



# 7-P19 Whistleblower Policy

Version Control	Date	Author	Description of Change
1.0	April 2014	AEG	New policy / procedure
1.1	April 2015	AEG	Minor amendments
1.2	May 2016	AEG	Revision
1.3	Dec 2016	AEG	Revision
1.4	Jun 2017	AEG	Reformatting
7.19	July 2019	AEG	Legislation changes
5.20	May 2020	AEG	Contact details updated

[Links to ECSNR 2011 and WA 2012:](#)

[Links to NQS:](#)

QA 7

[Related Forms:](#)

[Related Supporting Documents:](#)

4-F70 Witness Statement

## Policy Statement

The purpose of this policy is to set out the policy and processes adopted by Affinity Education Group Limited and its related entities (collectively referred to in this policy as **AEG**) in responding to reports by AEG directors, employees, volunteer, contractors, consultants, ex-employees and their dependants of potential or actual serious wrongdoing within AEG relating to fraud, corruption, illegal activities, gross mismanagement and malpractice, and relating to the support and protection of those who make such reports.

AEG is committed to the highest standards of legal, ethical and moral behaviour and to investigating reports made in accordance with this policy, and that are not trivial, vexatious, malicious or false.

AEG is committed to providing a supportive environment in which directors, employees, volunteers, contractors and consultants are encouraged to report potential or actual serious wrongdoing within AEG relating to fraud, corruption, illegal activities, gross mismanagement and malpractice, without fear of victimisation or reprisal.

AEG is committed to supporting and protecting its directors, employees, volunteers, contractors, consultants, ex-employees and their dependants who make such reports. No person should be personally disadvantaged for making a report where the Whistleblower has reasonable grounds to suspect that potential or actual serious wrongdoing has taken place.

## Scope and Application

This policy applies to AEG's directors, employees, volunteers, contractors, consultants, ex-employees and their dependants in respect of serious wrongdoing within AEG relating to fraud, corruption, illegal activities, gross mismanagement and malpractice. Other persons to whom this policy does not apply and who wish to report potential or actual serious wrongdoing within AEG are encouraged to contact AEG's **Chief Executive Officer on 07 3513 7700** in the first instance.

Directors, employees, volunteers, contractors, consultants, ex-employees and their dependants who have concerns generally relating to their employment or engagement, or otherwise in respect of matters that are not serious wrongdoing within AEG relating to fraud, corruption, illegal activities, gross mismanagement and malpractice should raise those concerns in accordance with AEG's grievance procedures and other internal processes, which generally involve discussing the matter with the relevant supervisor or manager in the first instance.



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## Definition

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For the purpose of this policy, a **Whistleblower** is an AEG director, employee, volunteer, contractor, consultant, ex-employee or their dependant, who reports actual or suspected serious wrongdoing within AEG relating to fraud, corruption, illegal activities, gross mismanagement or malpractice in accordance with this policy.

## Roles and Responsibilities

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**Whistleblower Governance Officers:** A Whistleblower Governance Officer is a person appointed by AEG as such.

Whistleblower Governance Officers have the following responsibilities in respect of reports made to them under this policy:

- Assess whether the report satisfies the requirements of this policy, is not on its face trivial, vexatious, malicious or false, and warrants investigation
- If so:
  - Appoint a Whistleblower Protection Officer to provide support to the Whistleblower
  - Appoint an investigator to investigate the report
  - Take reasonable steps to ensure retaliatory action will not be taken against the Whistleblower
  - Notify the CEO (or alternately the Board, as may be appropriate) of the report and the investigation of it

Whistleblower Governance Officers may seek assistance from external financial, legal and operational advisers as required. Whistleblower Governance Officers report directly to the CEO (or alternately the Board, as may be appropriate).

**Whistleblower Protection Officer:** A Whistleblower Protection Officer is a senior employee appointed by a Whistleblower Governance Officer to assist a Whistleblower.

A Whistleblower Protection Officer must work in an area of AEG that is separate from any area in which any person who may be the subject of the report works, and must not have a personal or close professional connection to any such person.

A Whistleblower Protection Officer is responsible for the following during the investigation process:

- providing support to the Whistleblower in respect of their report; and
- keeping the Whistleblower informed of the progress and outcomes of the investigation as reported by the investigator, as appropriate in the circumstances.

**Investigator:** An investigator will be appointed by the Whistleblower Governance Officer and may be internal or external to AEG. An investigator must have relevant investigation qualifications and/or experience.

If internal, an investigator must work in an area of AEG that is separate from any area in which the Whistleblower or any person who may be the subject of the report works, and must not have a personal or close professional connection to any such person or the Whistleblower. Ordinarily an internal investigator will be the Head of People and Culture.

An investigator is responsible for ensuring the proper investigation of the report and for keeping the Whistleblower Governance Officer and the Whistleblower Protection Officer informed of progress.

The Whistleblower Governance Officer may authorise an investigator to seek assistance from internal or external financial, legal and operational advisers as required.



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## **Whistleblower:**

A Whistleblower must have reasonable grounds for suspecting there has been wrongdoing in making their report and cooperate in the investigation process, including providing further information and particulars sought by the investigator.

