

Whistleblower Policy and Procedures

Ratification Date: This Policy was reviewed and approved by the RNS Board on 09/12/2020, 1/9/2021 and 08/12/2008	Next Review: 3 yearly, or in the event of a breach.	Availability: <table><tr><td>Web</td><td>X</td></tr><tr><td>Office</td><td>X</td></tr><tr><td>On Request</td><td>X</td></tr></table>	Web	X	Office	X	On Request	X	Actions: Whistleblower Officer’s information to be displayed in staff room / kitchen (room 28).
Web	X								
Office	X								
On Request	X								

PURPOSE:

The Board of River Nile School (RNS) is committed to operating legally (in accordance with applicable legislation and regulation), properly (in accordance with organisational policy and procedures), and ethically (in accordance with recognised ethical principles).

This whistleblowing policy sets out the approach of RNS to:

- encourage the reporting of Wrongdoing at RNS, that is, actual or suspected misconduct
- ensure individuals who disclose wrongdoing can do so safely, securely and with confidence that they will be protected and supported;
- help deter wrongdoing
- ensure disclosures are dealt with appropriately and on a timely basis;
- provide transparency around RNS framework for receiving, handling and investigating disclosures;
- support the long-term sustainability and reputation of RNS;
- meet the entity's legal and regulatory obligations
- help to ensure River Nile School (RNS) maintains the highest standards of ethical behaviour and integrity.

All RNS staff, contractors and volunteers are expected to cooperate in maintaining legal, proper, and ethical operations, if necessary, by reporting non-compliant actions by other people. Correspondingly, employees who do assist in maintaining legal, proper, and ethical operations should not be penalised in any way.

Whistleblowing laws provide legal protections to persons making disclosures of fraudulent, illegal, corrupt or unethical activity.

DEFINITIONS:

Whistleblower

A whistleblower is a person (being a director, employee, contractor or volunteer of RNS who, whether anonymously or not, makes, attempts to make or wishes to make a report in connection with wrongdoing.

What is Wrongdoing?

A report under this policy may be made if there is reasonable grounds to suspect that an RNS employee has engaged in **Wrongdoing** which is a breach of general law, RNS policy or ethical principle which:

- is dishonest, corrupt or fraudulent;
- is illegal conduct such as theft, violence or threatened violence, and criminal damage against property;
- involves harassment, discrimination or unlawful discrimination
- practices endangering the health or safety of the staff, volunteers, or the general public;
- engages in or threatens 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

A person making a report of an actual or suspected Wrongdoing must have reasonable grounds to believe that it is true.

Work related grievance and complaints regarding occupational health and safety should not be reported under this Policy. Further guidance on work related grievances and complaints are provided in the 'Implementation' section of this Policy.

PRINCIPLES

RNS is committed to:

- complying with applicable laws and regulations including whistleblowing laws;
- maintaining a culture of honesty, integrity and ethical behaviour;
- maintaining a workplace which is free of misconduct and behaviour which is unacceptable;
- maintaining an environment where individuals who report actual or suspected wrongdoing can do so safely, securely and with confidence that they will be protected and supported. This includes keeping the identity of the person confidential to the extent allowed by the law, and protecting them from retaliation, harassment, discrimination or victimisation;
- Removing any barriers that may otherwise prevent reporting of Wrongdoing by providing a number of safe pathways for a person to report.
- Consider all reports of Wrongdoing and treat each seriously which includes
 - investigating all reported Wrongdoings
 - remediating any proven Wrongdoings

ROLES AND RESPONSIBILITIES

- The RNS Board is responsible for adopting this policy, and for nominating the organisation's Whistle-blower Protection Officers listed in **Appendix 1**.
- The Principal is responsible for the implementation of this policy and ensuring it is made available to all RNS staff, contractors and volunteers.
- All staff, contractors and volunteers are encouraged to report any actual or suspected Wrongdoing at RNS in accordance with this Policy when that person has reasonable grounds to believe that information is true. In accordance with this Policy, such reporting should be to a person authorised to take action on such breaches.

The following roles have specific responsibilities in relation to Whistleblowing.

- **Whistleblowing Protection Officer:** This person is responsible for protecting a Whistle-blower from any disadvantage that may otherwise result from them reporting a Wrongdoing. This person is designated by the Board and must be independent of the team what is the subject of the reported Wrongdoing, both in terms of reporting line and day to day role.
- **Investigator:** This person is responsible for investigating a reported Wrongdoing at RNS. This person is designated by the Board and may be internal or external. This person must be independent of the team what is the subject of the reported Wrongdoing, both in terms of reporting line and day to day role.

Both the Whistleblowing Protection Officer and Investigator must raise issues directly with the Board as necessary.

IMPLEMENTATION

1. Application of this Policy

This Policy applies to any employee, Director, volunteer, contractor or volunteer of RNS.

