



BRISBANE GRAMMAR SCHOOL

# Whistleblowing Policy

(V1.1 2024-08)

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## WHISTLEBLOWING POLICY V1.0 2020-10

### 1. Our Commitment

Brisbane Grammar School is committed to maintaining and promoting high standards of integrity, governance and ethical behaviour within the School Community.

The School encourages the reporting of any suspected unethical, unlawful or fraudulent conduct involving the School, its employees, and trustees.

Where appropriate, the School will investigate any complaint made under this policy and will deal with it in a confidential and sensitive way.

The School will ensure that all complaints remain confidential, unless the complainant gives their consent to disclose their identity

The School may investigate complaints raised on an anonymous basis, where possible.

At all times, the School will ensure that anyone who makes a complaint under this policy is treated fairly and does not suffer any detriment as a consequence of making a complaint.

The School will apply principles of procedural fairness and natural justice to the conduct of any investigation and will ensure that any person who is the subject of a complaint is treated fairly.

You can make a complaint under this policy if you are a current or former employee, trustee, or contractor at the School, an employee of a contractor who has supplied goods or services to the School or are a spouse, close relative or dependant of one of these people.

Please follow the steps in **Annexure A** if your complaint relates to:

- a) Conduct which constitutes an improper state of affairs or circumstances in relation to the School;
- b) Fraud, negligence, default, breach of trust or breach of duty under Australian law;
  1. Conduct which constitutes an offence against, or a contravention of:
  2. The financial sector laws as applicable either under federal or state laws;
- c) Any other law of the Commonwealth that is punishable by imprisonment for a period of 12 months or more; or
- d) Conduct which represents a danger to the public or the financial system (even if the conduct does not involve a breach of a particular law).

Please follow the steps in **Annexure B** if your complaint relates to:

- a) A work-related grievance – this may involve any matter concerning your employment at the School and which affects you personally; and
- b) Any other concern that is not covered by Annexure A.

### 2. Related Documents

- Nil



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### 3. Contact Information

If you have any questions regarding this document please contact:

- Executive Director People and Culture.  
[esme.strydom@brisbanegrammar.com](mailto:esme.strydom@brisbanegrammar.com) 07 3834 5299
- Chief Financial Officer [secretary@brisbanegrammar.com](mailto:secretary@brisbanegrammar.com) 07 3834 5200

### 4. Document Management

The School may, from time to time, review and update this document to take account of new laws and technology, changes to the School's operations and practices and to make sure it remains appropriate to the changing school environment.

Document Title	Whistleblowing Policy
Author	Deputy Headmaster – Staff
Version	V1.0 2020-10
Date	8 Oct 2020

#### Document Control

Version	Description	Date
V0.1	Corrs Chambers Westgarth, 3444-4030-6448v3 - draft	7 Sep 2020
V0.2	Corrs Chambers Westgarth, 3436-7308-9553-v1 - draft	14 Sep 2020
V0.3	SLT Review	15 Sep 2020
V1.0	Approved, Board of Trustees	8 Oct 2020
V1.0	Minor amendment of position naming convention – Risk & Compliance Manager	7 Sept 2023
V1.1	Minor Amendments – Executive Director People and Culture	1 August 2024
V1.1	Approved, Board of Trustees	15 August 2024

#### Distribution

Version	Recipient	Date
V1.0	MyGrammar   Staff Announcement	2 Nov 2020
V1.0	BGS (MyGrammar)	7 Sep 2023
V1.1	BGS (MyGrammar)	30 August 2024



## WHISTLEBLOWING POLICY V1.0 2020-10

### Annexure A

#### 1. Who can make a complaint?

You can make a complaint if you are a current or former employee, trustee, or contractor at the School, an employee of a contractor who has supplied goods or services to the School or are a spouse, close relative or dependant of one of these people.

