AL SADIQ COLLEGE

WHISTLEBLOWER POLICY

Whistleblower Policy

Revised: November 2025

For Review: November 2027

1. Introduction

1.1 Purpose and Scope

The *Corporations Act 2001* (Corporations Act) gives certain people legal rights and protection as whistleblowers to encourage them to come forward with their concerns and protect them when they do. Under the provisions in the Corporations Act a person who is an "eligible" whistleblower who makes a disclosure to an "eligible recipient" about a "disclosable matter" is entitled to certain protections, including a right to have their identity kept confidential and protection from detriment.

This policy applies to Al Sadiq College ('the College') to ensure individuals who disclose wrongdoing in relation to the college can do so safely, securely and with confidence that they will be protected and supported.

This policy will be published on the College's website and made available to the College Board and members, and employees on the College's Shared Drives.

1.2 Related Policies

- Complaints or allegations of staff misconduct that do not meet the criteria of a whistleblowing disclosure will be addressed in accordance with the School's Complaints Handling Policy and Procedures (*Policy No.2.18*).
- Disclosures about reportable conduct will be addressed in accordance with the School's Child Protection Policy and Procedures (*Policy No 2.07*).
- Disclosures regarding a grievance between staff members about work matters, including work relationships and decisions made by other staff members which impact on their work, may be addressed in accordance with the School's Grievance and Disputes Procedure (*Policy No 2.18 and 2.19*).
- Unlawful discrimination, harassment or bullying complaints may be addressed in accordance with the School's Discrimination (*Policy No. 2.03*), Harassment and Bullying Statement (*Policy No 2.05*).

2. What is a Whistleblower

ASIC defines a whistleblower as an insider within an organisation who reports misconduct or dishonest or illegal activity that has occurred within that same organisation.

Who is an eligible whistleblower under the Corporations Act?

An individual will be an eligible whistleblower in relation to the College if they are, or have been, any of the following:

- a member of the governing body of the College
- an employee of the College
- a person who supplies goods or services (paid or unpaid) to the College
- an employee of a person who supplies goods or services (paid or unpaid) to the College
- an individual who is an associate of the college (as defined in the Corporations Act); and
- a relative or dependent (or dependents of a spouse) of any individual described above.

The extension of protection to people who provide unpaid services to the college means that parents who volunteer for activities such as camps, at the canteen or sporting activities will all be eligible whistleblowers even if they have only volunteered on one occasion. It also means their relatives or dependents (or their spouse's dependents) will also become eligible whistleblowers.

Disclosures do not have to relate to information obtained while a person provides the services, as the Act contains no clear limitation to that effect.

An "associate" is defined in the Corporations Act as a director or secretary of the college or of a related body corporate of the college.

3. Disclosable Matters

3.1 What is a Qualifying Disclosure?

A disclosable matter is a disclosure of information where the discloser has "reasonable grounds to suspect" that information relating to the school or a related company concerns:

- misconduct in relation to the College (Section 9 of the Corporations Act defines misconduct to include 'fraud, negligence, default, breach of trust and breach of duty')
- an 'improper state of affairs or circumstances' in relation to the College (the Corporations Act does not define improper state of affairs or circumstances).
- illegal activity (including conduct of officers and employees) – meaning activity in breach of the Corporations Act or specified financial services legislation, or an offence against any law of the Commonwealth punishable by imprisonment of 12 months or more, or
- conduct (including the conduct of officers and employees) that represents a danger to the public or financial system.
- This may include any conduct in relation to the operation of the College that involves:
- fraud
- negligence
- default
- unlawful or corrupt use of school funds
- breach of trust
- breach of duty
- improper accounting or financial reporting practices
- systemic practices that pose a serious risk to the health and safety of any person on school premises or during school activities.

If a disclosure is not about a disclosable matter, it will not qualify for whistleblower protection under the Corporations Act.

