



Whistleblower Policy

Essential Information

What to report?	Actual or reasonably suspected wrongdoing in relation to the Specialised Assistance School for Youth
Why report?	So that we can investigate and address wrongdoing
How to report?	Contact our Whistleblower Officer: David Martin Deputy Chair 0417 810 932 David.Martin@finlaysons.com.au
What we will do?	<ul style="list-style-type: none"> • Access your disclosure for appropriate action, including commencing an investigation • Protect your identity • Protect you from detriment – although our ability to do this will be greater for current employees than for whistleblowers outside the School
What you need to know?	You may be entitled to legal protections under the Corporations Act 2001 (Cth), as detailed in this Policy
What you should do if you are considering making a report?	Read this Policy
Who you can speak to about this policy and our procedure?	Speak to one of our Whistleblower Officers

1. Introduction

The **Specialised Assistance School for Youth** is committed to ethical behaviour that is aligned with our values and complies with all relevant laws. The disclosure of actual or reasonably suspected wrongdoing is a key element in maintaining our ethical culture.

We recognise that people who have a work, service or customer relationship with the School are often best placed to identify illegal or other undesirable conduct.

We are committed to providing a supportive environment for any person making a whistleblower disclosure, including protecting whistleblowers' identities and we will always strive to ensure that every whistleblower, their colleagues or relatives are protected from detriment as a result of blowing the whistle. This includes protection from dismissal or demotion, any form of reprisal including retaliation, harassment or victimisation.

The School has documented and implemented a detailed Whistleblower Program, that is available to the Board of Directors, Executive Leadership Team and all staff (teaching and non-teaching). Our Whistleblower Program documents our whistleblowing governance mechanisms.

2. Policy Objectives

The objectives of this Policy are to:

- deter wrongdoing
- encourage and enable individuals to disclose actual and suspected wrongdoing knowing that their concerns will be taken seriously and investigated
- describe clearly the process for making a whistleblower disclosure, the types of matters that should be reported and the support and protections available to whistleblowers
- describe clearly the processes the School follows for receiving, managing and appropriately investigating whistleblower disclosures in a timely and effective way that supports and protects the whistleblower (including protecting their identity and protecting them from detriment)
- outline how the School manages persons named in whistleblower disclosures and the secure storage of the information provided and gathered.
- meet the requirements of and give effect to the whistleblower legislation protection provisions in the Corporations Act 2001 (Cth) (Corporations Act) and the regulatory guidance set out in the Australian Securities and Investments Commission (ASIC) Regulatory Guide 270 Whistleblower Policies.

3. Policy Scope

Our Whistleblower Program, including this Policy, has been designed to describe how we manage whistleblower disclosures from any current or former:

- directors and other officers of **Specialised Assistance School for Youth**
- employees, which includes:
 - members of the Executive Leadership Team
 - permanent, part-time and casual staff (teaching and non-teaching)
- suppliers of services or goods, including their employees, volunteers and contractors
- volunteers
- contractors
- parents and carers
- students
- other key stakeholders.

It is important to note that the protections available to whistleblowers under the Corporations Act only apply to “Eligible Whistleblowers”. For more information about who are Eligible Whistleblowers, refer to section 5 of this Policy: Whistleblower Support and Protection.

Part IVD of the Taxation Administration Act 1953 (Cth) (Taxation Act) provides corresponding protections to Eligible Whistleblowers for disclosures that relate to an entity’s tax affairs. Information about tax whistleblowers is published on the Australian Taxation Office website. References throughout this Policy to the Corporations Act whistleblower protections are also a reference to the whistleblower protections under the Taxation Act. It should be noted that there are differences between the two whistleblower protection regimes with respect to who may make a disclosure, to whom a disclosure may be made and what is a disclosable matter.

4. Types of Conduct to be Reported

You should only report actual or suspected wrongdoing that you have reasonable grounds to suspect has occurred or will occur and that you consider cannot reasonably be managed through our existing internal reporting procedures.

