



MELBOURNE  
GRAMMAR SCHOOL  
AN ANGLICAN SCHOOL

# Whistleblower policy

## 1. Statement of context

Melbourne Grammar School (the School) is committed to fostering a culture of respect, ethical behaviour and responsibility.

The School recognises the value of transparency and accountability in its administrative and management practices and supports the reporting of improper conduct for the achievement of high standards of corporate governance.

## 2. Purpose of this Policy

This Policy has been put in place to encourage and support members of the School community to raise concerns about any suspected wrongdoing (including unethical, illegal, corrupt or other inappropriate conduct) without being subject to victimisation, harassment or discriminatory treatment. The School takes all concerns raised seriously and relies upon you to report your concerns so that it can address any substantiated wrongdoing when it occurs.

This Policy sets out information about:

- who can make a whistleblower disclosure;
- the avenues available for raising any concerns about suspected wrongdoing;
- how the School will deal with any disclosures it receives; and
- the protections available to whistleblowers.

This Policy does not apply in the circumstances outlined in section 5 below.

The Corporations Act 2001 (Cth) (Corporations Act) and the Taxation Administration Act 1953 (Cth) both provide protections for whistleblowers when they make a disclosure that is classified as a 'protected disclosure' (Whistleblower Regime). More information about the Whistleblower Regime is set out in Attachment 1.

## 3. Who can make a Disclosure under this Policy?

A disclosure can be made under this Policy by any person who is currently or was formerly:

- an employee (including part-time and casual employees) of the School,
- an officer of the School,
- a volunteer of the School,
- a contractor or supplier (including its employees) of all entities within or associated with the School, or
- a relative, dependant, or spouse of a dependant of any of the above individuals.

## 4. What is Reportable Conduct under this Policy?

Disclosures can be made under this Policy about any suspected or actual illegal, dishonest or improper conduct (Reportable Conduct) in relation to the School or any of its employees, contractors and officers. Reportable Conduct may include past, present or likely future conduct.

Examples of Reportable Conduct include, but are not limited to, the following:

- fraud, forgery, misuse or misapplication of funds;
- theft, tax evasion or embezzlement;

COMMERCIAL IN CONFIDENCE

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Policy Owner: Risk Management Committee

Function: Risk Management

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- concealment of improper conduct;
- legal or regulatory non-compliance ( including breaches of health and safety laws)
- unethical behaviour or misconduct (including a culture of discrimination and sexual harassment);
- significant breach of contract terms that bind the School;
- duress, corruption and dishonesty;
- offering and accepting a bribe, facilitation payment or other such benefit;
- serious disregard or breach of any of the Schools internal policies or codes of conduct;
- modern slavery or human trafficking;
- drug sale or use;
- threatened violence or criminal damage to property;
- a serious threat to the environment.
- improper conduct relating to accounting, internal controls, compliance, actuarial, audit or other matters and
- engaging in or threatening to engage in detrimental conduct against a person who has made a disclosure under this Policy or plans to do so.

Reportable Conduct does not include personal work-related grievances as set out in section 5.1 of the Policy.

You do not need to be certain that the Reportable Conduct has occurred or provide evidence to prove the Reportable Conduct has occurred. You will not be penalised for providing information that is later found to be incorrect.

However, you must at least have 'reasonable grounds' to suspect that Reportable Conduct is occurring or is likely to occur. You will be unlikely to have reasonable grounds to suspect alleged wrongdoing if you make a deliberately false report. The making of false reports is not tolerated and may lead to disciplinary action.

## 5. What types of matters are NOT covered by this Policy?

### 5.1 Personal work-related grievances

If you have any concerns, the School encourages you to speak up and report them. However, except in limited circumstances, a personal work-related grievance will not be covered under this Policy. Personal work-related grievances should be reported to the School pursuant to the School's Staff Complaints Policy, available on the staff portal.

Examples of personal work-related grievances may include:

- a) an interpersonal conflict between the discloser and another employee at the School;
- b) decisions relating to your engagement or employment at the School, including but not limited to, a transfer, promotion or disciplinary action.

