1. Purpose

1.1 These *Whilstleblower Procedures for Anglican Education* (the Procedures) is a supporting document, focused on helping Schools and Education & Care Services (ECS) to operationalise the *Whilsteblower Policy for Anglican Education* (the Policy) and provide definitons and consistency where necessary.

1.2 This procedure is intended to apply to Protected Disclosures of alleged or suspected Wrongdoing which are serious in nature. Generally such disclosures would be regarded as being in the public interest.

2. Definitions

In addition to terms described in the Policy:

2.1 **Eligible Recipient** – An individual who can receive a disclosure.

2.2 **Whistleblower** – Describes a person from the **policy audience** who makes a protected disclosure under the Policy (refer to Policy).

2.3 **Protected Disclosure** – Information disclosed because the Whistleblower knows or has reasonable grounds to suspect that there is wrongdoing within the School, ECS or a related body.

2.4 **Reasonable Grounds** – That the Whistleblower has enough credible evidence to lead a person of ordinary and prudent judgement to the suspicion that the Whistleblower holds.

2.5 **Whistleblower Protection Officer** – The role that is responsible for protecting and safeguarding disclosers and ensuring the integrity of the process.

2.6 **Wrongdoing** – Behaviour within or by an organisation that is within its ability to control that is not legal, ethical or moral; and is serious in nature. Generally the investigations into such disclosures would be regarded as being in the public interest. For example, behaviour that:

2.6.1 Is dishonest, fraudulent or corrupt;

2.6.2 Is illegal such as theft, drug sale or use, violence, harassment, criminal damage to property or other breaches of state or federal legislation, or canon law;

2.6.3 Is unethical such as dishonestly altering corporate records or engaging in questionable accounting practices or wilfully breaching the Code of Conduct;

2.6.4 Is potentially damaging to the School/ECS or a person at the School or ECS, such as unsafe work practices or substantial wasting of resources;

2.6.5 May cause financial loss to the School/ECS or damage its reputation or be otherwise detrimental to the School or ECS, or its interests;

2.6.6 Involves any other kind of serious impropriety.

3. Process

This section outlines the process to be followed when a member of the Policy Audience (the Whisteblower) makes a Protected Disclosure.

3.1 Reporting structure and the identification of Eligible Recipients.

3.1.1 **Schools**:

a. Protected disclosures are to be made to the Head of the School, unless the wrongdoing relates to the conduct of the Head of the School or the Chair of the School Council.

b. Where the wrongdoing relates to the conduct of the Head of the School, the protected disclosure is to be made to the Chair of the School Council.

c. Where the wrongdoing relates to the conduct of the Chair of the School Council, the protected disclosure is to be made to the Executive Director, ASC.

3.1.2 **Education & Care Services (ECS):**

a. Protected disclosures are to be made to a Nominated Supervisor, unless the wrongdoing relates to the conduct of the Nominated Supervisor.

b. Where the wrongdoing relates to the conduct of the Nominated Supervisor the protected disclosure is to be made to the Head of School (where an ECS is associated with a School) or the Executive Director, ASC (where an ECS is either parish based or associated with a School).

3.1.3 Where the wrongdoing relates to the conduct of the Executive Director, ASC, a protected disclosure can be made to the General Manager, Anglican Church Southern Queensland (ACSQ) and the ACSQ Whilsteblower Policy and Procedure will apply.

3.1.4 Where the Head of School, Chair of School Council, or Nominated Supervisor of an ECS receive, as an Eligible Recipient, a Protected Disclosure, they are to brief the Executive Director, ASC as soon as practicable.

3.2 Whistleblower Protection Officers

3.2.1 In Schools, with consideration to both business continuity and adequate support for the Policy Audience, the Head will nominate at least one position to undertake the role of Whistleblower Protection Officer, e.g. the Human Resource Manager.

3.2.2 In ECS, with consideration to both business continuity and adequate support for the Policy Audience, the Nominated Supervisor will nominate at least one position to undertake the role of Whistleblower Protection Officer, e.g. the Human Resource Manager or ECS Coordinator.