#### 2. What can I make a complaint about?

You can make a complaint about the following types of conduct:

<ul style="list-style-type: none"><li>• Fraud</li><li>• Negligence</li><li>• Default</li><li>• Breach of trust</li><li>• Breach of duties under Australian law</li></ul>	<p>Conduct which constitutes:</p> <ul style="list-style-type: none"><li>• an improper state of affairs or circumstances in relation to the School;</li><li>• an offence against, or a contravention of the financial sector laws or any other law of the Commonwealth that is punishable by imprisonment for a period of 12 months or more;</li><li>• a danger to the public or the financial system (even if the conduct does not involve a breach of a particular law).</li></ul>
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You must have reasonable grounds to believe that the information you are disclosing (your complaint) is true, however you will still qualify for protection under this Annexure if the information you provide turns out to be incorrect.

#### 3. Who do I make a complaint to?

1. Headmaster. E: [headmaster@brisbanegrammar.com](mailto:headmaster@brisbanegrammar.com) P: 07 3834 5255
2. Board Chairman. E: [secretary@brisbanegrammar.com](mailto:secretary@brisbanegrammar.com) P: 07 3834 5281
3. Any member of the SLT/Trustees. P: 07 3834 5281
4. An internal or external auditor

You may also make a complaint to the Australian Securities & Investments Commission (ASIC), the Australian Prudential Regulation Authority (APRA) or to an external legal practitioner and in limited circumstances you may also make a *public interest disclosure* or an *emergency disclosure* to a journalist or Member of Parliament. Further details are below.

#### 4. What information should I provide?

Please provide as much information as possible, including the details of the conduct, people involved, dates, and locations and any other evidence or material which may be relevant and your contact details, unless you wish to remain anonymous.



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### 5. What happens next?

- a) The person to whom you make the complaint will acknowledge receipt, ideally within three business days.
- b) Your complaint will then be referred to the School's Secretary to the Board of Trustees who will act as the School's Whistleblowing Investigation Officer (WIO) (or, where there is a conflict of interest, another appropriate person).
- c) The WIO will assess your complaint and determine whether it qualifies for protection and whether an investigation is necessary or appropriate.
- d) If an investigation will be conducted, the WIO will determine the next steps, including the nature and scope of the investigation, the investigator and the nature of any technical, financial or legal advice that may be required and the timeframe.
- e) You will be contacted, ideally within 14 business days of the WIO receiving your complaint to discuss next steps and during key stages in the process.
- f) Once the investigation is completed, the WIO will determine the recommended course of action (if any) that the School will take in response to the findings.
- g) Subject to any applicable confidentiality, privacy or legal constraints you (and any respondent) will be notified of the outcome of the investigation.

### 6. How will I be protected?

Except in limited circumstances, the School will protect your confidentiality and ensure that you do not suffer any detriment as a result of your complaint as follows:

#### Confidentiality

- a) The recipient of your complaint cannot disclose your identity, or information that is likely to lead to your identification, except: to ASIC, APRA, or a member of the Australian Federal Police; to a legal practitioner; or, with your consent.
- b) The School can only disclose without your consent if the disclosure of this information is reasonably necessary to investigate the issues raised by you provided that: the information does not include your identity; and, all reasonable steps have been taken by the School to reduce the risk that your identity will be revealed from the information provided.
- c) Absent consent by you to disclose your identity, the School will protect your identity by redacting all personal information or reference to you witnessing an event and where possible, liaising with you to identify any aspects of the complaint that could inadvertently identify you; and
- d) Any concerns regarding breach of confidentiality should be raised with the WIO. You may also lodge a complaint with a regulator, such as ASIC, APRA or the Australian Taxation Office (ATO).

#### Detrimental Conduct

- a) The School will so far as is practicable ensure that you do not suffer any detriment, however this does not include taking action that is reasonable for the purpose of protecting you from detriment or managing any misconduct or unsatisfactory work performance by you, where the action is in line with the School's performance and conduct management framework.



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- b) The School will put in place processes for assessing risks of detriment against you and other persons, which will commence as soon as practicable after receiving a complaint; and may provide you with support services including counselling or other professional services.
- c) In addition to the above protections, no administrative liability (e.g., disciplinary action for making the complaint); and no contractual or other remedy may be enforced or exercised against you based on the complaint.

