



MELBOURNE  
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# Whistleblower Policy

## Purpose

Whistleblower Protection is a process by which members of the Melbourne Grammar community may confidentially raise serious concerns about conduct they suspect may be illegal, fraudulent, corrupt, damaging or improper, without fear of reprisal, dismissal or discriminatory treatment.

This Policy aims to establish a procedure to provide whistleblowers, including '*eligible whistleblowers*', with protection to the extent possible under existing laws, allowing employees, contractors, volunteers and others to come forward confidentially and anonymously and ensuring that they are not victimised or subjected to any form of detrimental action.

## Definition

In accordance with section 1317AAA of the Corporations Act, an *eligible whistleblower* includes current and former employees, officers or directors, contractors, suppliers (including their employees) or associates of the School as well as relatives and dependents of those persons.

## Application

This Policy is established by School Council and applies to any individual or group of individuals including Melbourne Grammar School employees, contractors and third parties (whether or not eligible whistleblowers).

It should be noted that to qualify for the whistleblower protections under the Corporations Act, *eligible whistleblowers* are required to follow the reporting procedure documented in this policy.

## Illegal, dishonest, or improper conduct

The School does not tolerate illegal, dishonest, or improper conduct (collectively referred to as serious improper conduct) by its employees, contractors, and officers. Further, the School does not tolerate reprisals and will seek to protect individuals who provide information about such conduct on reasonable grounds.

## What sort of concerns should be reported?

A report may be made by an individual acting on reasonable grounds, in relation to actual or suspected serious improper conduct involving the School or its employees which may include:

1. Dishonesty
2. Unsafe work practices
3. Child abuse\*
4. Abuse of authority
5. Breaches of relevant laws and regulations that are punishable by 12 months' imprisonment or more
6. Illegal acts including theft, drug sale or use, violence or threatened violence and criminal damage against property
7. Any other conduct which may cause loss to the School or be otherwise detrimental to the School or is conduct that represents a danger to the public or the financial system

Personal work-related grievances fall under the scope of the School Staff Complaints Policy. Complaints by parents or students should be referred via the School Parental and Student Complaint Policy.

\* Any incidents or concerns related to child abuse, child protection or child safety should be addressed in accordance with the School's child safe policies. The Whistleblower Policy does not displace any mandatory reporting or Commission for Children and Young People (CCYP) Reportable Conduct requirements. (Refer to the MGS Child Safety and Wellbeing Policy and Child Safe Procedure for Responding to Allegations of Suspected Child Abuse.)



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## Reporting Procedure

If a whistleblower wishes to make a report in connection with serious improper conduct, they should contact the Director Human Resources or the Deputy Headmaster. Should the report involve these persons, a report can be made directly to the Headmaster or Director Business and Finance (DBF) (or to the Chair of Council should the report involve the Headmaster). It is the responsibility of the person to whom the disclosure is made to initiate the investigatory process outlined herein.

These persons will assist the person making the complaint in determining whether the complaint is potentially a protected whistleblower disclosure; that is, a report or allegation of misconduct or dishonest or illegal activity as outlined above.

Details of the persons holding the above positions in the School may be found on the School's website: <https://www.mgs.vic.edu.au/about/governance-and-leadership/policies-and-reports>. Protected disclosures may also be made to ASIC or the School's auditor.

All reports will be kept confidential and reports may be made anonymously.

All persons making a report are assured that in making a report they will not be personally disadvantaged by dismissal, demotion, any form of harassment, discrimination or current and future bias provided the report is not frivolous or vexatious. The person making the report will be kept informed of the progress of the investigation, where possible and appropriate.

Any person who, having made a report, believes that they have been personally disadvantaged has an automatic right of appeal to the Headmaster (or Chair of Council when relevant).

An eligible whistleblower is entitled to protections in relation to civil, criminal and administrative liability and also has the right to seek compensation and other remedies through the courts if:

- (a) they suffer loss, damage or injury because of a disclosure; and
- (b) the School failed to take reasonable precautions and exercise due diligence to prevent the detrimental action.

## Investigation Procedures

All reports of serious improper conduct will be investigated. The Headmaster and DBF (or Chair of Council when relevant) will determine an appropriate means by which to investigate the issue (which may include use of an external independent investigator) and assign an individual to oversee the investigation. The School is committed to conducting such investigations in a fair way, mindful of the rights of both the whistleblower and any person against whom allegations are made. For the protection of both the whistleblower and the person/s against whom the allegations are made, all details will be kept highly confidential.

The investigation will include the following steps:

1. Full details of the allegations will be obtained;
2. The person/s against whom the allegations are made will be informed if deemed reasonably necessary for the purposes of investigation (subject to advice from relevant authorities and considerations relating to the anonymity of the whistleblower);
3. External parties such as the police or the CCYP will be notified as required by law;
4. Allegations will be investigated as quickly as reasonably practicable;
5. Any actions taken will be made in consultation with the School Council unless officers are the subject of or implicated in the whistleblower report.



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The outcome of the investigation will be communicated to the whistleblower where possible and appropriate.

## Reports made by other members of the School Community

All reports made by members of the School Community will be taken seriously and investigated as appropriate. If the person who makes the report, however, is not an eligible whistleblower or the disclosure does not qualify for protection under the Corporations Act, the School will, endeavor to provide the same protections herein to ensure that they are not victimised or subjected to any form of detrimental action.

## Abuse of Reporting Process

The whistleblower must have reasonable grounds to suspect serious improper conduct. Abuse of the confidential reporting process will not be tolerated and may lead to further action against the whistleblower, including disciplinary action, as deemed appropriate by the Headmaster.

## Monitoring

The School will monitor and review this Policy regularly to assess its effectiveness in encouraging the reporting of serious improper conduct, protection of persons making reports and investigation of reports.

## Breaches of this Policy

The School expects that any employees who become aware of a breach of this policy to advise the Headmaster (or if appropriate the Chairman of School Council) without delay. Apart from any disciplinary action that may be taken by the School (up to and including termination of employment), breach of whistleblower protections may lead to civil and criminal liabilities for those involved.

## Dissemination

This Policy will be made available to employees on the staff portal and to the broader School community on the School website.

## Related Policies

- Staff Complaints Policy
- Parental and Student Complaint Policy – Local Students
- Parental and Student Complaint Policy – Overseas Students
- Conflict of Interest
- Victorian Institute of Teaching (VIT) Codes of Conduct and Ethics
- Child Safety and Wellbeing Policy
- Child Safe Code of Conduct
- Procedure to Responding to Allegations of Suspected Child Abuse



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## Legislation

Corporations Act 2001  
Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019  
Taxation Administration Act 1953  
ASIC Regulatory Guide 270