



MELBOURNE  
RUDOLF STEINER  
SCHOOL

# WHISTLEBLOWER POLICY AND PROCEDURES

For current and former contractors, suppliers, volunteers,  
directors, employees and their relatives.

MRSS is committed to conducting school activities and organisational operations with honesty and integrity. We foster a culture of openness, accountability and transparency, and hope to minimise and prevent unethical or organisational misconduct within our school.

*December 2022*

# WHISTLEBLOWER POLICY AND PROCEDURES

December 2022

Melbourne Rudolf Steiner School (MRSS) is committed to conducting its school activities and organisational operations with honesty and integrity. MRSS expects everyone associated with the school to behave and conduct themselves with this impulse. The school fosters a culture of openness, accountability and transparency, and hopes to minimise and prevent unethical or organisational misconduct within the school.

Under the *Corporations Act 2001* (Cth), schools including MRSS have a legal duty to protect whistleblowers.

A whistleblower is someone associated with the school (such as current and former contractors, suppliers, volunteers, directors and employees, as well as their relatives) who discloses information in circumstances where they have 'reasonable grounds to suspect that the information concerns misconduct, or an improper state of affairs or circumstances' in relation to the school. (*Corporations Act 2001* (Cth) s 1317AA(4))

If a person associated with MRSS knows or suspects an individual employed by MRSS is engaging in corrupt, damaging, illegal or fraudulent activities or behaviour, the person should disclose the wrongdoing as soon as they can. The whistleblower should feel safe to disclose the wrongdoing without fear, intimidation or disadvantage to themselves or their position.

The aims of this policy are:

- To ensure any whistleblower disclosure is taken seriously and investigated
- To ensure that the whistleblower is protected to disclose wrongdoing without intimidation, disadvantage, or disclosure of their identity
- To provide whistleblowers with clear guidance on who is an eligible whistleblower and how and to whom to disclose the wrongdoing
- To foster and promote a school culture that is transparent and ethical
- To provide a framework for MRSS to meet its legal responsibility to whistleblowers
- To protect the school from misconduct within the organisation
- To provide an internal mechanism for reporting, investigating and remedying any wrongdoing

## Who Does This Policy Concern

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### ELIGIBLE DISCLOSERS (WHISTLEBLOWERS)

Individuals who are eligible via this policy to disclose wrongdoing (whistleblowers) are:

- Current and former employees and their spouse, partner, child, or family member
- Directors (Board Members)
- Casual Relief Teacher's (CRTS)

- Volunteers

Third party providers the school appoints such as:

- Suppliers
- Contractors
- Service Providers
- Consultants.

## **ELIGIBLE MRSS RECIPIENTS OF WHISTLEBLOWER DISCLOSURES**

The nominated people below are eligible whistleblower recipients:

- Members of the Administration Group
- Directors (Board Members)
- Australian Prudential Regulation Authority (APRA)
- Australian Securities & Investments Commission (ASIC)

## **NON-ELIGIBLE WHISTLEBLOWERS**

### **Parents and Students**

Whistleblowing protections do not extend to parents or students. Concerns and allegations of misconduct or improper behaviour raised by parents or students should be dealt with using the school's avenue of communication protocols, "Who can I talk to if I have a concern", "Complaints and Grievances Policy".

### **Employees with Personal or Professional Grievances**

Personal or professional grievances made by employees are not included within the definition of a protected whistleblowing disclosure. These should be dealt with using the school's "Complaints and Grievances" policy and procedures.

### **Other Policies**

If the matter to report is in regard to: child safety, mandatory reporting, anti-bullying, behaviour management, student, or parent or staff code of conduct, then the specific policy and procedures directly relating to the matter at hand will be followed.

## **What Can I Disclose Under the Whistleblower Policy**

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The whistleblower should immediately contact an eligible recipient if they believe that an individual involved with the school has engaged in conduct which:

- is dishonest, fraudulent or corrupt
- is illegal
- is unethical or in breach of the school's policies
- is potentially damaging to the school, a school employee or third party
- amounts to abuse of authority

- may cause financial loss to the school or damage to reputation or be otherwise detrimental to the school's interests
- may cause serious harm to public health, safety or environment or the health and safety of any employee of the school, contractor, parent, or student
- involves any other kind of serious impropriety

## How Do I Disclose the Wrongdoing?

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The eligible whistleblower should immediately disclose the wrongdoing, via hard copy, email or telephone to one of the eligible recipients listed above. This can be done confidentially or anonymously.

Hard copy

1. Letter addressed to the eligible recipient marked private and confidential Attn: Whistleblower eligible recipient MRSS, 213 Wonga Rd, Warranwood Vic Aust 3134 Telephone 03 9876 2633
2. Email: Whistleblower eligible recipient office@mrss.vic.edu.au
3. Director (Board Member) or nominated person, Name; Telephone number: ASIC or APRA
4. Through a lawyer, for the purpose of obtaining legal advice or legal representation about the whistleblower protections.