A personal work-related grievance may be covered by this Policy if:

- (a) the grievance concerns allegations of victimisation of you as a whistleblower; or
- (b) the grievance is in relation to Reportable Conduct (as per section 4 above); or
- (c) the grievance also has significant implications for the School that do not relate to you.

### 5.2 Concerns or incidents relating to children

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. This Policy does not displace any mandatory reporting or commission for Children and Young People (CCYP) reportable conduct requirements. If you need to report

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such a concern, refer to the Schools Child Safety and Wellbeing Policy and Child Safe Procedures for Responding to Allegations of Suspected Child Abuse, available on the staff portal and external website.

## 5.3 Concerns from parents or students

If you are a parent or student wanting to make a complaint, you should do so in accordance with the School's Parental and Student Complaint's Policy, available on the School's website.

## 6. How do I make a report?

### 6.1 Making a report internally

You are encouraged to make a disclosure to the School directly, to enable the School to address any wrongdoing as quickly as possible. You should make your report to the following individuals in the first instance when raising a concern under this Policy:

Name	Role	Contact Details
Ben Hanisch	Deputy Headmaster/Head of the Senior School	<a href="mailto:bphanisch@mgs.vic.edu.au">bphanisch@mgs.vic.edu.au</a> 03 9865 7523
Dorothy Tselios	Director of Human Resources	<a href="mailto:dttselios@mgs.vic.edu.au">dttselios@mgs.vic.edu.au</a> 03 9865 7531

If the report involves either of these individuals, or you prefer to make the disclosure to another person within the School who is authorised to receive a protected disclosure, you may make a report to the Headmaster or Director of Business and Finance. If the report involves the Headmaster, the matter should be reported to the Chair of the School Council. If the report involves the Chair of the School Council, the matter should be reported to the Deputy Chair of the School Council.

Other recipients who are also authorised to receive disclosure within the School, include an officer of the School (eg, a member of the School Council) or a senior manager of the School.

There is no requirement for disclosures to be made in a particular form. Disclosures may be made in writing (eg via email), in person or via telephone.

All reports will be kept confidential and may be made anonymously or outside business hours. It would be helpful to include information about the underlying event such as the date, time, location, names of persons involved, possible witnesses, the reasons why you were concerned and any other evidence which may be relevant.

### 6.2 Making a report externally

We encourage you to report matters covered by the Policy directly to the School. However, you may also make a disclosure to the following:

- KPMG FairCall which is an independent external reporting service available to you to make a disclosure or request further information about doing so;
- auditors or actuaries of the School (eg, Deloitte);
- ASIC, APRA, other prescribed Commonwealth authorities or, for tax related matters, the Commissioner of Taxation. ASIC, APRA and the ATO have issued information sheets or guides on whistleblowers' rights and protections, which are available on their websites;



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- d) a legal practitioner to obtain legal advice or legal representation in relation to the Whistleblower Regime;
- e) in limited circumstances, you may make a 'public interest disclosure' or an 'emergency disclosure' to a journalist or member of Parliament. Please note that there are strict criteria set out in the Corporations Act for making such disclosures. -Therefore, if you wish to make such a disclosure, it is important that you understand the strict criteria which applies before doing so. We recommend that you contact an independent legal adviser and obtain further information before making such a disclosure.

## 7. Can I remain anonymous?

You can remain anonymous when making a disclosure about Reportable Conduct. You will still be entitled to receive the protections set out in this Policy if you remain anonymous. You can also refuse to answer questions if you feel they could reveal your identity at any time, including during follow-up conversations.

However, if you choose to make an anonymous disclosure, it can limit the School's ability to investigate your report as well as protect and support you throughout the process of dealing with your report.

You can make a disclosure anonymously by:

- a) using a pseudonym or unidentifiable email address when making your disclosure; or
- b) making an anonymous disclosure to KPMG FairCall.

