



# ST AUGUSTINE'S COLLEGE - SYDNEY

A Catholic Congregational school for boys in Years 5 to 12, teaching the Augustinian values of  
'Truth, Love & Community'

## WHISTLEBLOWER POLICY

<b>Status</b>	<b>CURRENT</b>
<b>Classification</b>	General Compliance
<b>Established</b>	2019
<b>Last Review</b>	2025
<b>Next Review</b>	2028
<b>Responsibility</b>	Principal's Office

### CONTEXT

St Augustine's College – Sydney is a Year 5 to Year 12 Catholic Congregational comprehensive school for boys teaching the Augustinian values of Truth, Love and Community.

The College seeks to promote the formation of the whole person; an individual who is well rounded and lives by the Gospel mission of justice, forgiveness, compassion and generosity.

Key to an Augustinian education is friendship, a commitment to learning and the opportunity to achieve academic and personal excellence within a faith community

### PURPOSE

The purpose of the Whistleblower Policy is to allow St Augustine's College staff, parents, students, volunteers and members of the College community to report serious concerns about College operations through appropriate and confidential channels without risk of retaliation, victimisation or harassment in any form. The policy is to ensure that all college operations are conducted ethically and with integrity.

This policy also aims to comply with the whistleblower protection provisions under the *Corporations Act 2001 (Cth) Part 9.4AAA* and other applicable laws.

### SCOPE

This policy applies to and is binding upon all employees, parents, students and volunteers of the College, and to the College Board.

It applies to "eligible whistleblowers" as defined under the Corporations Act, including current and former employees, contractors, suppliers, and their relatives.

### TERMS OF REFERENCE

The following Terms of Reference are provided to assist with determining which policy is best suited to supporting a concern.



## **Complaints and Grievances Policy**

Refer to this policy if you have a concern about day-to-day activity within the College.

## **Child Protection Policy**

Refer to this policy if you, as a mandatory reporter, have a concern about the care protection and wellbeing of a child.

## **Whistleblower Policy**

Refer to this policy if you have a significant concern around business operations of the College, a breach of legislative responsibility, serious misconduct or unlawful activity.

## **RATIONALE**

St Augustine's College is committed to achieving its business objectives while minimising the impact of significant risks that St Augustine's College can meaningfully and realistically control; behaving as a responsible and ethical corporate citizen and protecting and enhancing its reputation. As such, the College recognises the value of transparency and accountability in its administrative and management practices and supports the making of disclosures that reveal corrupt conduct, conduct involving a substantial mismanagement of resources, or that which involves substantial risk to public health and safety or the environment. It is policy at St Augustine's College that all staff, students, volunteers, parents and members of the College community shall be free to report concerns without fear of retaliation. They may wish to report activity occurring in College operations that they believe in good faith to be illegal, dishonest, unethical, fraudulent, or not in compliance with College policy.

## **Relationship with the Complaints and Grievances Policy**

This Policy is designed to complement normal communication channels between students, supervisors, employees, volunteers, student, parents and the Leadership Team. It should be read together with the Complaints and Grievances Policy, which is designed to deal with concerns and complaints about conduct which do not rise to the level of illegality, dishonesty, fraud or other serious misconduct.

## **Reports or Disclosures about Child Protection**

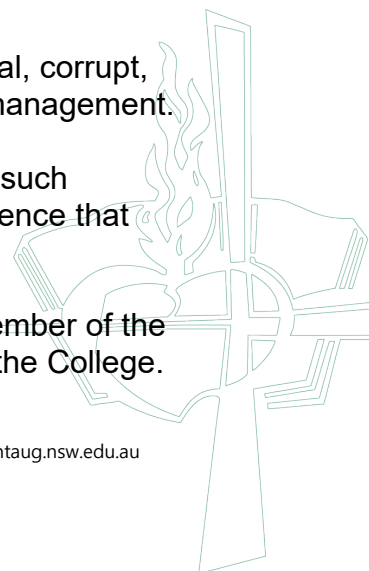
This policy should also be read in conjunction with the Child Protection Policy which sets out the specific requirements and processes for dealing with concerns relating to child protection, including as required by relevant legislation. Disclosures or complaints that fall within the ambit of the Child Protection Policy must be dealt with in accordance with that policy.

