

Whistleblower Protection Policy

1. Introduction

SCECGS Redlands Limited (ACN 001 336 269) (the School) is committed to providing a safe and secure means of disclosing wrongdoing and encouraging those who are aware of potential wrongdoing at the School to have the confidence to speak up, without fear of reprisal.

This policy is an important tool for helping the School to identify wrongdoing that may not be uncovered unless there is a safe and secure means for disclosing wrongdoing.

2. Purpose

The purpose of the policy is to provide a whistleblower framework for the School which aims to:

- (a) ensure individuals who disclose wrongdoing can do so safely, securely and with confidence that they will be protected and supported;
- (b) ensure disclosures are dealt with appropriately and on a timely basis;
- (c) provide transparency around the School's framework for receiving, handling and investigating disclosures;
- (d) encourage more disclosures of wrongdoing; and
- (e) help deter wrongdoing.

This policy is intended to complement the statutory protections and provisions for whistleblowers and does not affect the statutory rights of any disclosers.

3. Definitions

Term	Definition
Associate	as defined in Division 2 of Part 1.2 of Chapter 1 of the Corporations Act. Relevantly to the School, an associate is most likely to be a director or secretary of a related body corporate (as defined in section 50 of the Corporations Act) of the School. As at the date of this policy, SCECGS Redlands Scholarship Ltd is a related body corporate.
ASIC	the Australian Securities and Investment Commission.
APRA	the Australian Prudential Regulation Authority.
ATO	the Australian Taxation Office.
Board	the Board of Directors of the School.
<i>Corporations Act</i>	the <i>Corporations Act 2001</i> (Cth), as amended or replaced.
Eligible Recipient	a person or authority described in clause 7.1.
Eligible Whistleblower	an individual described in clause 5.1.
School Officer	a person who is deemed a responsible person of the School, including the Principal, the Deputy Principal, Chief Financial Officer / Company Secretary and the Directors of the School Board.
Protected Disclosure	means a disclosure of information as described in clause 6.

Whistleblower Protection Officer	<p>the Deputy Principal or such other person authorised by the Principal to receive disclosures that may qualify for protection under the <i>Corporations Act</i>.</p> <p>If the disclosure relates to the Deputy Principal, the disclosure should be made to an alternate Whistleblower Protection Officer (meaning the chair of the Board and/or the Principal) as listed in Appendix 1.</p>
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Other expressions used in this policy but not defined above have the same meanings as they are given in Part 9.4AAA of the *Corporations Act*.

4. Scope

- 4.1 This policy applies to the School and all Eligible Whistleblowers and Eligible Recipients of disclosures under this policy.
- 4.2 Eligible Whistleblowers qualify for protection as a whistleblower under the Corporations Act if:
- (a) they have made a Protected Disclosure directly to an Eligible Recipient or to ASIC, APRA or another Commonwealth body prescribed by regulation;
 - (b) they have made a disclosure to a legal practitioner for the purposes of obtaining legal advice or legal representation about the operation of the whistleblower provisions in the Corporations Act; or
 - (c) they have made an emergency disclosure or public interest disclosure in accordance with the requirements of the Corporations Act.

5. Eligible Whistleblowers: Who can make a Protected Disclosure?

- 5.1 This policy applies to anyone who makes a disclosure that qualifies for protection and is an Eligible Whistleblower. For the purpose of this policy, an Eligible Whistleblower is an individual who is, or has been, any of the following persons:
- (a) an employee, whether full-time, part-time or casual, of the School;
 - (b) a School Officer (including a director or company secretary);
 - (c) an individual who supplies services or goods to the School (whether paid or unpaid);
 - (d) an employee of a person that supplies services or goods to the School (whether paid or unpaid);
 - (e) an individual who is an associate of the School;
 - (f) the spouse, parent or remoter lineal ancestor, child or remoter issue, or brother or sister of an individual listed in clause 5(a) – (e); and
 - (g) a dependant of an individual referred to in any of paragraphs (a) to (e), or of such an individual's spouse.
- 5.2 If a person is unsure about whether they are an Eligible Whistleblower, they are encouraged to ask the Whistleblower Protection Officer or seek independent legal advice.

