REDGUM WHISTLEBLOWER POLICY

Overview

This Whistleblower Policy (**Policy**) has been developed to align with the values of RedGum – The Waldorf School of Central Victoria (the **School**) and to allow Whistleblowers to raise concerns regarding a Disclosable Matter safely, securely, and with confidence that they will be protected and supported.

This Policy is available via the RedGum website, and a hard copy is available via the Office.

For information about how concerns, complaints or other grievances not covered by this Policy can be raised, please refer to the School's grievance policies.

Purpose

This Policy aims to:

- Support Whistleblowers to report an issue if they have reasonable grounds to suspect it concerns a Disclosable Matter;
- Provide details about how (and to whom) a Whistleblower can make a report;
- Provide details about how the School will deal with reports of Disclosable Matters;
- Provide details about the protections available to Whistleblowers, and how the School will ensure fair treatment of those affected by a report; and
- Fulfil the School's obligations under whistleblower laws (**Whistleblower Laws**) in the *Corporations Act 2001* (Cth) (**Corporations Act**).

School-Specific Guidance and Application

This Policy is intended to support the safe disclosure of serious misconduct, systemic concerns, governance failures, or conduct that may place the School or members of its community at significant risk.

The School recognises that, within a close and relational school community, it is important to distinguish between:

- Whistleblower disclosures concerning serious or systemic matters; and
- Interpersonal grievances, complaints, or operational concerns more appropriately addressed through other School processes.

This Policy is not intended to replace existing grievance, complaints, restorative, or performance management processes.

Where a concern raised under this Policy does not meet the threshold of a Disclosable Matter, the School will support referral to the appropriate pathway wherever reasonable and appropriate to do so.

The School is committed to ensuring that concerns are able to be raised respectfully, safely, and in good faith.

Definition

Disclosable Matters means information concerning misconduct, or an improper state of affairs or circumstances, in relation to the School, such as conduct by the School or an officer or employee of the School that:

- Breaches the Corporations Act, Australian Securities and Investments Commission Act 2001 (Cth), Banking Act 1959 (Cth), Financial Accountability Regime Act 2023 (Cth), Financial Sector (Collection of Data) Act 2001 (Cth), Insurance Act 1973 (Cth), Life Insurance Act 1995 (Cth), National Consumer Credit Protection Act 2009 (Cth) or Superannuation Industry (Supervision) Act 1993 (Cth) (or regulations made under those laws) (noting that many of these have limited relevance to the School);
- Constitutes an offence against any other law of the Commonwealth that is punishable by imprisonment for a period of 12 months or more;
- Represents a danger to the public or the financial system; or
- Is otherwise prescribed by Whistleblower Laws.

Scope - People

This Policy applies to the School and its related bodies corporate.

This Policy applies to **Whistleblowers** who make a report about Disclosable Matters, being persons who are, or have been, officers, employees, individuals who are suppliers or associates of the School, or a relative, dependant, or spouse of any of such persons.

A person who is not a Whistleblower will not qualify for protection under the Whistleblower Laws or this Policy.

Scope - Conduct

A Whistleblower is able to make a report under this Policy if they have reasonable grounds to suspect that information indicates there has been a Disclosable Matter.

Examples of Disclosable Matters in a School Context

Examples of matters which may constitute Disclosable Matters in the context of the School include:

- Serious breaches of child safety obligations;
- Systemic bullying, harassment, or unsafe workplace conduct;
- Significant breaches of professional or ethical obligations;
- Financial misconduct or serious mismanagement of School resources;

- Governance failures or improper decision-making processes;
- Conduct creating significant risk to the School's reputation, integrity, or legal obligations.

These examples are indicative only and are not intended to limit the operation of this Policy.

Out of Scope - Conduct

This Policy does not apply to a disclosure to the extent that the information disclosed concerns a personal work related grievance, and does not concern alleged or threatened Detrimental Treatment. Personal work related grievance has the meaning given to it in the Corporations Act and are grievances that relate to one's own employment (or former employment), and which:

- May have implications for the Discloser personally;
- Do not have any other significant implications for the School; and
- Do not relate to any conduct, or alleged conduct, about a Disclosable Matter.

Any reports that do not relate to a Disclosable Matter are not covered by this Policy, and will not qualify for protection under the Whistleblower Laws.

Clarification Regarding Grievances and Complaints

Concerns relating primarily to interpersonal conflict, dissatisfaction with management decisions, communication issues, or individual employment matters will generally be managed under the School's grievance, complaints, or performance management processes unless they involve systemic misconduct or Detrimental Treatment as defined under this Policy.

Interactions Between This Policy and Other Policies

In some cases, a Whistleblower may make a disclosure to which multiple policies or legal obligations may apply. To the extent that a disclosure relates to a Disclosable Matter, this Policy applies in priority to other School policies. Where a disclosure includes a Disclosable Matter as well as other matters, the School will adapt the procedures set out in this Policy to ensure compliance with its statutory obligations (while also avoiding duplication or time-wasting).