Employees	Directors	Officers	Contractors	Volunteers
✓	✓	✓	✓	✓

Within this policy all of these people are represented by the term “Workers”.

Where RNS Worker believes in good faith on reasonable grounds that any other worker has breached any provision of the general law that worker must report their concern to as per Section 3.

The person making their concern known shall not suffer any sanctions from the organisation on account of their actions in this regard provided that their actions:

- Are in good faith, and
- are based on reasonable grounds, and
- conform to the designated policy and procedures.

Disclosures may be made anonymously, and this anonymity shall as far as possible be preserved by the organisation.

2. Who may make a disclosure?

An **eligible whistleblower** is anyone who is currently or was formerly an employee, contractor or volunteer of RNS. Any of these individuals may make a whistleblowing report under whistle-blowing laws and this Policy.

3. To whom must the disclosure be made?

Workers must make Whistleblowing reports to the following Whistleblower Officers:

- their supervisor: or, if they feel that their supervisor may be complicit in the breach,
- the Principal: or, if they feel that the Principal may be complicit in the breach,
- The Chair of the Board [*contact details – phone & email*]
- RNS external auditors [*contact details- phone & email*]
- Integrity Line, an external independent Whistleblowing service organisation (the service for which is coordinated / accessed via Ecumenical Schools Australia).

Contact details of these Whistleblower Officers are listed in **Appendix 1**.

Reports of Wrongdoing can also be made to:

- Australian Securities and Investment Commission (ASIC) or any other regulatory body prescribed in legislation.

4. How can reports be made?

4.1 What is Reportable conduct?

A person may disclose any information that the person has reasonable grounds to suspect concerns misconduct, or an improper state of affairs or circumstances in relation to:

- RNS; or
- A related body corporate of RNS.

4.2 What is not Reportable Conduct?

While everybody is encouraged to speak up and report any concerns to RNS, not all types of conduct are intended to be covered by this Policy. This Policy does not apply to personal work-related grievances (see below), unless the grievance includes victimisation due to whistleblowing.

Personal work-related grievances are those that relate to the discloser's current or former employment with RNS that might have implications for the discloser personally but do not:

- a) Have any other significant implications for RNS (or another entity); or
- b) Relate to any conduct or alleged conduct about a disclosable matter

In contemplating the use of this policy, a person should consider whether the matter of concern may be more appropriately as a **work-related grievance**. Examples of work-related grievances include:

- an interpersonal conflict between a person and another staff member, contractor or volunteer.
- a decision relating to the employment, transfer or promotion of a person.
- a decision in relation to the terms and conditions of employment of a person; or
- a decision to suspend or terminate the employment of a person or to discipline a person.

A personal work-related grievance is only covered under this Policy if it concerns alleged conduct that is an offence under law.

4.3 What information must be provided with a report of wrongdoing?

The whistle-blower must provide as much information as possible in relating to the Wrongdoing and as much evidence to support the concern if it exists. Where possible, the report should be in writing and contain, as appropriate, details of

- The nature of the alleged wrongdoing.
- The person or persons responsible for the wrongdoing.
- The facts on which the complainants' belief that a wrongdoing has occurred are founded (including date, time, location and name or person(s) involved, evidence such as documents or emails, possible witnesses, and any steps that may have been taken to report the matter elsewhere to try to resolve the concern).
- The nature and whereabouts of any further evidence that would substantiate the complainant's allegations, if known.

5. Investigation and outcome

5.1 The Investigation Process

Reports of Wrongdoing received will be referred to the RNS Investigator for investigation, with the objective of obtaining evidence to substantiate the Wrongdoing. The designated investigator will be either internal or external, but independent of the Whistle-blower and any other implicated parties.

If the Investigator concludes that there is insufficient information or evidence to warrant further investigation, the Whistle-blower will be notified as soon as possible.

If the Investigator believes there is sufficient information or evidence to warrant further investigation, they will put in motion an investigation process and use internal or external resources as needed.

As part of the investigation process:

- The person to whom the disclosure was made shall notify the Chair of the Board, who shall be responsible for ensuring that a suitable Whistleblower Protection Office and Investigator is assigned, including investigation of the charges is established and adequately resourced.
 - Strict security will be maintained during the investigative process.
 - All information obtained will be properly secured to prevent unauthorised access.
 - All relevant witnesses will be interviewed and documents examined.
 - Notes of all discussions, phone calls and interviews will be made.
 - Where possible, interviews will be taped.
 - The principles of procedural fairness (natural justice) will be observed¹. In particular, where adverse comment about a person is likely to be included in a report, the person affected will be given an opportunity to comment beforehand and any comments will be considered before the report is finalised.
-

- The person or persons conducting the investigation shall be as far as possible unbiased.

