



NEWCASTLE
GRAMMAR
SCHOOL

Whistleblower Policy

Policy Number (PN): 2.3.6

Last Revised: January 2026



NGS Policies & Procedures

2.3.6 Whistleblower Policy

Reviewed: November 2021; January 2023; January 2026 – updated formatting, change to policy number, updated whistleblowing disclosure procedures to replace previous point #6. Investigating a qualifying disclosure

Due for Review: January 2028, or as required

1. Introduction

Under the Corporations Act 2001 (Cth) (the Act), corporations that are regulated entities (including those operating as Not-for-Profit) must comply with the whistleblower protection scheme. Newcastle Grammar School (NGS) is committed to ensuring whistleblowers can make disclosures safely and with confidence they will have support and protection during disclosure, investigation and outcome.

1.1 Purpose and Scope

This Whistleblower Policy applies to NGS to ensure individuals who disclose wrongdoing in relation to the School can do so safely, securely and with confidence that they will be protected and supported.

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 and Grievance Resolution Procedure and Policy - School Community*.

Disclosures about reportable conduct will be addressed in accordance with the School's *Child Protection Policy*.

Disclosures regarding a grievance between staff members about work matters, including workplace relationships and decisions made by other staff members which impact on their work, may be addressed in accordance with the School's *Staff Complaints Resolution Policy*.

Unlawful discrimination, harassment or bullying complaints may be addressed in accordance with the School's *Workplace Discrimination, Harassment or Bullying Prevention and Response Policy* or the School's *Workplace Sexual Harassment Prevention and Response Policy*. The Head of School will determine the process for investigation..._

This policy *does not* apply to members of the non-School community or students, past students, parents (past, current or prospective) unless they meet one of the criteria listed in Section 3.2.

This policy is published on the School's website and made available to Board members and all employees.

2. Policy

The NGS Whistleblower Policy is in place to assist the School to meet its obligations to protect individuals who make disclosures of potential wrongdoing within the School, and to encourage those aware of wrongdoing to come forward. For protection to be afforded to a whistleblower under this policy and the Act, the following must be applicable:

- You must be an eligible whistleblower as defined in this policy
- The matter must be a disclosable matter as defined in this policy
- There must be reasonable grounds to suspect the information concerns misconduct, or an improper state of affairs or circumstances for this matter to have been raised
- The qualifying disclosure must be made to an eligible recipient

The whistleblower protections under the Act do not grant immunity to a whistleblower for their own misconduct, or their unlawful acts or omissions that are revealed in the disclosure (including misconduct when gathering information declared in the disclosure).

3. Disclosable matters

3.1 What is a qualifying disclosure?

A qualifying disclosure is when an eligible whistleblower makes a disclosure to an eligible recipient, and the eligible whistleblower has reasonable grounds to suspect that the information concerns a disclosable matter.

3.2 Who can make a qualifying disclosure?

An eligible whistle blower is an individual who is or has been any of the following, in relation to the School:

- a Board member;
- an employee (full time, part time or casual) or a contractor of NGS;
- an individual, or an employee of a person, who supplies goods and/or services (paid or unpaid) to NGS;
- an individual who is an associate of the School (as defined in the Corporations Act); and
- a relative or dependent (or dependents of a spouse) of any individual described above.

3.3 Anonymous disclosures

A disclosure can 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 School 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. The School encourages the discloser to provide an anonymous email address through which additional questions can be asked and information provided.

3.4 What types of activities are disclosable matters?

When an eligible whistleblower has reasonable grounds to suspect wrongdoing based on information and events witnessed, the following types of matters are likely to be qualifying disclosures:

- Misconduct, or matters that may constitute an improper state of affairs or circumstances, which may include: dishonesty; money laundering; misappropriation of funds; offering or accepting a bribe; financial irregularities; misleading and deceptive conduct, in particular around accounting or financial reporting practices; corruption; engaging in or threatening to engage in detrimental conduct against a person who has made a disclosure or is believed or suspected to have made, or be planning to make, a disclosure; gross mismanagement; and/or

breaches of administrative procedures; unethical business behaviour and practices that may cause consumer harm; and unethical behaviour, bullying and harassment (including sexual harassment);

- 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
- Other conduct (including 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 School that involves fraudulent activity; unlawful or corrupt use of School funds; 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.

3.5 Who are eligible recipients of disclosures?

To ensure protection under the Act, an eligible whistleblower must make a qualifying disclosure under this policy to an eligible recipient. An eligible recipient is an individual who occupies any of the following roles, in relation to the School or a related company:

- a Board member or member of the Executive Team;
- an auditor, or member of an audit team of the School or a related company;
- an actuary of the School or a related company.