We will respect your decision to remain anonymous but be assured if you change your mind or disclose your identity when making a protected disclosure you will be afforded confidentiality protections in respect to your identity as outlined in this Policy.

## 8. How will the School investigate a disclosure?

The School takes all disclosures of Reportable Conduct seriously and, where appropriate, will investigate them.

### 8.1 What happens after I make a disclosure under the Policy?

Once your disclosure is received, preliminary enquiries will be made to:

- a) assess whether the disclosure falls within the scope of this Policy, which may include contacting you for further information; and
- b) determine how best to progress the issues raised in the disclosure, including whether an investigation will be necessary and possible.

If the disclosures fall within the scope of this Policy, and an investigation is necessary and possible then, depending on the nature of the disclosable matter, your protected disclosure will be either:

- a) investigated internally; or
- b) referred to an appropriate external person for an independent investigation.

### 8.2 How will the investigation be conducted?

Investigations will be carried out in accordance with the principles of natural justice or procedural fairness. This means those involved in the investigation will have a fair hearing, that those conducting the investigation will be impartial (eg, not be biased or be seen to be biased) and that findings will be based



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upon material evidence (not mere speculation or suspicion) with proper and genuine consideration given to each party's case.

When an investigation is necessary, the way in which it is conducted may vary depending on several factors including the nature of the reportable conduct and the amount of information provided. However, an investigation will involve:

- a) obtaining details of the allegations from you (where possible);
- b) informing the person(s) against whom the allegations are made, if deemed reasonably necessary for the purposes of investigation, and giving them an opportunity to respond;
- c) considering other evidence including any witness evidence relevant to the allegations.

Investigations will be conducted as quickly as reasonably practicable and will usually occur within 2 months, although time frames may vary depending on the nature and scope of the investigation.

In conducting investigations, information which may disclose your identity will not be disclosed without your consent unless permitted by law.

If compliance with the School's confidentiality obligations will prevent it from conducting a fair investigation, the School will discuss this with you before progressing.

It is important you understand that the School may not be able to commence or progress with an investigation in some circumstances, for example because:

- (a) you made the disclosure anonymously and did not provide any contact details for the School to obtain further information from you;
- (b) the School is unable to proceed with the investigation without disclosing your identity, and you have not provided consent to such disclosure.

## 8.3 What happens once the investigation is complete?

The School will document and report the findings of the investigation in accordance with its confidentiality obligations. The way it documents and reports those findings will depend on the nature of the disclosure but would normally include a finding of all relevant facts, a determination about whether the allegations have been substantiated or otherwise and any action that may be taken by the School.

Where possible and appropriate, the School will aim to provide details to you of the outcome once complete. However, confidentiality concerns may prevent the School from providing specific details of the investigation or any disciplinary action taken as a result.

## 9. Fair treatment

The School will conduct all investigations of disclosures of reportable conduct in a procedurally fair and confidential manner, to ensure fair treatment to you and any individuals named in the disclosure or to whom the disclosure relates.

No action will be taken against any individual implicated in a disclosure until an investigation has determined whether any allegations against them are substantiated. However, if appropriate, an implicated employee or officer may be temporarily stood down on full pay pending the outcome of the investigation. Any action taken will be made in consultation with the School Council (unless officers on the Council are implicated in the report).



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## 10. How will the School protect and support a whistleblower?

We understand you may feel worried about possible repercussions from reporting your concern. If you have reasonable grounds to suspect Reportable Conduct, even if it turns out your concerns are mistaken, the School will not tolerate any form of reprisal against you for raising those concerns. The School will support and protect you and anyone else assisting in the investigation.

The School is committed to ensuring you feel supported and able to raise issues which relate to any Reportable Conduct.

The following support will be available to you:

- a) If you are an employee, the School's Employee Assistance Program is available to you so you can access confidential counselling services;
- b) The School will address any complaints or concerns if you believe you have suffered detriment, victimisation or reprisal;
- c) The School will protect your identity and information likely to lead to your identification;
- d) You will be kept regularly informed of the progress of any investigation (where possible);
- e) The School will discuss and address any welfare or wellbeing concerns you may have during the process.

