



St Margaret's School
Berwick Grammar School



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WHISTLEBLOWER POLICY

Definitions

The School is defined as St Margaret's School, Berwick Campus (SMS) and Berwick Grammar School, Officer Campus (BGS).

Staff refers to all School employees, contractors, agency staff and volunteers including teaching and education support staff.

Parent, in relation to a child, includes a guardian and those with parental responsibilities for the child (such as guardians, step-parents, grandparents, extended family and care givers) including parental responsibility under the Family Law Act 1975 of the Commonwealth and any person with whom a child normally or regularly resides.

Whistleblowing

For the purpose of this policy, whistleblowing is defined as: "The deliberate, voluntary disclosure of individual or organisational malpractice by a person who has had access to data, events or information (whether privileged, confidential or otherwise) about an actual, suspected or anticipated wrongdoing within or by an organisation that is within its ability to control."

Whistleblower

For the purpose of this policy, a whistleblower is defined as: "Any employee, director, related officer or contractor of St Margaret's and Berwick Grammar School Community, who whether anonymously or not makes or attempts to make a disclosure as defined in the definition of Whistleblowing."

Improper Conduct

For the purpose of this policy, improper conduct is defined as conduct which is:

- Dishonest
- Fraudulent
- Corrupt
- Illegal (including theft, drug sale/use, violence or threatened violence, criminal damage against property)
- In breach of Commonwealth or Victorian legislation or local authority by-laws
- Unethical (representing a breach of the St Margaret's and Berwick Grammar School Code of Engagement generally)
- Other serious improper conduct which if proven would constitute reasonable grounds for dismissing or taking disciplinary action against an employee or otherwise terminating the services of the person or entity
- A substantial risk to health and safety
- Substantial mismanagement of St Margaret's and Berwick Grammar School's resources
- Substantial risk to the environment
- Any other conduct which may cause financial or non-financial loss to the School or be otherwise detrimental to the interests of St Margaret's and Berwick Grammar School.

Protected Disclosure

For the purpose of this policy, protected disclosure is defined as: "Any good faith communication based on reasonable grounds that discloses or demonstrates an intention to disclose information that may evidence improper conduct."



Rationale

St Margaret's and Berwick Grammar School is committed to ensuring a respectful learning environment that is safe, positive and supportive for all students, staff and visitors of the School.

The St Margaret's and Berwick Grammar School Council is the governing body of the School. Recognising the expectations of the School's staff (all employees), students, regulators and the community, the Council is committed to best practice in corporate governance, compliance and ethical behaviour generally. One of the principal responsibilities of the Council includes monitoring compliance with regulatory, ethical and prudential requirements.

A key test of the corporate governance health in St Margaret's and Berwick Grammar School is whether there are both formal and informal structures in place to enable communication to the appropriate destination. This policy is an important mechanism in being able to satisfy that key test.

Scope

This policy covers the procedures for dealing with reports made by a member of the St Margaret's and Berwick Grammar School of suspected improper conduct within the School. It also addresses the protection of individuals making those reports.

Implementation

How to Make a Whistleblower Report

All St Margaret's and Berwick Grammar School staff are encouraged, and have a responsibility to, report any known or suspected incidences of improper conduct by making a protected disclosure in accordance with this policy. St Margaret's and Berwick Grammar School staff should in the normal course first report such matters to their immediate manager. However, if a staff member has a concern with that, (for example the staff member reasonably believes that the manager is involved in the improper conduct or, for any other reason believes that it would not be deemed to be appropriate to inform their immediate manager), then the staff member should notify the Principal, the President or the Deputy President, of the School Council. Contact details for members of the School Council can be found in 'Making an Anonymous Whistleblower Report'.

Making an Anonymous Whistleblower Report

St Margaret's and Berwick Grammar School acknowledges and makes provision for the anonymous reporting of a whistleblower allegation. Options for staff in making an anonymous report are as follows;

- Sending the report via post to the Principal or The President, marked 'Private and Confidential';
- Making a report via our confidential disclosures email addresses:
 - The Principal: Principal@stmargarets.vic.edu.au
 - The President of School Council: PresidentofSchoolCouncil@stmargarets.vic.edu.au; or
- Calling Main Reception or any of the School's administrative offices on (03) 9703 8111.

Protecting the Identity of the Whistleblower

St Margaret's and Berwick Grammar School will take all reasonable steps to protect the identity of the whistleblower. Maintaining confidentiality is crucial in ensuring reprisals are not made against a whistleblower.

Managing the Welfare of the Whistleblower

All St Margaret's and Berwick Grammar School staff also have an important responsibility concerning the welfare of the whistleblower within the organisation. All St Margaret's and Berwick Grammar School staff must refrain from any activity that is, or could be perceived to be, victimisation or harassment of a person who makes a protected disclosure.

All St Margaret's and Berwick Grammar School staff must take all reasonable steps to attempt to maintain the confidentiality of a person they know or suspect to have made a disclosure.

Commitment to Protecting Whistleblowers

St Margaret's and Berwick Grammar School is committed to the protection of genuine whistleblowers against action taken in reprisal for the making of protected disclosures. The School is prepared to take the necessary measures to protect the whistleblower, when a member of staff may be particularly vulnerable. Measures that may be considered include moving a member of staff out of a particular section while the investigation is ongoing, granting leave, or working from home.

Keeping the Whistleblower Informed

The Principal or the President will ensure the whistleblower is kept informed of action taken in relation to their disclosure.

Whistleblowers Implicated in Improper Conduct

St Margaret's and Berwick Grammar School acknowledges that the act of whistle blowing should not shield whistleblowers from the reasonable consequences flowing from any involvement in improper conduct. A person's liability for their own conduct is not affected by the person's disclosure of that conduct. However, in some circumstances, an admission may be a mitigating factor when considering disciplinary or other action.

Investigating a Whistleblower Report

St Margaret's and Berwick Grammar School is committed to investigating all whistleblower reports. The type of investigation will be determined by the circumstances of the report at the time. The investigation will follow the principles following procedure of fairness, including involving an impartial person or persons as appropriate to the investigation.

Distinguishing Whistleblowing from Raising Concerns and Complaints

Whistleblowing differs from the lodgement of an internal grievance under our Raising Concerns and Complaints Policy which, in general terms, deals with less serious complaints about day-to-day work related problems, concerns or behaviours. If the whistleblower is in doubt as to which procedure to use, we recommend that they use the Raising Concerns and Complaints Policy.

Breaches of the Policy

St Margaret's and Berwick Grammar School may take disciplinary action, that may include dismissal where:

- a staff member/whistleblower breaches this policy in making an allegation in bad faith;
- a staff member breaches this policy by victimising a person who made, or may have made a whistleblower report.

Related Policies

Student Code of Conduct, Code of Engagement (staff), Child Safe Policy, Child Protection and Mandatory Reporting Policy, Raising Concerns and Complaints Policy

Responsibility for this Policy

Principal endorsed by Council

Policy Location

This Policy is published on Parent Lounge, Student Café and Teacher Kiosk

Policy Review

Triennially or as circumstances dictate.

Issued: November 2019

Reviewed and Updated: