



MLC
SCHOOL

Whistleblower Policy

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1. Introduction

1.1 Purpose and scope

This policy applies to the MLC School (the School) in protecting eligible whistleblowers and managing qualifying disclosures made regarding misconduct in relation to the School.

This policy will be published on the School website and made available to School Council members and employees.

1.2 Related policies

- Complaints or allegations of staff misconduct that do not meet the criteria of a whistleblowing disclosure will be addressed in accordance with the School's Complaints & Grievances MLC School Community and Code of Conduct for Employees, Contractors and Volunteers.
- Disclosures about reportable conduct will be addressed in accordance with the School's Child Protection Policy and Code of Conduct for Employees, Contractors and Volunteers.
- Disclosures regarding a grievance between staff members about work matters, including work relationships and decision made by other staff members which impact on their work, may be addressed in accordance with the School's *Complaints & Grievances MLC School Community*.
- Unlawful discrimination, harassment or bullying complaints may be addressed in accordance with the School's Discrimination, Harassment and Bullying Statement.

2. What is a qualifying disclosure?

A **qualifying disclosure** is when an **eligible whistleblower** makes a disclosure to an **eligible recipient**, and the eligible whistleblower has **reasonable grounds to suspect** that the information concerns a **disclosable matter**.

3. Who can make a qualifying disclosure?

3.1 Eligible whistleblowers

An eligible whistleblower is an individual who is or has been any of the following, in relation to the School:

- a School Council member;
- an employee;
- a person who supplies goods or services (paid or unpaid);
- an employee of a person who supplies goods or services (paid or unpaid);
- an individual who is an associate of the School (as defined in the Corporations Act); and
- a relative or dependent (or dependents of a spouse) of any individual described above.

3.2 Anonymous disclosures

A disclosure can be made anonymously.

However, this may make it difficult to investigate the reported matter. The School encourages disclosers to provide their names. If a discloser wishes to disclose anonymously, the discloser should provide sufficient information to allow the matter to be properly investigated and the School encourages the discloser to provide an anonymous email address through which additional questions can be asked and information provided.

4. Disclosable matters that qualify for protection

4.1 Disclosable matters

A disclosable matter is a disclosure of information where the eligible whistleblower has reasonable grounds to suspect that the information relating to the School or a related company concerns:

- misconduct;
- an improper state of affairs or circumstances;
- illegal activity (including conduct of officers and employees) – meaning activity in breach of the Corporations Act or specified financial services legislation, or an offence against any law of the Commonwealth punishable by imprisonment of 12 months or more; or
- conduct (including conduct of officers and employees) that represents a danger to the public or financial system.

This may include any conduct in relation to the operation of the School that involves:

- fraudulent activity;
- unlawful or corrupt use of School funds;
- improper accounting or financial reporting practices;
- systemic practices that pose a serious risk to the health and safety of any person on School premises or during School activities.

4.2 Reasonable grounds to suspect

A discloser would have 'reasonable grounds to suspect' if the discloser has a suspicion that could reasonably be formed based on the facts and information available to them.

If a disclosure is made without 'reasonable grounds to suspect' (e.g. where the disclosure is unfounded), the disclosure will not be a qualifying disclosure and the discloser will not have the protections provided for under this policy and the Corporations Act.

4.3 What is not a disclosable matter

Generally, disclosures that concern personal work-related grievances do not qualify for protection.

This policy is not intended to apply to disclosures relating to conduct concerning a person's individual employment or former employment, such as:

- an interpersonal conflict at work;
- a decision relating to engagement, transfer or promotion;
- a decision relating to terms and conditions of engagement; or

- a decision to suspend or terminate the engagement or to discipline the person.

These matters will not be deemed to be disclosable matters, do not fall within the scope of this policy, and will typically be investigated or addressed separately under the School's Staff Grievance Policy.

A disclosure **could** qualify for protection if it concerns a personal work-related grievance and also concerns alleged detriment (or a threat of detriment) to the discloser.

5. Who can receive a qualifying disclosure

5.1 Eligible Recipient

An Eligible Recipient includes the channels for receiving a qualifying disclosure noted below.

