

Whistleblower Policy

- All of Brighton Grammar School's policies are intended to be up to date and be consistent with all relevant laws.
- Employees are expected to comply with all applicable policies.
- Various parts of the policies require managers and staff to exercise discretion, and the policies are not intended to be applied in a legalistic or prescriptive manner.
- These policies may be varied by Brighton Grammar School from time to time, at its absolute discretion.
- Brighton Grammar School is fully committed to the protection of children and young people during all School activities and environments both within and outside of School hours.
- This is a whole of school policy and there may, from time to time, be variations in different parts of the School. In such circumstances, advice will be issued by the relevant Head of School.

Purpose

Under the Corporations Act 2001 (Cth), schools have a legal duty to protect whistle-blowers.

Whistle-blowing is of vital importance when it comes to protection of the School and can provide the School with the first signs of any organisational misconduct.

Whistle-blower Protection is a process in which employees of Brighton Grammar School may raise serious concerns about conduct they suspect may be illegal, fraudulent, corrupt, damaging or improper, on a confidential basis, without fear of reprisal, dismissal or discriminatory treatment. These disclosures can be made to the Chairman of Council, the Headmaster, and Chief Operating Officer and Director of Human Resources or anonymously via the BGS independent whistle-blower platform as outlined below.

This Policy aims to:

- Provide better protections for individuals who disclose wrongdoing (disclosers)
- Improve the whistleblowing culture of entities and increase transparency in how entities handle disclosures of wrongdoing
- Encourage people to speak up and disclose any suspected wrongdoing
- Deter wrongdoing, promote better compliance with the law and promote a more ethical culture, by increasing awareness that there is a higher likelihood that wrongdoing will be reported.

Application

This Policy defines an eligible whistleblower as outlined in Part 9.4AAA of the Corporations Act 2001 (Cth) and includes:

- All current employees (including Directors, Managers, Secondees and CRTs)
- Contractors, Consultants, Service providers, Suppliers, Business partners
- Former employees
- Associates
- Spouses, relatives and dependants of the above

Whistleblowing protections do not extend to parents or students. Concerns and allegations of misconduct or improper behaviour raised by parents or students should be dealt with using the school's complaints policy and procedures.

What sort of concerns should be reported?

Brighton Grammar School would like to hear from individuals who witness or know about or have reasonable grounds to suspect any behaviours that may include actual or suspected:

- Conduct or practices which are illegal or breach any Law (including drug sale/use, violence or threatened violence toward individuals or groups and criminal damage against property)
- Corrupt or misleading activities or conduct
- Theft, fraud or misappropriation
- Significant mismanagement or waste of funds or resources
- Abuse of authority
- Serious harm to public health, safety or environment or the health and safety of any employee of the School, contractor, parent or student
- Dishonesty
- Conduct which has the potential to damage the reputation of the School or individuals
- Unethical behaviour

Please note:

The Grievance, Complaint and Dispute Resolution Policy applies to workplace grievances. As a guide, workplace related grievances and complaints (including, for example, a suspected breach of the Equal Opportunity, Discrimination, Harassment and Bullying Policy) and low-level instances of suspected misconduct or wrongdoing should be reported or escalated in accordance with the Grievance, Complaint and Dispute Resolution Policy. It is appropriate to make a disclosure under this Policy when a staff member genuinely believes a serious breach of the School's Code of Conduct, policies or the Law has taken place or may take place

The Child Safety and Wellbeing Policy applies to all concerns regarding the safety of a child and as such should be reported following procedures outlined in the Child Safety and Wellbeing Policy not this policy.

This policy is independent of any mandatory reporting requirements. Refer to Child Safety and Wellbeing Reporting Obligations Policy.

The eligible person that raises the concern will be advised if their concerns are not suitable for investigation under this Policy and other options for addressing the concerns may be canvassed.

Anonymity

Brighton Grammar School respects and protects eligible persons privacy and identity if you chose to make an anonymous report. Eligible persons have the right to remain anonymous during the reporting, interacting with case managers during the investigations as well as once investigations have been closed. At any given time, an eligible person may identify themselves however Brighton Grammar School will not force this.

If eligible persons decide to disclose their identity Brighton Grammar School will work to protect the person and will take all reasonable steps to prevent retaliation.

Complaints Procedure

If an eligible person becomes aware of any matter or conduct they consider may contravene the School's Code of Conduct, Policies or the Law, it is expected that they will (without delay and in confidence) report the matter to:

- The Chairman of Council
- The Headmaster

- The Chief Operating Officer, or
- The Director of Human Resources

Or anonymously via the Brighton Grammar Schools anonymous whistle-blower platform (supported by an independent provider).

Note: Any anonymous disclosure made will still be protected under the Corporations Act.

Disclosures can be made via the following:

- By way of an online self-report via <https://brightongrammar.grapevineonline.com.au/>
- By way of a telephone call to the [Grapevine Hotline 1300 933 977](tel:1300933977)
- By way of hard copy mail to secured mail box number [PO Box 1099, Carlton South, VIC, 3053](mailto:PO.Box.1099@brightongrammar.vic.edu.au)

If the Headmaster is not the person notified, the Headmaster should be advised as a matter of urgency (unless the issue relates to the Headmaster's own conduct). The Headmaster will advise the Chairman of Council and will thereafter keep the Chairman fully informed of all relevant matters which evolve. The Chairman will take responsibility for notifying Members of Council as appropriate.

