

POLICIES AND PROCEDURES

Whistleblower Policy



Date **July 2023**

Review **July 2025**

1. Our Commitment

Lauriston is committed to a culture of respect and ethical conduct in the way we work and relate to each other. We recognise the value of keeping the laws and standards that apply to us in our work and encourage everyone to 'speak up' and report improper, unethical or illegal conduct.

This policy is underpinned by our values of relationships, courage, creativity, intellectual curiosity and engagement in life, which guide our behaviour and apply to everything we do.

2. Purpose

This policy is a very important tool for helping Lauriston to identify Wrongdoing that may not be uncovered unless there is a safe and secure means for disclosing it.

The purpose of this policy is to:

- Encourage genuine concerns about possible Wrongdoing in relation to Lauriston to be raised as soon as possible; and
- Provide guidance in relation to how to raise those concerns, and how they will be investigated and the support and protection available to individuals' raising concerns under this policy.
- Nothing in this policy is intended to change or take away any other protections which may be available at law. If there is inconsistency between this policy and the provision of relevant laws, the provisions of the relevant laws will apply to the extent of the inconsistency.

3. Who this policy applies to

This policy applies to all current and former Lauriston:

- Employees (including part-time and casual employees and volunteers);
- Officers;
- Contractors and suppliers and their employees;
- Students of Lauriston and their parents;
- "Eligible whistleblowers" as defined in Attachment 1.

4. Responsibility for all those covered by this policy.

Lauriston will not tolerate anyone being discouraged from reporting Wrongdoing under this policy or being subject to detriment because they made a report or intend to do so. Disciplinary action, up to and including

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termination of employment or engagement, will be taken in respect of anyone shown to have caused detriment to a person in connection with reporting Wrongdoing under this policy.

If this policy applies to you, you are expected to make every effort to report Wrongdoing and take action to prevent its occurrence. If you reasonably suspect or become aware of potential Wrongdoing, you should report it following the procedures outlined in this policy.

5. What must a Whistleblower report be about?

5.1 What is Wrongdoing?

It is not possible to provide an exhaustive list of the activities which should be reported for the purpose of this policy. Generally, Wrongdoing includes actual or suspected misconduct or improper state of affairs or circumstances, based on reasonable grounds, in relation to Lauriston.

This includes conduct in relation to employees and officers of Lauriston in connection with the performance of their duties. Examples of potential Wrongdoing include Child abuse of any form, including:

- grooming;
- Illegal acts such as trafficking or use of prohibited drugs, acts of violence, criminal damage or theft;
- Dishonesty, corruption, bribery, fraud, money laundering or misappropriation of funds;
- Theft, embezzlement or tax evasion;
- Blackmail or offering or accepting a bribe;
- Covering up fraud in financial reports;
- Unsafe work practices;
- Not properly responding to a serious safety issue;
- Any conduct which could be construed as detrimental to the reputation of the school or which is likely to cause the school any loss (however defined);
- Breach of Code of Conduct or other Lauriston policies;
- Serious inappropriate or unethical conduct such as gross mismanagement or serious and substantial waste of resources or repeated breaches of administrative procedures;
- Taking or threatening to take detrimental action against a person who has made a disclosure or is suspected to have made, or planning to make a disclosure;
- Deliberate concealment of information tending to show any of the matters listed above.

Attachment 1 provides further information about other types of matters that may be reported as Wrongdoing. Generally, Wrongdoing does not include personal work-related grievances. See section 6.

5.2 Reports to be made with reasonable grounds

If you make a report, you are not required to prove your concerns, but you must have reasonable grounds to suspect Wrongdoing. In practice, this means that there is more than a suspicion of potential Wrongdoing and there is some information that supports the allegation.

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Lauriston will focus on the substance of the report, not the motivation for making it. As long as your report is made with reasonable grounds, you will receive the protection and support set out in this policy even if your allegations turn out to be incorrect or unsubstantiated.

5.3 False reporting

False reporting will be treated seriously. If we find that you have intentionally made a false report (for example, if you know a report is untrue and you report it to harm, annoy, or cause distress to someone), we may take disciplinary action against you, which may include termination of your employment or engagement with us.

6. What should I do if I have a personal work-related grievance?

We encourage everyone to speak up about concerns. However, reports that relate solely to personal work-related grievances are not generally considered to be Wrongdoing and are therefore not covered by this policy.

Personal work-related grievances typically relate to an individual's current or former employment arrangements, performance, remuneration outcomes or personal circumstances that do not have significant implications for Lauriston (for example an interpersonal conflict between one employee and another employee).

