



Fitzroy Community School

Whistleblower Policy

Purpose:	The purpose of this policy is to set out the principles and procedures governing the school's approach to the protection of whistleblowers and the management of relevant disclosures.
Scope:	All Staff, volunteers, suppliers and contractors including those no longer working within the school.
Implemented by:	Principal & Board
Approved by:	FCS Board, September 2025
Reviewed:	Every three years or as legislative changes arise or improvements are identified
Communicated via:	Website, Staff Meetings

Overview

Fitzroy Community School (FCS) is committed to ensuring a robust culture of openness and feedback in which concerns and complaints are addressed appropriately and are handled respectfully and fairly.

This policy falls within the school's governance policy framework and forms part of the school's risk management system. The school is committed to implementing procedures that comply with the school's legal obligations in relation to the protection of eligible whistleblowers and to the management of any eligible disclosure they make.

Definitions

Whistleblowing is the disclosure of information by an individual (the **Whistleblower**) to an '**eligible recipient**' when the discloser has reasonable grounds to suspect that the information concerns misconduct, an improper state of affairs or circumstances, a breach of the law, danger to the public or the financial system. This can include fraud, bribery, theft, corruption, serious conflicts of interest, breaches of duty, legal or regulatory requirements, gross mismanagement, serious risk to student/child safety, or deliberate concealment of any of the above. It can include conduct that may not involve a contravention of a particular law, and reasonable suspicions are sufficient - proof is not required.



A **whistleblower** is a current or former insider within the school and can be a current or former employee, Board member, supplier, contractor or volunteer, or a relative or dependent of any of those.

For the purpose of this policy an **eligible recipient** is limited to a member of the Board, the Principal, Chair of the Board or the auditor of the school.

Exclusions

The definition of an eligible whistleblower does not extend to parents or students. Complaints regarding allegations of misconduct or improper behaviour raised by parents or students should be dealt with using the Complaints Policy or Child Safety Reporting Policy.

Personal or professional grievances made by employees are not included in the definition of whistleblowing. These should be dealt with using the processes outlined in employee documentation. The only exceptions to this are if:

- the person suffers, or is threatened with, detriment for making the disclosure
- the disclosure includes information about misconduct, an improper state of affairs or circumstances, a breach of the law, or danger to the public or the financial system, in addition to the personal work-related grievance, or
- the disclosure suggests misconduct that has significant implications for the company beyond the discloser's personal circumstances.

Eligibility

A discloser qualifies for protection as a whistleblower under the Corporations Act if they are an eligible whistleblower in relation to the entity and:

- they have made a disclosure of information relating to a 'disclosable matter' directly to an 'eligible recipient' or to ASIC, APRA or another Commonwealth body prescribed by regulation;
- they have made a disclosure to a legal practitioner for the purposes of obtaining legal advice or legal representation about the operation of the whistleblower provisions in the Corporations Act; or
- they have made an 'emergency disclosure' or 'public interest disclosure'.

If the whistleblower's disclosure is not based on reasonable grounds (e.g. conjecture or malicious) it does not qualify for protection under the legislation.

Deliberately false disclosures in which the whistleblower seeks to report information that they know to be untrue will not qualify as a protected disclosure.

Eligible disclosures qualify for protection under the Act even if the disclosure turns out to be incorrect.

Disclosures to a legal practitioner for the purposes of obtaining legal advice or legal representation in relation to the operation of the whistleblower provisions in the Corporations Act are protected.

Disclosures of information relating to disclosable matters can be made to ASIC, APRA or another Commonwealth body prescribed by regulation and qualify for protection under the Corporations Act.

Concerns that arise in relation to Child Safe Standards are included under the terms of this policy but should be raised under the terms of the Child Safety Reporting Policy, Child Safety & Wellbeing Policy or the Complaints Policy in the first instance, and subsequently according to this policy if a systemic issue is suspected.

Public Interest and Emergency disclosures

Public Interest Disclosure

A whistleblower may disclose to a journalist or Member of Parliament only if all of the following are met:

1. Has previously made a protected disclosure to a prescribed regulator.
2. 90 days have passed since that disclosure.
3. There is a reasonable belief the regulator has not acted adequately.
4. Before going public, have given the regulator written notice stating you intend to make a public-interest disclosure and include enough detail to identify the prior disclosure.
5. Disclose only what is reasonably necessary to inform the public interest.

Emergency Disclosure

A Whistleblower may disclose to a journalist or Member of Parliament only if all of the following are met:

1. Has previously made a protected disclosure to a prescribed regulator.
2. There is a reasonable belief the information concerns a substantial and imminent danger to people's health or safety, or to the natural environment.
3. Before going public, have given the regulator written notice stating you intend to make an emergency disclosure and include enough detail to identify the prior disclosure.
4. Disclose only what is reasonably necessary to alert others to the danger.

Protections and Support

An eligible whistleblower making an eligible disclosure is protected under the terms of the legislation.

The key whistleblower protections are:

- Identity protection (confidentiality): We will not disclose your identity—or information likely to identify you—except with your consent, to regulators, or to legal advisers. Records are de-identified wherever possible.
- Protection from detriment: Victimization is prohibited. No dismissal, demotion, harassment, discrimination, or threats for making a qualifying disclosure. Breaches trigger disciplinary action and may attract legal remedies.