3.2 Anonymous Disclosures

A disclosure may be made anonymously and still be protected under the Corporations Act. A discloser can choose to remain anonymous while making a disclosure over the course of the investigation and after the investigation is finalised. However, this may make it difficult to investigate the reported matter. The College therefore encourages disclosers to provide their names. If a discloser wishes to disclose anonymously, the discloser should provide sufficient information to allow the matter to be properly investigated. In such circumstances, the College will encourage the discloser to provide an anonymous email address through which additional questions can be asked and information provided. It will also allow the College to report the progress of the investigation to the discloser, as appropriate.

3.3 Reasonable Grounds to Suspect

Whether a discloser would have 'reasonable grounds to suspect' is based on the reasonableness of the reasons for the discloser's suspicion, having regard to all the circumstances when considered objectively.

If a disclosure is made without 'reasonable grounds to suspect', the disclosure will not be a qualifying disclosure and the discloser will not have the protections provided under this policy and the Corporations Act. Any deliberate false reporting will be regarded very seriously.

A discloser can still qualify for protection even if their disclosure turns out to be incorrect.

3.4 Personal Work-related Grievances

A personal work-related grievance is any matter in relation to the discloser's employment, or former employment, having (or tending to have) implications for the discloser personally. Generally, disclosures that concern personal work-related grievances do not qualify for protection.

The amendments limit protection for disclosures about solely personal employment related matters, while preserving protection for disclosures about systematic issues or reprisals against a whistleblower.

A disclosure of a personal work-related grievance will remain protected if it concerns detriment to the discloser in contravention, or alleged contravention of whistleblower-related victimisation.

A disclosure of a personal work-related grievance will also remain protected if it is made to a legal practitioner for the purposes of obtaining legal advice or legal representation in relation to the operation of the whistleblower provisions.

However, a disclosure is not a personal work-related grievance if it:

- has significant implications for the regulated entity to which it relates, or another regulated entity, that do not relate to the discloser;
- concerns conduct, or alleged conduct, in contravention of specified corporate and financial services laws, or that constitutes an offence punishable by 12 months or more imprisonment under any other Commonwealth laws;
- concerns conduct that represents a danger to the public or the financial system; or
- concerns conduct prescribed by regulation.

4. Who are Eligible Recipients of a Qualifying Disclosure?

An eligible recipient in relation to a school is:

- an officer (a member of the governing body of the school) or senior manager* of the school or a related company.
- an auditor, or member of an audit team, of the school or a related company.
- an actuary of the school or a related company; and
- a person authorised by the school to receive disclosures.

* The ASIC Regulatory Guide states that a 'senior manager' is generally a senior executive who makes or participates in making decisions that affect the whole, or a substantial part, of the business of the entity; or has the capacity to significantly affect the entity's financial standing. It is likely that in the case of schools, this would limit to the Principal, Deputy Principal and Business Manager/Director.

Disclosures may also qualify for protection if they are made to ASIC, Australian Prudential Regulation Authority (APRA) or a prescribed Commonwealth authority, or if an eligible whistleblower makes a disclosure to a legal practitioner to obtain advice.

Whistleblower policies in schools should encourage eligible whistleblowers to make a disclosure to a particular person or people as it will assist schools in managing whistleblowing disclosures.

However, identifying a specific individual to be the recipient of whistleblowing disclosures does not remove the responsibility from any eligible recipient to act in accordance with the policy or the Corporations Act.

4.1 Making a Qualifying Disclosure

While an eligible whistleblower can make a disclosure directly to any eligible recipient, the College encourages them to make a disclosure in writing to the Principal.

If it is not appropriate for the disclosure to be made to the Principal, the eligible whistleblower is encouraged to make the disclosure, in writing, to the Chairman of the College board.

Where a disclosure is made to an eligible recipient who is not the Principal, then subject to the confidentiality protections set out at Section 6 below, it will generally be passed onto the Principal and dealt with in accordance with Section 5 below.