## **DEFINITIONS**

**Misconduct** is conduct or practice within the College that is potentially illegal, corrupt, improper, dishonest, unsafe, unethical or which amounts to significant mismanagement.

**Whistleblowing** is the means by which a person can raise concerns about such misconduct and is able to do so without fear of victimisation and with confidence that their concerns will be taken seriously and dealt with properly.

A **Whistleblower** is defined as an employee, volunteer, parent, student, member of the College community or public who discloses misconduct taking place within the College.



A **Disclosable Matter** includes information that the whistleblower has reasonable grounds to suspect concerns misconduct, an improper state of affairs, or a breach of law. Whistleblowers making a protected disclosure are immune from civil, criminal, and administrative liability for that disclosure

## **POLICY**

### **Reporting Process**

A person who has knowledge of, or information about, misconduct in College operations should report the misconduct in writing to a member of the Leadership Team or the Principal.

If a serious allegation of misconduct relates to a member of the Leadership Team, a written complaint should be made to the Principal, who will raise the matter with the Chair of the Board.

If a serious allegation of misconduct relates to the Principal, a written complaint should be made to the Chair of the Board at [chair@saintaug.nsw.edu.au](mailto:chair@saintaug.nsw.edu.au)

External reporting options include ASIC, ACNC, ATO, or other regulators as appropriate.

If the reporting person desires anonymity, the report should be in writing and delivered via regular mail.

### **Anonymous Allegation**

A person seeking to make a disclosure or allegation of misconduct under this policy should put their name to allegations whenever possible, as anonymous concerns are far less powerful. While anonymity is the right of any whistleblower, maintaining anonymity restricts the College's ability to fully understand, explore, manage and resolve the situation. Nonetheless, anonymous allegations will be considered under this policy.

In relation to determining whether an anonymous allegation will be taken forward, the College will take the following factors into account:

- The seriousness of the issue raised;
- The credibility of the concern;
- The likelihood of confirming the allegation from attributable sources, and obtaining information required.

Anonymous disclosures will still qualify for legal protections under the Corporations Act if they meet the criteria for a protected disclosure.

### **Confidentiality**

The College recognises that a person may want to raise concerns in confidence and will do its utmost to protect the identity of a person who raises a concern and who does not want their name to be disclosed. Reports of misconduct pursuant to this policy will be treated confidentially to the greatest extent possible and will be promptly investigated. However, it should be noted that investigation into the concern could reveal the source of the information. Further, it is feasible that statements may be required from the Whistleblower as part of the investigation process, and that this may be seen by all parties involved in the investigation. If the disclosure leads to prosecution, then the Whistleblower may be called to give evidence in court.



## **Timescale for Initial Response**

A member of the Leadership Team, Principal or the Chair of the College Board who is looking into allegations ('the Investigator') will aim to provide a response to the whistleblower within five working days, where appropriate and possible. It will aim to:

- Acknowledge that the concern has been received;
- Indicate how the College proposes to deal with the matter;
- Give an estimate of how long it will take to provide a final response;
- Advise whether any initial enquiries have been made;
- Advise whether further enquiries will take place;
- Inform the whistleblower of support available to them whilst matters are looked into.

The Investigator may also determine that the concern may best be dealt with according to the Complaints and Grievances Policy or the Child Safeguarding Policy; this will be indicated where and when appropriate, according to the aims and processes of those policies.

## **Ongoing Process**

A whistle blower reporting misconduct in College operations should not attempt to investigate the matter independently, as doing so may compromise the integrity of an official investigation and adversely impact both the whistleblower, the College and the situation in focus.

