



## ABBOTSLEIGH

# Whistleblower Policy

Version 3

### Rationale

Abbotsleigh is committed to the highest standards of conduct and ethical behaviour and promotes a culture of openness and sound governance. Employees and Associates are frequently the first to realise when something is seriously wrong and Abbotsleigh provides protections so that people who report concerns can do so confidently and without fear of disadvantage or reprisal.

### Policy objectives

1. This policy has been created to:

- a) encourage reports or disclosure of Wrongdoing or an Improper State of Affairs
- b) provide protections to Whistleblowers so that concerns can be reported confidently and without fear of disadvantage.

### Policy scope

2. This policy provides information about:

- (a) Support and protections available to Whistleblowers
- (b) How and to whom Whistleblowers may make a report
- (c) How Abbotsleigh investigates reports made by Whistleblowers
- (d) How Abbotsleigh treats fairly employees mentioned in a Whistleblower report.

### Definitions

|                           |   |
|---------------------------|---|
| Associate                 | A person connected to Abbotsleigh.  |
| Improper state of affairs | A circumstance brought about by conduct that is unacceptable, unprofessional or not in accordance with accepted standards of law, honesty, morality or decency. |
| Whistleblower             | A person who reports wrongdoing in accordance with this policy.   |
| Wrongdoing                | Conduct described in section 4 that a Whistleblower reports in accordance with this policy.   |

### Introduction

#### Who is a Whistleblower?

3. A Whistleblower can be:

- (a) An employee or officer of Abbotsleigh
- (b) A supplier of goods or services to Abbotsleigh whether paid or unpaid including employees of the supplier
- (c) An Associate of Abbotsleigh
- (d) A relative or dependant of any of the above.

#### What can a Whistleblower report?

4. A Whistleblower can report Wrongdoing or an Improper State of Affairs. Wrongdoing may include:

- (a) A breach of law punishable by imprisonment for a period of 12 months or more
- (b) A breach of NESA Registration and Accreditation requirements
- (c) Tax evasion and other fraudulent or dishonest acts
- (d) Unethical, unacceptable or unprofessional conduct
- (e) A breach of the Code of Conduct
- (f) Behaviour which represents a danger to people
- (g) Deliberate covering up of wrongdoing.

It is very important that Whistleblower reports are genuine, made in good faith and have a reasonable basis.

### **Personal grievances**

6. If the information the Whistleblower seeks to report relates to a personal or work related grievance and does not involve alleged or actual victimisation, harm or threat of harm arising from either the intention to report or reporting information about a wrongdoing, the matter will be dealt with under the usual Abbotsleigh grievance procedures.

7. Examples of grievances which may be personal or work related grievances include:

- (a) Interpersonal conflicts
- (b) Decisions relating to engagement, transfer or promotion
- (c) Decisions relating to terms and conditions of employment
- (d) Decisions to discipline, suspend or terminate employment.

### **Confidentiality**

8. A Whistleblower who has reasonable grounds for suspicion and reports a Wrongdoing to Abbotsleigh is entitled to protections at law including protection of their identity:
- a) Abbotsleigh will not disclose a Whistleblower's identity unless doing so is necessary to further an investigation and then only if the Whistleblower consents to the disclosure
  - b) It will be necessary to disclose the substance of a report to a person subject to an allegation of Wrongdoing as disclosure is necessary for natural justice to prevail
  - c) Abbotsleigh will disclose a Whistleblower's identify if such a disclosure is required by law.

To obtain additional information about protections available to Whistleblowers please contact the Director of Compliance Greg Fisher by email [fisherg@abbottsleigh.nsw.edu.au](mailto:fisherg@abbottsleigh.nsw.edu.au) or phone 9473 7732.