If an eligible whistleblower wishes to obtain additional information about whistleblowing procedures and protections before formally making their disclosure, they can contact the HR Manager or an independent legal advisor.

4.2 External Disclosures

Disclosures may also qualify for protection if they are made to ASIC, APRA or a prescribed Commonwealth authority, or if an eligible whistleblower makes a disclosure to a legal practitioner to obtain advice about the operation of the whistleblower provisions.

Eligible whistleblowers who make a 'public interest disclosure' or an 'emergency disclosure' also qualify for protection.

4.3 Public Interest Disclosures

An eligible whistleblower can disclose to a member of Parliament or a journalist only if the information has been previously disclosed to ASIC, APRA or a prescribed Commonwealth authority, and:

- at least 90 days has passed since the eligible whistleblower made the disclosure to ASIC, APRA or a prescribed Commonwealth authority since the time of the first disclosure, and
- the eligible whistleblower does not have reasonable grounds to believe action is being, or has been, taken to address the information in the disclosure, and
- the eligible whistleblower has reasonable grounds to believe that making a further disclosure of the information would be in the public interest, and
- before making the disclosure, the eligible whistleblower gives written notice to the original recipient that includes sufficient information to identify the previous disclosure and states that they intend to make a public interest disclosure, and
- the extent of information disclosed is no greater than necessary to inform the recipient of the disclosable matter.
- An eligible whistleblower may wish to consider obtaining independent legal advice before making a public interest disclosure.

4.4 Emergency Disclosures

An eligible whistleblower can disclose to a member of Parliament or a journalist only if the information has been previously disclosed to ASIC, APRA or a prescribed Commonwealth authority, and:

- the eligible whistleblower has 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, and
- before making the disclosure, the eligible whistleblower gives written notice to the original recipient that includes sufficient information to identify the previous disclosure and states that they intend to make an emergency disclosure, and
- the disclosure of information is no greater than necessary to inform the recipient of the substantial and imminent danger.

An eligible whistleblower may wish to consider obtaining independent legal advice before making an emergency disclosure.

Eligible Whistleblowers who make a ‘public interest disclosure’ or an ‘emergency disclosure’ also qualify for protection.

5. Investigating a Qualifying Disclosure

5.1 Receiving a Disclosure

Upon receiving a disclosure, the recipient (generally the Principal or their delegate or Chairman of the School Council or their delegate) will assess the disclosure to determine whether it qualifies for protection under the Corporations Act and is to be managed in accordance with this policy (qualifying disclosure) or the disclosure concerns matters that should managed in accordance with related policies (see Section 1.2).

5.2 Investigating a Qualifying Disclosure

The College will acknowledge receipt of a disclosure within a reasonable period, assuming the 'eligible whistleblower' can be contacted (including through anonymous channels). The Collegel will assess disclosures to determine whether:

- they fall within the Whistleblower Protection Scheme, and
- an investigation is required – and if so, how that investigation should be carried out.

Generally, if an investigation is required, the College will determine:

- the nature and scope of the investigation
- who should lead the investigation – including whether an external investigation is appropriate
- the nature of any technical, financial or legal advice that may be required to support the investigation, and
- the anticipated timeframe for the investigation. Each investigation will be different, which will impact the applicable timeframe. However, the College’s intent is to complete an investigation as soon as practicable.

Where practicable, the College will keep the eligible whistleblower informed of the steps taken or to be taken (or if no action is to be taken, the reason for this), and provide appropriate updates, including about the completion of any investigation. However, the extent of the information provided, or whether it will be provided at all, will be subject to applicable confidentiality considerations, legal obligations and any other factors the College considers relevant in the particular situation.

The College may not be able to undertake an investigation, or provide information about the process etc., if it is not able to contact the eligible whistleblower. For example, if a disclosure is made anonymously and has not provided a means of contact.

Where practicable, Whistleblowers will receive updates about when the investigation has begun, while the investigation is in progress and after the investigation has been finalised. The frequency and timeframe of any updates may vary depending on the nature of the disclosure. The College will also have regard to confidentiality considerations when providing updates.

