



## POLICIES AND PROCEDURES

Policy Name	Whistleblower Policy
Constructed /Reviewed / Approved by	Executive/Board
Review	Last Review: January 2011. Jan 2013. February 2016, February 2018, March 2019, February 2020, July 2022, March 2024 Next Review: March 2026

### 1 Purpose of this policy

Our whistleblower policy is an important tool for helping Yarra Valley Grammar (**School**) to identify misconduct or an improper state of affairs that may not be uncovered unless there is a safe and secure way to disclose the matter(s).

The School is committed to encouraging the reporting of any instances of suspected unethical, illegal, fraudulent or improper conduct (as defined in this section) by or on behalf of any person in the state of affairs or circumstances" (as defined in this section) in relation to:

School; or

related body corporate of the School – for example the Yarra Valley School Foundation  
incorporated.

"**Whistleblower**" means each of the following:

- a) an officer or senior manager of the School or a related body corporate;
- b) an internal or external auditor (including a member of an audit team conducting an

- a) an officer or employee of the School (including a member of an audit team conducting an audit) who is employed on a permanent, part-time or casual basis (including Board Members);



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- b) a person who supplies goods or services to the School or an employee of a person who supplies goods or services to the School (whether paid or unpaid) - this could include current and former volunteers, contractors, consultants, service providers and business partners;
- c) a person who is an associate of the School - for example, a Board Member or company secretary of the School; and/or
- d)





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### 4.1 Personal work-related grievances

Disclosures that relate solely to personal work-related grievances, and that do not involve a detriment, or threat of detriment caused to an Eligible Whistleblower, are not Disclosable Matters and are not protected under the Corporations Act and this policy.

A personal work-related grievance is one that relates to your current or former employment that has, or tends to have, implications for you personally but does not have significant implications for the School, or does not relate to any conduct, or alleged conduct, about a Disclosable Matter.

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- b) an internal or external auditor of the School (Paul Gower Ernst and Young 0418 389 984);

### 6.2 Making an external disclosure

Disclosures may also be protected when made to:

- a) ASIC;
- b) APRA;
- c) The Integrity Line at Worklogic ([www.worklogic.com.au](http://www.worklogic.com.au));
- d) another Commonwealth authority prescribed by law; or
- e) the School's external auditor (Paul Gower Ernst and Young 0418 389 984);

## 7 Protections for Eligible Whistleblowers

Eligible Whistleblowers eligible for protection in accordance with section 3 of this policy will receive all of the following protections, regardless of how they made a disclosure (internally, externally or to a legal practitioner):

### a) Identity protection

- i. It is illegal for a person within the School to identify Eligible Whistleblowers or disclose information that is likely to lead to their identification. If you are an Eligible Whistleblower entitled to protection, your identity and position (or any other information which would be likely to identify you) will only be shared if:
  - you consent in writing to the disclosure;
  - the disclosure is made to ASIC, APRA or the Australian Federal Police;
  - the disclosure is made to a legal practitioner for the purpose of obtaining advice; and/or
  - the disclosure is authorised under the Corporations Act.
- ii. Staff members who breach the identity protection provisions outlined in this section will be subject to disciplinary action, which may include summary dismissal.

### b) Protection from detrimental acts or omissions

- i. It is illegal for a person to engage in conduct that causes (or threatens) detrimental treatment to an Eligible Whistleblower in the belief or suspicion that

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- i. an Eligible Whistleblower is protected from any of the following in relation to their disclosure of a Disclosable Matter:
  - civil liability (e.g. any legal action against the Eligible Whistleblower for breach of an employment contract, duty of confidentiality or another contractual obligation);
  - criminal liability (e.g. attempted prosecution of the Eligible Whistleblower for unlawfully releasing information, or other use of the disclosure against the discloser in a prosecution (other than for making a false disclosure); and
  - administrative liability (e.g. disciplinary action for making the disclosure of a Disclosable Matter).
- ii. the protections do not grant immunity for any misconduct an Eligible Whistleblower has engaged in that is revealed in their disclosure of a Disclosable Matter.

### **8 Procedure - How the School will investigate disclosures**

Once a disclosure has been received from an Eligible Whistleblower, who has provided reasonable grounds for their belief that a Disclosable Matter has occurred, an investigation of those allegations will begin as soon as practicable after the disclosure has been received.

If the School determines that the disclosure does not amount to a Disclosable Matter, the Eligible Whistleblower will be, if practicable, informed of that decision. In some instances, disclosures may not be able to be responded to, for example, because they are anonymous disclosures.

If an investigation is conducted, it will:

- a) follow a fair process;
- b) be conducted in a timely manner as the circumstances allow; and
- c) be independent of the person(s) about whom an allegation has been made.

Provided there are no restrictions or other reasonable bases for doing so, people against whom an allegation has been made will be informed of the allegation and will have an opportunity to respond to any allegation. That is, the School will take steps to ensure fair treatment of any person who is the subject of the Disclosable Matter as well as the Eligible Whistleblower.

Investigations will be conducted promptly and fairly with due regard for the nature of the allegation and the rights of the people involved in the investigation. The School recognises the importance of balancing the rights of the Eligible Whistleblower and the rights of people against whom a report is made in ensuring fairness.

### **9 Communications with the Eligible Whistleblower**





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The School will ensure that the Eligible Whistleblower is kept informed of the outcomes of the