Reporting Disclosable Conduct; How to Make a Report

Form of report

A report about an alleged Disclosable Matter under this Policy can be made at any time, either verbally or in writing. Reports should include supporting documentation, the grounds for making the report, and details of all relevant facts.

Reasonable grounds and false claims

A report made under this Policy may have serious consequences, including potential damage to the personal reputation and career prospects of the person(s) who are the subject of an alleged Disclosable Matter. A Whistleblower must therefore have **reasonable grounds** to suspect that the concerns being raised fall within the definition of a Disclosable Matter.

Persons who are found to have knowingly made a false report may be in breach of this Policy, and be subject to appropriate disciplinary action (including termination of employment or engagement).

The School also recognises that misuse of whistleblower processes can have a detrimental impact on individuals and the wider community. Reports made maliciously, vexatiously, or without reasonable grounds may be addressed through appropriate processes.

This will not limit or discourage genuine disclosures made in good faith.

Anonymity

Whistleblowers can elect to make an anonymous report. Anonymous reports remain protected by Whistleblower Laws.

However, the School may not be able to undertake an investigation if it is not able to contact the Whistleblower (e.g. if a disclosure is made anonymously and the Whistleblower has refused to provide, or has not provided, a means of contacting them). A Whistleblower who wishes to remain anonymous should therefore maintain ongoing two-way anonymous communication with the School, so the School (or its representatives) can ask follow-up questions or provide feedback.

Confidentiality

All reports made under this Policy will be confidential.

A person cannot disclose the identity of a Whistleblower, or information that is likely to lead to the identification of the Whistleblower, which they have obtained directly or indirectly because the Whistleblower has made a report that qualifies for protection under Whistleblower Laws, unless the Whistleblower consents.

However, a person can disclose information contained in a report without the Whistleblower's consent if authorised by the Corporations Act, including where:

- The information does not include the Whistleblower's identity;
- The School has taken all reasonable steps to reduce the risk that the Whistleblower will be identified from the information; and
- It is reasonably necessary for investigating the issues raised in the disclosure.

Therefore, although the School will comply with the confidentiality requirements under the Corporations Act, Whistleblowers must be comfortable with some risk of information regarding their report being disclosed.

All files and records created during an investigation will be retained in secure files and any unauthorised release of information will be regarded as a breach of this Policy.

If a Whistleblower considers there has been a breach of confidentiality, they can choose to lodge a complaint with the School or with a regulator, such as the Australian Securities and Investments Commission (**ASIC**) or the Australian Prudential Regulation Authority (**APRA**), for investigation.

Reporting Disclosable Conduct - Who to Make a Report To

A Whistleblower may report Disclosable Matters to categories of people who are eligible to receive reports which qualify for protection (**Eligible Recipient**).

Internal Eligible Recipients

Internal Eligible Recipients include:

- The Principal;
- The Company Secretary; and
- The Whistleblower Protection Officer (WPO) (The Business Manager).

An Eligible Recipient must promptly refer a report to the Whistleblower Protection Officer unless doing so would create a conflict of interest.

Whistleblower Protection Officer (WPO)

RedGum Business Manager

Email: businessmanager@redgum.vic.edu.au

The School has authorised the WPO to:

- Receive reports of alleged Disclosable Matters and coordinate any necessary action by the School;
- Keep the Whistleblower updated on developments;
- Safeguard the interests of Whistleblowers making reports under this Policy; and
- Ensure the integrity of the reporting system.

External Reporting

Although the School's preference is that a Whistleblower first contact an internal Eligible Recipient, or the WPO, the Whistleblower may choose to make a report of an alleged Disclosable Matter directly to ASIC, APRA, the Australian Taxation Office, or any other Commonwealth authority prescribed by the Corporations Act.

Public interest and emergency disclosures

In some limited circumstances, the Whistleblower may be permitted to make a public interest or emergency disclosure to a Member of Parliament or a journalist.

For more information on these disclosures, please see ASIC's fact sheet available here.

Reporting to a legal practitioner

A Whistleblower may make a report to a legal practitioner for the purpose of obtaining legal advice or legal representation in relation to the operation of this Policy or Whistleblower Laws in general.

Board Oversight and Governance

The Board retains oversight responsibility for governance, risk, and integrity matters within the School.

Without compromising confidentiality obligations, the Board will be informed of:

- Significant Disclosable Matters;
- Matters involving material legal, financial, reputational, or child safety risk;
- Repeated or systemic concerns indicating broader organisational issues.

The Board's role is one of governance oversight and stewardship and does not extend to operational management of investigations unless required by conflict or escalation circumstances.

Steps Following a Report

Following a report of an alleged Disclosable Matter, the WPO will assess whether:

- It qualifies for protection; and
- A formal, in-depth investigation is required.