5.3 Fair Treatment of Employees Mentioned in Disclosures

The College will take steps to ensure the fair treatment of employees who are mentioned in a disclosure that qualifies for protection, which may include:

- disclosures will be handled confidentially, when it is practical and appropriate in the circumstances
- when an investigation needs to be undertaken, the process will be objective and fair
- employees about whom disclosures are made will generally be given an opportunity to respond to the relevant allegations made in the qualifying disclosure.

The College's counsellor will be available to employees affected by the disclosure, should they require that support.

The College will document the steps of the investigation and the findings from the investigation and report those findings to those responsible in the College. The method for documenting and reporting the findings will depend on the nature of the disclosure.

There may be circumstances where it may not be appropriate to provide details of the outcome to the discloser.

6. Confidentiality and Records

Under the Corporations Act, the identity of the discloser of a qualifying disclosure and information which is likely to lead to the identification of the discloser must be kept confidential.

Exceptions to this are disclosures to ASIC, the Australian Federal Police, a legal practitioner for the purpose of obtaining advice about the application of the whistleblower protections or made with the consent of the discloser.

If a disclosure involves an issue which the College is required to report, the College may not be able to maintain the confidentiality of the identity of the disclosure. This disclosure could include NSW Police, the NSW Ombudsman, NSW Education Standards Authority (NESA) or the NSW Department of Education.

It is also permissible to disclose information which could lead to the identification of the discloser if the disclosure is reasonably necessary for the purpose of investigating the matter, if all reasonable steps are taken to reduce the risk that the discloser will be identified because of the information being disclosed.

Breach of these confidentiality protections regarding the discloser's identity and information likely to lead to the identification of the discloser is a criminal offence and may be the subject of criminal, civil and disciplinary proceedings. Confidentiality will be observed in relation to handling and storing records.

7. Whistleblower Protections and Support

Confidentiality

Eligible whistleblowers making a qualifying disclosure are protected by the requirement that their identity, and information that may lead to their identification, should be kept confidential, subject to relevant exceptions as set out in Section 6 of this policy above.

The College will protect an eligible whistleblower’s identity by appropriately redacting documents and referring to the whistleblower in gender-neutral terms. It will also secure all documents and communicate them in a way that will maintain confidentiality.

Immunity

Eligible whistleblowers making a qualifying disclosure cannot be subject to any civil, criminal or administrative liability (including disciplinary action) for making the disclosure. No contractual or other remedy or right may be enforced or exercised against the person based on the disclosure.

Whistleblowers who make some types of qualifying disclosures (generally external to the College) are also provided with immunities to ensure that information they disclose 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.

These immunities do not prevent an eligible whistleblower being subject to criminal, civil or other liability for conduct that is revealed by the whistleblower, only that the information the person has disclosed is not admissible in certain proceedings against them.

Detriment

Eligible whistleblowers are also protected from victimisation - suffering any detriment by reason of the qualifying disclosure. It is unlawful for a person to engage in conduct against another person that causes, or will cause detriment, where the person believes or suspects that the other person or a third person made, may have made, proposes to make or could make a qualifying disclosure.

Threats of detriment are also unlawful.

Detriment has a very broad meaning and includes dismissal of an employee, injuring an employee in their employment, alteration of an employee's position or duties to their disadvantage; discrimination between an employee and other employees; victimisation of a dependent of the discloser, harassment or intimidation of a person or harm or injury to a person, including psychological harassment; damage to a person's property, reputation or business or financial position.

If an eligible whistleblower believes they are being subjected to a detriment or a threat of detriment, this should immediately be reported in writing to the Principal.

If it is not appropriate for the report to be made to the Principal, the eligible whistleblower should report the matter, in writing, to the Chairman of the College Board.