3.2.3 The Executive Director, Anglican Schools Commission, with consideration to both business continuity and adequate support for the Policy Audience, will also nominate at least one position to undertake the role of Whistleblower Protection Officer, e.g. Manager of Systems Compliance.

3.2.4 The above appointments will be detailed in an appendix to these procedures when published by the ASC and each School or ECS, including on each organisation's website.

3.2.5 A member of the Policy Audience who is considering making a Protected Disclosure may discuss the whistleblower process with the Whistleblower Protection Officer prior to making a formal disclosure to an Eligible Recipient.

3.2.6 The Whilstleblower Protection Officer is able to provide advice to an Eligible Recipient on the appropriate handling of a disclosure.

3.3 How should a Protected Disclosure be made?

3.3.1 Any member of the Policy Audience that detects or has reasonable grounds for suspecting Wrongdoing is encouraged to take action as a Whilsteblower by raising their concerns through a Protected Disclosure directly to the appropriate Eligible Recipient.

3.3.2 On making the Protected Disclosure, the Whisleblower is to identify the matter as a Protected Disclosure under the Policy.

3.3.3 Protected Disclosures may be made securely and confidentially through post or email, via telephone or face to face to any of the Eligible Recipients identified above.

3.4 Confidentiality of the Whistleblower's Identity and Protected Disclosures

3.4.1 If a member of the Policy Audience makes a Protected Disclosure about suspected or alleged Wrongdoing under this procedure, the primary requirement is that the Eligible Recipient to whom the disclosure is made must not disclose, either the identity of the Whistleblower or any information that would lead to their identification other than in line with these Whistleblower Policy and Procedures. The exceptions to this are where the information disclosed is:

a. To a Whistleblower Protection Officer;
b. With the Whistleblower's consent (including to an Investigation Officer);
c. To the Non-State School Accreditation Board, the Department of Education, the Queensland College of Teachers, the Queensland Police Service or the Australian Federal Police;
d. To a legal practitioner to obtain advice;
e. Required or authorised by law and/or;
f. Necessary to further any investigation.

3.4.2 There may also come a time where it may be necessary to disclose the fact and substance of a Protected Disclosure to the alleged perpetrator of the wrongdoing. Although confidentiality will be maintained to the maximum extent possible, in some circumstances, the source of the Protected Disclosure may become obvious to the alleged perpetrator of the Wrongdoing.

3.4.3 The School, ECS and the ASC will take reasonable precautions to store any records relating to Protected Disclosures securely and permit access to authorised persons only. Unauthorised disclosure of information relating to a Protected Disclosure, the identity of the person making the Protected Disclosure or information from which the person making the Protected Disclosure could be inferred, other than the exceptions outlined in 3.4.1 and 3.4.2, is in breach of the Policy, will be regarded seriously and may result in disciplinary action which could include dismissal.

3.5 Protection of Whistleblowers

3.5.1 Anglican Schools and ECS are committed to protecting and respecting the rights of a Policy Audience member who makes a Protected Disclosure. Any retaliatory action or threats of retaliatory action against any person who has made or who is believed to have made a Protected Disclosure, or against that person's colleagues, employer (if a contractor) or relatives, will not be tolerated.

3.5.2 The person making the Protected Disclosure must not be disadvantaged or victimised by having made the disclosure and must not:

a. Be dismissed;
b. Be demoted;
c. Be harassed in any way;
d. Be discriminated against in any way;
e. Suffer from any psychological harm;
f. Suffer from a current or future bias by their manager or others within ACSQ;
g. Receive threats of any of the above.

3.5.3 Any such retaliatory action or victimisation in reprisal for a Protected Disclosure made under this procedure will be treated as serious misconduct and will result in disciplinary action which may include termination of employment.

3.5.4 If a policy audience member who has made a protected disclosure believes retaliatory action or victimisation has occurred or been threatened, the person who made the disclosure has the right to make a submission to the Whistleblower Protection Officer for action.