Personal work-related grievances should be internally raised using the Complaints, Grievances and Concerns policy.

There may be some instances where a personal work-related grievance may qualify for legal protection. Attachment 1 provides further information in relation to this.

7. Making a Whistleblower report

7.1 How can a whistleblower report be made?

- a) We encourage you to report actual or suspected Wrongdoing to us as soon as you become aware of it.
- b) We encourage you to report to one of the School's internal Disclosure Officers (also known as Eligible Recipients):

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Name	Role	Contact details
Susan Just	Principal	9864 7555 principal@lauriston.vic.edu.au
Nick Thornton	Director of Lauriston Institute and HR	9864 7611 thorntoni@lauriston.vic.edu.au
Catherine Tan	Business Manager	9864 7556 tanca@lauriston.vic.edu.au
Alternate officer to be notified if disclosure relates to all other Disclosure Officers		
Claudette Leeming	Chair – Lauriston Girls' School	lgschair@lauriston.vic.edu.au

Alternatively, you may make a report using our whistleblowing service, Your Call.

Your Call is an external, independent provider that provides confidential reporting of Whistleblower concerns related to this policy. Reporting to Your Call also enables your report to be made anonymously if you choose to do so. You can make a Whistleblower report to Your Call:

1. Online: <https://www.yourcall.com.au/report> You will be required to enter Lauriston's unique identifier code: LGS
2. By phone using Your Call's external reporting hotline: 1300 790 228 (9am to midnight AEST on business days).

How Your Call works

Your Call uses an online message board which you will have access to after making the report. The message board allows you to:

- Communicate with Your Call and with Lauriston with or without revealing your identity;
- Securely upload any relevant documentation and/or material that you wish to provide;
- Receive updates; and
- Request support or report detrimental acts.

The Disclosure Officers will have access to your report. If your report relates to a Disclosure Officer, Your Call will exclude that person from all communications when they provide information about your report to us.

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How to use Your Call if you have a speech or hearing impairment

If you are deaf or have a hearing or speech impairment, you can contact Your Call online. If you would like to contact Your Call by phone, you can do so through the National Relay Service. Simply choose your contact method at www.relayservice.gov.au and request Your Call's hotline 1300 790 228.

If you are an "eligible whistleblower" you can also make a report to any of the relevant people listed in Attachment 1.

8. Confidentiality and anonymity

You can report Wrongdoing anonymously or ask that your identity not be disclosed. There is no requirement for you to provide your name or identify yourself at any stage during or after the reporting or investigation process. You can also decide not to answer questions that you feel may reveal your identity. You can also choose to provide your identity to the person that you are making the report to but not consent to them sharing your identity with anyone else.

Lauriston will respect your right not to identify yourself. However, if you choose to remain anonymous, this may affect the ability of Lauriston to investigate and properly communicate with you about the report. If you would prefer to remain anonymous, you are encouraged to maintain two-way communication with Lauriston so that Lauriston can ask follow-up questions and provide feedback. This is best done using the Your Call service.

9. Commitment to protecting and supporting reporters

Lauriston is committed to protecting and supporting whistleblowers who make genuine reports of Wrongdoing. These protections do not prevent whistleblowers from being liable for any involvement in the Wrongdoing that is the subject of a report of Wrongdoing.

9.1 Protecting the whistleblower's identity

- a) If you report Wrongdoing in accordance with this policy your disclosure will be treated as confidential in accordance with legal requirements.
- a) Your identity, or information that is likely to lead to identification of your identity, will not be disclosed unless:
 - I. You give your consent;
 - II. The disclosure is made to authorised regulatory bodies, such as ASIC, APRA or a member of the Australian Federal Police;
 - III. The disclosure is made to a legal practitioner for the purposes of obtaining legal advice or representation about the whistleblower provisions in the Corporations Act.
- b) However, a person who is dealing with a report of Wrongdoing may disclose information that is reasonably necessary for the purposes of investigating the report. If this happens, reasonable steps

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will be taken to reduce the risk that you will be identified as a result of the report (for example by removing your personal information or other details that are likely to identify you).

