



KOROWAL SCHOOL
Human-centred education • Kindergarten to HSC

KOROWAL SCHOOL LIMITED
PROTECTED DISCLOSURES POLICY
& PROCEDURE

SEE SOMETHING. SAY SOMETHING.

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1. DOCUMENT CONTROL

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2. POLICY STATEMENT

Korowal is committed to the highest standards of moral, ethical and legal behaviour and seeks to create, maintain and nurture positive partnerships with all members of our community. This includes an open environment in which students, parents, staff and others are able to raise concerns regarding actual or suspected undesirable, unethical or unlawful conduct. Korowal will not tolerate, and encourages the reporting of, current or historical serious wrongdoing.

Korowal recognises that any genuine commitment to detecting and preventing undesirable or illegal conduct must include a mechanism whereby students, parents, staff and others are able to report their concerns freely and without fear of reprisal, victimisation, or intimidation. The Protected Disclosures Policy and Procedure (the Policy) provides such a mechanism and encourages the reporting of such conduct.

3. PURPOSE

The purpose of this Policy is to:

- Encourage students, parents, staff and others to report an issue if they genuinely believe a person or persons have breached Korowal’s Code of Conduct, policies or the law.
- Demonstrate Korowal’s commitment to an open environment and outline the process for managing matters of wrongdoing and misconduct.
- Protect individuals who, in good faith, report wrongdoing which they reasonably believe to be corrupt, illegal or unethical on a confidential basis, without fear of reprisal, dismissal or discriminatory treatment.
- Assist in ensuring that matters of wrongdoing are identified and dealt with appropriately.
- Establish procedures that enable:
 - protection for those that make serious wrongdoing disclosures
 - inquiry/investigation of disclosures made which may, at Korowal’s discretion, be conducted independently
 - resolution of the issue(s) identified.

4. SCOPE

This policy applies to students, parents, staff and others members of the Korowal community. For the purpose of this document the term “staff” includes employees, contractors, consultants, and volunteers. It also applies to a person or organisation who has a relationship with Korowal, and who reports serious wrongdoing within or by Korowal through the appropriate channels.

This policy should not be used to:

- Replace the Complaints and Grievances Policy and Procedure.
- Replace the Anti-Bullying Policy and Procedure.
- Replace the mandatory reporting of reportable conduct in relation to Child Protection as covered in the Child Protection Policy and Procedure.
- Question financial or business decisions taken by Korowal.
- To reconsider any matters which have already been addressed under any other Policy or Procedure.

Korowal reserves the right to review and revise this policy at any time without prior notice or consent, but any amendments require approval by the Korowal Board.

5. AUSTRALIAN STANDARDS

This Policy has been drafted to comply with the following Australian standards:

- AS 8004–2003 (Whistleblower Protection Programs for Entities).
- AS 8001–2008 (Fraud and Corruption Control).
- AS 8002 (Organisational Codes of Conduct).

6. DEFINITIONS

Term	Definition
Staff	This includes all employees, contractors, consultants or volunteers of Korowal.
Discloser	The party or person, whether anonymously or not, who makes or wishes to make a report of a matter of suspected wrongdoing.
Respondent	The party or person against whom a concern has been raised.
Discloser Protection Officer	The nominated person or party who is responsible for ensuring that the Discloser is offered appropriate support and protection for having made the report.
Investigator	
Korowal Protected Disclosure Service	An external service responsible for receiving disclosures of wrongdoing and overseeing the resolution of such disclosures.
Members of the Korowal Community	Members of the community to whom this policy and procedure apply include current and former students of Korowal School, current and former parents, staff members and any other contractors, volunteers or other parties who have had a relationship with the Korowal School.
Key Contact	The Key Contact represents Korowal and liaises with the Investigator. They are appointed by the Chair of the Board and may be the Principal or the chair or other senior member of staff.

6.1 Wrongdoing

Suspected wrongdoing (whether current or historical) that should be reported under this Policy may include allegations of:

- a breach of Korowal's code of conduct or policies;
- a breach of regulations or laws such as theft, drug sale or use, violence, harassment, criminal damage to property or other breaches of New South Wales or Commonwealth legislation;
- conduct endangering the health and safety of any person or persons;
- unethical, dishonest or corrupt behaviour, including soliciting, accepting or offering a bribe, facilitation of payments or other such benefits, or conduct that is perceived as a willful breach of Korowal's values;
- fraudulent conduct;
- improper behaviour relating to accounting, internal accounting controls or audit matters;
- mismanagement of Korowal's resources;
- activity that poses a substantial risk to the environment;
- coercion, harassment or discrimination by, or affecting, any person who is a member of the Korowal Community;
- any other kind of serious impropriety including retaliatory action against a discloser;
- concealment of wrongdoing; and
- any other conduct or act that may cause loss to Korowal or may otherwise be detrimental to its interests or reputation.

