complaints and take such action as appropriate in the circumstances.

Whistleblowers may also seek independent legal advice or contact regulatory bodies if they believe they have suffered detriment.

For the avoidance of doubt, protecting a discloser from detriment does not prevent the College from managing a discloser's unsatisfactory performance, or from taking action to protect a discloser from detriment.

## **7.2 Protection of the identity of the whistleblower**

Disclosures can be made anonymously and still qualify for protection under the Act.

Except in the circumstances below, where a whistleblower makes a disclosure that qualifies for protection, the College will not disclose the identity of the discloser, or any information that is likely to lead to the identification of the discloser, unless:

- the discloser consents;
- it is disclosed to a member of the Australian Federal Police, ASIC or APRA;
- it is disclosed to a lawyer to obtain legal advice or legal representation in relation to the operation of the whistleblowing provisions; or
- it results in information being disclosed where it is reasonably necessary to do so for the purposes of investigating a matter that relates to the disclosure. If this occurs, the College will take all reasonable steps to reduce the risk the discloser will be identified.

## **7.3 Protection from civil, criminal and administrative liability**

A whistleblower who makes a disclosure is protected from the following:

- civil liability (any legal action against the discloser for breach of an employment contract, duty of confidentiality or another contractual obligation);
- criminal liability (attempted prosecution of the discloser for unlawfully releasing information, or other use of the disclosure against the discloser in a prosecution (other than for making a false disclosure)); and
- administrative liability (disciplinary action for making the disclosure).

This does not mean that a whistleblower will not be liable for any wrongdoing which forms a part of the disclosure.

#### **7.4 Protection of files and records**

Where the College considers it appropriate to do so, the College will create records and maintain documents in the course of any investigation. All protected disclosures and any files and records created from an investigation of a protected disclosure will be securely retained.

A release of information in breach of this policy will be regarded as a serious matter and may have consequences for employment (or for contractors, their contract for services).

#### **7.5 Additional support**

The College recognises that making a disclosure as a whistleblower can be stressful. If a person who makes a disclosure is an employee of the College, they may request additional support.

The College will look at ways to provide support to the extent reasonably practicable.

### **8. Mandatory reporting requirements**

People covered by this policy must continue to comply with their mandatory reporting obligations under the *Children and Young People (Safety) Act 2017 (SA)*. The identity of the whistleblower must still be protected when making a report where possible.

### **9. Other**

The terms of this policy are not intended to impose contractual obligations on the College. Further, the terms of this policy are not incorporated into any individual employee's contract of employment, nor any contractor's contract for services. This policy may be amended, replaced or rescinded by the College from time to time, and in its absolute discretion.

### **10. Availability of policy**

This policy will be made available on the College's intranet site or upon request.