



## Whistleblower Policy

### 1. Object

- 1.1 Newington College is committed to identifying, investigating and appropriately addressing wrongdoing, and to supporting and protecting people who report wrongdoing.
- 1.2 This object of this policy is to:
- (a) encourage Council members, staff, volunteers, contractors and external education providers to report wrongdoing; and
  - (b) outline the College's approach to managing reports of wrongdoing.

### 2. Application

This policy applies to the College and its Council members, staff, volunteers, contractors and external education providers, for the welfare and benefit of the College and all members of its community.

### 3. Definitions

3.1 In this policy:

<b>bias</b>	means preference or prejudice for or against someone or something.
<b>Chair or Chair of the Council</b>	means the Chair of the Council or their nominee.
<b>College</b>	means Newington College, as represented by the authorised delegates of the Council.
<b>conflict of interests</b>	means a conflict between a person's private or external interests and their duties as a delegate of the College.
<b>corrupt conduct</b>	means the dishonest or partial exercise of official functions by a Council member, staff member, volunteer, contractor or external education provider, including: <ul style="list-style-type: none"><li>• the improper use of knowledge, power, or position for personal gain or the advantage of others;</li><li>• acting dishonestly or unfairly, or breaching public trust;</li><li>• a member of the College community or the public influencing or trying to influence a Council member, staff member, volunteer, contractor or external education provider in a way that is dishonest, biased or breaches public trust.</li></ul>



<b>Council</b>	means the Council of Newington College, established by section 1 of the <i>Newington College Council Act 1922</i> .
<b>Council member</b>	means a member of the Council, elected in accordance with section 9 of the <i>Newington College Council Act 1922</i> .
<b>contractor</b>	means a party engaged by the College pursuant to a contract for services, and includes any sub-contractor to a contractor, and any individual engaged by a contractor or sub-contractor.
<b>external education provider</b>	means any organisation or person that the College has engaged to deliver a specified course of study that is part of the curriculum, to a student or students enrolled at the College. The delivery of such a course may take place on College premises or elsewhere.
<b>reportable conduct</b>	means: <ul style="list-style-type: none"> <li>• any sexual offence or sexual misconduct committed against, with, or in the presence of a child (including a child pornography offence or an offence involving child abuse material), including grooming behaviours;</li> <li>• any assault, ill-treatment or neglect of a child; or</li> <li>• any behaviour that causes psychological harm to a child;</li> </ul> <p>whether or not, in any case, with the consent of the child.</p>
<b>staff or staff member</b>	means the College's permanent, temporary and casual teaching and non-teaching staff.
<b>volunteer</b>	means a person acting on a voluntary basis (irrespective of whether the person is reimbursed for out-of-pocket expenses), and who is not a third party contractor.
<b>whistleblower</b>	means a person who makes a report of wrongdoing in accordance with this policy.
<b>Whistleblower Investigations Officer or WIO</b>	means a person appointed by the Headmaster or Chair of the Council (usually but not necessarily the Deputy Headmaster or Human Resources Manager) to investigate a report of wrongdoing. The role of the WIO is to make findings of fact and determine whether the report of wrongdoing is substantiated. The WIO may be an independent person external to the College.
<b>wrongdoing</b>	means conduct by any Council member, staff member, volunteer, contractor or external education provider in connection with their College duties that is or may constitute: <ul style="list-style-type: none"> <li>• corrupt conduct;</li> <li>• dishonest or unethical conduct;</li> </ul>



- fraudulent conduct;
- unlawful, illegal or criminal conduct, including theft, drug use or sale, violence and threatened violence;
- conduct endangering the health and safety of any person or persons;
- conduct endangering the environment;
- unsafe work practices; or
- serious misconduct; and

any other kind of conduct that may cause loss or damage to the College's interests or reputation.

3.2 A reference in this policy to a code of conduct, policy or procedures is a reference to the code of conduct, policy or procedures as amended or replaced by the College from time to time.

#### 4. Principles

4.1 The College is committed to conducting its operations according to high standards of ethical conduct, and will not tolerate any form of wrongdoing.

