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## WHISTLEBLOWER POLICY

This policy provides the principles and guidelines to support the Whistleblower procedures at Hillbrook.

### 1.0 Purpose

The purpose of this policy is to encourage the reporting of corrupt, illegal or other undesirable conduct at Hillbrook. It outlines how individuals can appropriately make disclosures about these matters and how Hillbrook will protect those individuals and ensure they are protected from detrimental consequences.

### 2.0 Scope

This policy applies to the School's Board, staff, contractors and service providers, other persons associated with the School, including students and parents and third party providers.

### 3.0 Policy

#### Policy Statement

At Hillbrook, we strive to maintain a positive working environment of trust and respect where all voices can be heard. Fundamental to this is our commitment to protecting the rights of anyone who reports wrongdoing in good faith.

Hillbrook is committed to maintaining and promoting high standards of integrity, governance and ethical behaviour within the organisation by people at all levels, starting with the School Board, the Principal and School Leadership Team.

Hillbrook is committed to operating:

- legally complying with the applicable laws and practices including the *Corporations Act 2001* and *Australian Standard AS8004 – 2003 Whistleblower Protection Program for Entities*,
- properly, in accordance with its Policies and procedures
- ethically, in accordance with its values and beliefs.

All Hillbrook employees and associates have a responsibility to help detect, prevent and report instances of suspicious activity or wrongdoing. Therefore, the School encourages the reporting of suspected misconduct to the Whistleblower Protection Officer in accordance with this policy.

### **When the protections apply**

An individual is eligible for protection as a whistleblower under the Whistleblower Protection Regime in relation to a disclosure of information if:

1. they are an Eligible Whistleblower; and
2. the disclosure is made to an Eligible Recipient; and
3. the disclosure concerns a Disclosable Matter.

## **4.0 Definitions**

### **Eligible Whistleblower – Who qualifies for protection?**

A Whistleblower who is eligible for protection is an individual such as an officer, employee, or a service provider who supplies goods or services to the School or associate (or their relative) who is or has been in a relationship with Hillbrook and who brings a Disclosable Matter to the attention of the School under this policy.

### **Disclosable Matter – What kind of disclosures can be made under this policy?**

A disclosure is eligible for protection if it relates to information based on which an Eligible Whistleblower has reasonable grounds to suspect:

- misconduct (including fraud, negligence, default, breach of trust and breach of duty), or an improper state of affairs or circumstances in relation to Hillbrook
- that the information indicates that Hillbrook School, or an officer or employee of the School, a related body corporate of the School or an officer or employee of a related body corporate, has engaged in conduct that:
  - is an offence against, or contravention of the Corporations Act 2001 or the Australian Securities and Investments Commission Act 2001(Cth)
  - represents a danger to the community or the financial system of the School
  - is an offence against any other law of the Commonwealth that is punishable by imprisonment.

When a disclosable matter is made by an eligible Whistleblower, there is an expectation that they have reasonable grounds for suspecting the information disclosed is true. An eligible Whistleblower must not make a disclosure that is knowingly false, vexatious or malicious. Any employee of the School, who has been found to have made a false accusation or has brought about a disclosure for malicious reasons may be subject to disciplinary action, or possible dismissal.

A disclosable matter does not include a personal work grievance, which is covered in the School's Grievance Resolution Policy.

### **Eligible Recipients – To whom should a disclosure be made?**

Disclosures qualify for protection if they are made to eligible recipients. Those belong to the following categories of persons:

- a senior manager of Hillbrook
- the Whistleblower Investigations Officer of Hillbrook
- an auditor, or a member of an audit team conducting an audit of Hillbrook.

Disclosures made to a legal practitioner for obtaining legal advice or legal representation are also protected.

Under exceptional circumstances, the law makes provisions for whistleblowing disclosures to professional journalists and members of Parliament. These are called “emergency disclosures” and “public interest disclosures”; however, they require strict adherence to prescribed processes before being made to qualify for protection.

## Detriment

This policy seeks to prevent Whistleblowers from Detriment, which includes the following:

- dismissal of an employee
- injury of an employee in his or her employment
- alteration of an employee’s position or duties to his or her disadvantage
- discrimination between an employee and other employees of the same employer
- harassment or intimidation of a person
- harm or injury to a person, including psychological harm
- damage to a person’s property
- damage to a person’s reputation
- damage to a person’s business or financial position
- any other damage to a person.

## Officer

- makes, or participates in making, significant decisions that affect the whole, or a substantial part, of the business, or
- has the capacity to significantly affect the business’ financial standing.

## Whistleblower Investigation Officer

The Principal is appointed as the Whistleblower Investigations Officer (WIO) and will investigate the substance of the complaint, and may consult an independent third party where required, to determine whether there is adequate evidence in support of the matters raised or to refute the report. Another responsible person will be appointed as the WIO by the Chair, should the information relate to the appointed WIO.

The Whistleblower Investigations Officer can be contacted by the following means:

- *email:* [principal@hillbrook.qld.edu.au](mailto:principal@hillbrook.qld.edu.au)
- *phone:* 3354 3422
- *in person:*
- *anonymously.*

## Whistleblower Protection Officer

The Human Resources manager will be primarily appointed as the Whistleblower Protection Officer (WPO) and will safeguard the interests of the Whistleblower in terms of this policy and any applicable legislation and standards. Another responsible person will be appointed as the WPO by the Chair or the Principal, should the information relate to the appointed WPO.

