

## POLICY



# St Lucy's Whistleblower Policy

**Contact Officer**

**Principal**

**Introduction**

St Lucy's School is an independent Catholic Special School which is part of Dominican Education Australia (DEA). St Lucy's provides for children with a wide range of disabilities that include cognitive impairment, Autism Spectrum Disorders and/or language disability.

**Purpose**

St Lucy's School is committed to the protection of individuals who disclose information about illegal or improper conduct occurring within St Lucy's School . This policy has been adopted to provide a safe and confidential environment where such concerns can be raised by whistleblowers without fear of reprisal or detrimental treatment.

This policy sets out:

- who is entitled to protection as a whistleblower under this policy and the Corporations Act;
- the protections whistleblowers are entitled to under this policy and under the Corporations Act; and
- how disclosures made by whistleblowers in accordance with this policy and under the Corporations Act will be handled by St Lucy's School

This policy is available to all officers and employees of St Lucy's School on the Y drive; Policies, Procedures & Other Key documents.

**Scope**

This Policy applies to all officers, employees and contractors of St Lucy's School must comply with this policy.

**Definitions**

“ASIC” means the Australian Investment and Securities Commission

“APRA” means the Australian Prudential Regulation Authority

“Associate” means any individual within the meaning of the Corporations Act

“Corporations Act” means the *Corporations Act 2001* (Cth)

“Personal Work-Related Grievance” is as defined in section 1317AADA of the Corporations Act, and may include the following grievances:

- an interpersonal conflict between the discloser and another employee;

	<ul style="list-style-type: none"> <li>• a decision relating to the engagement, transfer or promotion of the discloser;</li> <li>• a decision relating to the terms and conditions of engagement of the discloser;</li> <li>• a decision to suspend or terminate the engagement of the discloser, or otherwise to discipline the discloser.</li> </ul> <p>“Relative” has the same meaning as in the Corporations Act</p> <p>“Spouse” has the same meaning as in the Corporations Act</p>
<p><b>Who is entitled to Protection</b></p>	<p>To be treated as a whistleblower under this policy the person must:</p> <ul style="list-style-type: none"> <li>• be one of the individuals set out below;</li> <li>• disclose information regarding the type of matters set out below; and</li> <li>• disclose that information to one of the persons or bodies set out below.</li> </ul> <p>Disclosures can be made by a current or former:</p> <ol style="list-style-type: none"> <li>a) officer or employee of St Lucy’s School ;</li> <li>b) contractor or supplier of goods and services to St Lucy’s School, or their current and former employees;</li> <li>c) Associate of St Lucy’s School, or</li> <li>d) A Relative; Spouse or a dependant of an individual mentioned above.</li> </ol> <p>Disclosures can be made about <b>unlawful conduct or conduct that endangers the public or financial system which you suspect on reasonable grounds has occurred or is occurring within St Lucy’s School</b>, including conduct by an officer or an employee of St Lucy’s School. However, disclosures which are solely about a Personal Work-Related Grievance (as defined) will <b>not</b> be protected under this policy. Such matters may be appropriately dealt with in accordance with St Lucy’s School’s General Grievance &amp; Complaints &amp; Compliments Policy &amp; Procedures.</p> <p>A whistleblower may make a disclosure to the following people or bodies:</p> <ol style="list-style-type: none"> <li>a) your supervisor or manager (if you are an employee of St Lucy’s School);</li> <li>b) an Officer of St Lucy’s School;</li> <li>c) audit engagement Partner from Manser Tierney &amp; Johnston;</li> <li>d) ASIC;</li> <li>e) APRA; or</li> <li>f) a lawyer in order to obtain advice or representation about the Corporations Act.</li> </ol> <p>If the circumstances described in section 1317AAD of the</p>