- c) To maintain confidentiality of a whistleblower's identity, Lauriston will:
 - I. Ensure personal information or references to the whistleblower's identity is redacted in all investigation and reporting documents;
 - II. Refer to the whistleblower in gender-neutral terms;
 - III. Ensure that the information a whistleblower provides and all materials relevant to a report of Wrongdoing are held securely with access limited only to the individuals necessary to investigate the report, and to support and protect the whistleblower; and
 - IV. Take reasonable steps to ensure that Lauriston personnel understand the requirements of this policy.
- d) You should also be aware that during an investigation, it may be necessary for us to tell the people who are believed to be involved in the Wrongdoing about the alleged Wrongdoing. This is to ensure a fair investigation and provide those people with an opportunity to respond to the allegations. Although we will not tell these people your identity unless you give consent, it is possible that the details of the report may lead them to believe that they know the identity of the whistleblower.
- e) Any breach of confidentiality will be treated as a serious matter and may be the subject of disciplinary action up to and including dismissal or termination of engagement with Lauriston.
- f) If you believe your confidentiality as a whistleblower has been breached, you can make a complaint to one of the Disclosure Officers listed in section 7.1 or by contacting Your Call.

9.2 Protection against detrimental conduct

- a) Lauriston is committed to protecting the rights of whistleblowers who have made reports of Wrongdoing and will not tolerate any detriment or threats of detriment against them or any other person (e.g. suspected whistleblowers or people who participate in investigations).
- b) "Detriment" includes dismissal, suspension, demotion, or termination of your employment or engagement with us; changes to your employment, position, or duties to your disadvantage; discrimination; harassment or intimidation; harm or injury (including psychological harm); damage to property, reputation, business or financial position; or any other damage.
- c) The following actions are not considered to be detriment:
 - I. Reasonable administrative action taken to protect a whistleblower from detriment (e.g. relocating them to another office to prevent victimisation);
 - II. Managing unsatisfactory work performance of a whistleblower, in line with Lauriston's usual performance management framework.
- d) Lauriston will protect whistleblowers from detriment arising from making a report of Wrongdoing by:
 - I. Conducting a risk assessment of the disclosure to manage the risk of detriment to the whistleblower;
 - II. Where applicable, making such reasonable adjustments as required to allow the whistleblower to perform their duties at work without being potentially exposed to detriment (e.g. by changing reporting lines or location).
- e) If you believe you have suffered detriment, you can make a complaint to one of the Disclosure Officers listed in section 7.1 or by contacting Your Call.

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9.3 Other support for Whistleblowers

We will support you while your report of Wrongdoing is being handled by Lauriston. If necessary, Lauriston will appoint a Protection Officer to arrange or coordinate support and protection for whistleblowers who have made or are in the process of making a Protected Report. You can contact a Discloser Officer to discuss how a Protection Officer may be able to provide support and protection. The role of the Protection Officer is to:

- Assess the immediate welfare and protection needs of a whistleblower;
- Safeguard the interests of a whistleblower in accordance with this policy and the law; and
- Address any issues or concerns of detriment.

Employees may also contact our Employee Assistance Program: Confidential counselling services are provided through Converge International and initial contact is made via phone on 1300 687 327.

10. How we handle reports

Any person who receives a whistleblower report made under this policy must ensure that the report is managed in compliance with this policy and any relevant procedures. This is to ensure that the protections available for the whistleblower under this policy are not compromised and that Lauriston meets its legal obligations.

10.1 How do we investigate reports of Wrongdoing?

- a) Reports of alleged Wrongdoing made in accordance with this policy will be treated seriously and where appropriate will be thoroughly investigated by Lauriston in accordance with this policy.
- b) After receiving a report about Wrongdoing we will assess the information provided to determine whether it should be reported under this policy or another policy (such as the grievance policy), how it will be handled and whether an investigation is required. The precise steps to be taken to investigate a report will differ in individual cases but may include:
 - I. Appointment of an internal or external investigator (if it has been determined that an investigation is required);
 - II. The investigator or other person asking the whistleblower whether they consent to their identity being disclosed to investigate the report; interviewing the whistleblower and any other relevant person to obtain information about the report;
 - III. Review of relevant documents and other information in relation to the report;
 - IV. The investigator making findings regarding the conduct reported.
- c) Generally, if the whistleblower can be contacted, we will confirm receipt of their disclosure within 2 Business Days. The investigation of a report of Wrongdoing will commence as soon as reasonably possible from the date we receive it. However, there may be reasons why an investigation may take longer. If we think there might be a delay with the investigation, we will tell the person who made the report (where possible).

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- d) Where possible and assuming that the identity of the person who made the report is known, they will be kept informed of when the investigation process has begun, while the investigation is in progress and after the investigation has been finalised, subject to confidentiality and privacy considerations.
- e) Lauriston may decide to take action in response to any findings which may include, but is not limited to, disciplinary action, reporting the matter to an appropriate regulator, conducting training or addressing procedural and policy deficiencies.

