



MLC
SCHOOL

Whistleblower

Policy

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Contact	Chief Financial Officer
Review Cycle	One (1) Year
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Whistleblower Policy

1 PURPOSE

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

2 SCOPE

This policy applies to staff employed by MLC School, parents, students, and other stakeholders of the school, including contractors and volunteers.

3 KEY PRINCIPLES

The following general key principles are to be considered:

1. 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 Handling Policy and Procedure and Code of Conduct for Employees, Contractors, and Volunteers.
2. 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.
3. 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 Code of Conduct for Employees, Contractors, and Volunteers and the Discrimination, Harassment and Bullying Statement.
4. Unlawful discrimination, harassment or bullying complaints may be addressed in accordance with the School's Discrimination, Harassment and Bullying Statement.

4 DEFINITIONS

TERM	MEANING
Anonymous Disclosures	A disclosure made by an individual who wishes to remain anonymous
Eligible Whistleblowers	<p>An individual who is or has been any of the following, in relation to MLC School:</p> <ul style="list-style-type: none"> • 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 <i>Corporations Act 2001 (Cth)</i>); and relative or dependent (or dependents of a spouse) of any individual described above.
EAP	Employee Assistance Program
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.
Reasonable grounds to suspect	Means that a reasonable person in the position of a whistleblower would also suspect the information indicates misconduct or a breach of the law.
The School	MLC School

5 PROCEDURES

5.1 Who is Able to Make a Qualifying Disclosure?

1. Eligible Whistleblowers.
2. Anonymous Disclosures – 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.

5.2 Disclosure Matters that Qualify for Protection

1. Disclosable Matter

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 concern:

- Misconduct.
- An improper state of affairs or circumstances.
- Illegal activity (including conduct of officers and employees) – meaning activity in breach of the *Corporations Act 2001* (Cth); 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.

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 2001* (Cth).

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.
- 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.

5.3 Who Can Receive a Qualifying Disclosure

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.

If the qualifying disclosure is in relation to the Principal, then the matter will be forwarded to the CFO via the Whistleblower Portal. The CFO will raise the matter with Chair of Council for investigation and resolution.

If the qualifying disclosure is in relation to the Chair of Council, then the matter will be forwarded to the Principal via the Whistleblower Portal. The Principal will raise the matter with the Deputy Chair for investigation and resolution.

METHOD	DETAILS
MLC School Reporting Service (Deloitte)	<p>A report may be made via the MLC School 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 telephone: 1800 954 734 • By email: mlcreportingservice@deloitte.com.au • Web-based access: https://australia.deloitte-halo.com/whistleblower/website/MLC?Pg=1 • By post: <p style="margin-left: 40px;">MLC School 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> <ul style="list-style-type: none"> • Ms Kylie Bryden-Smith Email: chair@mlcsyd.nsw.edu.au Chair • Ms Lisa Moloney Email: lmoloney@mlcsyd.nsw.edu.au Principal • Ms Mary Perera Email: mperera@mlcsyd.nsw.edu.au Chief Financial Officer
By Post	<p>Reports may also be posted to:</p> <p>MLC School Rowley Street Burwood NSW 2134</p> <p>(Marked Private & Confidential and to the attention of one of the Protected Disclosure Officers).</p>

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 2001* (Cth) and the *Taxation Administration Act 1953* (Cth), reports can also be made to the School's external auditors.

5.4 Investigating A Qualifying Disclosure

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 2001* (Cth) 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.

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.

5.5 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.

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 School's Executive Team immediately; or
- Raise it in accordance with this policy.

5.6 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.

5.7 Protection of File 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 School's 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.

5.8 Additional Support for Eligible Whistleblowers and Other Employees

The School's Employee Assistance Program services will be available to all eligible whistleblowers and other employees affected by the disclosure, should they require that support.

6. ACTIONS & RESPONSIBILITIES

The actions and responsibilities to be undertaken in respect of this procedure are set out below:

1. The Protected Disclosure Officers are responsible for:
 - Investigating the whistleblower disclosure matter as required and submitting a response via the whistleblower portal.

7. RELATED POLICIES & SUPPORTING DOCUMENTS

- *Corporations Act 2001* (Cth)
- *Taxation Administration Act 1953* (Cth)
- MLC School Code of Conduct for Employees, Contractors, and Volunteers
- MLC School Discrimination, Harassment and Bullying Statement
- MLC School Complaints Handling Policy and Procedures
- MLC School Child Protection Policy and Procedures

8. ACCESS

Not restricted.

This document is available to all stakeholders via the School's Community website.

This document is available to the MLC School Council members and all staff via Domus.