6. What is a Protected Disclosure?

- 6.1 For the purpose of this policy, a Protected Disclosure is a disclosure of information to an Eligible Recipient by an Eligible Whistleblower who has reasonable grounds to suspect that the information concerns misconduct, or an improper state of affairs or circumstances, in relation to the School or a related body corporate of the School.
- 6.2 If a disclosure is made without 'reasonable grounds to suspect', the disclosure will not be recognised as a qualifying disclosure and the individual making the disclosure will not have the protections provided for under this policy and the Corporations Act.
- 6.3 Information does concern misconduct, or an improper state of affairs or circumstances, in relation to the School or a related body corporate of the School if it indicates that the School or a related body corporate of the School or an officer or employee of the School or of a related body corporate of the School has engaged in conduct that:
- (a) constitutes an offence against, or a contravention of, a provision of any of the following:
 - (i) the Corporations Act;
 - (ii) the Australian Securities and Investments Commission Act 2001;
 - (iii) the Banking Act 1959;
 - (iv) the Financial Sector (Collection of Data) Act 2001;
 - (v) the Insurance Act 1973;
 - (vi) the Life Insurance Act 1995;
 - (vii) the National Consumer Credit Protection Act 2009;
 - (viii) the Superannuation Industry (Supervision) Act 1993;
 - (ix) an instrument made under an Act referred to in any of subparagraphs (i) to (viii); or
 - (b) constitutes an offence against any other law of the Commonwealth that is punishable by imprisonment for a period of 12 months or more, including the Australian Charities and Not-for-profit Commission Act 2012; or
 - (c) represents a danger to the public or the financial system; or
 - (d) is prescribed by the Corporations Regulations 2001.
- 6.4 For guidance, matters that would constitute misconduct or an improper state of affairs of circumstances may include:
- (a) dishonesty;
 - (b) fraud, money laundering or misappropriation of funds;
 - (c) offering or accepting a bribe;
 - (d) financial irregularities;
 - (e) failure to comply with, or breach of, legal or regulatory requirements;
 - (f) misleading and deceptive conduct, in particular around accounting or financial reporting practices;
 - (g) corruption;
 - (h) engaging in or threatening to engage in detrimental conduct against a person who has made a disclosure or is believed or suspected to have made, or be planning to make, a disclosure;

- (i) gross mismanagement and/or breaches of administrative procedures; and
- (j) unethical behaviour, bullying and harassment (including sexual harassment).

6.5 If a person is unsure about whether a matter they wish to disclose constitutes a Protected Disclosure, they are encouraged to seek independent legal advice.

7. Eligible Recipients: Who can receive a Protected Disclosure?

- 7.1 To ensure protection under the Corporations Act, an Eligible Whistleblower must make a Protected Disclosure under this policy to an Eligible Recipient. Eligible Recipients are:
- (a) a School Officer (or an officer or senior manager of a related body corporate of the School);
 - (b) an internal or external auditor, or a member of the audit team conducting an audit, of the School or a related body corporate of the School;
 - (c) an actuary of the School or of a related body corporate of the School;
 - (d) the Whistleblower Protection Officer;
 - (e) ASIC or another prescribed Commonwealth body;
 - (f) for a public interest disclosure or an emergency disclosure, a journalist or Commonwealth, State or Territory parliamentarian (provided they meet the relevant requirements in section 1317AAD of the Corporations Act, including that the information had previously been disclosed to ASIC, APRA or a prescribed Commonwealth authority); and
 - (g) if the matter relates to the School's tax affairs, the ATO.

An Eligible Whistleblower who reports to the Australian Charities and Not-for-profits Commission will only be protected under the Corporations Act from when they also make a disclosure under this policy to an Eligible Recipient.

- 7.2 The contact details of the internal Eligible Recipients are located in Appendix 1 of this policy. The Deputy Principal is to ensure Appendix 1 is maintained and updated as required.
- 7.3 Disclosures of information by an Eligible Whistleblower to a legal practitioner for the purposes of obtaining legal advice or legal representation in relation to the operation of the whistleblower provisions in the Corporations Act are protected, even if the legal practitioner concludes that the disclosure of information does not relate to a matter that qualifies for protection.

8. Associated Policies

- 8.1 Where concerns raised do not meet the above criteria and/or are better addressed by another of the School's policies, these policies will take precedence and the disclosure will be directed as follows:
- (a) Complaints or allegations relating to the operations of the School will be addressed in accordance with the School's *Complaints Handling Policy*.

- (b) Disclosures about reportable conduct relating to child safeguarding will be addressed in accordance with the School's *Child Safeguarding Policy*.
- (c) Disclosures regarding a grievance between employees about work matters, including work relationships and decisions made by other employees which impact on their work, may be addressed in accordance with the School's *Grievance Resolution Policy*.
- (d) Unlawful discrimination, harassment or bullying complaints may be addressed in accordance with the School's *Student Anti-Bullying and Harassment Policy* (for students) or the School's *Bullying, Harassment, Discrimination and Sexual Misconduct Policy* (for staff).

