

Whistleblower Protection Policy

This policy is based on the LCAQD Whistleblower Protection Policy however, the procedures have been written to be more within the scope of the requirements of a Lutheran school.

GUIDING SCRIPTURE

As part of the Queensland District of the Lutheran Church of Australia (LCAQD), St John's Lutheran School is an expression of the mission of God in the Lutheran Church of Australia and New Zealand.

The LCAQD has a Biblical mandate that all our words and actions are truthful: These are the things you are to do: Speak the truth to each other and render true and sound judgement in your courts (Zechariah 8:16).

PURPOSE

St John's Lutheran School is also required to comply with the earthly authorities set above us by God for good order, and thus with legislation that protects whistleblowers: "Love does not delight in evil but rejoices with the truth" (1 Corinthians 13:6 NIV). Thus, a disclosable matter within this policy is to be appropriately responded to, rather than suppressed.

However, the requirements for investigation of a protected disclosure and protection for whistleblowers require a very careful discipline of responsibilities, some of which are articulated in this Policy. So the appropriate response needs to be considered and measured by the requirements spelled out in this Policy and – ultimately – in the relevant legislation.

Expressed theologically: In our call to love and serve those around us, we need to take care that in responding to a whistleblower we do not by our words, actions or inactions fail to love and serve the vulnerable, the whistleblower, the God-given authorities, and, in and behind all of these, God himself.

This Policy is developed and implemented in accordance with the requirements of Part 9.4AAA of the *Corporations Act (Cth)* {the Act}. Whilst the St John's Lutheran School are not regulated by the Act, the school recognises that the Act provides important protections for certain whistleblowers in certain circumstances reflecting public expectations and benchmarks which the school is committed to recognising and upholding.

Whistleblower protection is also an important element in detecting corrupt, illegal or other undesirable conduct within an organisation, and as such, is a necessary part of St John's risk management and corporate governance framework. This policy encourages the reporting of illegal, corrupt, improper or unethical behaviour and protect whistleblowers against reprisal by any person internal or external to the school.

Individuals with concerns are encouraged to come forward quickly before problems escalate. To qualify for protection under this Policy, disclosure must:

- i. Be made by an eligible whistleblower
- ii. Be made to a prescribed authority, and
- iii. Be a disclosable matter.

SCOPE

This policy applies to members of St John's Lutheran School Council, employees, volunteers and contractors in protecting eligible whistleblowers acting in good faith and managing disclosures of reportable conduct in relation to the school.

A number of policies are already in place at St John's Lutheran School to address issues of concern relating to Code of Conduct, Conflict of Interest, grievances and disputes (Complaints Handling), Disciplinary Action, Misconduct and Poor Performance, Child Protection and Work Health and Safety. This policy covers matters that may need to be addressed separately, at least initially, even if other policies are subsequently invoked in response to the outcome of an investigation.

This policy is not designed to provide a mechanism through which individuals can publicly question financial or business decisions taken by St John's Lutheran School, and it offers no protection to such individuals.

This policy cannot be used to obtain a rehearsing of personal work-related grievances (i.e., allegations of misconduct, grievances etc) which have already been addressed under other school procedures.

This policy applies if any eligible person knows of information and has reasonable grounds to suspect the information concerns misconduct, or an improper state of affairs or circumstances, in relation to St John's Lutheran School.

DEFINITIONS

Whistleblower: is a person related to St John's Lutheran School being a current or former School Council member or employee, or contractor, who, whether anonymously or not, make, attempts to make or wishes to make a report in connection with reportable conduct and where the whistleblower wishes to have protection against retaliation for having made the report.

Reportable conduct: is behaviour that includes, but is not limited to, activities of St John's Council members, employees, contractors or volunteers which are:

- Dishonest, fraudulent (e.g., money laundering or misappropriation of funds) or corrupt activity;
- Illegal (such as theft, drug sale or use, violence or threatened violence, criminal damage to property);
- In breach of state or federal law or local authority by-laws;
- Unethical (generally, or a breach of St John's *Code of Conduct* or any policies or procedures);
- Other serious improper conduct (including bullying, harassment or discrimination);
- Potentially damaging to St John's, an employee or a third party (e.g. a student), such as unsafe work practices, negligence, health risks or abuse of St John's property or resources);
- Amounting to abuse of authority;
- Conduct which may cause financial or be otherwise detrimental to the interests of St John's.

POLICY STATEMENT

St John's Lutheran School is committed to the highest standards of conduct and ethical behaviour in our operations, and to promoting and supporting a culture of honest and ethical behaviour, compliance with applicable laws and practices and good corporate governance. The school expects employees and representatives of St John's to practice honesty and integrity in fulfilling their responsibilities and comply with all applicable laws and regulations.

