

INTRODUCTION

Scotch College is committed to educating boys while minimising the adverse impact of risks that can be meaningfully and realistically controlled; protecting and enhancing its reputation within the community; and behaving as a responsible and ethical community citizen. As such, Scotch College recognises the value of transparency and accountability in its administrative and management practices, and supports the making of disclosures that could reveal misconduct including corrupt or illegal conduct, conduct involving substantial mismanagement of resources, or conduct which involves substantial risk to public health and safety or to the environment.

To encourage disclosure of wrongdoing, the Corporations Act and the Tax Administration Act mandates a statutory whistleblower regime that provides legally enforceable protections for people who make protected disclosures. This regime recognises the critical role whistleblowing can play in the early detection and prosecution of misconduct in businesses and how it can improve compliance with the law and promote an ethical culture because of the higher likelihood of misconduct being reported.

You will then have protection as a whistleblower if you are an Eligible Whistleblower and:

- you have made a disclosure of information relating to a Disclosable Matter directly to an Eligible Recipient (referred to as a Protected Disclosure);
- you have made a disclosure to a legal practitioner for the purposes of obtaining legal advice or legal representation about the operation of the whistleblower provisions in the Corporations Act or the Tax Administration Act; or
- you have made an Emergency Disclosure or Public Interest Disclosure.

There is no requirement for you to identify yourself in order for a disclosure to qualify for protection under the whistleblower laws. Further, you can still qualify for protection even if your disclosure turns out to be incorrect.

MATTERS THE POLICY APPLIES TO

You will be entitled to the protections as a whistleblower if

A Protected Disclosure may include a Disclosable Matter that does not involve a contravention of a particular law.

A Protected Disclosure will also qualify for protection if it is a Public Interest Disclosure or an Emergency Disclosure, as described below.

Personal Work-related Grievances

A disclosure that relates solely to a personal work-related grievance, and that does not relate to detriment or threat of detriment to you, does not qualify for whistleblower protection.

Personal work-related grievances are those that relate to your current or former employment and have, or tend to have, implications for you personally, but do not:

- have any other significant implications for Scotch College or a related body corporate; or

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Detriment conduct includes the following:

- dismissal as an employee
- injury in your employment
- alteration of your position or duties as an employee to your disadvantage
- discrimination between you as an employee and other employees of Scotch College
- being harassed or intimidated
- harm or injury to you, including psychological harm
- damage to your property, reputation or to your business or financial position.

A threat to cause you detriment may be express or implied, or conditional or unconditional. If you have been threatened in relation to a disclosure you do not have to actually fear that the threat will be carried out.

However, examples of actions that are not detrimental conduct include:

- administrative action that is reasonable for the purpose of protecting you from detriment (eg. moving you away from your immediate work area to another office to prevent any detriment)
- managing any unsatisfactory work performance.

The courts are also empowered to make such orders as they think appropriate to correct any detrimental conduct towards you, including awarding you compensation for any loss, damage or injury that you may have suffered.

Compensation and Other Remedies

A person who has made a Protected Disclosure or any other employee or person can seek compensation and other remedies through the courts if:

- they suffer loss, damage or injury because of a disclosure; and
- Scotch College has failed to take reasonable precautions and exercise due diligence to prevent the detrimental conduct.

You are encouraged to seek independent legal advice in relation to any rights you may have to compensation or other remedies.

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Documenting and Reporting Investigation Findings

The findings of the investigation will be documented by the investigator in a confidential report addressed to Eligible Recipient or to such other person that Scotch College may nominate and who is responsible for the oversight of the investigation. The School Council may receive summary or detailed information about protected disclosures, however, the method for documenting and reporting the findings will depend on the nature of the disclosure.

Subject to the nature of the findings and consideration of obligations of confidentiality, you may receive a summary of the findings at the end of the investigation. However, there may be circumstances where it is not be appropriate to provide details of the outcome to you.

[Ensuring Fair Treatment of Individuals Mentioned in a Disclosure](#)

To ensure the fair treatment of individuals mentioned in a disclosure, Scotch College will undertake the following measures and/or mechanisms:

- disclosures will be handled confidentially, when it is practical and appropriate in the circumstances

- each disclosure will be assessed and may be the subject of an investigation

- the objective of an investigation will be to determine whether there is enough evidence to substantiate it there is enough at