Examples of wrongdoing that may be reportable include:

- dishonest and/or unethical conduct
- fraud, forgery, misappropriation, misuse, misdirection, misapplication, maladministration or waste of funds
- gross mismanagement
- grooming and/or child abuse that is not reported or not managed appropriately
- conflicts of interest that are not declared or managed appropriately, nepotism, favouritism
- theft, embezzlement, tax evasion
- corruption, taking or offering bribes or secret commissions
- dishonesty involving influence, such as blackmail
- coercion, harassment or discrimination by, or affecting, any of our staff, volunteers or contractors
- assault
- abuse of public trust
- misleading or deceptive conduct of any kind, including conduct or representations that amount to improper or misleading accounting or financial reporting practices by or affecting the School
- other criminally prosecutable offences
- failure to report, or concealment of, an indictable offence
- conduct that poses an unreasonable danger to health or safety of others
- failure to act in accordance with applicable professional and ethical standards
- a significant threat to the environment
- significant breach of the terms of any contract that binds the School
- other serious acts such as refusing to carry out lawful and/or reasonable actions under a contract
- other misconduct that may materially damage the School’s reputation, or may otherwise be detrimental to the School
- any other act that would otherwise be considered, by a reasonable person, to be serious improper conduct, or an improper state of affairs, or circumstances.

Wrongdoing would also include a deliberate attempt to conceal any of the actions described above.

You should not use the whistleblower service to report a personal work-related grievance or a complaint, not amounting to misconduct, that could be effectively managed through our existing internal reporting procedures.

Do not use the whistleblower service to disclose a matter you know to be false.

It is important to note that the protections available to whistleblowers under the Corporations Act do not apply to disclosures that do not qualify for protection. For more information refer to section 5: Whistleblower Support and Protection - Eligibility for Protections Under the Corporations Act.

5. How to Make a Whistleblower Disclosure

You can submit a whistleblower disclosure directly to the following Whistleblower Officer:

<p>David Martin Deputy Chair 0417 810 932 David.Martin@finlaysons.com.au</p>

You may provide a whistleblower disclosure anonymously, you may also provide non-identifying contact details when you make a disclosure. Depending on the method you use to contact a Whistleblower Officer to make an anonymous disclosure, we may not be able to contact you if we need further information from you, which may make it more difficult for us to investigate your disclosure and we may not be able to advise you of the outcome of the investigation.

If you provide your identity, this will help us to oversee your wellbeing.

You should not use the whistleblower service to report a personal work-related grievance or a complaint about a matter, not amounting to misconduct, that could be effectively managed through our existing internal reporting procedures. Do not use the whistleblower service to disclose a matter you know to be false.

You may also provide a whistleblower disclosure to one of the other Eligible Recipients who are designated under the Corporations Act. For more information refer to section 5: Whistleblower Support and Protection - Eligibility for Protections Under the Corporations Act.

Information to Provide in a Whistleblower Disclosure

For a whistleblower disclosure to be investigated it must contain enough information to form a reasonable basis for investigation. This includes any known details about the events underlying the actual or suspected wrongdoing, including:

- a description of the events or activities, including locations
- the names of the people involved and their roles
- relevant dates and times
- possible witnesses to the events
- supporting documentary evidence of the events.

In your disclosure, include any steps you may already have taken to report the matter elsewhere or to resolve the concerns.

6. Whistleblower Support and Protection

We are committed to providing a supportive environment for any person making a whistleblower disclosure and we will always strive to ensure that every whistleblower is protected from detriment as a result of blowing the whistle. This includes protection from dismissal or demotion, any form of reprisal including retaliation, harassment or victimisation.

In addition, the Corporations Act provides certain protections for whistleblowers in certain circumstances.

Eligibility for Protections Under the Corporations Act

In order to be eligible for the protections available under the Corporations Act the whistleblower disclosure must:

- be made by an Eligible Whistleblower in relation to a Regulated Entity;
- contain information about a disclosable matter; and
- be made directly to an Eligible Recipient, or to a designated authority such as ASIC, the Australian Prudential Regulation Authority (APRA), or a prescribed Commonwealth authority, or to a legal practitioner for the purpose of obtaining legal advice or legal representation in relation to the whistleblower protection provisions in the Corporations Act.