The Headmaster will determine an appropriate means by which to investigate the issue and assign an individual (usually either the Chief Operating Officer or the Director of Human Resources) to investigate the allegations and assess the merit of the issue and make recommendations on a course of action.

All matters reported will be subject to a thorough investigation with the objective of locating evidence that either substantiates or refutes the allegation(s) made by the Whistle-blower, subject to the Safeguards contained in this Policy.

If the report concerns the actions of another employee, that person will be informed of the complaint (in writing) by the Headmaster where it is considered appropriate to do so, subject to considerations relating to the anonymity of the Whistle-blower and the impact of providing this advice to the employee upon the gathering of relevant information in regard to the allegations.

Each step will be reviewed by the Headmaster and shared with the Chairman of Council as appropriate.

Where the issues raised are serious, the Headmaster may exercise the discretion to suspend the individual(s) on full pay or assign alternate duties whilst enquires into the issues are taking place.

A report will be prepared by the investigator. The report will provide a summary of the facts of the investigation and responses taken and recommendations made, including, if applicable, referral to the Police, other disciplinary action, recovery action, and changes to internal controls or procedures in order to prevent recurrences of the incident.

The Headmaster will consult with the Chairman of Council where appropriate to determine the most appropriate course of action to address the conduct or performance as applicable. Any matters which are found to be contrary to Law or fall within mandated areas for reporting to Authorities shall be reported to the respective group in a timely manner if it is appropriate to do so.

Detailed document control and electronic communications management shall be maintained and all relevant documents shall be retained by the Headmaster in a central file.

Information which would be confidential to the process will only be shared with individuals as determined by the Headmaster and outcomes will be communicated to other staff, students or the parent community only to the extent necessary in order to restore normal operations within the School where they have been disrupted or suspended.

Whistleblower Protection

The whistleblower protections include criminal offences and civil penalties for a person causing or threatening to cause detriment to a whistleblower or breaching a whistleblower's confidentiality, including during an investigation into the whistleblower's concerns.

The Whistle-blower will be informed by the Headmaster or case manager once any investigation into his or her report has been commenced, during regular intervals during the investigation (to be determined by the Headmaster or case manager) and once the investigation has concluded.

The identity of the Whistle-blower and the contents of the report will be kept confidential and no details of their participation in the process will be included in their personnel file or performance review. The report will not be disclosed to anyone except those that are actively involved in investigating the matters raised in the report.

The Whistle-blower will not be discriminated against or disadvantaged in their employment with Brighton Grammar School as a consequence of reporting a matter, in good faith, in accordance with this process, nor will they be subjected to their actions in making a report.

Reasonable steps and external and internal support networks will be put in place to ensure that adequate and appropriate protection is provided for those who, in good faith, make a report. This protection applies whether the matter is found to have merit or not, regardless of whether it is reported to an external authority.

Reporting to Regulators: Eligible whistleblowers may report directly to ASIC and Protections apply regardless of whether the report is internal or external.

Criteria for protection as a Whistle-blower under law

You can access the legal rights and protections for whistle-blowers in the Corporations Act if you meet the definition of an 'eligible whistle-blower'.

These criteria seek to include most people with a connection to a company or organisation who may be in a position to observe or be affected by misconduct and may face reprisals for reporting it. These people can access the rights and protections in the law from when they report misconduct. The protections also extend to the spouses and relatives of these people.

However, whistle-blower protection under law do not cover a report of misconduct solely about your personal work-related grievance.

If you have a personal work-related grievance, you may still be able to access the whistleblower protections for a report about your treatment if they:

- *Include victimisation for blowing the whistle; or*
- *Have systemic or broader governance implications*

Safeguards

It should be noted however that the process of Whistleblowing will be treated with great seriousness by the School. It is not a means by which to exact vengeance, mischief or to air a grievance.

Whistleblowing is designed to provide a safe means to report real or perceived malpractice. A report may damage the career prospects and reputation of people who are the subject of serious allegations and may cause genuine distress to those who are the subject of an investigation.

Therefore, if a report is found not to have been made in good faith, the Whistle-blower may be subject to disciplinary action in accordance with the School's Performance and Conduct Management Policy.

Accessibility

This policy will be made available to all employees via the School's intranet and external website. Ongoing education and communication to staff will be made via a yearly briefing at an employee professional learning day.

The policy is also available on the School's Compliance portal SAM4schools which is accessible to all Contractors and Facility Hirers.

Related Policies

- Staff Code of Conduct
- Performance and Conduct Management Policy
- Ethics and Disclosure Policy
- Child Safety and Wellbeing Policy

- Child Safety and Wellbeing Reporting Obligations Policy
- Child Safety Code of Conduct

References

Australian Securities and Investments Commission (ASIC)

<https://asic.gov.au/about-asic/contact-us/how-to-complain/whistleblower-protections/>

<https://asic.gov.au/about-asic/asic-investigations-and-enforcement/whistleblowing/whistleblower-rights-and-protections/>

This Policy is a controlled document. Any printing of this document is uncontrolled. Please refer to the school portal for the latest version of this policy	
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