A member of the Leadership Team, Principal or Chair of the Board (as appropriate) will promptly and discreetly investigate any report of misconduct in College operations. The member of the Leadership Team and/or Principal will report the results of their investigation and any recommendations for appropriate corrective and/or disciplinary action to the Chair of the Board. The Chair of the Board will consult with other Board directors, the Principal and members of the Leadership Team (as appropriate) to decide on the action to be taken and before taking action. Where relevant, the concern may be reported immediately to the appropriate law enforcement or professional agency.

Following investigation and suitable action by the College - if any, decisions will be made in accordance with the College's Staff Code of Conduct, Professional Standards for Teachers in New South Wales and any other applicable College policies. Additional penalties, processes and/or reporting obligations may also apply under federal, state and local laws.

Following the Chair of the Board's decision, the whistleblower will be notified of the outcome of the College's investigation, in a timely manner; the actions and outcome may be shared at this time.

## **Investigation Process**

Investigations will be conducted impartially and independently with an expected timeframe for completion within 30 days, where possible.

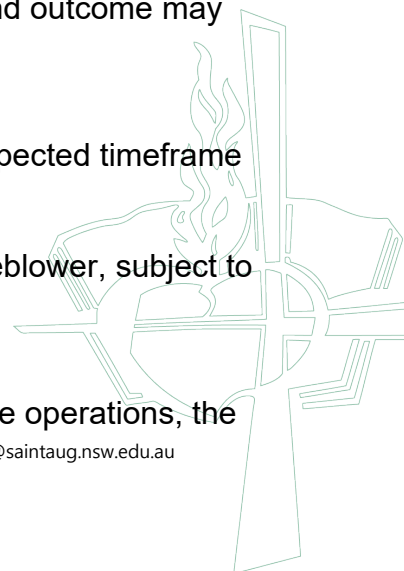
Findings will be documented, and outcomes communicated to the whistleblower, subject to legal and privacy constraints.

## **Alternative Options to Disclose Information**

If the Chair of the Board is the subject of a report of misconduct in College operations, the

Federal Parade (PO Box 612 Manly NSW 1655) Brookvale NSW 2100 | T: (02) 9938 8200 | F: (02) 9905 6483 | E: adm@saintaug.nsw.edu.au

[www.saintaug.nsw.edu.au](http://www.saintaug.nsw.edu.au) | CRICOS No: 03300G | ABN 24 111 925 225



Board will be advised of the situation and will appoint another Board director to substitute for the Chair of the Board in their investigative or decision-making role. If the Principal or the Director of Business and Finance is the subject of a report, then the Chair of the Board (or delegate) will conduct the investigation and decision-making process.

The ASIC provides an avenue for whistle blowers to disclose information, for more information refer to the website. *ASIC Whistleblowers*.

### **Safeguard against Reprisal, Harassment and Victimisation**

Neither the College nor any of its employees, students, parents or volunteers will take adverse employment-based or other action in retaliation against a whistleblower who reports information under this policy. St Augustine's College will take all reasonable steps to protect a whistleblower from any detrimental action in reprisal for making the disclosure. It will also afford procedural fairness to the person/s who is the subject of the disclosure.

The College will not tolerate harassment or victimisation of a whistleblower raising concerns in accordance with this policy. Any employees, volunteers, parents or students who victimise or harass any person as a result of their having raised a concern in accordance with the Whistleblower Policy may be dealt with under St Augustine's College's Staff Code of Conduct, disciplinary procedures, and applicable laws.

### **Untrue and Malicious/Vexatious Allegations**

If a whistleblower makes an allegation in good faith but it is not confirmed by further inquiry, the matter will be closed, and no further action taken. If, however, the inquiry shows that untrue allegations were malicious and/or vexatious or made for personal gain then the College will consider taking appropriate disciplinary and/or civil action.

### **POLICY REVIEW**

This policy will be reviewed every 3 years or as required. Reviews will ensure ongoing compliance with legislative changes and best practice standards.