	<p>Corporations Act exist, then a whistleblower may make a public interest or emergency disclosure to the following persons:</p> <ul style="list-style-type: none"> <li>g) a member of a Commonwealth or State parliament or Territory legislature; or</li> <li>h) a journalist.</li> </ul>
<p><b>Making a disclosure</b></p>	<p>A disclosure can be made in person, by telephone or in writing to one of the people or bodies identified above. The external persons and bodies above, may have other means by which you may make a disclosure. It is important to note that a whistleblower does not have to reveal their identity when making a disclosure.</p>
<p><b>How a disclosure is investigated</b></p>	<p>The person who receives the disclosure will promptly forward it to the Principal and/or Chair of Board who will determine whether it requires formal investigation.</p> <p>Any formal investigation of a disclosure will be undertaken by an impartial senior person, or an external investigator.</p> <p>St Lucy's School who will ensure that the investigation:</p> <ul style="list-style-type: none"> <li>a) is conducted promptly;</li> <li>b) is sufficiently resourced;</li> <li>c) is conducted in a fair and objective manner;</li> <li>d) is conducted in strict confidence;</li> <li>e) protects the identity of the person who made the disclosure; and</li> <li>f) gives the opportunity to any person who is adversely mentioned in the disclosure an opportunity to respond prior to any findings being made.</li> </ul> <p>At the conclusion of the investigation, the investigator will provide the Principal with a report that will summarise how the investigation was conducted, the evidence collected and contain findings in relation to the allegations in the disclosure and recommend any action required.</p> <p>Following receipt of the investigation report, the Principal will take appropriate action, which may include:</p> <ul style="list-style-type: none"> <li>a) implementing the recommendations of the investigator;</li> <li>b) requesting further investigation;</li> <li>c) recommending disciplinary action; and/or</li> <li>d) notifying regulatory or law enforcement bodies.</li> </ul> <p>The whistleblower will be informed of the results of the investigation following the Principal taking the steps above. However, some circumstances may limit the information provided to the person, such as confidentiality or other legal constraints.</p>

<p><b>Protection for Whistleblowers</b></p>	<p>A whistleblower is entitled to protection of their identity, or Information that is likely to lead to their identity becoming known. The whistleblower’s identity or information that is likely to lead to their identity becoming known, can only be disclosed where it is made to:</p> <ul style="list-style-type: none"> <li>a) an inhouse or external lawyer for the purposes of obtaining legal advice or legal representation;</li> <li>b) ASIC;</li> <li>c) APRA;</li> <li>d) A Commonwealth, State or Territory Authority for the purposes of assisting them in the performance of their duties;</li> <li>e) The Australian Federal Police; or</li> <li>f) A Court or Tribunal, in circumstances where it is considered necessary in the interests of justice;</li> </ul> <p>or is otherwise made with the consent of the whistleblower.</p> <p>A whistleblower’s identity may be disclosed to others as part of the investigation process, but only if necessary and St Lucy’s School will take all reasonable steps to avoid the identification of the whistleblower.</p> <p>Other protections provided to whistleblowers are:</p> <ul style="list-style-type: none"> <li>a) St Lucy’s School will not cause any detriment to the whistleblower because of the disclosure;</li> <li>b) anyone who causes or threatens to cause detriment to a whistleblower or another person in the belief or suspicion that a report has been made, or may have been made, proposes to or could be made, may be guilty of an offence under the Corporations Act and may be liable for damages;</li> <li>c) the whistleblower has immunity from any civil, criminal or administrative legal action (including disciplinary action) as a result of making the disclosure; and</li> <li>b) no contractual or other remedies may be enforced and no contractual or other right may be exercised, against the whistleblower for making the disclosure.</li> </ul>
<p><b>Legislation</b></p>	<p>This policy is governed by The Corporations Act 2001 (Cth)</p>
<p><b>Related Policies</b></p>	<p>St Lucy’s School’s General Grievance &amp; Complaints &amp; Compliments Policy &amp; Procedures</p>
<p><b>Date Approved</b></p>	<p>February 2020</p>
<p><b>Approval Authority</b></p>	<p>Principal</p>
<p><b>Date for Next Review</b></p>	<p>February 2024</p>