The Corporations Act also specifically protects “public interest disclosures” and “emergency disclosures”.

All directors and other officers, employees, and suppliers of services and goods (whether paid or unpaid) (as well as their relatives and dependants, and the dependants of their spouses) are Eligible Whistleblowers. Students, parents, carers and other key stakeholders are not Eligible Whistleblowers, unless they fit into one of the categories noted above. This doesn't preclude students, parents and carers from making a whistleblower disclosure, but they may not be afforded the protections under the Corporations Act.

A whistleblower disclosure will be a disclosable matter where the whistleblower has reasonable grounds to suspect that the information reported concerns misconduct, or an improper state of affairs or circumstances, in relation to the School. This includes circumstances where the conduct concerned constitutes an offence under the Corporations Act or constitutes an offence that is punishable by imprisonment for a period of 12 months or more, or represents a danger to the public or the financial system.

While a disclosable matter does not necessarily involve a contravention of a particular law, it would not likely include, for example, an isolated compliance breach that does not amount to misconduct. A whistleblower disclosure that qualifies for protection will be protected, even if the disclosure turns out to be incorrect.

If a disclosure does not meet the threshold of a disclosable matter, it will not qualify for protections under the Corporations Act but it may be referred to another department or staff member to be managed appropriately.

Disclosable matters exclude personal work-related grievances; defined as a grievance about a matter that relates to the whistleblower's employment or former employment and has implications for them personally. Examples are:

- an interpersonal conflict between the whistleblower and another employee
- a decision relating to the engagement, transfer or promotion of the whistleblower
- a decision to suspend or terminate the whistleblower's engagement, or otherwise discipline the whistleblower.

Where a disclosure about a personal work-related grievance has serious implications for the School, however, it may still qualify for protection. For example:

- it includes information about a disclosable matter
- the whistleblower has experienced or been threatened with detriment for making a disclosure.

If your disclosure relates to a personal work-related grievance that does not have significant implications for the School, you should use our Internal Grievance Procedures. You should contact Nic Pellegrini for more information.

The protections provided under the Corporations Act only apply to disclosures made to an Eligible Recipient. An Eligible Recipient in relation to the School are our Whistleblower Officers, a director or other officer, senior manager, auditor or member of an audit team conducting an audit of Specialised Assistance School for Youth.

The Corporations Act protections also apply to Eligible Whistleblowers who make a disclosure about a disclosable matter directly to ASIC or APRA, or another prescribed Commonwealth authority.

The Corporations Act also specifically protects “public interest disclosures” and “emergency disclosures” that are made to a journalist or Member of Parliament following a previous disclosure to ASIC, APRA or another prescribed Commonwealth authority. In the case of public interest disclosures, at least 90 days must have passed since the previous disclosure was made.

It is important to understand the criteria for making a public interest or emergency disclosure, including the requirement to provide written notice to the authority to whom the previous disclosure was made. It is recommended that, before making a public interest or emergency disclosure, you contact an independent legal adviser.

Should you have any doubt as to whether your disclosure qualifies for protection under the Corporations Act you should seek independent legal advice before making the disclosure. The protections of the Corporations Act also apply to disclosures made to a legal practitioner for the purposes of obtaining legal advice or legal representation in relation to the operation of the whistleblower provisions, even if the legal practitioner concludes that the disclosure does not relate to a disclosable matter.

Anonymity and Confidentiality

Specialised Assistance School for Youth will, as far as reasonably possible, provide to whistleblowers the ability to make a disclosure anonymously and will take all reasonable steps to reduce the risk that the whistleblower will be identified as a result of the investigation of their disclosure.

Where a whistleblower’s identity is, or becomes known, that information will remain strictly confidential and only disclosed to the extent permitted and as required.