The School has several channels for making a report if you become aware of any issue or behaviour which you consider to be a qualifying disclosure:

Method	Details
MLC Reporting Service (Deloitte)	<p>A report may be made via the MLC Reporting Service: a free external hotline and reporting service independently monitored by Deloitte.</p> <p>Reporting options are:</p> <ul style="list-style-type: none"> • by phone: 1800 734 • by email: mlcreportingservice@deloitte.com.au • web-based access: https://australia.deloitte-halo.com/whistleblower/website/MLC • by post: <p style="margin-left: 40px;">MLC Reply Paid 12628 A'Beckett Street Melbourne VIC 8006</p> <p>Reports may be made anonymously, but if you provide your contact details, those contact details will only be provided to the School if you consent.</p>
Protected Disclosure Officer	<p>In order to ensure appropriate escalation if a disclosure is made internally, and timely investigation, we request that reports are made to any one of our Protected Disclosure Officers, listed below:</p> <p>Lisa Moloney Email: lmoloney@mlcsyd.nsw.edu.au Principal</p> <p>Ross Kirby Email: rkirby@mlcsyd.nsw.edu.au Company Secretary</p>
By post	<p>Reports may also be posted to</p> <p>MLC School PO Box 643 Burwood NSW 1805</p>

Method	Details
	(marked Private & Confidential and to the attention of one of the Protected Disclosure Officers).

In order to qualify for protection, the disclosure must be made to one of the recipients outlined above, or any other recipient prescribed by law, such as a Council Member or member of the Schools Executive Team, or the relevant regulator. Under the Corporations Act and the Taxation Administration Act, reports can also be made to the School's external auditors.

6. Investigating a qualifying disclosure

6.1 Receiving a disclosure

Upon receiving a disclosure, the recipient (generally the **Principal** will assess the disclosure to determine whether it qualifies for protection under the *Corporations Act* and is to be managed in accordance with this policy (qualifying disclosure) or the disclosure concerns matters that should be managed in accordance with related policies (see section 1.2).

6.2 Investigating a qualifying disclosure

How the School investigates a qualifying disclosure will depend on the nature of the disclosure.

An investigation will generally involve the making of inquiries or collection of evidence for the purpose of assessing the disclosure made by the whistleblower.

External professionals may be engaged to assist or conduct the investigation process.

In instances where the School reports the allegations within the disclosure to a third party, such as NSW Police, Australian Federal Police or Australian Securities and Investments Commission (ASIC), the investigation procedures of the relevant third party will generally take precedence.

The timing of an investigation will depend on the circumstances of the matter and whether the School is the primary investigator of the disclosure.

Employees about whom disclosures are made will generally be given an opportunity to respond to the relevant allegations made in the qualifying disclosure.

An eligible whistleblower and the relevant parties that the disclosure is about may choose to have an appropriate support person present at any meeting with representatives of the School.

7. Protection of Whistleblowers

The School is committed to ensuring confidentiality in respect of all matters raised under this policy, and that those who make a report are treated fairly and do not suffer detriment.

7.1 Protection against detrimental conduct

Detrimental treatment includes dismissal, demotion, harassment, discrimination, disciplinary action, bias, threats or other unfavourable treatment connected with making a report.

If you are subjected to detrimental treatment as a result of making a report under this policy you should:

- inform a Protected Disclosure Officer, the Principal or a member of the Schools Executive Team immediately; or
- raise it in accordance with this policy.

7.2 Protection of your identity and confidentiality

Subject to compliance with legal requirements, upon receiving a report under this policy, the School will take reasonable steps to keep your identity confidential and reduce the risk of disclosure in the course of an investigation and will only share your identity as a whistleblower or information likely to reveal your identity if:

- you consent;
- the concern is reported to the Australian Securities and Investments Commission ("**ASIC**"), the Tax Commissioner or the Australian Federal Police ("**AFP**"); or
- the concern is raised with a lawyer for the purpose of obtaining legal advice or representation.

The discloser's identity and information which is likely to lead to the identification of the discloser can also be provided to any Commonwealth or State authority for the purpose of assisting the authority in the performance of its functions or duties. This could include NSW Police, the NSW Ombudsman, NSW Education Standards Authority or the NSW Department of Education.

It is also permissible to disclose information which could lead to the identification of the discloser if the disclosure is reasonably necessary for the purpose of investigating the matter, if all reasonable steps are taken to reduce the risk that the discloser will be identified as a result of the information being disclosed.

7.3 Protection of files and records

All files and records created from an investigation will be retained securely.

Unauthorised release of information to someone not involved in the investigation (other than the Principal, a member of the Schools Executive Team or Council Members who need to know to take appropriate action, or for corporate governance purposes) without your consent as a whistleblower will be a breach of this policy.

Whistleblowers are assured that a release of information in breach of this policy will be regarded as a serious matter and will be dealt with under the School's disciplinary procedures.

8. Additional support for eligible Whistleblowers and other employees

The School's employee assistance program (EAP) services will be available to all eligible whistleblowers and other employees affected by the disclosure, should they require that support.

9. Policy Review

The Policy will be reviewed annually to ensure that it remains effective and meets best practice standards and the needs of the School.