4.2 The College will support whistleblowers, and will:

- protect their identity wherever possible and appropriate;
- protect them from victimisation or detrimental action as a consequence of making a report;
- manage reports thoroughly and impartially, and conduct investigations when appropriate; and
- inform whistleblowers of the outcome of any investigation.

4.3 The College will take appropriate action to address any wrongdoing that is discovered.

4.4 The College will take disciplinary action against any person who is found to have engaged in substantiated wrongdoing.

#### 5. Reporting wrongdoing

5.1 Council members and staff are expected to report anything that they consider to be wrongdoing within the College.

5.2 Any of the following may also make reports of wrongdoing:

- former Council members and staff;
- volunteers;
- contractors; and
- external education providers.

5.3 If it is appropriate, whistleblowers are encouraged in the first instance to report the matter to their supervisor, who will report the matter to the Human Resources Manager or the Headmaster, as appropriate.

- 5.4 Whistleblowers who do not feel comfortable speaking with their supervisor, or where reporting to a supervisor is not appropriate, should contact the Human Resources Manager, who will (if they are appointed by the Headmaster as WIO) conduct an investigation or refer the matter to another WIO.
- 5.5 If the Headmaster is accused of wrongdoing or has a conflict of interests, the Chair of the Council will appoint a WIO and will perform the functions of the Headmaster under this policy.
- 5.6 Reportable conduct must be reported to the Headmaster in accordance with the College's **Reportable Conduct Procedures**.
- 5.7 Personal concerns, complaints and grievances about employment related issues, such as interpersonal conflicts, transfer, promotion or disciplinary action, should be made in accordance with the College's **Staff Complaints and Grievances Policy and Procedures**.

## 6. Investigation

- 6.1 A WIO who is nominated to conduct an investigation into a report of wrongdoing may determine their own procedures, but must conduct the investigation in accordance with the principles set out in this policy.
- 6.2 Investigations into alleged serious misconduct by staff must be conducted in accordance with the College's **Staff Discipline Policy and Procedures** and any relevant contractual or industrial requirements.
- 6.3 At the conclusion of the investigation, the WIO will provide the Headmaster with a written report that sets out their findings of fact (with written reasons), and make recommendations for addressing any substantiated wrongdoing.
- 6.4 The Headmaster will take the investigation report and any other relevant considerations into account when deciding how to respond to the alleged wrongdoing. The Headmaster may decide, as appropriate, to:
  - (a) take no further action;
  - (b) issue a warning to a staff member, volunteer, contractor or external education provider;
  - (c) require a staff member, volunteer, contractor or external education provider to undertake counselling or training;
  - (d) take disciplinary action, including (as relevant) suspension, expulsion, termination of employment or termination of contract; and/or
  - (e) take any other action the Headmaster considers is appropriate in the circumstances.
- 6.5 The Headmaster or the Human Resources Manager will inform the whistleblower and the person accused of wrongdoing of the outcome of the investigation.
- 6.6 Subject to clause 10, the College will keep a confidential record of the outcome of the investigation.

## 7. Opportunity to be heard

- 7.1 The WIO will ask the whistleblower to describe the issues outlined in their report of wrongdoing in detail, and to provide any documents relevant to the report.
- 7.2 The investigator will:
  - (a) provide the person accused of wrongdoing with sufficient detail to ensure that they understand what is alleged; and

- (b) ensure that the person accused of wrongdoing has a reasonable period of time in which to respond to the alleged wrongdoing and any relevant information, and to provide any relevant documents.

7.3 The whistleblower and the person accused of wrongdoing will be permitted to bring a support person to any meeting with the WIO.

## 8. Timeliness

8.1 The College will address reports of wrongdoing in a timely manner. It will inform all parties in writing of the reasons for any delay, and of the projected timeframe for responding to the report.

8.2 The WIO will take reasonable steps to conduct the investigation as promptly as possible. The WIO will inform all parties in writing of the reasons for any delay, and of the projected timeframe for finalisation of the investigation.

## 9. Impartiality

9.1 The College will respond to reports of wrongdoing in a manner that is free from actual or reasonably perceived bias and conflicts of interest.

9.2 A WIO must not have an actual or reasonably perceived conflict of interests or bias in regard to any of the parties, or the report's subject matter.