**Detrimental Conduct** includes: dismissal, discrimination, harassment or intimidation, altering a person's position in employment to their prejudice, altering an employee's position or duties to their disadvantage, physical or psychological harm; or damage to a person's property, reputation, business or financial position.

### 7. What is a Public Interest Disclosure?

A public interest disclosure is the disclosure of information to a journalist or a parliamentarian but you may only qualify for the protections if before you disclose you:

- a) have made an eligible report to ASIC or APRA;
- b) confirm that at least 90 days have passed since the report was made;
- c) do not have reasonable grounds to believe that action has been or is being taken to address the matters raised in the report;
- d) reasonably believe further disclosure is in the public interest;
- e) have provided ASIC or APRA (whichever received the initial report) with written notification that identifies the previous report and that you intend to make a public interest disclosure; and
- f) disclose information that is not greater than necessary to inform the recipient of the misconduct, or improper state of affairs.

### 8. What is an Emergency Disclosure?

An emergency disclosure is the disclosure of information to a journalist or parliamentarian, but you may only qualify for the protections if before you disclose you:

- a) have made an eligible report to ASIC or APRA;
- b) reasonably believe that the information concerns a substantial and imminent danger to the health or safety of one or more persons or to the natural environment;
- c) have provided ASIC or APRA (whichever received the initial report) with written notification that identifies the previous report and that you intend to make an emergency disclosure; and
- d) disclose information that is not greater than necessary to inform the recipient of the substantial and imminent danger.



### 9. Protections and remedies available

In addition to the protections specified above, you may be eligible to apply for the following:

- a) Compensation for loss, damage or injury suffered as a result of detrimental conduct arising from making a disclosure or where an entity failed to take reasonable cautions and exercise due diligence to prevent the detrimental conduct;
- b) An injunction to prevent, stop or remedy the effects of the detrimental conduct;
- c) An order requiring an apology for engaging in the detrimental conduct;
- d) If the detrimental conduct wholly or partly resulted in the termination of an employee's employment: reinstatement to their position; and
- e) Any other order the court thinks appropriate.

You are encouraged to seek independent legal advice in relation to these matters.



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### Annexure B

#### 1. Who can make a complaint?

You can make a complaint if you are a current or former employee, trustee or contractor at the School, an employee of a contractor who has supplied goods or services to the School or are a spouse, relative or dependant of one of these people.

#### 2. What can I make a complaint about?

You can make a complaint about the following types of conduct:

- Any personal work-related grievance (this may involve any matter concerning your employment which affects you personally); and
- Any other concern that is not covered by Annexure A.

#### 3. Who do I make a complaint to?

1. Headmaster. E: [headmaster@brisbanegrammar.com](mailto:headmaster@brisbanegrammar.com) P: 07 3834 5255
2. HR. E: [HumanResources@brisbanegrammar.com](mailto:HumanResources@brisbanegrammar.com) P: 07 3834 5742

#### 4. What information should I provide?

Please provide as much information as possible, including the details of the conduct, people involved, dates, and locations and any other evidence or material which may be relevant and your contact details.

You can make an anonymous complaint and may choose to remain anonymous over the course of any investigation and after the investigation is finalised.

#### 5. What happens next?

- a) Depending on the nature of the complaint, the School will review your complaint and where appropriate undertake or arrange an investigation.
- b) The School will keep you informed about the next steps in the process and if an investigation is required, will apply principles of procedural fairness and natural justice to ensure that any person who is the subject of a complaint is treated fairly.
- c) Once the investigation is completed, the School will determine the recommended course of action (if any) to take in response to the findings.
- d) Subject to any applicable confidentiality, privacy or legal constraints, the School will notify you of the outcome of the investigation.



### **6. How do I continue to work if the grievance is about my manager/team?**

The School will ensure, so far as practicable, that your complaint remains confidential. All respondents and witnesses involved will be required to maintain confidentiality. We will work with you to ensure that where possible, you continue to perform in your role. Depending on the circumstances, there may be a need to temporarily change reporting lines or require you or others to work at different times or in a different locations whilst we undertake our enquiries.