



Whistleblowing Policy

Introduction

The purpose of this policy is to establish a procedure to allow staff, students, parents, volunteers and other persons involved with Cranbrook School to raise serious concerns confidentially, to the extent possible under law, whilst ensuring that they are not adversely impaired or subject to detrimental action.

Whistleblowing is defined as the means by which behaviour that is unlawful, unethical, and fraudulent, against internal policy or that can, or has the potential to significantly harm others, property or the environment can be reported through appropriate and confidential channels without risk of adverse consequence and with confidence that concerns will be taken seriously and dealt with appropriately.

Cranbrook School Council is committed to the highest standards of behaviour and treats whistleblowing as a serious matter.

Who does this Policy apply to?

This Policy applies to students, parents or legal guardians of students, staff members (whether full time, part time, casual, temporary, substitute, contractors or those undertaking work experience), volunteers and other persons involved with Cranbrook School.

What matters may be reported under this Policy?

The following matters are examples of conduct that may be reported when observed by the reporting individual acting in good faith:

- Dishonesty
- Unethical conduct
- Serious improper conduct
- Unsafe work practices
- Fraud or corruption including unauthorised use of funds or breaches of financial policies
- Action that has caused or is likely to cause significant danger to the environment
- Action that has caused or is likely to cause personal danger to any person or serious damage to School property
- Health and safety issues including causing risk to the public, students or staff
- Sexual, physical or emotional abuse of staff or students
- Illegal acts including theft, drug sale or use, violence or threatened violence, and criminal damage against property
- Discrimination, harassment or bullying
- Breaches of relevant laws, regulations, by-laws
- Breaches of internal policies
- Any other conduct which may cause loss to Cranbrook School or be otherwise detrimental to Cranbrook School including financial loss or reputational damage.

Trivial or vexatious matters, or matters that an individual knows have no substance, should not be reported.

This Policy is not intended to replace other reporting structures in Cranbrook School such as those for dispute resolution, grievances, equal opportunity, discrimination, harassment or bullying except where the issue is of a serious nature where existing reporting systems have failed to process the issue or it was processed in an inappropriate, unfair or biased manner.

To whom can matters be reported under this Policy?

This Policy is designed to complement normal communication channels within the School.

Anyone who detects or has reasonable grounds for suspecting wrongdoing is encouraged to raise concerns through normal reporting channels.

Any member of staff who receives a report under this Policy must report the concern to the appropriate Leadership Team or Executive Team member who then has responsibility for ensuring the matter is properly dealt with. Staff need to treat all credible concerns, information and allegations seriously. Failure to do so may subject the staff member to disciplinary procedures, up to and including dismissal.

Alternatively, concerns can be reported directly to a member of the Leadership Team, Executive Team or the Headmaster.

If a concern is in relation to a member of the Leadership team or Executive Team, the report should be made to the Headmaster who will then raise the matter with the President of the School Council. If a concern relates to the Headmaster, a written report should be made to the President of the School Council, whose address will be supplied on request. If a concern relates to the President of the School Council, the other members of the Council will be advised and they will appoint another member to substitute for the President in relation to the investigative and decision making role under this Policy.

If a person feels they cannot raise a concern within the School, it is open for them to raise this concern with someone outside the School. This may include the following:

- The Association of Independent Schools New South Wales;
- The New South Wales Police for concerns of criminal behaviour;
- The New South Wales Ombudsman.

How are you protected if you make a report?

The School will not tolerate harassment or victimisation of reporting persons when matters are raised under this Policy in good faith.

All persons making a report are assured that in making a report neither they nor their family members will be personally disadvantaged.

Any member of staff who victimises or harasses anyone as a result of their having raised a concern in accordance with this Policy will be subject to disciplinary procedures, up to and including dismissal. Any student who victimises or harasses anyone as a result of their having raised a concern in accordance with this Policy will be subject to disciplinary procedures, up to and including suspension or expulsion.

Any person who, having made a report, considers that they have been personally disadvantaged, has a right of appeal to the Headmaster.

Can a report be made confidentially?

Cranbrook School recognises that persons may want to raise concerns in confidence and will do its utmost to protect the identity of any such person who does not want their name disclosed.

Persons reporting are encouraged to put their name to allegations whenever possible as anonymous allegations are much less powerful. Nonetheless, anonymous allegations will be considered under this policy, especially with regard to the welfare of students.

That said, the School will not disclose the identity of the person making the report unless required to do so. It may also be necessary to reveal the identity of the person making the report to external persons involved in the investigation such as the police or the Department of Community Services.

Investigation into the concerns raised could reveal the source of the information, and statements may be required as part of the evidence, which could be seen by all parties if the investigation leads to prosecution and the individual may be called to give evidence in court.

Cranbrook School will take reasonable precautions to store any records in relation to a report securely and to permit access by authorised persons only. Unauthorised disclosure of information relating to a report or the identity of the reporting person will be regarded seriously and may result in disciplinary action, up to and including dismissal for staff and up to and including suspension or expulsion for students.

In determining whether an anonymous allegation can be taken forward, the following factors will be considered:

- the seriousness of the issue raised
- the credibility of the concern
- the likelihood of confirming the allegations from attributable sources and obtaining information provided elsewhere
- the level of detail provided and whether the person reporting is willing to be contacted to provide further information

To report a matter anonymously, a person should put their report in writing and send it by mail to the Whistleblower Protection Officer, Cranbrook School, 5 Victoria Road, Bellevue Hill, NSW 2023 or by email to whistleblower@cranbrook.nsw.edu.au.

