

# Whistleblower Policy

Document Guardian  
Ratified by Board

Business Manager  
11 September 2020

Last Review  
Next Review

N/A  
December 2025

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This policy applies to the Blue Mountains Grammar School to ensure individuals who disclose wrongdoing in relation to the school can do so safely, securely and with confidence that they will be protected and supported.

This policy will be published on the Blue Mountains Grammar School website and made available to Board members and employees.

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

Disclosures about reportable conduct will be addressed in accordance with the school's



Corporations Act the ASIC Act, the Banking Act 1959 (Cth), the Life Insurance Act 1995 (Cth), the Insurance Act 1973 (Cth) and the Superannuation Industry (Supervision) Act 1993 (Cth), or an offence against any law of the Commonwealth punishable by imprisonment of 12 months or more; or

- 3.2.4 conduct (including conduct of officers and employees) that represents a danger to the public or financial system.
- 3.2.5 This may include any conduct in relation to the operation of the School that involves:
  - 3.2.5.1 fraudulent activity;
  - 3.2.5.2 negligence;
  - 3.2.5.3 unlawful or corrupt use of school funds;
  - 3.2.5.4 breach of duty;
  - 3.2.5.5 improper accounting or financial reporting practices;
  - 3.2.5.6 systemic practices that pose a serious risk to the health and safety of any person on school premises or during school activities.

If a disclosure is not about a disclosable matter, it will not qualify for whistleblower protection under the

Whether a discloser would have 'reasonable grounds to suspect' is based on the reasonableness of the reasons for the discloser's suspicion, having regard to all the circumstances when considered objectively.

If a disclosure is made without 'reasonable grounds to suspect', 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. Any deliberate false reporting will be regarded very seriously.

A discloser can still qualify for protection even if their disclosure turns out to be incorrect.

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

A disclosure will concern a personal work-related grievance of the discloser if the information:

- 3.4.1 concerns a grievance about any matter in relation to the discloser's employment, or former employment, having or tending to have implications for the discloser personally; and
- 3.4.2 does not have significant implications for the School that do not relate the discloser; and
- 3.4.3 does not concern conduct that is:
  - 3.4.3.1 an alleged contravention of the Corporations Act and specified financial services laws; or
  - 3.4.3.2 an offence against another law of the Commonwealth, which is punishable by imprisonment of 12 months or more; or
  - 3.4.3.3 a danger to the public or financial system;

3.4.4 Examples of disclosures regarding personal work-related grievances that may not qualify for protection include:

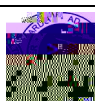
- 3.4.4.1 an interpersonal conflict between the discloser and another employee;
- 3.4.4.2 a decision relating to the engagement, transfer or promotion of the discloser;
- 3.4.4.3 a decision relating to the terms and conditions of engagement of the discloser;
- 3.4.4.4 a decision to suspend or terminate the engagement of the discloser, or otherwise discipline the discloser.

These matters will be addressed in accordance with the school's

3.4.5 A personal work-related grievance may still qualify for protection if:

- 3.4.5.1 it includes information about misconduct, or information about misconduct includes or is accompanied by a personal work-related grievance (mixed report);
- 3.4.5.2 the entity has breached employment or other laws punishable by imprisonment for a period of 12 months or more, engaged in conduct that represents a danger to the public, or the disclosure relates to information that suggests misconduct beyond the discloser's personal circumstances;
- 3.4.5.3 the discloser suffers from or is threatened with detriment for making a disclosure; or
- 3.4.5.4 the discloser seeks legal advice or legal representation about the operation of the whistleblower protections under the Corporations Act







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Remedies available to an eligible whistleblower for being subjected to detriment could include:

- 7.3.1 compensation
- 7.3.2 injunctions and apologies
- 7.3.3 reinstatement of a person whose employment is terminated
- 7.3.4 exemplary damages

Schools and individuals may face significant civil and criminal penalties for failing to comply with confidentiality and detrimental conduct provisions.

	via the Website.
8.1.1 <u>Requirements</u> – This policy complies with: Corporations Act	The Business Manager will introduce the policy to all staff by email.
8.1.2 <u>Consultation</u> – The author consulted BMGS Headmaster BMGS Governance Risk and Compliance Committee	Nil
8.1.3 <u>Acknowledgements</u> – AIS NSW.	
Staff Complaints and Grievance Policy Child Protection Policy	Policy content is communicated to staff on induction.  The Headmaster will ensure compliance with the Policy
This policy will be made available to staff via the shared Official Documents network drive. This policy will be made available to Board via the Board Portal. This policy will be made available to community	The Document Guardian will coordinate a review as necessary or at the date specified consulting with the Headmaster.