9. How to make a Disclosure

- 9.1 An Eligible Whistleblower may make a disclosure under this policy by telephone, email or writing directly to an Eligible Recipient. Disclosures may be made at any time, including outside of normal business hours.
- 9.2 Where appropriate, disclosures are to contain the following details:
 - (a) the nature of the alleged conduct;
 - (b) the person(s) alleged to be responsible for the conduct;
 - (c) the facts which support the person's suspicion that such conduct has occurred, and has been committed by the identified person(s); and
 - (d) the nature and whereabouts of any further evidence that would support the allegations, if known.
- 9.3 Eligible Whistleblowers are encouraged to first make a disclosure to an internal Eligible Recipient. However, if Eligible Whistleblowers feel uncomfortable making a disclosure internally, or feel it is inappropriate to do so, they may make a disclosure to any of the external Eligible Recipients named in clause 7.1.

10. Anonymous Disclosures

- 10.1 All Protected Disclosures made under this policy are protected under the *Corporations Act*, including those which are made anonymously.
- 10.2 An Eligible Whistleblower may choose to remain anonymous while making a disclosure, during the course of the investigation and after the investigation is finalised. Eligible Whistleblowers may refuse to answer any questions they feel could reveal their identity at any time, including during any follow-up conversations.
- 10.3 An Eligible Whistleblower who wishes to remain anonymous is encouraged to maintain ongoing two-way communication with the School so that follow-up questions can be asked or feedback given.
- 10.4 If a disclosure comes from an email address from which the person's identity cannot be determined, and the discloser does not identify themselves in the email, it is to be treated as an anonymous disclosure.

11. Legal protections for Disclosers

11.1 Protected Disclosures made in accordance with this policy qualify for the protections under the Corporations Act. A brief summary of these protections is provided in Appendix 2.

However, they include:

- (a) protection of any information provided by the Eligible Whistleblower;
- (b) protection of the identity of the Eligible Whistleblower;
- (c) protections for the Eligible Whistleblower against legal action; and
- (d) protections for the Eligible Whistleblower from detrimental acts or omissions.

12. Support and practical protection for Disclosers

12.1 School Officers and the School employees must not:

- (a) engage in conduct that causes detriment to Eligible Whistleblowers or suspected Eligible Whistleblowers; or
- (b) threaten to cause detriment to Eligible Whistleblowers or suspected Eligible Whistleblowers.

Detriment against an Eligible Whistleblower who makes a Protected Disclosure (and who has not engaged in misconduct) is a breach of this policy and may result in disciplinary action, including dismissal.

12.2 To the maximum extent practicable, the School is to seek to protect Eligible Whistleblowers and suspected Eligible Whistleblowers from detriment.

12.3 A threat to cause detriment may be express or implied, conditional or unconditional.

12.4 Detriment includes:

- (a) dismissal of an employee;
- (b) injury of an employee in the employee's employment;
- (c) alteration of any employee's position or duties to the employee's disadvantage;
- (d) discrimination between an employee and other employees of the same employer;
- (e) harassment or intimidation of a person;
- (f) harm or injury to a person, including psychological harm;
- (g) damage to a person's property, reputation, business or financial position;
- (h) damage to a person's reputation; or
- (i) any other damage to a person.

12.5 As soon as possible upon receiving a disclosure, the School must adopt measures and mechanisms, where appropriate, to protect Eligible Whistleblowers from detriment such as:

- (a) assessing the risk of detriment against an Eligible Whistleblower or other persons (such as suspected disclosers);
- (b) providing support services (such as counselling);
- (c) developing strategies to help an Eligible Whistleblower minimise and manage stress, or other challenges resulting from the disclosure or its investigation;

- (d) allowing Eligible Whistleblowers to perform their duties from home or another suitable location, or to take leave (if required);
- (e) monitoring for risk of isolation, harassment, conflicts or risk to the Eligible Whistleblower's identity; and
- (f) interventions for protecting an Eligible Whistleblower if detriment has already occurred, including investigating and addressing the detrimental conduct by taking disciplinary action where necessary.

12.6 If the Eligible Whistleblower was involved in the conduct that was the subject of the disclosure, the fact the Eligible Whistleblower has made the disclosure may be considered when determining the severity of any disciplinary measures.

12.7 Eligible Whistleblowers may seek independent legal advice or contact regulatory bodies such as ASIC or the ATO if they believe they have suffered detriment.

12.8 Subject to this policy and the *Corporations Act*, an Eligible Whistleblower is protected even if the allegations or concerns prove to be incorrect (although a person who maliciously or dishonestly makes a disclosure may be subject to disciplinary action).