### **How and to whom to report**

9. A person who wishes to discuss a concern under this policy should speak directly to a senior manager:
- Linda Ellis, Chair of Council [lindadonelle1@gmail.com](mailto:lindadonelle1@gmail.com)
  - Megan Krimmer, Head of Abbotsleigh ([krimmem@abbottsleigh.nsw.edu.au](mailto:krimmem@abbottsleigh.nsw.edu.au) or 9473 7711)
  - Jane Lynch, Director of Human Resources ([lynchj@abbottsleigh.nsw.edu.au](mailto:lynchj@abbottsleigh.nsw.edu.au) or 9473 7876)
  - Greg Fisher, Director of Compliance/Foundation Secretary ([fisherg@abbottsleigh.nsw.edu.au](mailto:fisherg@abbottsleigh.nsw.edu.au) or 9473 7732).
10. A person who does not wish to be identified should make this fact known to the senior manager at the first possible opportunity so that appropriate confidentiality arrangements can be made.
11. If, after speaking with a senior manager nominated at clause 9 a person wishes to proceed to report a Wrongdoing, the report should be made in writing to the senior manager.
12. A person may choose to report a Wrongdoing anonymously. Anonymous reports have serious limitations which may affect investigations of the alleged Wrongdoing or may compromise Abbotsleigh's capacity to enforce Whistleblower protections.
13. Abbotsleigh encourages any person concerned about a possible Wrongdoing or with Abbotsleigh's response to a reported Wrongdoing to discuss the matter with a senior manager nominated at clause 9.
14. From time to time Abbotsleigh may nominate other senior managers able to receive Whistleblower reports.
15. For further information about how and to whom to report contact the Director of Compliance.

### **Support and protection for whistleblowers**

16. Abbotsleigh does not regard Whistleblowers as troublemakers. Providing a Whistleblower's concern is founded on reasonable suspicion and a report is made in good faith, a person making a report under this policy will not be at risk of any form of disciplinary action or reprisal.
17. Abbotsleigh will not tolerate retaliatory action or threats of retaliatory action against a Whistleblower acting in good faith. Any such act will be treated as serious misconduct and will result in disciplinary action which may include dismissal.

18. All reports of suspected Wrongdoing made under this policy will be thoroughly assessed and, if appropriate, enquired into by a senior manager or independently investigated. Any enquiry will be conducted in a fair and impartial manner. The senior manager will keep the Whistleblower informed about progress of an investigation.
19. Abbotsleigh will use its best endeavours to protect a Whistleblower's identity and will not disclose information likely to reveal a Whistleblower's identity without consent of the Whistleblower. In cases where it is not possible to progress a matter without disclosing a Whistleblower's identity, the senior manager conducting the investigation will confer with the Whistleblower on whether or how to proceed.

### **How Abbotsleigh investigates reports made by Whistleblowers**

20. The senior manager to whom a report is made will provide a copy of this policy to the Whistleblower, discuss its application and outline Whistleblower protections.
21. The senior manager will discuss the suspected Wrongdoing with the Whistleblower, document key points of concern and confirm key points with the Whistleblower.
22. The senior manager will then determine the appropriate course of action. In doing so the senior manager may consult with other senior managers. Once a course of action is determined, the Whistleblower will be informed of that action.
23. Where a person is the subject of an allegation of possible Wrongdoing, and preliminary enquiries determine that the suspicion is baseless and that no further investigation is warranted, the Whistleblower will be informed and the matter closed. The senior manager will decide whether the person subject of a report should be informed that a suspicion was raised and found to be baseless upon preliminary review.
24. If an investigation is undertaken the senior manager will inform the Whistleblower of progress to the extent this does not infringe on the confidentiality rights of other persons.
25. Abbotsleigh will notify the Chair of the Governance and Risk Committee of Council of reports made under this policy.

### **How Abbotsleigh fairly treats employees mentioned in a Whistleblower report**

26. Abbotsleigh recognises that persons subject of an allegation must be supported during the handling of a report of Wrongdoing in accordance with established support procedures.
27. Persons mentioned in a report will be treated fairly, including mandating that persons who receive Whistleblower reports:
  - (a) Are briefed as to the contents and application of this policy
  - (b) Agree in writing
    - i. To abide by the terms of this policy
    - ii. Not to disclose the details of a person referred to in a report or the information referred to in a report other than to senior managers of Abbotsleigh or to an appropriate governmental authority.

### **Information management**

Policy owner: Council of Abbotsleigh

Publishing this policy

|                |        |             |         |
|----------------|--------|-------------|---------|
| Student Diary  | No     | Council     | Yes     |
| Staff Handbook | Linked | The Shuttle | No      |
| AbbNet         | Yes    | Other       | Website |

### **Sharing this policy**

A decision to share this document with an outside agent is made in consultation with the relevant Senior Leadership Team member. A sharing arrangement is subject to the following conditions: Abbotsleigh must be attributed as the source in any reference or derivative; commercial use is not permitted. Contact the Director of Compliance prior to sharing this document.

### **Policy history**

Version 1 – 2019

Version 2 – 2023.

**Policy review**

This policy is due for review in 2024.