

Policy Document

LEVNT WHISTLEBLOWER POLICY

1. INTRODUCTION

LEVNT is committed to operating legally (in accordance with applicable legislation and regulation), properly (in accordance with organisational policy and procedures), and ethically (in accordance with recognised ethical principles). A whistleblower is a person who makes, attempts to make or wishes to make a report in connection with misconduct or dishonest or illegal activity and wishes to avail themselves of protection against reprisal for having made the report. Eligible Whistleblowers are expected to cooperate with LEVNT in maintaining legal, proper and ethical operations, if necessary by reporting non-compliant actions by other people. Correspondingly, Eligible Whistleblowers who do assist in maintaining legal, proper, and ethical operations should not be penalised in any way.

2. PURPOSE

The purpose of this policy is to:

- a) encourage the reporting of matters that may cause harm to individuals or financial or non-financial loss to LEVNT or damage to its reputation;
- b) enable LEVNT to deal with reports from Whistleblowers in a way that will protect the identity of the Whistleblower and provide for the secure storage of the information provided;
- c) establish the policies for protecting Whistleblowers against reprisal by any person internal or external to the entity;
- d) help to ensure LEVNT maintains the highest standards of ethical behaviour and integrity.

3. DEFINITIONS

- 1.1. "Authorised Staff" means the LEVNT Protection Officer, the LEVNT Executive Director, or any other member of the LEVNT Executive team.
- 1.2. "BLEVNT" and "Board" means the Board of LEVNT, the governing body.
- 1.3. "Detriment" can include, but are not limited to:
 - dismissal of an employee or alteration of an employee's position/duties to their disadvantage, or
 - negative performance feedback that is not reflective of actual performance
 - harassment, intimidation, or bullying or
 - threats to cause Detriment.
- 1.4. "Detrimental Conduct" means any negative action taken against any person who, in good faith, makes a Whistleblower Report or assists or participates in an investigation of the disclosure and as a result suffers Detriment.
- 1.5. "Disclosable Matters" encompass potential misconduct or breaches of the law including suspected breaches of general law, organisational policy, or generally recognised principles of ethics. For example:
 - corrupt conduct
 - fraud or theft
 - official misconduct
 - offering or accepting a bribe
 - maladministration
 - harassment or unlawful discrimination

- serious and substantial waste of public resources
 - practices endangering the health or safety of staff, volunteers, or the general public
 - practices endangering the environment.
- 1.6. “Eligible Whistleblower” is an individual who is entitled to protection under this policy. An Eligible Whistleblower is an individual who is or has been any of the following, in relation to LEVNT:
- an Officer or Director;
 - an employee;
 - a person who supplies goods or services (paid or unpaid);
 - an employee of a person who supplies goods or services (paid or unpaid);
 - an individual who is an associate of LEVNT (as defined in the Corporations Act); or
 - a relative or dependent (or dependent of a spouse) of any individual described above.
- 1.7. “Eligible Recipient” means any Officer or Director of LEVNT, or any auditor or member of and audit team conducting an audit of LEVNT.
- 1.8. “LEVNT” means Lutheran Education VIC, NSW, TAS and ACT Ltd (ACN 647 390 369).
- 1.9. “LEVNT Officers” means its Directors and Company Secretary, and also persons:
- that make, or participate in making, decisions that affect the whole, or a substantial part, of LEVNT;
 - that have the capacity to significantly affect LEVNT’s financial standing; or
 - who has the ability to influence the actions of the Directors of LEVNT.
- 1.10. “Non-disclosable Matters” means conduct about which a disclosure does not qualify for protection under the Incorporations Act. For example, disclosures that concern personal work-related grievances do not qualify for protection.
- 1.11. “Personal Work-related Grievance” means a grievance about any matter in relation to a staff member’s current or former employment, having implications for that person personally and that do not have broader implication for LEVNT including:
- An interpersonal conflict between the staff member and another staff member; or
 - A decision relating to the employment or engagement, such as transfer, promotion or disciplinary action of the staff member.
- 1.12. “Whistleblower” is an Eligible Whistleblower who makes, attempts to make or wishes to make a report in connection with misconduct or dishonest or illegal activity and wishes to avail themselves of protection against reprisal for having made the report.
- 1.13. “Whistleblower Report” is a Disclosable Matter disclosure made by a Whistleblower that is being treated in accordance with this policy.

4. MAKING A DISCLOSURE

Before making a Whistleblower Report, a Whistleblower should be satisfied and able to show that they have reasonable grounds to suspect Disclosable Matters have occurred. The Whistleblower does not need to prove their allegations.