13. Protecting Confidentiality

13.1 The School is to treat the details of Eligible Whistleblowers and all disclosures made under this policy by Eligible Whistleblowers with the strictest confidence. The School may only share this information with those who are involved directly in the investigation of the disclosure unless this would be in breach of the statutory requirements with respect to the confidentiality of Eligible Whistleblowers.

13.2 There may be instances where the School is required to share the details of Eligible Whistleblowers and their disclosure as part of the School's legal obligations.

14. Handling and investigating a Disclosure

14.1 The School, upon receiving a disclosure, is to take sensitive, prompt and appropriate action to determine whether the disclosure qualifies for protection under the *Corporations Act* and determine whether to investigate the alleged conduct.

14.2 The School must decide whether a preliminary investigation is to be carried out within two weeks of a Protected Disclosure being received. The School must explain any delay beyond this period to the Eligible Whistleblower.

14.3 The Whistleblower Protection Officer or their delegate is to investigate disclosures provided they are not the subject of the allegation, in which case the Board must nominate another person more appropriate to investigate the disclosure. If the disclosure concerns both the Chair of the Board and other Directors, then the Board must refer the disclosure to an independent external investigator for investigation.

14.4 The Eligible Recipient of a disclosure must direct it to the appropriate person for investigation but only after confirming with the Eligible Whistleblower directly about their willingness for

their identity to be disclosed. A Whistleblower may request their identity remain confidential to the investigator where appropriate.

- 14.5 All investigations must be conducted fairly, with due regard for the nature of the allegation and the rights of the persons involved in the investigation. Investigations are to involve the following process:
- a) The principles of procedural fairness must be adhered to in all investigations including:
 - i. an unbiased investigator;
 - ii. allegations being put to any person against whom they have been made;
 - iii. that person being given opportunity to respond to the allegations;
 - iv. decision making based on evidence and consideration of relevant factors only;
 - v. a hearing where appropriate; and
 - vi. verification of asserted facts and inquiry into any disputed facts.
 - b) Maintenance of confidentiality as far as reasonably possible and in accordance with the Eligible Whistleblower's wishes. No disclosures of information are to be made that could reveal the identity of an Eligible Whistleblower without the written consent of the Eligible Whistleblower, unless it is required under the *Corporations Act* or in accordance with the School's legal obligations.
 - c) Eligible Whistleblowers are to be asked to provide a verbal or written statement, unless they have made an anonymous disclosure. Eligible Whistleblowers may choose a support person to accompany them through this procedure or any stage of the investigation.
 - d) The School must take reasonable steps to keep Eligible Whistleblowers informed of the progress of the investigation of their disclosure and about the protections and support available to them by the School and under legislation, provided they have not made an anonymous disclosure.
 - e) Eligible Whistleblowers are to be informed in writing of the outcome of an investigation within 14 days of its completion but they do not have to be informed of the exact disciplinary decisions made, if any.
 - f) Any person the subject of a disclosure must be informed of the allegations and given reasonable opportunity to respond. Such persons may be suspended or have alternative work arrangements made for them during the investigation, depending on the nature and seriousness of the disclosure.
 - g) The investigator may seek independent legal advice to assist the investigator in any stage of the investigation. This is encouraged for more serious or complicated cases.
- 14.6 The investigator will determine the extent of the investigation. Depending on the nature and seriousness of the disclosure, investigations are normally to be completed within six weeks, although they are likely to take longer during School holiday periods. Where investigations

are expected to take longer, the Eligible Whistleblower is to be informed about the estimated time frame.

- 14.7 Records of all disclosures and official written reports and evidence related to the disclosure or investigation must be kept. These records must be held securely and maintained by the Deputy Principal, provided the Deputy Principal is not subject of a disclosure, in which case the Board must nominate another person to hold the records securely.

15. Fair treatment of individuals mentioned in a Disclosure

- 15.1 The School is committed to ensuring the fair treatment of employees who are mentioned in or subject of a disclosure made under this policy.
- 15.2 Where investigations or other enquiries cannot substantiate an allegation made by an Eligible Whistleblower, the fact an investigation was performed, the results of that investigation and the identity of any person subject of the allegation are to be kept confidential, unless the subject of the disclosure requests otherwise.
- 15.3 In accordance with any legal requirements, an employee who is the subject of an allegation made by an Eligible Whistleblower has the right to be:
- informed of the disclosure, but this does not include the identity of the Eligible Whistleblower;
 - given a reasonable opportunity to respond to the disclosure (either orally or in writing); and
 - informed of any findings and decisions with respect to the disclosure.