The College may also consider a range of other matters to protect an eligible whistleblower from the risk of suffering detriment and to ensure fair treatment of individuals mentioned in a disclosure. Steps it will take to help achieve this may include:

1. assessing whether anyone may have a motive to cause detriment—information could be gathered from an eligible whistleblower about:
    - the risk of their identity becoming known
    - who they fear might cause detriment to them
    - whether there are any existing conflicts or problems in the workplace and
    - whether there have already been threats to cause detriment.

The College's counsellor will be available to eligible whistleblowers who are employees, should they require that support. If a whistleblower who is not an employee wishes to obtain support, such as counselling or other professional support, they should contact the HR Manager.

Remedies available to an eligible whistleblower for being subjected to detriment could include:

- compensation
- injunctions and apologies
- reinstatement of a person whose employment is terminated
- exemplary damages

Schools and individuals may face significant civil and criminal penalties for failing to comply with confidentiality and detrimental conduct provisions.

8. Contact

If you have any queries about this policy, you should contact the HR Manager.

Related Documents

Child Protection Policy and Procedures (*Policy No.2.07*) Anti-Discrimination (*Policy No. 2.03),* Bullying and Harassment (*Policy No.2.05*) Grievance and Complaints Management (*Policy No.2.18*), Grievance Policy – Staff (*Policy No.2.19)*

Schedule A: Determining whether the disclosure is covered by the Whistleblower Policy?

Advice for Independent School staff

All four requirements below must be met for a disclosure to be considered under the Al Sadiq College Whistleblower Policy.

If all four requirements are not met, the disclosure does not qualify for protection under the Al Sadiq College Whistleblower Policy. Al Sadiq College will manage the complaint under the appropriate policy, including the Complaints Handling Procedures, Staff Grievance Policy, Child Protection Policy and Discrimination, Harassment and Bullying Statement.

However, disclosures may qualify for protection if they are a 'public interest disclosure' and 'emergency disclosure' or if they are made to ASIC, APRA or a prescribed Commonwealth authority.

Question	Requirement	Specifically…
1. Who the disclosure is made by	The disclosure must be made by an eligible whistleblower	An eligible whistleblower is an individual who is or has been any of the following, in relation to the school: • a member of the governing body of the school; • an employee; • a person who supplies goods or services (paid or unpaid); • an employee of a person who supplies goods or services (paid or unpaid); and • a relative or dependent (or dependents of a spouse) of any individual described above. Anonymous complaints, where the discloser's name is not known, can also meet the 'eligible whistleblower' requirement.

2. Who the disclosure is made to	The disclosure must be made to an eligible recipient	An eligible recipient is an individual who occupies any of the following roles, in relation to the school: • an officer (such as a member of the governing body of the school) or senior manager* of the school or a related company; • an auditor, or member of an audit team, of the school or a related company; • an actuary of the school or a related company; and • a person authorised by the school to receive disclosures that may qualify for protection. Eligible recipients also include ASIC, APRA or a prescribed Commonwealth authority. * A 'senior manager' is generally a senior executive who makes or participates in making decisions that affect the whole, or a substantial part, of the business of the entity; or has the capacity to significantly affect the entity's financial standing. It is likely in a school this would be the Principal, Deputy Principal and Business Manager.
3. The nature of the disclosure	The disclosure must be about a disclosable matter	Information that concerns: • misconduct or an improper state of affairs or circumstances in relation to the school or a related company; • illegal activity of the school or a related company (or its or their officers and employees) – meaning activity in breach of the Corporations Act or specified legislation or an offence against any law of the Commonwealth punishable by imprisonment of 12 months or more; or • a danger to the public or financial system.
4. Is there reasonable suspicion by the eligible whistleblower	The eligible whistleblower has reasonable grounds to suspect	Reasonable grounds to suspect is where the discloser has the suspicion that could reasonably be formed based on the facts and information available to them. It is not required that the recipient believe the suspicion, merely that the suspicion held by the discloser is objectively reasonable.