

Peninsula Grammar School Whistleblower Protection Policy

The Corporations Act 2001 (Corporations Act) provides a consolidated whistleblower protection regime for Australia's corporate sector (see Pt 9.4AAA). The regime requires public companies, large proprietary companies and proprietary companies that are trustees of registrable superannuation entities to have a whistleblower policy and make the policy available to their officers and employees. Peninsula Grammar is committed to providing a supportive environment for any person making a report with respect to improper conduct, known as a 'Whistleblower Disclosure'.

A whistleblower function is an important tool for assisting Peninsula Grammar to identify improper conduct that may not be uncovered but for a safe and secure means of disclosure.

By implementing a Whistleblower Protection Policy, Peninsula Grammar aims to:

- Encourage disclosures of wrongdoing in good faith;
- Ensure individuals who disclose improper conduct can do so safely, securely and with confidence that such disclosure will be protected and supported;
- Ensure disclosures are dealt with appropriately and on a timely basis;
- Objectively receive and assess disclosures; and
- Provide the Whistleblower with appropriate support.

1. Definitions

Staff are defined as all employees, contractors and sub-contractors of Peninsula Grammar. Improper Conduct is conduct by a person or persons connected with Peninsula Grammar which, in the view of the whistleblower acting in good faith, is:

- Dishonest;
- Fraudulent;
- Corrupt;
- Illegal;
- In breach of Commonwealth or state legislation or local by-laws;
- Unethical;
- An unsafe work practice;
- Representative of gross mismanagement, serious and substantial waste and/or repeated breach of administrative procedures; and/or
- Any other conduct which may cause financial or non-financial loss to Peninsula Grammar or be otherwise criminally prosecutable offences and detrimental to Peninsula Grammar's interests.

Improper Conduct would also include a deliberate attempt to conceal any of the actions described above.

2. Scope

This policy applies to all members of the Peninsula Grammar community, specifically the following persons, known as 'Eligible Persons', who can make a Whistleblower Disclosure:

- Current or former students, Staff, officers or directors of Peninsula Grammar;

- Suppliers of goods or services, contractors (including a Staff member for the supply of good or services or any Staff of the same), sub-contractors and employees of outsourced providers to Peninsula Grammar;
- Individuals associated with Peninsula Grammar (including volunteers); and/or
- Relatives or dependents of any of the above persons.

For persons that fall outside the above scope, complaints should be made in accordance with our Complaint Resolution Policy, available on our website.

3. Reporting Procedure

Given the size and structure of Peninsula Grammar, suspected Improper Conduct should be addressed to the following recipients:

- To the Principal regarding teaching Staff and any member of the Senior Executive.
- To the Chief Financial Officer (CFO) regarding non-teaching Staff, contractors and any complaints of a financial nature; and/or
- To the Chairperson of the Board regarding the Principal or Board members.

Reports can be submitted by email or phone to any of the above recipients and can be submitted outside of business hours.

Reports should be factual and contain as much information as possible to allow for the proper assessment of the nature, extent and urgency of investigative procedures. Where possible, a report should contain the following information:

- Name and contact details of the whistleblower;
- Dates and time of any specific incidents relevant to the suspected Improper Conduct; and
- Names of any persons relevant to the report.

When an Eligible Person reports suspected Improper Conduct to Peninsula Grammar as set out above, the report is known as a "Protected Disclosure". The whistleblower will receive written acknowledgement of their Protected Disclosure within two business days which will:

- Confirm that nature of the Protected Disclosure;
- Advise of the Staff member handling the investigation;
- Confirm any initial steps being undertaken to investigate the protected disclosure; and
- Provide a copy of this policy.

4. Investigation

Peninsula Grammar is committed to dealing with reports promptly, efficiently and confidentially. The objective of an investigation is to locate and consider evidence that either substantiates or refutes the allegations made by the whistleblower.

Based on the nature of the alleged improper conduct, Peninsula Grammar will determine the most appropriate member of Staff to investigate the protected disclosure. In certain circumstances, and depending on the nature of the suspected improper conduct, a third-party investigator may be appointed to investigate.