MAKING AN INTERNAL DISCLOSURE

Concerns regarding illegal or corrupt behaviour

Where an Eligible Whistleblower believes in good faith on reasonable grounds that any director, employee, volunteer, contractor, or relative of these, has breached any provision of the general law, that Eligible Whistleblower must report their concern to LEVNT's Whistleblower Report Officer:

Title	LEVNT Director: Operations
Name	Tammy Hughes
Phone Number	0438 112 140
Email	Dir.Ops@levnt.edu.au

If an Eligible Whistleblower is unable or unwilling to report through the Whistleblower Report Officer for any reason, they can make a disclosure to an Eligible Recipient for LEVNT.

An Eligible Whistleblower can also make a disclosure related to illegal or corrupt behaviour to a regulator (see Disclosing to a Regulator).

Concerns regarding improper or unethical behaviour

Where an Eligible Whistleblower believes in good faith on reasonable grounds that any other Eligible Whistleblower, volunteer, or contractor has breached any provision of LEVNT's constitution, or its governance charter, or its policies, or its code of conduct, or generally recognised principles of ethics, that eligible Whistleblower may report their concern to LEVNT's Whistleblower Report Officer.

If an Eligible Whistleblower is unable or unwilling to report through the Whistleblower Report Officer for any reason, they can make a disclosure to an Eligible Recipient for LEVNT.

MAKING AN EXTERNAL DISCLOSURE

Disclosing to a Legal Practitioner

An Eligible Whistleblower can discuss their concerns with a legal practitioner for the purposes of obtaining legal advice or representation.

The Whistleblower will be covered by the protections outlined in this policy if they disclose information to a legal practitioner.

Disclosing to a Regulator

An Eligible Whistleblower can make a disclosure to the Australian Securities and Investments Commission (ASIC) or the Australian Prudential Regulation Authority (APRA) in relation to a Disclosable Matter that involves illegal or corrupt behaviour.

The Whistleblower will be covered by the protections outlined in this policy if they have disclosed information to ASIC or APRA.

Disclosing to the public

This policy does not authorise any Whistleblower to raise their concern on any social media platform under any circumstances.

This policy does not authorise any Whistleblower to inform commercial media or member of the Parliament of the Commonwealth or of a State or Territory parliament of their concern, and does not offer protection to any Whistleblower who does so, unless:

- they have previously disclosed the information to ASIC or APRA;
- at least 90 days have passed since the previous disclosure was made;

- they have reasonable grounds to believe that action is not being taken to address the matters disclosed;
- they have reasonable grounds to believe that making a further disclosure to a journalist or member of parliament would be in the public interest;
- they have given written notification, including sufficient information to identify the previous disclosure to the authority to which the previous disclosure was made that they intend to make a public interest disclosure; and
- the extent of information disclosed is no greater than is necessary to inform the recipient of the misconduct or improper state of affairs.

DISCLOSURE DETAIL

Any disclosure should, where possible, be in writing and should contain, as appropriate, details of:

- the nature of the alleged Disclosable Conduct;
- the person or persons responsible for the Disclosable Conduct;
- the facts used by the Whistleblower to form a belief that a Disclosable Conduct has occurred, and has been committed by the person named;
- the nature and whereabouts of any further evidence that would substantiate the allegations, if known.

Evidence to support concerns if it exists, should be brought forward at this time. Evidence will be considered during the determination of whether to open an investigation into the matter. However, absence of supporting evidence is not an absolute bar to the activation of an investigation. The existence of a concern of Disclosable Conduct is sufficient to trigger reporting responsibilities.

5. ANONYMITY

An Eligible Whistleblower may make an anonymous disclosure. In the case of an anonymous disclosure LEVNT is likely to be unable to provide feedback on investigations and decisions. However, this may be countered if the Whistleblower provides an anonymous email address or other communication channel through which they can correspond with LEVNT during the investigation.

Anonymity will as far as possible be preserved by LEVNT.

An Eligible Whistleblower is entitled to refuse to answer questions posed if they feel answering the question could reveal their identity.

6. HANDLING OF A DISCLOSURE

LEVNT will investigate a Disclosable Matter disclosed under this policy as soon as practicable after the matter has been disclosed.

The person to whom the disclosure was made will notify the Executive Director, who will be responsible for ensuring that an investigation of the charges is established and adequately resourced.

On receiving a disclosure, the Executive Director will:

- if they believe after appropriate discussion with the Whistleblower the behaviour complained of to be unquestionably trivial or fanciful, dismiss the allegation and notify the Whistleblower of their decision;
- if they believe the behaviour complained of to be neither trivial nor fanciful, put in motion an investigation process.

Any investigation will observe the rules of natural justice and the provisions of procedural fairness. The person or persons conducting the investigation will be as far as possible unbiased. All reasonable efforts will be made to preserve confidentiality during the investigation.