If a report concerns an alleged Disclosable Matter by the WPO, or the WPO otherwise has a conflict of interest, the WPO will refer the report to the Principal.

Investigations of Disclosable Matters

Investigation procedure

Where a report is made, and it is determined that an investigation of the alleged Disclosable Matter is warranted, the Principal will carry out (or delegate) the investigation.

Where the Disclosable Matter relates to the conduct of the Principal, or the Principal otherwise has a conflict of interest in the Disclosable Matter, the Chair of the Board will, unless the Chair has a conflict of interest, carry out (or delegate) the investigation.

Investigation Responsibility and Escalation

Where a formal investigation is warranted, the School will determine the most appropriate person to oversee or conduct the investigation, having regard to:

- Independence;
- Capability;
- Procedural fairness; and
- Actual or perceived conflicts of interest.

This may include:

- The Principal/ Head of School;
- The Chair of the Board; or
- An appropriately qualified external investigator.

Where:

- The disclosure concerns the Principal, the Chair will oversee the matter;
- The disclosure concerns the Chair, the Deputy Chair or an external investigator will oversee the matter;
- There is actual or perceived conflict, the School may appoint an independent external investigator.

All investigations must be conducted in accordance with principles of procedural fairness and natural justice.

Commitment to Respectful Process

The School recognises that disclosures made under this Policy may involve significant stress and uncertainty for all parties involved.

The School is committed to:

- Respectful and fair treatment of all individuals;
- Maintaining procedural fairness;
- Minimising unnecessary harm;
- Supporting appropriate communication and wellbeing throughout any investigation process.

Persons mentioned in a disclosure

The School recognises that individuals mentioned in a report of an alleged Disclosable Matter must also be supported during any investigation process. Accordingly, the School will ensure fair treatment to such individuals (particularly employees) by providing natural justice and procedural fairness, and details of the School's available support services.

Outcomes

Following the investigation, findings will be made about whether or not there has been a Disclosable Matter. These findings will be communicated (subject to any conflicts of interest) to the Principal, the Chair of the Board, the WPO, and any person the subject of the alleged Disclosable Matter and may be communicated to the Whistleblower and any other person concerned or mentioned in the report of the Disclosable Matter, as determined by the Principal (or the Chair of the School Board where the principal identified a conflict of interest).

Protection of Whistleblowers

In this section, **Perpetrator** means a person who engages in Detrimental Treatment.

Anonymity and confidentiality

Whistleblowers have the anonymity and confidentiality protections set out in the 'Reporting Disclosable Conduct; How to Make a Report' section of this document.

Protections against Detrimental Treatment

The School will not tolerate any conduct, or threatened conduct, causing detriment to a person (or any other person) where:

- The Perpetrator believes or suspects the first person has made, may have made, proposes to make, or could make a report under this Policy; and
- The belief or suspicion is the reason, or part of the reason, for the conduct, (**Detrimental Treatment**).

Detriment is defined in the Corporations Act and includes (but is not limited to):

- Dismissal or alteration of an employee's position or duties to their disadvantage;
- Harm, injury (including psychological harm), or damage to a person or a person's property, reputation, business, or financial position;
- Discrimination; or
- Harassment or intimidation.

Any Detrimental Treatment will be treated as serious misconduct by the School and may result in disciplinary action (including termination of employment).

However, Detrimental Treatment does not include:

- Administrative action that is reasonable for the purpose of protecting a Whistleblower from detriment (e.g. moving a Whistleblower who has made a report about their immediate work area to another office, to prevent them from detriment); and
- Reasonably managing a Whistleblower's unsatisfactory conduct or work performance.

Compensation and remedies

Under the Corporations Act, a Whistleblower who suffers Detrimental Treatment may be entitled to compensation from the Perpetrator if they suffer loss, damage or injury as a result of the Detrimental Treatment. In some circumstances, such as where the School failed to take reasonable precautions and exercise due diligence to prevent the Detrimental Treatment, the School may also be required to compensate the Whistleblower.

The Corporations Act allows other remedies for Detrimental Treatment, even where the Whistleblower has not suffered loss, damage, or injury.

Protections against legal action

Whistleblower Laws protect a Whistleblower against certain civil, criminal and administrative liabilities related to making a whistleblower disclosure.

However, this protection does not grant immunity to a Whistleblower for any misconduct they have engaged in that is revealed by the disclosure.

General

Compliance

All officers, employees and contractors must comply at all times with this Policy. However, this Policy does not form part of any agreement between any person and the School, nor does it constitute terms and conditions of any person's employment or engagement with the School.

Contacts

If you have any queries in relation to this Policy, please contact the WPO.

Evaluation and Review

To ensure ongoing relevance and continuous improvement, this Policy will be reviewed annually by the Principal in consultation with the Board.

The Board retains oversight responsibility for ensuring that this Policy remains aligned with the School's governance, risk, and child safety obligations.

Document Control

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Author:	L Smith
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Version History

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