10.2 Treatment of employees who are the subject of a Whistleblower report

Lauriston will take all reasonable steps to ensure that any employee or other person who is the subject of a report of Wrongdoing is afforded fair treatment and an impartial investigation in accordance with this policy. Generally, when an investigation is conducted, those persons who are the subject of a report of Wrongdoing may be, within the constraints of confidentiality:

- a) Told about the substance of the allegations;
- b) Given a fair and reasonable opportunity to respond to the allegations before the investigation is finalised; and
- c) Informed about the findings of the investigation and given an opportunity to respond to those conclusions before any action is taken against them (subject to legal, privacy and confidentiality requirements).

11. Group Reporting Procedures

The Board (through the Risk Committee) will be provided with confidential reports on the number and type of whistleblowing incidents quarterly to enable it to address any issues at a regional or group level. The Audit and Risk Committee will be provided additional information about any material incidents raised. Reports will be a “no names” basis to maintain the confidentiality of matters raised under this policy.

12. Review, Access, Training and Further Information in relation to this policy

- a) This policy will be available to officers and employees of Lauriston on the intranet <https://schoolbox.lauriston.vic.edu.au/homepage/503> A copy will also be available on our website to ensure it is accessible for other eligible Whistleblowers and for parents and students.
- b) This policy may be reviewed and amended from time to time and will be reviewed by Lauriston at least every two years.
- c) The School Executive will be responsible for conducting upfront and ongoing education and training on the Whistleblower policy, processes and procedures to all officers and employees.
- d) If you require further information in relation to this policy, or how to make a whistleblowing report you can contact Cathy Tan.

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14. Relationship to other policies

This policy forms part of Lauriston's whistleblowing management system, risk management system and corporate governance framework. Related documents and resources include:

- Code of conduct for staff, contractors and volunteers.
- Complaints, grievances and concerns.
- Conflict of interest.
- Mandatory reporting and other obligations policy.
- Parent code of conduct.
- Safety, health and welfare of students and staff policy.

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Attachment 1 – Protections provided by Australian law to Eligible Whistleblowers

You are encouraged to report potential Wrongdoing under this policy.

The law offers protections if an “eligible whistleblower” reports “disclosable conduct” to an “eligible recipient” or certain other authorised recipients and at the time of making the report has reasonable grounds to believe that the information reported was true.

If you would like more information about the legal protections or how to raise reports to comply with Australian law, please contact Cathy Tan.

Who is an eligible whistleblower?

You are an eligible whistleblower if you are currently, or previously have been, either:

- An officer of Lauriston;
- An employee of Lauriston, including any volunteers and work experience students;
- A person who supplies goods or services to Lauriston, whether paid or unpaid, or an employee of such a person;
- An associate of Lauriston; or
- A spouse, relative or dependent of a person referred to above.

Note that parents and students are not “eligible recipients” under the Corporations Act. This means that the legal protections outlined in the Corporations Act and this Attachment 1 will not apply to any disclosures of Wrongdoing that a parent or student makes.

Disclosable matters and eligible recipients

Information that is disclosed by an eligible whistleblower to an officer or senior manager of Lauriston or to certain other people or organisations is protected by law. The protections will still apply if the disclosure is made with reasonable grounds but turns out to be incorrect. Examples of this information and recipients are provided in the table below:

Information reported or disclosed	Recipient of disclosed information
General disclosable matters <ul style="list-style-type: none">• Information about actual or suspected misconduct, or an improper state of affairs or circumstances in relation to Lauriston, or a related body corporate.	Recipients for general disclosable matters <ul style="list-style-type: none">• A person authorised by Lauriston to receive protected disclosures – i.e. Disclosure Officers under this Policy and the external whistleblowing service, Your Call.

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<ul style="list-style-type: none"> • This includes information that Lauriston, or any officer or employee of Lauriston or a related body corporate has engaged in conduct that: • Contravenes or constitutes an offence against the Corporations Act and certain other legislation specified in s1317AA(5) of the Corporations Act; • Represents a danger to the public or the financial system; or • Constitutes an offence against any law of the Commonwealth that is punishable by imprisonment for a period of 12 months or more <p>“Personal work-related grievances” are not protected disclosures under the law, except as noted below.</p>	<ul style="list-style-type: none"> • An officer or senior manager of Lauriston or a related body corporate. • An auditor, or a member of an audit team conducting an audit, of Lauriston or a related body corporate. • An actuary of Lauriston or a related body corporate. • ASIC, APRA. • A legal practitioner for the purpose of obtaining legal advice or legal representation.
<p>Tax related disclosures</p> <ul style="list-style-type: none"> • Information about misconduct, or an improper state of affairs or circumstances, in relation to the tax affairs of Lauriston, which the discloser considers may assist the recipient to perform functions or duties in relation to the tax affairs of Lauriston. 	<ul style="list-style-type: none"> • An auditor, or a member of an audit team conducting an audit, of Lauriston or a related body corporate. • A registered tax agent or BAS agent who provides tax services or BAS services to Lauriston or a related body corporate. • A director, secretary or senior manager of Lauriston. • An employee or officer of Lauriston or a related body corporate who has functions or duties that relate to the tax affairs of Lauriston or a related body corporate.
<ul style="list-style-type: none"> • Information that may assist the Commissioner of Taxation to perform their functions or duties under a taxation law in relation to the Lauriston. 	<ul style="list-style-type: none"> • Commissioner of Taxation

