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In July 2019, Under the Corporation Act 2001 (Cth), corporations operating as Not-for-Profit became subject to complying with legislation and guidelines for Whistleblower protection within their governance and compliance programs. Independent schools and their related commercial entities operate under this legislation.

Shore prides itself on setting high standards in integrity and ethical behaviour in all areas of operation. Shore's policy for Whistleblowing is in place to provide protection to those individuals who make disclosures over wrongdoing within the school. Via the coverage the policy provides they may do so safely and with confidence they will have support and protection during disclosure, investigation and outcome.

#### [What is Whistleblowing in the context of an independent school?](#)

Whistleblowing, in this policy context, relates to the reporting of suspected wrongdoing, unethical or illegal



- Illegal activity, inclusive of conduct of officers and employees – this can mean breaches in activity governed by the Corporations Act 2001 (Cth) or specified financial services legislation or an offence against any law of the Commonwealth punishable by imprisonment of 12 months or more.
- Conduct (of officers or employees) that represents a danger to the public or financial system. Examples of this context could be fraud, unlawful or corrupt use of school or foundation funds, improper accounting or financial reporting practices, systemic practices which poses WHS risks to staff or community safety.

### What is not covered via this policy?

- This policy does not cover disclosure around Child Safeguarding, duty of care or protection matters. If your concerns involve these matters, please refer to the Shore Child Safeguarding Protection suite of policies and procedure or speak with the Child Protection Officer via (02) 9923 2277.
- Whistleblower protection does not extend to employment concerns unless they are directly tied to any of the above circumstances mentioned above. Issues or complaints around employment matters are managed via the Shore Grievance Handling policy and procedure.

### Who are eligible recipients of disclosure?

Shore's Whistleblower procedure, accessible alongside this policy outlines who are the correct contacts for a disclosure under this policy. Please review the procedure and follow the guidelines as you proceed in disclosure.

Under some circumstances, it may appear internal processes and disclosures are not considered appropriate nor effective. The coverage of legislation from the Corporations Act 2001 (Cth) can cover some external or public interest disclosures. It is advised if this is considered to seek independent legal advice around your protection and situation.

What are these types of disclosure –

- External Disclosure – these are made to regulatory bodies such as ASIC, APRA or other appropriate commonwealth appointed authorities
- Public Interest or Emergency Disclosures – those made to a member of parliament or a journalist. (These will only receive Whistleblower protection considerations if previously disclosed to the above-mentioned regulatory authorities.)

As mentioned previously in this policy, there is an associated procedure which Shore have in place which explains the process of lodging your disclosure, the options around where you do so. The procedure outlines how and investigation is conducted and the approximate timelines around this process. You can access this document [here](#) link.

### How are Whistleblowers protected via this policy?

For protection to be afforded to a Whistleblower, the following must be applicable –

- You must be an eligible discloser as defined in this policy
- The matter must be a disclosable matter as defined in this policy
- There must be reasonable grounds for this matter to have been raised
- There has been no engagement in illegal activity or misconduct by yourself in gathering information declared in this disclosure.

The protections which activate under this policy are –

- Confidentiality

The recipient of your report/complaint cannot disclose your identity, or information that is likely to lead to your identification, except: to ASIC, APRA, or a member of the Australian Federal Police; to a legal practitioner; or, with your consent.

Please note, information contained in your complaint may be disclosed without your consent if the disclosure of this information is reasonably necessary to investigate the issues raised. This will be done excluding your identity and the school must ensure all reasonable measures are taken to protect your identity in the process of investigations proceeding.

It is unlawful for a person to identify you or disclose information that may lead to your identification if you have made a report under this Policy.