The Corporations Act requires a whistleblower’s identity or information that is likely to lead to the identification of a whistleblower to be kept confidential unless its disclosure is authorised. A person who makes an unauthorised disclosure of a whistleblower’s identity or information that is likely to lead to the identification of a whistleblower will contravene the Corporations Act.

Disclosure of a whistleblower’s identity or information that is likely to lead to identification of a whistleblower is authorised if one of the following applies:

- the whistleblower consents to the disclosure of their identity;

- the disclosure is made to ASIC, APRA or the Australian Federal Police;
- the disclosure is made to a legal practitioner for the purpose of obtaining legal advice or legal representation in relation to the operation of whistleblower laws contained in the Corporations Act.

A person does not contravene the Corporations Act if they disclose information that is likely to lead to the whistleblower being identified where that information is reasonably necessary for investigating the whistleblower disclosure and all reasonable steps have been taken to reduce the risk that the whistleblower will be identified.

Protection from Retaliation, Harassment or Victimization

Our commitment to ensuring the highest standards of ethical conduct within the School includes creating and maintaining a “speak-up culture”, where all staff are encouraged to identify issues in the workplace and participate in resolving them. This includes “speaking up” through our existing internal reporting procedures including our Internal Grievance Policy, Complaints Handling Program and Child Protection Program.

We do not tolerate reprisals or adverse action being taken against whistleblowers for reporting actual or suspected wrongdoing, including when suspicions are not substantiated following a thorough investigation.

We take steps to promote awareness to all staff of their responsibilities to treat their colleagues and stakeholders with respect, and never to engage in behaviour that is discriminatory or that characterises bullying or harassment. These responsibilities encompass acknowledging that reporting actual or suspected wrongdoing is integral to an ethical culture, and nobody who reports actual or suspected wrongdoing should experience detriment as a result.

If a whistleblower provides their identity when they make a whistleblower disclosure, or if an anonymous whistleblower’s identity becomes known, the Whistleblower Officer assigned to the case will proactively monitor the workplace for signs of retaliation, harassment or victimisation and intervene when necessary.

It is a criminal offence if a person engages in conduct that causes detriment to another person in circumstances where the first person believes or suspects that the second person, or any other person made, may have made, proposes to make, or could make, a whistleblower disclosure that qualifies for protection under the Corporations Act and the belief or suspicion of the first person is the reason, or part of the reason, for the conduct.

Detriment is a defined term under the Corporations Act and includes:

- dismissal of an employee or injury in their employment
- alteration of an employee’s position or duties to their disadvantage
- discrimination between an employee and other employees of the same employer
- harassment or intimidation, harm or injury to a person, including psychological harm
- damage to a person’s property, reputation, business, financial position, or other damage to the person

Detrimental conduct does not include taking reasonable administrative action to protect a whistleblower from detriment, such as relocating a whistleblower who has made a disclosure about their immediate work area. In circumstances such as these, the Whistleblower Officer will explain the reasons for taking this action.

A whistleblower who experiences or is threatened with detrimental conduct should immediately report it to their Whistleblower Officer. Any such conduct will be treated as serious misconduct and the perpetrator will be subject to disciplinary action. The whistleblower may also contact ASIC if they believe they have suffered detriment.

The School may not be able to extend the full level of protections and support to whistleblowers who are not current directors or employees.

Whistleblower Not Subject to Liability for Making the Disclosure

The Corporations Act provides that where a whistleblower disclosure qualifies for protection:

- a whistleblower is not subject to any
 - civil liability, such as action for breach of employment contract, duty of confidentiality or other contractual obligation
 - criminal liability, such as attempted prosecution for unlawful release of information, other than for making a false disclosure or
 - administrative liability, including disciplinary action for making the disclosure
- no contractual or other remedy may be enforced, and no contractual or other right may be exercised, against the discloser on the basis of the whistleblower disclosure
- if the disclosure was made to ASIC, APRA or a prescribed Commonwealth authority, the information contained in the disclosure is not admissible in evidence against the whistleblower in criminal proceedings, or in proceedings for the imposition of a penalty, other than proceedings in respect of the falsity of the information.

