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WHISTLEBLOWER POLICY

Introduction

In July 2019, Under the Corporation Act 2001 (Cth), corporations operating as Not-for-Profit became subject to complying with legislation and guidelines for Whistleblower protection within their governance and compliance programs. Independent schools and their related commercial entities operate under this legislation.

Policy Scope

Shore prides itself on setting high standards in integrity and ethical behaviour in all areas of operation. Shore's policy for Whistleblowing is in place to provide protection to those individuals who make disclosures over wrongdoing within the school. Via the coverage the policy provides they may do so safely and with confidence they will have support and protection during disclosure, investigation and outcome.

What is Whistleblowing in the context of an independent school?

Whistleblowing, in this policy context, relates to the reporting of suspected wrongdoing, unethical or illegal behaviour within the operations of school and related entities.

Who is an eligible Whistleblower ?

Anyone on the following capacity at Shore can access this Whistleblower protection program.

- College Council Member
- Any employee (full time, part time, casual, contractor)
- An employee of a person who supplies goods and/or services (paid or unpaid)
- College Volunteers
- Any employee of corporately related entities (example being the Shore Foundation)
- Any relative, dependent or dependents of a spouse of any of the above individuals

There is an option for disclosures to be made anonymously and still gain protection from the Corporations Act 2001 (Cth). Anonymity can be carried during disclosure, investigation and conclusion to a matter.

What types of activities are disclosable matters?

When an individual has reasonable grounds to suspect wrongdoing based on information and events witnessed, the following acts are subject to this policy –

- Misconduct
- An improper state of affairs or circumstances - This term is not precisely defined by the Corporations Act 2001 (Cth) and is intentionally broad. It may not involve unlawful conduct but may indicate a systemic issue that a relevant regulator should know about to properly perform its functions. It may also relate to unethical business behaviour and practices that may cause consumer harm.



- Illegal activity, inclusive of conduct of officers and employees – this can mean breaches in activity governed by the Corporations Act 2001 (Cth) or specified financial services legislation or an offence against any law of the Commonwealth punishable by imprisonment of 12 months or more.
- Conduct (of officers or employees) that represents a danger to the public or financial system. Examples of this context could be fraud, unlawful or corrupt use of school or foundation funds, improper accounting or financial reporting practices, systemic practices which poses WHS risks to staff or community safety.

What is not covered via this policy?

- This policy does not cover disclosure around Child Safeguarding, duty of care or protection matters. If your concerns involve these matters, please refer to the Shore Child Safeguarding Protection suite of policies and procedure or speak with the Child Protection Officer via (02) 9923 2277.
- Whistleblower protection does not extend to *personal* employment concerns unless they are directly tied to any of the above circumstances mentioned above. Issues or complaints around employment matters are managed via the Shore Grievance Handling policy and procedure.

Who are eligible recipients of disclosure?

Shore's Whistleblower procedure, accessible alongside this policy outlines who are the correct contacts for a disclosure under this policy. Please review the procedure and follow the guidelines as you proceed in disclosure.

Under some circumstances, it may appear internal processes and disclosures are not considered appropriate nor effective. The coverage of legislation from the Corporations Act 2001 (Cth) can cover some external or public interest disclosures. It is advised if this is considered to seek independent legal advice around your protection and situation.

What are these types of disclosure –

- External Disclosure – these are made to regulatory bodies such as ASIC, APRA or other appropriate commonwealth appointed authorities
- Public Interest or Emergency Disclosures – those made to a member of parliament or a journalist. (These will only receive Whistleblower protection considerations if previously disclosed to the above-mentioned regulatory authorities.)

As mentioned previously in this policy, there is an associated procedure which Shore have in place which explains the process of lodging your disclosure, the options around where you do so. The procedure outlines how and investigation is conducted and the approximate timelines around this process. You can access this document here [link](#).

How are Whistleblowers protected via this policy?

For protection to be afforded to a Whistleblower, the following must be applicable –

- You must be an eligible discloser as defined in this policy
- The matter must be a disclosable matter as defined in this policy
- There must be reasonable grounds for this matter to have been raised
- There has been no engagement in illegal activity or misconduct by yourself in gathering information declared in this disclosure.

The protections which activate under this policy are –

- Confidentiality

The recipient of your report/complaint cannot disclose your identity, or information that is likely to lead to your identification, except: to ASIC, APRA, or a member of the Australian Federal Police; to a legal practitioner; or, with your consent.

Please note, information contained in your complaint may be disclosed without your consent if the disclosure of this information is reasonably necessary to investigate the issues raised. This will be done excluding your identity and the school must ensure all reasonable measures are taken to protect your identity in the process of investigations proceeding.

It is unlawful for a person to identify you or disclose information that may lead to your identification if you have made a report under this Policy.

- Protection from Victimisation

In the process of receiving and investigating a disclosure made all reasonable steps are taken by Shore to shield a Whistleblower from the effects of victimisation or Detrimental Conduct. Detrimental Conduct can include dismissal, discrimination, harassment or intimidation. It can be unfairly altering a person's position in employment, physical or psychological harm, or damage to a person's property, reputation, business or financial position.

This activity is unlawful and should also be reported if experienced.

Within our procedures a series of risk assessments are done around the impact of disclosure and methods of investigation with relations to impact on the Whistleblower. This outcome of these assessments provides a best way to proceed. This is outlined in the procedures to this Policy.

- Legal Immunity

Under the Whistleblower program, you are given provision for immunity in the following legal scenarios related to the disclosures made. These include -

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

Again, it is recommended that you consult an independent legal specialist to discuss your situation in the process of preparing a disclosure.

Shore aims to create an environment of trust and corporate excellence within the staff and community at large. Having a healthy and transparent corporate environment is key to this being achieved. This Whistleblowing program has been designed with this desired culture at its heart. If you have any queries around this program, please feel free to contact the Risk and Compliance Manager for a confidential discussion.