Eligible whistleblowers are encouraged to first make a disclosure to an internal eligible recipient in accordance with the whistleblower procedures outlined in this policy. However, under some circumstances, it may appear internal processes and disclosures are not considered appropriate nor effective. The Act and the Tax Act (where a matter relates to the School's tax affairs) can cover some external or public interest disclosures. It is advised for an eligible whistleblower to seek independent legal advice around their protection and situation.

What are these types of disclosure:

- External Disclosure – 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.
- Public Interest Disclosure – 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:

- 90 days has passed 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
 - the eligible whistleblower informs the original recipient 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.
- **Emergency Disclosure** – 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
 - the eligible whistleblower informs the original recipient 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.Eligible whistleblowers who make a 'public interest disclosure' or an 'emergency disclosure' also qualify for protection.

3.6 What are reasonable grounds?

A discloser would have 'reasonable grounds to suspect' if the discloser has a suspicion that could reasonably be formed based on the facts and information available to them. If a disclosure is made without 'reasonable grounds to suspect' (e.g. where the disclosure is unfounded), the disclosure will not be a qualifying disclosure, and the discloser will not have the protections provided for under this policy and the Corporations Act. A discloser can still qualify for protection even if their disclosure turns out to be incorrect.

4. Procedures

These procedures explain the process of making a disclosure, and the options around where to do so (and what support may be provided). These procedures outline how an investigation is conducted

and the approximate timelines around this process.

4.1 Making a disclosure

While an eligible whistleblower can make a disclosure to any eligible recipient, the School encourages them to make a disclosure in writing to the Head of School, via email at kate.grogan@ngs.nsw.edu.au

If it is not appropriate for the disclosure to be made to the Head of School, the eligible whistleblower is encouraged to make the disclosure, in writing, to the Chair of the Board, via email at chairperson@ngs.nsw.edu.au

Where a disclosure is made to an eligible recipient who is not the Head of School, then subject to the confidentiality protections set out in this policy, it will generally be passed onto the Head of School and dealt with in accordance with these procedures.

4.2 Receiving a disclosure

Upon receiving a disclosure, the recipient (generally the Head of School or Chair of the Board) 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 be managed in accordance with related policies.

4.3 Investigating a qualifying disclosure

How the School investigates a qualifying disclosure will depend on the nature of the disclosure. An investigation will generally involve the making of inquiries or collection of evidence for the purpose of assessing the disclosure made by the whistleblower.

External professionals may be engaged to assist or conduct the investigation process.

In instances where the School reports the allegations within the disclosure to a third party, such as NSW Police, Australian Federal Police or Australian Securities and Investments Commission (ASIC), the investigation procedures of the relevant third party will generally take precedence.

The timing of an investigation will depend on the circumstances of the matter and whether the School is the primary investigator of the disclosure.

Employees about whom disclosures are made will generally be given an opportunity to respond to the relevant allegations made in the qualifying disclosure.

An eligible whistleblower and the relevant parties that the disclosure is about may choose to have an appropriate support person present at any meeting with representatives of the School.

Once the investigation is complete and decisions are made on how to resolve the matter, a final report will be provided to the whistleblower. The method of relaying this report may depend on the level of anonymity the whistleblower has maintained. Any feedback on outcomes can be provided through the channels that have supported the whistleblower during the process.

4.4 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.

The discloser's identity and information which is likely to lead to the identification of the discloser can also be provided to any Commonwealth or State authority for the purpose of assisting the authority in the performance of its functions or duties. This could include NSW Police, the NSW Ombudsman, NSW Education Standards Authority 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 as a result 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.

4.5 Whistleblower protections

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 set out above.

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 on the basis of the disclosure.

Whistleblowers who make some types of qualifying disclosures (generally external to the School) are also provided 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.

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.

Remedies 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.

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 Head of School, via email at

kate.grogan@ngs.nsw.edu.au

If it is not appropriate for the report to be made to the Head of School, the eligible whistleblower should report the matter, in writing, to the Chair of the Board, via email at chairperson@ngs.nsw.edu.au

4.6 Additional support for eligible whistleblowers and other employees

The School's employee assistance program (EAP) services will be available to all eligible whistleblowers and other employees affected by the disclosure, should they require that support.

If you have any queries about this policy, you should contact the Head of School for advice at kate.grogan@ngs.nsw.edu.au

5. Related Policies

Complaints and Grievance Resolution Procedure and Policy - School Community

Child Protection Policy

Staff Complaints Resolution Policy

Workplace Discrimination, Harassment or Bullying Prevention and Response Policy

Workplace Sexual Harassment Prevention and Response Policy

Staff Code of Conduct

Conflict of Interest Policy