It is important to note that, except for the third set of circumstances set out above, the Corporations Act does not prevent the whistleblower being subject to any civil, criminal or administrative liability for conduct of the whistleblower that is disclosed in the whistleblower disclosure.

Remedies Available for a Breach of Confidentiality or Protection

A whistleblower may be entitled to seek civil damages for loss, damage or injury suffered, even if no criminal prosecution for victimisation has been, can be, or will be brought.

A court may make an order for compensation to be paid by a person or company (including Specialised Assistance School for Youth) (the first person) who engages in or threatens detrimental conduct, relating to a qualifying disclosure, that causes any detriment to another person (the second person), and the second person suffers loss, damage or injury as a result of the detrimental conduct. A company may be ordered to pay compensation where it is under a duty to take reasonable steps to prevent the detrimental conduct occurring, and it fails in that duty. A court may also order other remedies.

Internal Disciplinary Action

To promote a culture that encourages whistleblower disclosures it is the School's policy that where a whistleblower has been involved in the wrongdoing but has not engaged in serious misconduct or illegal activity, the whistleblower may not, at the discretion of the Board of Directors be subject to internal disciplinary proceedings that may have otherwise arisen from the matters that are the subject of the whistleblower disclosure.

7. Receiving and Investigating a Whistleblower Disclosure

When a disclosure of wrongdoing is received the Whistleblower Officer will assess the disclosure, as a matter of priority, to determine whether it qualifies for protection under the Corporations Act and the nature and

extent of the investigation that may be required, including timeframes that will allow the investigation to be conducted both thoroughly and with expediency.

Where a whistleblower's identity is, or becomes known or non-identifying contact details have been provided, the Whistleblower Officer will discuss with the whistleblower the issue of confidentiality, the degree of risk that their identity may become known and the risk that they may experience detriment. The Whistleblower Officer will also discuss support services that may be available and strategies for minimising and managing stress and other challenges resulting from their disclosure.

A whistleblower can choose to remain anonymous while making a disclosure, over the course of the investigation and after the investigation is finalised. Where the non-identifying contact is maintained during the investigation of the disclosure, they may choose not to answer any further questions posed if they are concerned it will lead to their identity being revealed. However, this may compromise the thoroughness of the investigation.

Whistleblower Investigation Officers are assigned on a case-by-case basis depending on the particular circumstances of the whistleblower disclosure.

The Whistleblower Officer will act independently of the Whistleblower Investigation Officer and focus on the protection of the whistleblower during the investigation.

Whistleblower Investigation Officers will be provided reasonable access to independent specialist advice if required and all directors, staff members, volunteers and contractors at the School will be required to provide any assistance required to the Whistleblower Investigation Officer.

The Whistleblower Investigation Officers will, as far as reasonably possible, follow best practice in investigations including ensuring that all reports of suspected wrongdoing that are determined to require investigation are investigated in a way that adheres to the principles of objectivity, procedural fairness, confidentiality and natural justice. This includes providing fair treatment to people who have been mentioned in a report of actual or suspected wrongdoing, by informing of the substance of statements that have been made about them and giving them a reasonable opportunity to respond. It also includes informing them of the substance of any adverse findings by the Whistleblower Investigation Officer and providing the opportunity to have their response to any allegations set out fairly in the Whistleblower Investigation Officer's report.

All information and documents relevant to the investigation will be stored securely.

8. Provision of Feedback

If the whistleblower's identity is known, or they can be contacted through anonymous channels, where possible the School will provide feedback to the whistleblower during the course of the investigation in a way that does not compromise the confidentiality of their identity. The frequency and timeframes for providing feedback will vary according to the nature of the disclosure and the investigation.

The whistleblower will be informed of the outcome of an investigation, where appropriate, and in particular:

- if the whistleblower's concern was substantiated, the action that has been taken or will be taken to address the issues
- if the whistleblower's concern was not substantiated, then that no further action will be taken unless further information becomes available.

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