## **Strategies and Practices**

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### **1.0 Reporting**

#### **1.1 Report to Whistleblower Governance Officer**

An AEG director, employee, volunteer, contractor, consultant, ex-employee or their dependant who, has a reasonable basis for suspecting or is aware of serious wrongdoing within AEG relating to fraud, corruption, illegal activities, gross mismanagement or malpractice is encouraged to report that suspected or actual wrongdoing to a Whistleblower Governance Officer.

AEG has two internal Whistleblower Governance Officers. They are:

- **Chief Financial Officer 07 3513 7700**
- **Chief Operating Officer 07 3513 7700**

If the report contains allegations against the CFO or COO or the Whistleblower otherwise considers it inappropriate to make their report to either the CFO or COO, the Whistleblower is encouraged to report their reasonable suspicion to the Chief Executive Officer, who will assume the role of Whistleblower Governance Officer for the purposes of this policy.

- **Chief Executive Officer 07 3513 7700**

If the report contains allegations against the Chief Executive Officer, or the Whistleblower otherwise considers it inappropriate to make their report to the CEO, the Whistleblower is encouraged to report their reasonable suspicion to AEG's external Whistleblower Governance Officer, who will assume the role of Whistleblower Governance Officer for the purposes of this policy. AEG's external Whistleblower Governance Officer is:

**AUB Hospitality  
Richard Gilley  
02 9392 1646**

The external Whistleblower Governance Officer will report any allegations directly to the Chairman of the AEG Board. The contact details for the Chairman of the AEG Board are:

**Anchorage Capital Partners  
Daniel Wong, Chairman of the AEG Board  
Ph: 02 8259 7777**



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## 1.2 Anonymous reporting

Anonymous reports are accepted under this policy. However, anonymous reports have significant limitations. These limitations may include the inability to gather additional particulars to assist the investigation and provide specific protection for Whistleblowers.

## 2.0 Protection of Whistleblowers

### 2.1 Confidentiality

AEG will take all reasonable steps to keep the identity of a Whistleblower confidential within the group of individuals with a need to know. Generally, AEG will not disclose a Whistleblower's identity outside of this group unless:

- the Whistleblower consents
- the disclosure is required or authorised by law; and/or
- the disclosure is necessary to further investigation of the report.

However, this will be determined on a case by case basis and anonymity cannot be guaranteed.

When a report is investigated it may be necessary to reveal its substance to people such as:

- other AEG directors, employees, volunteers, contractors or consultants;
- external persons involved in the investigation process; and
- law enforcement agencies.

In order to ensure procedural fairness, it will likely be necessary to disclose the fact and/or substance of a report to any person who may be the subject of the report.

AEG will take all reasonable precautions to store records relating to a report and its investigation securely and to permit access by authorised persons only.

Unauthorised disclosure of information relating to a report or its investigation, or the identity of a Whistleblower will be regarded seriously and may result in disciplinary action, up to and including termination of employment or engagement.

### 2.2 Retaliation

AEG will not tolerate any retaliatory action or threats of retaliatory action against any Whistleblower who had reasonable grounds to suspect that wrongdoing was taking place.

A Whistleblower must not be disadvantaged or victimised for having made a report. Any retaliatory action or victimisation in reprisal for a report being made under this policy may result in disciplinary action, up to and including termination of employment or engagement.

In circumstances where it is found that a Whistleblower has engaged in wrongdoing that is the subject of their report, or otherwise, the fact that the Whistleblower has made the report will not protect the Whistleblower from potential disciplinary action and any such disciplinary action will not be considered retaliation or victimisation. However,



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cooperation in an investigation, an admission and/or genuine remorse may be taken into account when considering disciplinary action.

If a Whistleblower believes they have been the subject of actual or threatened victimisation or other retaliatory action, they are encouraged to report the matter to their Whistleblower Protection Officer.

### 3.0 Inappropriate Reports

Whistleblowers must only make reports under this policy if they have reasonable grounds to suspect wrongdoing and must not make reports that are trivial, vexatious, malicious or false. Such reports will not be investigated.

Making a report that is found to be trivial, vexatious, malicious or false will be regarded seriously and may result in disciplinary action, up to and including termination of employment or engagement.

#### Authority

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This Policy is approved by the Executive Leadership Team and reviewed by the Board.

#### Related Policies and Procedures

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- Grievance and Conflict Resolution Procedure
- Code of Conduct Policy
- Performance Management Procedure
- Corrective Action and Discipline Procedure
- Family Complaints Procedure
- Allegations Handling Procedure
- Bullying and Harassment Procedure

#### Contacts

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Head of People and Culture Ph: 07 3513 7700	Internal Whistleblower Governance Officers: <ul style="list-style-type: none"> <li>• Chief Financial Officer Ph: 07 3513 7700</li> <li>• Chief Operating Officer Ph: 07 3513 7700</li> </ul>
Chief Executive Officer 07 3513 7700	
External Whistleblower Governance Officer: AUB Hospitality Richard Gilley 02 9392 1646	Chairman of the AEG Board: Daniel Wong C/- Anchorage Capital Partners Ph: 02 8259 7777

Policy Written by: Affinity Education Group	Position: Affinity Education Group	Date: May 2020
Approved by: Affinity Education Group	Approved Date: May 2020	Next review date: May 2021