## Whistleblower Confidentiality, Consent and Rights

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All whistleblowers have the right to stay anonymous throughout the entire investigation of the report. MRSS will do everything reasonable to keep the identity of the whistleblower protected and make every reasonable effort not to disclose information that will be shared that could lead to disclosure of the whistleblower's identity.

At any given time, the whistleblower can disclose their identity in which the school will take all possible reasonable steps to protect the whistleblower from any ramifications of the disclosure.

Any information shared externally with other organisations and professional bodies, or third parties will have the whistleblowers prior consent.

Whilst the whistleblower has whistleblower protection for disclosing genuine actual or perceived wrong doings, the protection does not extend to whistleblowers who make false allegations which are malicious, vexatious or for personal gain. The school would see this as an offence against the school and may take disciplinary / legal action and / or terminate the employment or contracts at the schools discretion.

## Procedures for Following up the Whistleblower Report

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The recipient of the report will acknowledge receipt of the report to the whistleblower, where possible.

The whistleblower is required to treat any information about the investigation as strictly confidential.

The eligible recipient will document the suspected misconduct and treat the report with appropriate urgency.

The eligible recipient of the report will inform, at a minimum, one other approved whistleblower recipient from MRSS, unless there is a conflict of interest.

These eligible recipients will perform the investigation and work out a likely course of action. In some cases, the school may appoint third parties with relevant experience of investigations or specialist knowledge of the subject matter if deemed necessary.

The investigators will objectively look for evidence that either confirms or refutes the report made by the whistleblower.

The Director (Board Members) will be notified if deemed appropriate and if there is no conflict of interest with those members.

The employee/s who the report is made against may be notified in writing if deemed appropriate at the school's discretion depending on the nature of the report. If the school deems fit to do so it may request that the employee/s be assigned alternate duties or be put on leave at full pay until the investigation is complete.

Following the investigation, the investigators will report back to the Admin Group and following the discussion a finding will be made. Based on this finding, Admin Group will decide upon any action that may be necessary and a timeline for this action.

Any matters that must be reported to the police or other legal authorities will be done so as soon as possible after the school has evidence or strong confidence that the report is true.

The investigators will document all evidence and their decision, outcomes and their actions which may include:

- Reporting the matter to police or other authorities or governing bodies
- Reviewing the policies and procedures around the identified matter at hand to ensure there would not be a reoccurrence.
- Requiring the wrongdoer to partake in professional development
- Disciplinary action against the wrongdoer may be taken by the school
- Recovery of funds or items
- The accused wrongdoer may have their employment terminated at the discretion of the school if the report is confirmed.

The whistleblower will then be informed about the outcome.

The whistleblower will be protected under the whistleblower protection by the school as much as reasonably possible and should not be adversely affected in any way as a result of disclosing the wrongdoing including intimidation, fear from the school or staff members.

All notes, documents, and material relevant to the disclosure of wrongdoing will be kept together in a file and stored securely.

Outcomes of this finding will only be communicated to staff, student or parent body if it effects the operations of the school, and the school sees it as necessary. This decision will be at the school's discretion.

Any internal reporting obligations will be followed and documented.

The school cannot always guarantee the outcome a whistleblower is seeking, the school will try to deal with the disclosure fairly and in an appropriate way.

If the whistleblower is not happy with the way in which their concern has been handled, they can raise it with ASIC / APRA?

## External Disclosure

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The intention of this policy is to provide an internal mechanism for reporting, investigating, and remedying any wrongdoing in the workplace and in how the school operates. In most cases, the whistleblower should not find it necessary to alert anyone externally. There may be some exceptional circumstances where it is appropriate for the whistleblower to report their concerns to a third party or external body. It would be very rarely, if ever, appropriate to report to the media.

We strongly encourage the whistleblower to contact an eligible recipient from MRSS or seek legal advice before reporting a concern to anyone externally as you may not be protected as a whistleblower by law. The school aims to encourage openness and will support those who raise genuine concerns under this policy, even if they turn out to be mistaken.

## Whistleblower Support Information and Fact Sheet

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Australian Securities and Investments Commission (ASIC)

<https://asic.gov.au/about-asic/contact-us/how-to-complain/whistleblower-protections/>

<https://asic.gov.au/about-asic/asic-investigations-and-enforcement/whistleblowing/whistleblower-rights-and-protections/>

## Review and Accessibility

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All MRSS staff are responsible for the success of this policy and are invited to comment on this policy and suggest ways in which it might be improved. The policy will be reviewed by the College of Teachers every two years. The policy will be made available in the staff handbook, in the school S drive under Policy and Procedures and on the school website.

## Related Policies

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- Code of Conduct (Student, Parent and Staff)
- Complaints and Grievances