The form of the investigation will be determined on a case-by-case. The steps may include, but are not limited to:

- Interviews with relevant persons;
- Review of relevant documentation; and

- Discussion with relevant Staff to determine appropriateness of actions.

All Staff, officers, directors and contractors of Peninsula Grammar must cooperate fully with any investigations.

5. Response

Where an investigation determines that a person has engaged in improper conduct the person will be afforded the opportunity to provide a response before Peninsula Grammar takes any disciplinary action against them.

A final response to substantiated allegations of Improper Conduct may include disciplinary action, including terminating or suspending the employment or engagement of the person involved. In some cases, depending on the nature of the Improper Conduct, a report to an external body or law enforcement may occur.

6. Notification

Once an investigation is completed and the matter (including any subsequent disciplinary action) has been concluded, Peninsula Grammar will take steps to notify the whistleblower that the matter has been finalised.

Peninsula Grammar may notify the whistleblower of the investigation outcome, including whether some or all of their allegations are substantiated, however, it may not always be appropriate to provide whistleblowers with this information, including where information is confidential, legally privileged and/or Peninsula Grammar is bound by a law or agreement that prevents such disclosure.

7. Confidentiality

Peninsula Grammar will, as far as reasonably possible, provide to whistleblowers the ability to make a report anonymously and will take all reasonable steps to reduce the risk that the disclosure will be identified as a result of the investigation.

The identity of a whistle-blower will only be disclosed in the following circumstances:

- Where it is consented to by the whistleblower;
- Where it is required by law;
- Where it is necessary to prevent or lessen a serious threat to another person's health or safety;
- Where it is disclosed to a legal practitioner for the purpose of obtaining legal advice or legal representation in relation to the operation of whistleblowing legislation;
- Where it is made to any government authority or agency or any regulator which Peninsula Grammar reports to; or
- Where it is made to a member of the police force.

Peninsula Grammar will ensure that any records relating to a Protected Disclosure are stored securely.

Confidentiality does not extend to those whose engagement with the whistleblower process is motivated by vexatious, malicious or dishonest behaviour. Such behaviour may be subject to disciplinary action. Similarly, where a person who is a whistleblower is implicated in the wrongdoing, they will not be protected from the consequences flowing from their involvement in the wrongdoing.

itself. A person's liability for their own conduct is not affected by their reporting of that conduct under this policy.

8. Whistleblower Protection

Staff who make a report in good faith and in accordance with this Policy shall be protected as far as reasonably practicable against reprisal, dismissal, discrimination or other unfavourable treatments as a result of making the report.

Peninsula Grammar will not tolerate any action done in detriment to a whistleblower, in reprisal for them making a protected disclosure. 'Detriment' includes dismissal, injury in employment, alteration of duties to disadvantage, damage to reputation, damage to business or financial position and any other damage to a person.

This policy does not protect whistleblowers from any consequences if they are involved in or connected to the improper conduct being reported.

Peninsula Grammar will review its protections of whistleblowers from detriment and the steps taken to protect whistleblowers on a case-by-case basis. This may include the following, in Peninsula Grammar's discretion:

- Monitoring and managing the behaviour of other Staff;
- Relocating Staff to a different division, group or office or revising the reporting lines of Staff;
- Providing access to support services, such as counselling;
- Offering a leave of absence or flexible workplace arrangements while a matter is investigated; and/or
- Rectifying any detriment suffered.

9. Breach of Policy by Staff

Any breach of this policy by Staff may be considered misconduct and disciplinary action taken.

10. Relevant references and documents

The *Corporations Act 2001* (Cth)
Treasury Laws Amendments (Enhancing Whistleblower Protections) Act 2019 (Cth)

Document Control

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PENINSULA

GRAMMAR

INSPIRING PERFORMANCE

Communication Access	<input checked="" type="checkbox"/> Staff	<input checked="" type="checkbox"/> Student/Parent	<input checked="" type="checkbox"/> Public
Published Location(s)	<input checked="" type="checkbox"/> Zenith (Staff)	<input checked="" type="checkbox"/> Zenith (Community)	<input checked="" type="checkbox"/> Website