7. PRINCIPLES

Korowal adheres to the following principles:

- **Ethical culture**
This Policy supports the commitment by Korowal to sound governance and ethical behaviour in the school.
- **Confidentiality**
Korowal will take all reasonable steps to protect the confidentiality of a Discloser except where the law requires their identification.
- **Protection of Disclosers**
People who make a report in good faith and in accordance with this Policy shall be protected as far as reasonably practicable against reprisal, dismissal, discrimination or other unfavourable treatment as a result of making the report. Should retaliation occur for having made the disclosure, Korowal will treat it as serious Wrongdoing under this Policy.
- **Independence**
To ensure that the reporting of wrongdoing is unaffected by conflicts of interest or other impediments.
- **Natural justice and procedural fairness**
Principles of natural justice and procedural fairness will be followed by the Investigator. The Investigator will be fair and independent of the Discloser and the Respondent.

8. RESPONSIBILITIES

8.1 Korowal Protected Disclosure Service

The Board of Directors of Korowal delegates the operational management of disclosures of wrongdoing to the Korowal Protected Disclosure Service. Korowal Protected Disclosure Service reports directly to the Board Chair and is responsible for receiving disclosures of wrongdoing and overseeing the resolution of such disclosures. This includes the following functions:

- Receiving the disclosure via a Protected Disclosure Form located on the Korowal website;
- Assessing and managing the risks and action required in respect of each disclosure;
- Advising on and co-ordinating the provision of services and support available to the discloser;
- Engaging qualified, independent external investigators to inquire into serious allegations of wrongdoing as required;
- Ensuring that the action taken in response to the inquiry/investigation is appropriate to the circumstances;
- Advising on any systemic, governance or management issues that may require review to mitigate the risk of recurrence of wrongdoing in the future; and
- Providing periodic reports to the Korowal Board, analysing trends and issues arising from complaints (as required).

Korowal Protected Disclosure Service has a direct relationship to the Board Chair which may delegate this responsibility to the Principal from time to time.

8.2 Discloser Protection Officer

A Discloser Protection Officer may be appointed by the Korowal Protected Disclosure Service in consultation with the Board Chair to ensure that the Discloser is protected from personal disadvantage as a result of making a report under this policy by providing practical support. It is the role of the Discloser Protection Officer to assess and make recommendations to the Board about the nature and scope of support services that may be required in order to facilitate the Discloser's effective engagement in the investigation process. This role will be assigned to a senior member of staff who has declared that they have no interest in the matter reported.

A range of protection services may be made available to a Discloser including the following:

- Access to independent confidential professional counseling to the Discloser and their family;
- Ongoing support;
- Other services as required.

8.3 Discloser

It is an expectation of Korowal that a Discloser will co-operate with any investigation process arising from the disclosure to allow proper investigation of the wrongdoing.

It is important to note that making a report may not protect the Discloser from the consequences flowing from their involvement in the wrongdoing itself.

9. REPORTING WRONGDOING

Should you wish to report a suspected Wrongdoing, please complete the Protected Disclosure Form which is located on the Korowal website. The form will be submitted to the Korowal Protected Disclosure Service – an independent service which is external to the school.

Any Disclosure will be treated seriously and dealt with in a timely, sensitive and confidential manner.

10. RECEIPT OF DISCLOSURES AND THE INVESTIGATION PROCESS



10.1 Introduction

When responding to a Disclosure, parties should act in accordance with this Policy. There are five key stages in the process:

- Receipt of disclosure
- Acknowledgement of disclosure
- Initial assessment and/or investigation of disclosure
- Providing reasons for decisions
- Options for redress, closing the matter and review

10.2 Receipt of disclosure

10.2.1 In the first instance notification of the disclosure can be made via the Protected Disclosure Form on the Korowal website. Further information may be sought either verbally or in writing. Where the disclosure pertains to serious conduct Korowal reserves the right to ask the discloser to provide details of the disclosure in writing.

10.2.2 The record of the disclosure will document:

- the contact information of the Discloser or a party that they nominate
- issues raised by the Discloser and the outcome/s they want
- any other relevant information, and
- any additional support the Discloser requests.

10.3 Acknowledgement of disclosure

10.3.1 Korowal will acknowledge receipt of each disclosure promptly and usually within seven working days from the date Korowal is notified by the Korowal Disclosure Service.

10.3.2 Consideration will be given to the most appropriate medium (e.g. email, letter, phone) for communicating with the Discloser.