## 10. Confidentiality and anonymity

10.1 The College will protect the anonymity of whistleblowers as far as is practicable in the circumstances.

10.2 Where it is not possible or appropriate to maintain the anonymity of the whistleblower, they may request an alternative form of protection, such as leave. The Headmaster will carefully consider the nature of the alleged wrongdoing and determine whether to grant such protection.

10.3 The College will keep information about a report of wrongdoing confidential, except where the disclosure of information is necessary to:

- (a) obtain a response from the person accused of wrongdoing;
- (b) conduct an investigation;
- (c) ensure the safety and wellbeing of students, staff, volunteers, contractors, external education providers, visitors to the College and members of the public; or
- (d) meet the College's legal obligations.

10.4 Subject to clauses 10.5 and 10.6, whistleblowers and persons accused of wrongdoing must keep confidential:

- (a) the fact that a report of wrongdoing has been made;
- (b) the identity of the whistleblower, the person accused of wrongdoing and participants in any investigation;
- (c) the information provided or collected during any investigation; and
- (d) the outcome of any investigation.

10.5 Whistleblowers may disclose the information in clause 10.2 in order to:

5

- (a) report a crime;
- (b) report a child protection issue to the NSW Department of Family and Community Services; or
- (c) report wrongdoing to an appropriate external authority.

10.6 Whistleblowers and persons accused of wrongdoing may disclose the information in clause 10.2 to obtain support or advice from:

- (a) their immediate family members;
- (b) a qualified counsellor or psychologist;
- (c) their union representative or lawyer; or
- (d) the Police.

## 11. Protection for whistleblowers

11.1 The College does not tolerate victimisation of whistleblowers.

11.2 A person must not victimise or otherwise subject a person to detrimental action as a consequence of that person:

- (a) making a report of wrongdoing;
- (b) providing information about a report of wrongdoing; or
- (c) supporting a person who has made a report of wrongdoing.

11.3 A whistleblower who believes that they or their associates have been or may be victimised should immediately report their concern to the WIO.

11.4 Victimisation may result in disciplinary action by the College, including (as relevant) suspension, expulsion, termination of employment or termination of contract.

11.5 The College may take disciplinary action against a whistleblower who is found to have engaged in conduct that constitutes wrongdoing.

## 12. Vexatious reports

12.1 Reports should be factually accurate, based on first-hand knowledge or experience, free from bias (or disclose any potential bias) and without material omission.

12.2 The College does not tolerate vexatious or malicious reports of wrongdoing.

12.3 A person must not make a vexatious or malicious report of wrongdoing.

12.4 For the purposes of this policy, a report will be considered vexatious or malicious if the person makes it:

- (a) knowing it to be false; and
- (b) for the primary purpose of damaging the College or the person against whom the complaint is made.

12.5 Making a vexatious report may result in disciplinary action by the College, including (as relevant) suspension, termination of employment or termination of contract.

### 13. Disciplinary action

- 13.1 The Headmaster may take disciplinary action against any staff member who breaches this policy including, in the case of serious breaches, dismissal.
- 13.2 The Council may take disciplinary action against any Council member who breaches this policy including, in the case of serious breaches, termination of their appointment.
- 13.3 The College may take disciplinary action against any volunteer, contractor or external education provider who breaches this policy.

### 14. Record keeping

- 14.1 All records collected, generated or used in accordance with this policy will be stored confidentially in a secure location, in accordance with the College's [Privacy Policy](#).
- 14.2 Subject to the College's legal obligations, access to information about a report of wrongdoing will be restricted to College staff that have a need to access and use the information in order to meet their responsibilities under this policy.
- 14.3 Nothing in this policy prevents the College from obtaining such internal or external professional or legal advice as the College considers necessary to respond to or manage a report.

### Notes

#### Whistleblower Policy

- Date approved: 5 August 2021
- Date commenced: 24 January 2022
- Date amended: 21 August 2023 (Non-substantive amendments)
- Related documents: [Privacy Policy](#)  
[Staff Complaints and Grievances Policy and Procedures](#)  
[Staff Discipline Policy and Procedures](#)  
[Reportable Conduct Procedures](#)