5.2 Investigation Findings

A report will be prepared when an investigation is complete. This report will include

- the allegations
- a statement of all relevant findings of fact and the evidence relied upon in reaching any conclusions
- the conclusions reached (including the damage caused, if any, and the impact on the organisation and other affected parties) and their basis
- recommendations based on those conclusions to address any wrongdoing identified and any other matters arising during the investigation.

The report will be provided to the person making the allegation (with, if necessary, any applicable confidentiality stipulations).

Where the investigation confirms a reported Wrongdoing, the matter will be dealt with in accordance with HR policies and procedures. For employees this may result in disciplinary action, including termination of employment. Reported Wrongdoings that are substantiated may be reported to regulators, police and other government bodies as appropriate.

6. Whistle-blower Protection

6.1. Protections under the Law

If a person makes a disclosure that qualifies for protection under the whistleblowing laws.

- They cannot be subject to civil, criminal or administrative liability due to reporting a Wrongdoing.
- No contractual or other remedy may be enforced against the person on the basis of the disclosure; and
- Information provided as part of a reported Wrongdoing cannot be used as evidence against the person in a prosecution

These protections only apply to reporting individuals covered by the legislation.

6.2 Protection of Informant

The person making their concern known shall not suffer any sanctions from RNS on account of their report provided that their actions are in good faith, are based on reasonable grounds, and conform to RNS Policy.

Where the investigation has found that the person making the allegation made it in good faith on reasonable grounds, the Whistleblower Protection Officer shall designate an officer to be responsible for ensuring that the person suffers no employment-related disadvantage on account of their actions in this matter and to provide additional support for the person where necessary.

6.3 Anonymity

Disclosures may be made anonymously, and this anonymity shall as far as possible be preserved by the organisation except insofar as it may be overridden by due process of law.

Where anonymity has been requested the Whistle-blower is required to maintain confidentiality regarding the issue on their own account and to refrain from discussing the matter with any unauthorized persons.

Any reporting of Wrongdoing does not necessarily absolve the Whistleblower from the consequences of any involvement on their own part in the Wrongdoing complained of.

REFERENCES AND SUPPORT:

Reference any other associated RNS Policies or laws:

- Complaints, Grievances or Concerns Policy
- Staff Employment Contracts / Letters
- Staff Code of Conduct
- **Victoria** – Protected Disclosure Act 2012

EVALUATION:

This policy will be formally reviewed by River Nile School every three (3) years and following legislation changes and/or significant incidents, if they occur.

Appendices:

1. **RNS WHISTLEBLOWER OFFICERS CONTACT DETAILS**
2. **Integrity Line – staff communications poster**

APPENDIX 1

RNS WHISTLEBLOWER OFFICERS CONTACT DETAILS

Last Updated on: December 2021	Next Update: 3-yearly or in the event of changes in key responsible persons	Signed:
--	--	----------------

This Appendix lists the names and contact details of the responsible persons and offices that you can contact if you have reasonable grounds to suspect fraud, wrong doing, misconduct or an improper state of affairs or circumstances in relation to River Nile School (RNS) or a related body corporate of RNS.

You must make Whistleblowing reports to the following **Whistleblower Officers**:

- Your supervisor: or, if you feel that your supervisor may be complicit in the breach,
- The River Nile School Principal: or, if they feel that the Principal may be complicit in the breach,
- The Chair of the River Nile School Board
- River Nile School independent external auditor
- Integrity Line, an external independent Whistleblowing service organisation (the service for which is coordinated / accessed for RNS via Ecumenical Schools Australia).

Refer to the table below for contact details for RNS Whistleblower Officers:

Officer	Name	Contact Details
Supervisor	(As appropriate)	
RNS Foundation Principal	Lisa Wilson	Tel: (03) 9329 8425 Mob: 0419 584 134 Email: lisa.wilson@rivernileschool.vic.edu.au Address: Level 1, 117 Capel Street North Melbourne VIC 3051
RNS Chair of the Board	Jane Kanizay	Mob: 0414 357 783 Email: jane.kanizay@rivernileschool.vic.edu.au
RNS Independent External Auditor	Simon Aukstin Partner McBain McCartin & Co Chartered Accountants	1st Floor, 123 Whitehorse Road, Balwyn VIC 3103 (Mailing address - PO Box 82, Balwyn VIC 3103) Office: (03) 9817 0700: Fax: (03) 9817 0799 Mobile: 0425 72 72 75 Email: simon.aukstin@mcbainmccartin.com.au Web: www.mcbainmccartin.com.au
Fully Independent, Confidential, External Whistleblower Service	Integrity Line	Reports can be made anytime. Go to the website: https://integrityline.com.au Then scan the QR code to make a report via your smartphone. Phone reports can be made during business hours to 1800 468 456

Reports of wrongdoing can also be made to:

- Australian Securities and Investment Commission (ASIC) or any other regulatory body prescribed in legislation.