Public interest disclosures

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An eligible whistleblower may make a disclosure in the public interest to a member of parliament or a journalist if:

- They have previously made that disclosure to ASIC, APRA or another Commonwealth body prescribed by regulation; and
- At least 90 days have passed since the disclosure was made they do not have reasonable grounds to believe that action is being, or has been, taken to address the misconduct to which the previous disclosure related; and
- They have reasonable grounds to believe that making a further disclosure of the misconduct would be in the public interest; and
- After the end of the 90-day period the eligible whistleblower notifies the body to whom they made the disclosure (ASIC, APRA or other Commonwealth body) in writing with sufficient information to identify the previous disclosure, and state that they intend to make a public interest disclosure to a member of parliament or a journalist; and
- The extent of the information disclosed in the public interest disclosure is no greater than is necessary to inform the recipient of the misconduct or the improper state of affairs or circumstances.

Emergency disclosures

An eligible whistleblower may make an emergency disclosure to a member of parliament or a journalist if:

- They previously made that disclosure to ASIC, APRA or another Commonwealth body prescribed by regulation;
- They have reasonable grounds to 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;
- Eligible whistleblower notifies the body to whom they made the disclosure (ASIC, APRA or other Commonwealth body) in writing with sufficient information to identify the previous disclosure, and state that they intend to make an emergency disclosure to a member of parliament or a journalist;
- The extent of the information disclosed in the emergency disclosure is no greater than is necessary to inform the recipient of the substantial and imminent danger.

It is important to understand that a report may only be made to a journalist or a parliamentarian in the circumstances described above. An eligible whistleblower should seek independent legal advice before making a public interest disclosure or an emergency disclosure to a member of parliament or a journalist.

Personal work-related grievances

This policy explains that 'personal work-related grievances' are generally not protected whistleblowing disclosures under the Corporations Act.

However, the law provides that whistleblower protections may apply to a personal work-related grievance if:

- If it includes information about Wrongdoing or information about Wrongdoing includes or is bundled with a report of Wrongdoing;

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- It relates to a breach by Lauriston of employment or other laws punishable by imprisonment of 12 months or more;
- It includes information about Wrongdoing beyond an individual's personal circumstances, or indicates that Lauriston has engaged in conduct that represents a danger to the public;
- It concerns detriment to you because you have or may be considering reporting Wrongdoing; or
- It is made to a legal practitioner for the purposes of obtaining advice or legal representation in relation to the operation of the law about whistleblowing.

Specific protections and remedies

The law states that if an eligible whistleblower makes a protected disclosure they are protected from any of the following legal actions for doing so:

- Civil liability (e.g. any legal action against the eligible whistleblower for breaching an employment contract, a duty of confidentiality or another contractual obligation);
- Criminal liability (e.g. legal action against the eligible whistleblower for unlawfully releasing information, or other use of the Protected Report against the eligible whistleblower in a criminal proceeding (other than for making a false disclosure);
- Administrative liability (e.g. disciplinary action for making the Protected Report);

and that:

- In some circumstances (eg if the disclosure has been made to a regulator) the information the eligible whistleblower provides is not admissible in evidence against them in criminal proceedings or in proceedings for the imposition of a penalty, other than proceedings in respect of the falsity of the information.

Additional legislative protections may also be available to eligible whistleblowers, including but not limited to:

- Compensation for loss, damage or injury suffered as a result of detrimental conduct;
- An injunction to prevent, stop or remedy the effects of the detrimental conduct;
- An order requiring an apology for engaging in the detrimental conduct;
- If the detrimental conduct wholly or partly resulted in the termination of an employee's employment, reinstatement of their position; and
- Any other order the court thinks appropriate.

An eligible whistleblower is still responsible for their own actions. These protections do not prevent action being taken against an eligible whistleblower for any Wrongdoing that they are involved in that is revealed in their report.