16. Accessibility of the policy

- 16.1 This policy is to be made available to the School's internal Eligible Whistleblowers, such as employees and School Officers, including by posting the policy on the staff intranet or other communication platforms.
- 16.2 The School is to conduct ongoing education and training to employees and School Officers on the whistleblowing procedures and processes under this policy.
- 16.3 The School must publish this policy on its website (<https://www.redlands.nsw.edu.au/>) to ensure all Eligible Whistleblowers have easy access to it. The version of the policy on the School website must be kept updated.

17. Related policies and legislation

- 17.1 This policy should be read in conjunction with Corporations Act, the Taxation Administration Act 1953 (Cth) and Australian Securities & Investments Commission Act 2001 (Cth).
- 17.2 Other organisational policies that should be read in conjunction with this policy include the Employee Code of Conduct, and the other associated policies listed in clause 8 of this policy.

If you have a query about this policy or need more information, please contact the Whistleblower Protection Officer.

18. Policy review and evaluation

This policy will be reviewed as part of the School's three-year review cycle or earlier if legislative, regulatory or operational circumstances render it appropriate. This review should evaluate the effectiveness of the policy and ensure that it that it supports organisational performance, meets current legislative and regulatory compliance, operational currency and provides opportunity for continuous improvement and risk identification and mitigation.

Procedures and guidelines may be updated more frequently if required to meet current operational needs or practices.

Policy Owner:	Deputy Principal
Policy Authoriser:	Principal
Approval Date:	May 2024
Version:	3.01
Next Review:	May 2027
Publication:	This document is approved for internal and external publication

19. Version History

Version History:	Description of change
V1.0	New policy
V2.0	Minor edits
V3.0	This is an entirely new version of the Whistleblower Protection Policy and supersedes Version 2.0 in its entirety.
V3.01	Minor edits to correct numbering of lists.

APPENDIX 1

Internal Eligible Recipient Contact Details

Role (as applicable)	Contact details
Whistleblower Protection Officer: Deputy Principal	Email: deputy.principal@redlands.nsw.edu.au Address: 272 Military Road, Cremorne NSW 2090, Australia
alternate Whistleblower Protection Officer: Principal	Email: principal@redlands.nsw.edu.au Address: 272 Military Road, Cremorne NSW 2090, Australia
alternate Whistleblower Protection Officer: Board Chair	Email: boardchair@redlands.nsw.edu.au Address: 272 Military Road, Cremorne NSW 2090, Australia
alternate Whistleblower Protection Officer: Chief Financial Officer / Company Secretary	Email: cosec@redlands.nsw.edu.au Address: 272 Military Road, Cremorne NSW 2090, Australia

APPENDIX 2

Protections for Eligible Whistleblowers under the *Corporations Act*

Protection	Summary of Protection
Identity Protection (Confidentiality)	<p>Any information that could lead to the identity of the Eligible Whistleblower is prohibited from being disclosed unless the information disclosed is:</p> <ul style="list-style-type: none"> (a) to ASIC or the Australian Federal Police; (b) to a legal practitioner; (c) to a person or body prescribed by the <i>Corporations Regulations 2001</i>; or (d) with the consent of the Eligible Whistleblower. <p>Disclosure with or without the consent of the Eligible Whistleblower is permitted provided that all reasonable steps are taken to reduce the risk of identification of the Eligible Whistleblower.</p>
Protection from Detrimental Acts or Omissions	<p>A person must not engage or threaten to engage in detrimental conduct towards an Eligible Whistleblower who has made or proposes to make a disclosure that warrants protection.</p> <p>Detrimental conduct includes:</p> <ul style="list-style-type: none"> (a) dismissal of an employee; (b) injury of an employee during their employment; (c) modifying an employee's position or role to their detriment; (d) discrimination from other employees; (e) harassment or intimidation; (f) harm, including psychological harm; (g) damage to a person's property; (h) damage to a person's reputation; (i) damage to a person's business or financial position; or (j) any other damage to a person. <p>It is criminal offence and civil penalties apply if a person causes or threatens detriment because they believe or suspect someone to have made a disclosure.</p>

<p>Compensation and other Remedies</p>	<p>An Eligible Whistleblower may seek compensation and other remedies through the courts if:</p> <ul style="list-style-type: none"> (a) they suffer loss, damage or injury because of a disclosure; and (b) the entity failed to take reasonable precautions to prevent the detrimental conduct;
<p>Civil, Criminal and Administrative Liability Protection</p>	<p>If an Eligible Whistleblower makes a disclosure, they must be protected from:</p> <ul style="list-style-type: none"> (a) civil liability, including any legal action; (b) criminal liability; and (c) administrative liability. <p>However, protection must not extend to an Eligible Whistleblower who has engaged in misconduct.</p>