The Whistleblower Protection Officer will be readily accessible by all staff and will have direct, unfettered access to independent financial, legal and operational advisers as required.

The Whistleblower Protection Officer can be contacted by the following means:

- *email:* [humanresources@hillbrook.qld.edu.au](mailto:humanresources@hillbrook.qld.edu.au)
- *phone:* 3354 3422

The responsibilities of the Whistleblower Protection Officer and Whistleblower Investigations Officer will not reside in the same person. They should operate, and be seen to operate, independently of each other and should act in such a way that they discharge the two quite separate functions independently of each other.

## 5.0 Privacy

All information that is supplied during this process will be kept in accordance with the School's Privacy Policy.

## 6.0 Review

As with all School Policies, Hillbrook reserves the right to alter this Policy at any time and which is in line with advice received from Independent Schools Queensland. The Board will review this Policy as per the scheduled timeframe.

## 7.0 Related Documents

Policies:

- Privacy

References: Corporations Act 2001 (Cth)

## PROCEDURES

### How to make a Report

Hillbrook is committed to providing a safe, reliable and confidential way of reporting any Disclosable Matters. A report under this Policy can be made if individuals falling into the category of an Eligible Whistleblower has reasonable grounds to suspect that a disclosable matter has taken place.

A report may be made verbally, including via telephone, in writing or via email and will be treated confidentially. The report should include:

- the nature of the allegation and the individuals involved
- the key facts on which the person making the report has formed the view that a Disclosable Matter exists and involves the individual or individuals named in the report nature and whereabouts of any additional evidence that substantiates the allegations.

A report can be made to any of the following persons, noting any potential conflict of interest identified with the matter and the person who is the subject of the matter:

- Whistleblower Investigations Officer
- Principal/Deputy Principals
- Board Chair
- other Eligible Recipients as defined in Section 4.0 of the policy.

At any stage, a person in the list above can be omitted if that person is the subject of the report or if the Whistleblower has another reason to believe that the person is not likely to deal with the report properly. While reports can be made anonymously if preferred, this may affect the ability to investigate the matter properly and to communicate with the Whistleblower about the report.

### Investigation

The School will investigate all matters reported pursuant to this policy as soon as practicable once a report has been received and within 7 days of a report being received.

The purpose of the investigation is to determine whether or not concerns are substantiated, with a view to rectifying any wrongdoing uncovered to the extent that this is practicable in all the circumstances. The investigation will be thorough, objective, fair and independent of the Whistleblower and anyone who is the subject of the Disclosable Matter. This includes investigating without bias and any person implicated in the Disclosable Matter will have a right to respond.

Investigation processes will vary depending on the precise nature of the matter and the conduct being investigated. Where considered appropriate a third party may be consulted and engaged to carry out the investigation, in consultation with the WIO. This engagement is dependent on the matter being investigated and approved by the Principal or the Chair.

The Whistleblower will be kept informed regarding the outcomes of the investigation arising from their report, subject to considerations of the privacy of anyone who is the subject of the Disclosable Matter and standard confidentiality requirements.

The investigation process may be subject to some limitations, including the School may not be able to undertake an investigation if it is not able to identify the reporter; for example, if a report is made anonymously and the reporter has refused to provide, or has not provided, a means of contact for any further questions or follow up which the School may need as part of the investigation.

At the conclusion of the investigation, the WIO (or other person appointed to conduct the investigation) will prepare a report for the Board of which will include:

- the allegations;
- a statement of all relevant findings of fact and the evidence gathered and upon which conclusions have been based;
- the conclusions reached, including the damage caused, if any, and the impact on the School and any other affected parties;
- recommendations, based on the report's conclusions, to address any wrongdoing identified and any other matters that arose during the investigation.

The report will be provided to the Board and the reporter (if possible), with any applicable confidentiality stipulations.

### **Ensuring fair treatment of employees who are mentioned in reports**

To ensure that employees who are mentioned in reports are treated fairly, the School will ensure that the principles of natural justice are adhered to throughout the investigation process whilst maintaining the protection of Eligible Whistleblowers. For example, the School will ensure that employees named in the reports are provided with details of any allegations made against them along with any relevant evidence substantiating those allegations and affording them a right to respond to the allegations.

### **Protections**

The Australian Securities & Investment Commission (ASIC) provides general information about [protections available to whistleblowers](#).

At Hillbrook, a Whistleblower will not be disadvantaged by having made a report. This includes not being disadvantaged by way of dismissal, demotion, any form of harassment, discrimination or current or future bias (see definition of "Detriment" above). This protection extends to the Whistleblower's colleagues and relatives.

If reprisals are taken or are claimed to have been taken against a Whistleblower, the Whistleblower Protection Officer will investigate the matter and recommend appropriate action be taken. The Whistleblower has a right to make requests through the Whistleblower Protection Officer for positive actions of protection to be taken.

Hillbrook will keep the reporting confidential and secure within the law. It will not disclose the identity of a Whistleblower, nor disclose information that is likely to lead to the identification of the Whistleblower, unless required under law.

### Awareness

The School will ensure that all its officers and employees are aware of this policy in the following ways:

- Inclusion of this policy in the staff induction documents
- Availability of this policy on the staff intranet
- Availability of this policy on the Hillbrook website
- Circulation of the policy to all staff via email.