## 11. What legal protections are available if I disclose Reportable Conduct?

Protections available under the Whistleblower Regime may apply to disclosures made in accordance with this Policy.

If you have made a protected disclosure under the Whistleblower Regime, either directly to the School or to another person authorised to receive protected disclosures, you will be afforded the following legal protections.

### 11.1 Identity protection and confidentiality

The School is legally obligated to protect your identity and will not disclose your identity or information that may lead to your identification (Confidential Identity Information) unless the School is authorised to do so under the Whistleblower Regime.

Except in limited circumstances, the School must not disclose your Confidential Identity Information without first obtaining your consent. You are under no obligation to provide your consent, but the School encourages you do so as it will enable us to investigate a protected disclosure and take appropriate action more fully. Circumstances where the School is authorised to disclose Confidential Identity Information, include where the School discloses the information:

- a) to a legal practitioner for the purposes of obtaining legal advice or legal representation in relation to the Whistleblower Regime; or
- b) to ASIC, APRA, or the Australian Federal Police (AFP) or another prescribed body.

If you do disclose your identity when making a protected disclosure, the School has in place various protections and mechanisms to keep your Confidential Identity Information secure.

These include:



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- a) securely storing paper copy and electronic documents and other materials regarding your protected disclosure;
- b) limiting access to information relating to the protected disclosure to those directly involved in managing and investigating the disclosure;
- c) reminding those involved of their obligations to ensure your identity is kept confidential and that serious penalties apply; and
- d) where appropriate and necessary, taking all reasonable steps to reduce the risk of you being identified as a result of the investigation, including but not limited to:
  - i. redacting Confidential Identity Information from materials;
  - ii. using a pseudonym in place of your names;
  - iii. ensuring all investigations are handled by trained and qualified persons.

It is important you are aware that, in practice, people may be able to guess your identity if you have previously mentioned that you are considering making a protected disclosure, or if only a very small number of people have access to the information you are disclosing.

## 11.2 Protection from legal action

You will be protected from certain legal action taken by the School or any individuals for making the disclosure, including:

- a) civil, criminal, and administrative (including disciplinary) action against the you; and
- b) contractual action, including termination of a contract on the basis that making a disclosure is a breach of that contract.

However, these protections will not grant you immunity for any of your own misconduct that is revealed in your disclosure.

## 11.3 Prohibition against victimisation, detriment and reprisals

It is unlawful for a person to:

- a) engage in any conduct that causes any detriment; or
- b) make a threat to cause any detriment,

to you or another person because they believe or suspect that you or a third person made, may have made, proposes to make, or could make, a protected disclosure under the Whistleblower Regime.

"Detriment" includes dismissal, disciplinary action, harassment, discrimination, property damage, reputational damage and other types of damage to a person.

Some examples of actions which are not regarded as detrimental conduct include:

- a) managing your unsatisfactory work performance or conduct pursuant to the relevant policies;
- b) administrative action taken for the purpose of protecting you from detriment under this Policy.

If you suffer, or are threatened, detriment in contravention of the Whistleblower Regime, you may apply to the court for an order of compensation or another remedy against those who were involved in the contravention.

A breach of this Policy by an employee of the School may be regarded as misconduct and may lead to disciplinary action up to and including termination of employment. The School expects that any employees



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who become aware of a breach of this Policy to advise the Headmaster (or if appropriate the Chairman of the School Council) as soon as practicable.

## 12. Reporting Responsibilities

The School Council (through the Risk Management Committee) will be provided with confidential reports on the number and type of whistleblowing incidents quarterly to enable it to address any issues at a group level. The Risk Management Committee will be provided additional information about any material incidents raised. Reports will be a "no names" basis to maintain the confidentiality of matters raised under this policy.

## 13. Accessibility of the Policy

This Policy will be made available:

- to employees on the staff portal; and
- on the School's external website.