Strict security will be maintained during the investigative process.

All information obtained will be properly secured to prevent unauthorised access.

Any Eligible Whistleblower should be informed that:

- as far as lies in LEVNT's power, the Eligible Whistleblower will not be disadvantaged for the act of making a report; and
- if the Whistleblower wishes to make their disclosure anonymously, their wish will be honoured except where it is overridden by due process of law; however,
- reporting such a breach does not necessarily absolve the Whistleblower from the consequences of any involvement on their own part in the misconduct reported.

7. PROTECTION OF WHISTLEBLOWER

LEVNT is committed to taking all reasonable steps to protect an Eligible Whistleblower from Detriment as a result of making a report under this Policy and the Whistleblower Laws.

A Whistleblower must make a Whistleblower Report directly to an Eligible Recipient to qualify for protections under the Whistleblower Laws and this Policy. These protections include:

- Identity protection
- Protection from Detriment
- Compensation and remedies; and
- Civil, criminal and administrative liability protection.

Identity Protection

A Whistleblower can choose to remain anonymous while making a disclosure, over the course of the investigation, and after the investigation is finalised. The Whistleblower should, however, be informed that the maintenance of such anonymity may make it less likely that the alleged breach can be substantiated in any subsequent investigation.

Where anonymity has been requested the Whistleblower is required to maintain confidentiality regarding the issue on their own account and to refrain from discussing the matter with any unauthorised persons.

LEVNT will do all it reasonably can to protect confidentiality. LEVNT will take measures to protect a Whistleblowers' identity such as by redacting personal information, storing information and disclosure securely, referring to the Whistleblower in a gender-neutral context and only allowing qualified staff to investigate disclosures.

LEVNT encourages all individuals to disclose their identity when raising a concern. This will assist LEVNT to gather further information on the report. All information relating to a report under this policy will be stored securely and access will be limited to Authorised Staff.

If a Whistleblower discloses their identity, their details will be treated confidentially to the fullest extent possible in connection with the investigation, and will not be disclosed unless:

- a) the Whistleblower consents in writing to the disclosure;
- b) the disclosure is permitted or required by law; and/or
- c) disclosure is necessary to prevent or lessen a threat to a person's health, safety or welfare.

It is illegal for a person to identify a Whistleblower or disclose information that is likely to lead to the identification of the Whistleblower, unless an exception above applies. If at any time a Whistleblower

feels that their confidentiality has been breached, they can lodge a complaint with a regulator for investigation.

LEVNT may take disciplinary action against individuals that breach the confidentiality of a Whistleblower, including summary dismissal.

Sanctions/Detriment

An Eligible Whistleblower making their concern known will not suffer any Detriment from LEVNT on account of their actions in this regard provided that their actions:

- are in good faith, and
- are based on reasonable grounds, and
- conform to the designated procedures.

Detrimental Conduct

LEVNT does not tolerate any form of Detrimental Conduct taken by any person against a Whistleblower or potential Whistleblower or any people who are involved in an investigation of a Whistleblower Report.

Examples of Detrimental Conduct can include, but are not limited to:

- dismissal of an employee or alteration of an employee's position/duties to their disadvantage, or negative performance feedback that is not reflective of actual performance
- harassment, intimidation, or bullying; and
- threats to cause Detriment.

Examples of actions that are not Detrimental Conduct may, for example, include:

- managing a Whistleblower's unsatisfactory work performance
- administrative action that is reasonable to protect the Whistleblower from Detriment.

If a Whistleblower believes they have experienced Detriment they should contact the LEVNT Executive Director.

Legal Action

An Eligible Whistleblower will not be subject to any civil or criminal action for making a disclosure under this policy or participating in any investigation.

This protection from legal action does not grant immunity to a Whistleblower for any misconduct that they were involved in that is revealed in the disclosure. However, if a Whistleblower voluntarily self-reports their involvement in corporate misconduct this will likely be taken into account by the relevant regulator.

8. FALSE REPORTS OR DISCLOSURES OF NON-DISCLOSABLE MATTERS

Protected Disclosures must be made on reasonable grounds. Anyone who knowingly makes a false disclosure may be subject to disciplinary action, including dismissal.

The disciplinary action will depend on the severity, nature and circumstance of the false disclosure.

Disclosures that are not about Disclosable Matters, such as Personal Work-related Grievances, do not qualify for protection under the Corporations Act.

Where the investigation has found that the person making the allegation made it in good faith on reasonable grounds, the Executive Director will designate an officer to be responsible for ensuring that the person suffers no employment-related disadvantage on account of their actions in this matter and to provide additional support for the person where necessary.