3.6 Disclosers Implicated by the Protected Disclosure

3.6.1 If a member of the Policy Audience making a Protected Disclosure may be implicated in the matter being disclosed, that person must not be subjected to any actual or threatened retaliatory action or victimisation in reprisal for making a disclosure under this procedure. However, making a disclosure will not necessarily protect the Whistleblower from the consequences flowing from their involvement in the Wrongdoing which is the subject of their disclosure.

3.6.2 A person's liability for their own conduct is not affected by their disclosure of that conduct under this procedure. However, in some circumstances, an admission may be a mitigating factor when considering disciplinary or other action.

3.7 Anonymous Protected Disclosures

3.7.1 Whilst it is permitted under legislation for Protected Disclosures to be made anonymously, the reality is that anonymous disclosures will provide significant limitations that will likely inhibit a proper and robust investigation to occur. In any case, anonymous disclosures will be investigated to the maximum extent permitted by the anonymity. The Whistleblower Protection Officer can provide information to a member of the Policy Audience on how to make an anonymous disclosure.

3.7.2 Whistleblowers who wish to remain anonymous are encouraged to maintain a method for ongoing two-way communication, so the School, ECS or ASC can ask follow-up questions or provide feedback.

3.8 False Protected Disclosures

3.8.1 Where a member of the Policy Audience has knowingly made a false Protected Disclosure, which they know or ought to have known that their disclosure had no substance, then that conduct of itself will be considered as serious misconduct and the discloser will be subject to disciplinary action which may include termination of employment.

3.8.2 No disciplinary action will be taken against a discloser in circumstances where they believed they were making a Protected Disclosure on reasonable grounds but investigations reveal information the discloser did not or could not have known which rendered their disclosure inaccurate or incorrect.

3.9 Investigation of Protected Disclosures

3.9.1 All Protected Disclosures of alleged or suspected Wrongdoing made under this procedure will be properly assessed and, if appropriate, investigated with the objective of locating evidence that either substantiates or refutes the claims made by the Whistleblower.

3.9.2 The Eligible Recipient will be responsible for ensuring the proper conduct of the investigation, assisted by Whistleblower Protection Officers and the Executive Director, ASC.

3.9.3 Investigations must be conducted in a fair manner. This means investigations must be independent of the area of operations concerned, the Whistleblower and any person who is the subject of the Protected Disclosure. The investigation will not be conducted by a person who may be the subject of the investigation or has inappropriate links or connections (actual or perceived) to the person(s) or practice(s) under investigation.

3.9.4 An external Investigator, for example, engaged through a legal practitioner, may be used.

3.10 Management of the Person/s Against Whom a Protected Disclosure is Made

3.10.1 Anglican Schools and ECS recognises that individuals against whom a Protected Disclosure is made must also be supported during the handling and investigation of the disclosure. Reasonable steps will be taken to treat fairly the person who is the subject of a disclosure, particularly during the assessment and investigation process.

3.10.2 Where a person is named by a Whistleblower as being suspected of possible Wrongdoing, but preliminary inquiries determine that the suspicion is baseless or unfounded and that no formal investigation is warranted, then the Whistleblower will be informed of this outcome and the matter closed.

3.10.3 The Eligible Recipient will decide whether or not the person named in the disclosure should be informed that a suspicion had been raised and found to be baseless upon preliminary assessment. This decision will be based on a desire to preserve the integrity of a person so named so as to enable workplace harmony to continue unfettered and to protect the Whistleblower. Where an investigation does not substantiate the disclosure, the results of the investigation and the identity of the person who is the subject of the disclosure must be handled confidentially.

3.10.4 Generally, the Eligible Recipient must ensure that the person who is the subject of any disclosure that is investigated:

a. is informed as to the substance of the allegations, as soon as practicable;
b. is given the opportunity to answer the allegations before any investigation is finalised;
c. is informed about the substance of any adverse comments that may be included in any investigation report arising from the investigation before it is finalised; and
d. has his/her defence set out fairly in any investigation report.

3.10.5 Where the allegations in a disclosure have been investigated and the person who is the subject of the disclosure is aware of the allegations or the investigation, the Eligible Recipient must formally advise the person who is the subject of the disclosure of the outcome of the investigation.