Korowal, in consultation with the Korowal Protected Disclosure Service, will determine the appropriate Investigation Officer/s for the matter. This may involve engagement of an external investigation provider. When determining how a disclosure will be managed, the following will be considered:

- how serious, complicated or urgent the disclosure is
- whether the disclosure raises concerns about people's health and safety
- how the discloser is being affected
- the risks involved if resolution of the disclosure is delayed, and
- whether a resolution may require the involvement of other organisations.

10.4 Initial assessment and investigation

10.4.1 Initial assessment

After acknowledging receipt of the disclosure, the Investigation Officer/s handling the disclosure will confirm whether the issue/s raised in the disclosure is/are within the scope of this policy and whether any other reports to external authorities are required under law. The Investigation Officer/s will also consider the outcome/s sought by the discloser and, where there is more than one issue raised, determine whether each issue needs to be separately addressed.

10.4.2 Addressing disclosure and conducting an investigation

After assessing the disclosure, the Investigation Officer/s will consider how best to manage it. This will include determining Key Contact.

In some instances, reports to external authorities may be required. If such reports are not required or clearance has been provided for Korowal to implement the appropriate procedure, the Investigation Officer/s may:

- work with the discloser to see how the issues can be appropriately addressed
- give the Discloser information or an explanation
- gather information from the person or area that is the subject of the disclosure, or
- conduct an investigation into the issues identified in the disclosure.

The Investigation Officer/s will provide the Discloser Protection Officer with a regular fortnightly update regarding the progress of the matter, which the Discloser Protection Officer will share with the Discloser as appropriate in the circumstances.

The action taken will depend on the particular circumstances of each disclosure and will take into account any statutory requirements.

10.4.3 The investigation will include the following steps:

- Full details of the allegations are obtained;
- The Respondent is informed in sufficient details to enable an informed response to the allegations;
- Involvement of external parties such as the police are considered as appropriate through the process;
- Allegations are fully investigated by the Investigation Officer/s;
- The Investigation Officer/s report will be provided to the Key Contact for review;
- The Key Contact will provide the Investigation Officer/s report as well as their recommendation to the Chair;
- The Chair will then determine if there are any confidentiality or conflict of interest matters preventing the report being shared with the Board. If there are not, the Board will decide on action to be taken. If there are, the report is to be redacted and provided to the Board by our before the next Board meeting; and
- The Discloser will be kept informed of the outcome of the investigation as appropriate in the circumstances.

At all times, the Discloser is supported by the Discloser Protection Officer and/or external support agencies such as a counselor

10.5 Providing reasons for decisions

Following consideration of the disclosure and any investigation into the issues raised, the Board will contact the person making the complaint and advise them:

- the outcome of the disclosure and any action taken to the extent permitted by privacy legislation
- the reason/s for the Board's decision
- the resolution/s proposed or put in place, and
- any options for review that may be available to the Discloser, such as an internal review or external review.

10.5 Closing the Disclosure and record keeping

Korowal will keep comprehensive records about:

- the steps taken to address the disclosure
- the outcome/s of the disclosure (including whether it or any aspect of it was substantiated, any recommendations made to address problems identified and any decisions made on those recommendations), and
- any outstanding actions that need to be followed up.

11.DISCLOSER PROTECTION

Korowal Board and management will take all reasonable action to mitigate the risks facing a discloser who reports matters in good faith, provided he or she has not been involved in the Wrongdoing reported.

A discloser who believes he or she, or his or her family, has been the victim of any harassment persecution or discrimination, by reason of their status as a discloser, should immediately report the matter to the Discloser Protection Officer. Where an incident of this nature occurs, the relevant disciplinary processes will apply.

12. FEEDBACK AND COMMUNICATION WITH THE DISCLOSER

Where possible, the discloser will be provided with some information by the Discloser Protection Officer about the progress and outcome of the investigation, subject to privacy and confidentiality considerations.

All disclosers must maintain confidentiality of all such reports, and not disclose details to any person, unless required by law.

13. FALSE DISCLOSURES

Where it is established that the discloser has not acted in good faith, or he or she has made a false report of wrongdoing (including where the allegation has been made maliciously, vexatiously or without any basis), he or she may be subjected to disciplinary proceedings, which may result in dismissal (where they are a staff member) and/or banning from the school premises and/or cancellation of their enrolment as a student.

Disclosers must ensure that, as far as possible, reports are factually accurate, complete, based on first-hand knowledge, presented in an unbiased fashion (and any possible perception of bias of the discloser should be disclosed), and without material omission.

14. DOCUMENT RETENTION AND CONFIDENTIALITY

All information, documents, records and reports relating to the investigation of a reported wrongdoing will be confidentially stored and retained in an appropriate and secure manner.

15. FURTHER INFORMATION

Should you require further information about this Policy and Procedure, please can contact either the Korowal Protected Disclosure Service or the Principal or the Chair.