## 14. How can I lodge a complaint?

If you believe:

- this Policy has not been followed;
- your confidentiality has been breached;
- the investigation process or outcomes are inappropriate; or
- that you or another person involved in the disclosure are, or are going to be, subject to victimisation, detriment or reprisal,

then a complaint can be made to the Headmaster or Chair of Council.

## 15. Other information

If you would like further information about how this Policy works and what it covers, please contact the Headmaster or Director of Human Resources who will treat your discussions confidentially. It is a condition of any employment by the School that all employees always comply with this Policy. However, this Policy does not form part of any employee's contract of employment with the School. The School will periodically monitor and review this Policy to assess its effectiveness in encouraging the reporting of serious improper conduct, protections of persons making reports and the investigation of reports. This Policy may be amended and may be the subject of ongoing education and training for all officers and employees from time to time.

## 16. Related policies

<ul style="list-style-type: none"><li>Staff Complaints Policy</li><li>Parental and Student Complaint Policy – Local Students</li><li>Parental and Student Complaint Policy – Overseas Students</li><li>Conflict of Interest</li></ul>	<ul style="list-style-type: none"><li>Victorian Institute of Teaching (VIT) Codes of Conduct and Ethics</li><li>Child Safety and Wellbeing Policy</li><li>Child Safe Code of Conduct</li><li>Procedure to Responding to Allegations of Suspected Child Abuse</li></ul>
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## Attachment 1

### Whistleblower Regime

In Australia, some whistleblowers are afforded protections under the legislation when they make a disclosure that is classified as a 'protected disclosure'. The Corporations Act 2001 (Cth) (Corporations Act) and the Taxation Administration Act 1953 (Cth) both provide for the protection of whistleblowers (Whistleblower Regime).

You can make a "protected disclosure" under the Whistleblower Regime if:

- a) you are an "eligible whistleblower"; and
- b) the disclosure you make is about a "disclosable matter"; and
- c) you make the disclosure directly to an "eligible recipient".

### Eligible Whistleblower

You are an "eligible whistleblower" if you are, or have previously been:

- a) an officer of the School;
- b) an employee of the School;
- c) a person who supplies goods or services to the School, and employees of those suppliers;
- d) an associate (as defined in the Corporations Act) of the School; or
- e) a relative, dependant, or spouse of a dependant of any of the above individuals.

### Disclosable Matter

Only disclosures of certain types of information will qualify for protection under the Whistleblower Regime. Except in certain circumstances, a personal work-related grievance (for example a disclosure about an interpersonal conflict or a disciplinary decision) will not be protected. Information is a "disclosable matter" if the eligible whistleblower has reasonable grounds to suspect that the information disclosed:

- a) concerns misconduct or an improper state of affairs or circumstances in relation to the School;
- b) indicates that the School or any employee or officer has engaged in conduct that:
  - i. constitutes a contravention of specific legislation, including the Corporations Act; or
  - ii. constitutes an offence against any other law of the Commonwealth that is punishable by at least 12 months' imprisonment; or
  - iii. represents a danger to the public or the financial system; or
  - iv. is prescribed by regulations.

### Eligible Recipients

Each of the following is an eligible recipient:

- a) an officer of the School;
- b) a senior manager of the School;
- c) internal or external auditors or actuaries of the School;
- d) a person authorised by the School to receive disclosures that may qualify for protection under the Whistleblower Regime.

An eligible whistleblower may also make a protected disclosure to:



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- a) the Australian Securities and Investments Commission (ASIC), the Australian Prudential Regulation Authority (APRA) or a prescribed Commonwealth authority;
- b) a legal practitioner to obtain legal advice or legal representation in relation to the Whistleblower Regime;
- c) in limited circumstances, a journalist or member of Parliament.

If the protected disclosure relates to the tax affairs of the School, then an eligible whistleblower may make a protected disclosure to:

- a) a legal practitioner to obtain legal advice or legal representation in relation to the Whistleblower Regime;
- b) in certain circumstances, the Commissioner of Taxation.

This is a summary only of the Whistleblower Regime. Further information about the Whistleblower Regime is available from [ASIC](#).