3.11 Breach of this Policy and Procedure

3.11.1 Breaches of the Policy and these Procedure will be treated in accordance with the seriousness of the breach. Such breaches which may result in disciplinary action being taken up to and including termination of employment.

3.12 Record keeping

3.12.1 Written records will be kept about each Protected Disclosure. These will be securely stored.

3.12.2 How the ASC and each School or ECS securely store these records is to be described and attached to these procedures when they are published by each organisation (including on their website).

3.12.3 Other information that is considered as evidence relevant to a Protected Disclosure will also be securely stored.

3.12.4 When information is provided verbally, notes will be taken and stored as a written record.

4. External reporting

4.1 In the event a member of the Policy Audience has Reasonable Grounds that the Eligible Recipients detailed in this Procedure are not sufficiently independent, the person can consider contacting the following:

a. The Non-State School Accreditation Board, as the Regulatory Authority for Schools.
b. The Department of Education, as the Regulatory Authority for ECS.
c. The Queensland College of Teachers, for relevant matters related to the conduct of Approved Teachers.
d. The Queensland Police Service, or Australian Federal Police, for relevant criminal matters.

4.2 Prior to doing so, the person may seek independent legal advice, at their own expense.

5. Review

5.1 At least every two years, each School and ECS is also to review the operations of the Whilstleblowing Program that is operated through the Policy and Procedures. The review must address the efficacy of the Program and the outcome of this review will be reportable to the ASC; with particular consideration, within the constraints of confidentiality and any other legal restrictions, given to:

a. the fairness of the investigations undertaken,
b. the actual consequences of making disclosures for people who made them, and
c. compliance with the Whistleblowing Policy and Procedure generally.

6. Administration

6.1 The Policy and these Procedures are **concerned with disclosure of Wrongdoing of a serious nature**, generally where the disclosure is in the **public interest**. The process under this Procedure must not be used for trivial or vexatious matters.

6.2 The Policy and these Procedures are **not intended to replace current or future complaints or performance management policies** related to reporting a workplace grievance or dealing with disciplinary matters related to other conduct or poor performance in the workplace. These latter policies will continue to be available for relevant persons to raise any matter they may have in relation to the School or ECS, relevant person or decisions affecting them (or their child/student).

6.3 The Policy and these Procedures is also **not intended to replace other reporting structures** such as those that would ordinarily be used for dispute resolution, grievance reporting, equal opportunity, discrimination, harassment or bullying except where the issue is of a serious nature and disclosure is in the public interest.

6.4 Whistleblowers will **not be afforded protection** under the Policy or this Procedure for disclosing **personal work-related grievances** unless that grievance includes victimisation because they have made a Protected Disclosure.

6.5 The Policy and these Procedures is **not intended to limit any person's ability to access approved support options**, such as pastoral care through a Chaplin or the aid of an Employee Assistance Program; noting that when a member of the Policy Audience is accessed for support, that person may take action themselves as a Whistleblower.

7. Version control

Version:	Date:	Document owner:	Comments:
V1.0	18/08/2020	Anglican Schools Commission	Approved

Appendix 1 (template): Localised arrangements

Whisleblower Protection Officers

ASC/School/ECS	Name	Position	Contact methods
Toowoomba Anglican School	Elsa Geringer	Business Manger	egeringer@taschool.qld.edu.au 07 46398111
Toowoomba Anglican School	Trina Faint	Deputy Principal	tfaint@taschool.qld.edu.au 07 46398111

Eligible Recipients

ASC/School/ECS	Name	Position	Contact methods
Toowoomba Anglican School	Nick Johnstone	Principal	principal@taschool.qld.edu.au 07 46398111
Toowoomba Anglican School	Jenna Goleby	Director of Kindergartern	jgoleby@taschool.qld.edu.au 07 46398111

Record Keeping

Information will be securely stored by *Toowoomba Anglican School* **as follows:**

Toowoomba Anglican School via electronic means with password protection for access. All email accounts for Protection Officers and Eligible Recipients are only accessible by the named recipient and secured via password and Multifactor Authentication.