How are concerns investigated?

When a concern is raised to a Leadership Team or Executive Team member, they will consult with the Headmaster as to who shall be appointed to undertake an investigation of the concern (the “Investigating Officer”). The Investigating Officer must be a person who is independent of the area of operations relevant to the allegations, independent of the person who made the report, and independent of the person who is the subject of the reportable conduct.

Where the Headmaster or the President of School Council decides that the allegations are of a very serious nature, or the School does not have the expertise to satisfactorily conduct the investigation, or where actual or perceived conflict of interest / bias may be difficult to avoid, external investigators will be engaged.

Further, the Headmaster or President of the School Council may determine that the matter may need to be referred to the police if it relates to alleged criminal activity and/or needs to be passed to the Department of Community Services if it relates to a child protection issue. If the concern needs to have police or Department of Community Services involvement, the whistleblowing process will be halted until the relevant authority has completed investigations and confirmed it is appropriate or necessary to continue with the whistleblowing process.

The Investigating Officer must promptly investigate the report with the assistance of other staff members as appropriate while maintaining confidentiality. The investigation must be conducted in an impartial, independent and objective manner, and be open and transparent. The Investigating Officer must not show bias or favour to anyone, nor in any outcomes that may affect the reputation of the School.

The investigation will include the following steps:

1. Clarify and obtain full details of the allegation
2. Collect all available relevant information, and fully document the same
3. Interview all relevant witnesses, which shall be recorded in an appropriate manner
4. Inform the person against whom allegations are made with the person being given the right of reply
5. Undertake a full investigation by seeking evidence and interviewing witnesses as necessary;
6. Collect and review evidence and deliver a preliminary finding that, on the balance of probabilities, the allegation is false, vexatious, misconceived, not sustained or sustained and requiring corrective action or disciplinary proceedings
7. Compile a written report, including findings and recommendations for corrective and / or disciplinary action

The timing of informing a person about whom a concern is raised will depend upon the protection of witnesses, the quality of the evidence and the possibility of prejudicing the conduct of the investigation. As procedural fairness must be afforded to the person about whom a concern is raised, where possible they should be given advance notice of an interview, and details of the allegation sufficient for them to be able to respond and they should be advised that they may have a witness at any interview as a support person.

If the Investigating Officer needs to talk to the reporting person, they may also have a support person attend the interview, which in the case of a staff member may be a professional association representative or a fellow member of staff not involved in the area of work to which the concern relates, or in the case of a student, a parent or another member of staff not involved in the area of work to which the concern relates. The support person does not have the right to make comments.

The Investigating Officer will report the results of their investigation and any recommendations for appropriate corrective and/or disciplinary action to the Headmaster and/or the President of the School Council in writing. The Headmaster and and/or President of the School Council will consult with the members of the Executive Team if appropriate and will decide on the action to be taken. In serious cases, the matter will be dealt with under the appropriate laws and appropriate external agencies involved including, but not limited to, the Police.

In the event the Headmaster and/or President of School Council decide not to act on any recommendations made in the report from the Investigating Officer, this must be reported to the School Council. The Investigating Officer's report will be made anonymous and will be provided to the Council as a whole at the next Council meeting.

Persons reporting matters under this Policy should not attempt to investigate the matter independently as doing so may compromise the integrity of an official investigation and put the School and the reporting person at risk.

How is the reporting person kept informed?

The Investigating Officer will normally provide a written response to the reporting person within five working days of the concern being reported (except in the case of anonymous allegations):

- acknowledging that the concern has been received,
- indicating how it is proposed to deal with the matter
- giving an estimate of how long it will take to provide a final response
- advising whether any enquiries have been made and whether further enquiries will take place
- informing the whistleblower of support available whilst matters are looked into (if appropriate)
- maintaining confidentiality wherever possible but also explaining that it may not be possible that you can remain anonymous

For reasons of procedural fairness, including not compromising inquiries or unfairly damaging someone's reputation, the Investigating Officer may not be able to provide much detail to the reporting person during the investigation. However, the Investigating Officer will contact the reporting person regularly and update them as much as possible. If, after the investigation, it is determined not to take any further steps, this will be communicated to the reporting person, endeavouring to explain the reasons why.

Child protection issues

If concerns are raised by or to a staff member under this Policy in relation to a child protection issue, it is open to the staff member to make a direct referral to the Department of Community Services Child Protection Hotline where the staff member suspects on reasonable grounds that the child is at significant risk of harm, either before reporting the concern under this Policy or if the Investigating Officer fails to make the referral after the concern is raised and the staff member remains concerned about the situation.

Abuse of reporting process

All reports made under this Policy must be made in good faith. Abuse of the reporting process will not be tolerated and will be treated as a serious breach of the School's Code of Conduct.

If an allegation is made in good faith but it is not confirmed by further inquiry, it will be closed and no further action taken. If however, the inquiry shows that untrue allegations were malicious and/ or vexatious or made with the aim of personal gain, then disciplinary action will be taken, up to and including dismissal for staff and up to and including suspension or expulsion for students.

Monitoring and training

This Policy will be reviewed by the School Council and monitored at least biennially including to assess its effectiveness in encouraging the reporting of reportable conduct, protection of reporting persons, and investigation of reports.

Education and training about the procedures involved under this Policy will be provided to those involved in managing or investigating disclosures.

The School's community will also be educated and kept informed in relation to the Policy and the protections and procedures contained therein.

Last Updated: 28 July 2015