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St John's supports and encourages the reporting of any reportable conduct involving St John's Council members, employees or contractors and will provide a secure and confidential environment. Where matters are raised in good faith, St John's will protect those who make a report against reprisal, dismissal or discriminatory treatment.

PROCEDURES

1. Designated Whistleblower Protection Officer

The School Council is responsible for selecting from their members or a senior staff member, a representative to act in the position of Whistleblower Protection Officer (WPO). The WPO will be appointed on an annual basis at the first Council meeting of the year.

The WPO is tasked with the responsibility of:

- Protecting and safeguarding the identity and interests of whistleblowers within the meaning of this policy and any applicable legislative requirements;
- Provide advice on making a disclosure;
- Support employees during the process of investigating a disclosure;
- Protect the confidentiality of the process and people concerned;
- Ensure correct procedures are followed so that the relationship between the person making the disclosure and the investigating officer is not contaminated and does not prejudice the integrity of the process
- Ensure proper records are made and securely maintained;
- Set positive ethical standards.

The WPO will have access to independent legal, financial and operational advisers as required.

In nominating this representative, the Council will need to consider the necessary qualities of this Officer, including diplomacy and tact, trustworthiness, objectivity and good communication skills.

2. Reporting Channels

St John's Lutheran School encourages individuals who, in good faith, have concerns, based on evidence or reasonable suspicion, that serious wrongdoing (disclosable matters) may have occurred within the school to come forward and express those concerns. A suspicion is likely to be reasonable if it is not fanciful, illogical or irrational.

A report may be made anonymously in writing, or in person.

To assist with the protection of whistleblowers, St John's has several channels for a person to report their concerns including:

- Employees are encouraged to use normal reporting channels to raise the matter with their supervisor, or if they are not comfortable doing so or feel that their supervisor may be complicit in the reportable conduct,
- The Principal, or if they are not comfortable doing so or feel that the Principal may be complicit in the reportable conduct,
- The designated Whistleblower Protection Officer directly.

3. Anonymity

If a whistleblower wishes to make their report anonymously, their wish shall be honoured except insofar as it may be overridden by due process of law.

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However, an anonymous disclosure may make it difficult to investigate the reported matter. St John's Lutheran School encourages disclosers to provide their name, however in instances where identity is not shared, St John's will assess and investigate their disclosure in the same way as if they had provided their identity, as far as is practicable.

Once a report is received, the person to whom the report has been made will make sure steps are taken immediately to protect the identity of the whistleblower.

4. Reporting Details

For an effective investigation to be conducted, the whistleblower should provide St John's Lutheran School with as much details information as possible and any known details about the events underlying the report such as:

- The nature of the alleged reportable conduct;
- The person or persons responsible for the reportable conduct;
- The facts on which the complainant's belief that reportable conduct has occurred, and has been committed by the person named, are founded;
- The nature and whereabouts of any further evidence that would substantiate the complainant's allegations, if known.

5. Investigation

All disclosures made by a person under this policy will be investigated in the most appropriate way as soon as practicable after the report has been received. Investigations of reportable conduct will be treated seriously and will be conducted in a manner that is confidential, fair, thorough and objective. Confidentiality extends to all information received from whistleblowers, with all information received held securely and in strict confidence.

The person to whom the disclosure was made shall notify the Principal, unless the Principal is the subject of the issue, in which case they will notify the WPO. The Principal, or if appropriate the WPO, is responsible for initial investigations to confirm the veracity of information prior to instigation of a full investigation by the nominated investigator, which will only proceed based on supporting evidence.

While the particulars of the investigation process will be determined by the nature and substance of the disclosure, if the disclosure is not anonymous, the WPO or investigations officer will contact the whistleblower as soon as practicable upon receipt of the disclosure to discuss the investigation process including who may be contacted and such other matters as are relevant to the investigation.

All investigations will be independent of either the business area concerned, the whistleblower or any person that is the subject of the reportable conduct. Where St John's recognises an appearance of a conflict of interest, St John's will outsource the investigation of the disclosure. External professionals may be engaged to assist or conduct the investigation process.

The rules of natural justice will be observed in any investigation, with steps taken to ensure fair treatment of any person who is the subject of a report as well as the whistleblower. The person against whom the allegation is made will be given the right to respond.

Appropriate documentation must be maintained throughout the investigation. All records relating to a report of reportable conduct must be stored securely and retained in an appropriate manner, with access only by authorised staff.