- Compensation & remedies: If you suffer detriment, you may seek court-ordered remedies (e.g., compensation, injunctions, apologies, reinstatement). Vicarious liability can apply to those who cause or allow detriment.
- Liability protections: Making a qualifying disclosure gives you immunity from civil, criminal, and administrative liability for the act of disclosing (but not for any misconduct you've engaged in).

The school will provide support for whistleblowers and recognises that in some situations, the effect of an eligible disclosure may impact on others in addition to the whistleblower. The support provided by the school to the whistleblower extends to them as well.

A person can disclose the information contained in a disclosure with or without the discloser's consent if the following is met:

- the information does not include the discloser's identity
- the entity has taken all reasonable steps to reduce the risk that the discloser will be identified from the information
- it is reasonably necessary for investigating the issues raised in the disclosure.

Roles and Responsibilities

The school **Board** is responsible for:

- responding to an eligible disclosure when called upon to do so
- appointing a member of the Special Purpose Committee to oversee and manage a 'whistleblowing event', including the appointment of an impartial independent investigator
- monitoring the number, nature and outcome of whistleblowing events.
- ensuring a confidential register of protected disclosures (listing the date, subject and resolution) is retained by the Chair of the Board for reporting to the Board on an annual basis and to be available to the authorities if required.

The **Principal** is responsible for overseeing a school culture in which:

- concerns and complaints are addressed appropriately and are handled respectfully and fairly
- eligible recipients are aware of their roles and responsibilities
- the Policy is communicated to eligible recipients, staff, contractors and the wider school community
- appropriate processes are set up to manage and investigate a disclosure brought under this policy

Eligible recipients are responsible for understanding their role as an eligible recipient, knowing and understanding the school's whistleblower policy and being ready to receive and respond to a disclosure if and when that happens.

Process for Making a Disclosure

Once you have decided that you wish to make a protected disclosure under the terms of the Whistleblower Policy, you are able to do so to any eligible recipient. You may choose to make the disclosure via email, phone, or post. A discloser may also request a face-to-face meeting with an eligible recipient. They can arrange a private setting, allow a support person/interpreter if requested, and will not record without consent. A de-identified summary of the disclosure will be agreed with the discloser after the meeting. Disclosers may remain anonymous (e.g., use a pseudonym), however we may not be able to undertake an investigation if we are not able to contact the discloser (e.g. if a disclosure is made anonymously and the discloser has refused to provide, or has not provided, a means of contacting them).

Eligible Recipient	Contact details
Board Chair	chair@fcs.vic.edu.au 597 Brunswick St, Fitzroy North VIC 3068
Principal	principal@fcs.vic.edu.au 03 9489 2356 597 Brunswick St, Fitzroy North VIC 3068
School's Auditor	Lyndal McKenzie contact@cardell.com.au PO Box 116 Wonthaggi VIC 3995 03 5672 3722

If an Eligible Recipient receives a disclosure that involves or results in a conflict, they are to immediately contact the Special Purpose Committee.

To help the eligible recipient decide whether the disclosure is eligible for protection under the terms of this policy, you should set out your concern(s) clearly, stating the information and facts on which you have based your concern. You should only disclose the names and contact details of other people connected to the disclosure to the extent that it is necessary for the recipient to understand the concern you are raising.

When the eligible recipient receives your disclosure, the first thing they will do is to decide or seek advice as to whether the disclosure qualifies as a protected disclosure and so is to be managed under the terms of the Whistleblower Policy. The eligible recipient will let you know the outcome of this decision. They will also determine if a formal, in-depth investigation is required. Eligible Recipients will follow Attachment A- Process Guidelines for Eligible Recipients.

Investigating an Eligible Disclosure

If the disclosure is accepted and deemed a protected disclosure, the Board should be briefed and an investigator (or investigation team) appointed by them.

The school will investigate all eligible disclosures as soon as is practicable. The nature and timing of the investigation will depend on the concern or allegation that has been made and will be in line with Attachment B - Investigation Process & Guide.



The Board Chair will appoint an independent investigator or an investigation team, which may be internal or external to the school depending on the nature of the allegation, but who must have no conflict of interest or involvement in the disclosure. The investigator will seek further information and evidence from the Whistleblower either in writing or in person, seek information and evidence from other sources as appropriate, seek advice from external professionals, refer the matter to regulators or other authorities, if necessary, draft a report to summarise their findings and make recommendations for action.

The investigation report and recommendations will be tabled for the Principal and the Board unless they are the subject of the allegations.

The investigator will make recommendations to the Board Chair as to whether and how the findings should be communicated back to the Whistleblower, to the school community, and/or to the authorities.

If a Whistleblower is not satisfied with the outcome of an investigation, then they may request that the school review the investigation into the disclosure. The request must be made in writing to the Principal or Board Chair. The school is not obliged to reopen an investigation and can conclude a review if it finds that the investigation was conducted properly in accordance with this policy, or new information is either not available or would not change the findings of the investigation.

Related Documentation and Policies

- Complaints Policy
- Child Safety Reporting Policy
- Privacy Policy
- Attachment A - Process Guidelines for Eligible Recipients
- Attachment B - Investigation Process Guidelines
- Special Purpose Committee Terms of Reference
- Conflict of Interest Policy