6. Findings

At the completion of the investigation, the WPO or investigating officer will report their findings to the Principal. This report will include:

- The allegations;
- A statement of all relevant findings of fact and the evidence relied upon in reaching any conclusions;
- The conclusions reached (including the damage caused, if any, and the impact on the organisation and other affected parties) and their basis;
- Recommendations based on those conclusions to address rectifying any improper conduct and any action required to prevent any future occurrences of the same or similar conduct.

In the event of the Principal or a member of the School Council being the subject of an investigation or allegation, the School Council will determine the report and corrective measures.

Where issues of discipline arise, the response will be in line with the organisation's procedures to disciplinary matters as outlined in the *#2.10 Disciplinary Action, Misconduct and Underperformance Policy*. Where allegations of unacceptable conduct made against another person cannot be substantiated, that person will be advised accordingly and will be entitled to continue in their role as if the allegations had not been made.

7. Information to Informant

Where identity is known, the whistleblower will be kept informed of the investigation's progress and/or outcome, subject to considerations of privacy of those against whom allegations are made and considerations of confidentiality affecting St John's. The frequency and timeframes of updates may vary depending on the nature of the disclosure.

If the whistleblower is not an employee or Council member of St John's, the whistleblower will be kept informed of the investigative outcome (subject to privacy considerations as above), once the whistleblower has agreed in writing to maintain confidentiality in relation to any information provided to them regarding a report made by them.

8. Protection for Whistleblowers

8.1 Confidentiality

St John's Lutheran School is committed to ensuring confidentiality in respect of all matters raised under this policy. If the individual making the disclosure has asked to remain confidential, St John's will do everything it reasonably can to respect this, and their identity will be kept confidential in so far as this is compatible with conducting an effective investigation or if St John's are compelled by law to disclose this information.

8.2 No Retaliation

No person covered under this policy who, in good faith, reports suspected reportable conduct shall be subject to harassment, retaliation, or adverse employment or other consequence. An employee who retaliates against someone who has disclosed reportable conduct in good faith is subject to discipline up to and including termination of employment, with processes followed as outlined in the *#2.10 Disciplinary Action, Misconduct and Underperformance Policy*.

Where reprisals are taken or claimed to have been taken against a whistleblower, the whistleblower will be granted an automatic right of appeal to the School Council or an independent mediator or arbitrator if the matter cannot be resolved internally. Where the School Council refers the matter to an independent party for mediation, the final determination of that appeal body will be accepted.

8.3 Discouraging an Individual from Making a Protected Disclosure

Any individual who attempts to discourage another person from coming forward to express a concern, based on evidence or on reasonable suspicion, that serious wrongdoing may have occurred, will be subject to disciplinary action by St John's Lutheran School. In the same way, St John's Lutheran School may take disciplinary action against anyone who criticizes or victimises an individual after a concern has been expressed.

9. What is Not a Protected Disclosure

9.1 Personal Work-Related Grievances

It will not be a protected disclosure if the information disclosed to a St John's Lutheran School authorised contact or a prescribed Commonwealth authority concerns a personal work-related grievance of the individual.

For the purpose of this policy, a reference to a 'personal work-related grievance' means information that:

- i. concerns a grievance about any matter in relation to the individual's employment, or former employment, having (or tending to have) implications for the individual personally;
- ii. does not have significant implications for St John's Lutheran School that do not relate to the individual and does not concern conduct, or alleged conduct, about a disclosable matter; and
- iii. does not concern a grievance that involves detriment caused, or a threat made, to the individual because it is believed or suspected that that individual has made, may have made, proposes to make or could make a protected disclosure and that belief or suspicion is the reason, or part of the reason, for their conduct that causes the detriment.

Examples of personal work-related grievances may include, but not limited to:

- i. an interpersonal conflict between the individual and another employee;
- ii. a decision relating to the engagement, transfer or promotion of the individual;
- iii. decision relating to the terms and conditions of engagement of the individual; and
- iv. decision to suspend or terminate the engagement of the individual, or otherwise to discipline the individual.

9.2 False and Misleading Information

Information that is deliberately false or misleading will not constitute a protected disclosure.

St John Lutheran School may take disciplinary action against an individual when, after carrying out its internal investigation fairly and reasonably, it believes that the discloser did not have reasonable grounds to suspect that the allegation was substantially true or a protected disclosure.

An individual making malicious or vexatious allegations may face disciplinary action, particularly if they persist in making them when they have been declared, after due process, to be without foundation. A disclosure may be declared malicious or vexatious at any stage during the investigation.