

# Whistleblower Policy

## 1. INTRODUCTION

The purpose of this policy is to establish a procedure to provide whistleblowers with protection, allowing past and present staff, students, parents, and others to come forward confidentially and anonymously, to the extent possible under existing laws, and ensuring that they are not victimised or subjected to any form of detrimental action.

## 2. SCOPE

This policy applies to all Kingswood College community, including Council & Committee members, staff, parents and guardians, past and present.

## 3. KEY RESPONSIBILITIES

Position/Roles	Responsibilities
Council	Ensure the College meets the regulatory requirements in relation to the <i>Corporations Act 2001</i> and provides protection to whistleblowers.

## 4. KEY ELEMENTS OF THE POLICY

### 4.1 What is a whistleblower and how is it different from a complaint?

In general terms, a whistleblower is a person, who reports misconduct or dishonest or illegal activity that has occurred with an organisation.

Concerns or complaints about the delivery of the College's services should be raised using the process contained in the College's **Complaints Handling Policy** (see website).

Staff work-related complaints or grievances about employment conditions, unfair dismissal or industrial relations related concerns should be made using the process contained in the College **Enterprise Agreement**.

### 4.2 What type of conduct is reportable?

A student, parent, staff member, Council member or other person involved with the College should report the following misconduct when observed by the reporting individual acting in good faith:

1. Dishonesty;
2. Unethical conduct;
3. Serious improper conduct;
4. Unsafe work practices;
5. Child abuse not acted on;
6. Illegal acts including theft, drug sale or use, violence or threatened violence and criminal damage against property;
7. Breaches of relevant laws, regulations, by-laws;
8. Any other conduct which may cause loss to the College or be otherwise detrimental to the College.

### 4.3 Reporting procedure

A student, parent, staff member or other person involved with the College who wishes to make a report in connection with misconduct should contact Richard Sallows (**'Whistleblower Protection Officer'**) on 9896 1735 or (04) 0979-4019 or in writing sent to 355 Station Street Box Hill or [sallows.r@kingswoodcollege.vic.edu](mailto:sallows.r@kingswoodcollege.vic.edu).

The College is committed to ensuring the Whistleblower Protection Officer is appropriately trained and qualified for this role and readily accessible.

All reports will be kept confidential and secure. All persons making a report are assured that in making a report they will not be personally disadvantaged by dismissal, demotion, any form of harassment, discrimination or current or future bias. The person making the report will be kept informed of the progress of the investigation.

Any person who, having made a report, believes that they have been personally disadvantaged has an automatic right of appeal to the College Council whose decision will be complied with.

Under Part 9.4AAA of the Corporations Act 2001 (Corporations Act) some protections are available for whistleblowers who report misconduct about companies and company officers.

Please refer to ASIC website for the '*Guidance for whistleblowers*' information sheet ([Info 52](#)).

### 4.4 Investigation procedures

All reports of misconduct will be subject to thorough investigation by the **Whistleblower Investigations Officer**. Depending on the nature of the complaint, the Whistleblower Investigations Officer may appoint an independent organization or person to complete the investigation on his behalf.

Best practices will be followed by the Whistleblower Investigations Officer who will be fair and independent of the person who made the report and the person who is the subject of the reportable conduct.

The investigation will include the following steps:

1. Full details of the allegations obtained;
2. Person against whom allegations are made is informed;
3. Involvement of external parties such as the police considered by Principal or Council Chair as appropriate;
4. Allegations fully investigated;
5. Principal or Council Chair decide on action to be taken; and
6. The person making the report will be kept informed of the progress of the investigation.

Where the Principal or the Council Chair decides that the allegations are of a very serious nature, external investigators will be engaged.

The identity or any information that could lead to the identity of a person who has made a report will not be released to any person who is not involved in the investigation/resolution of the matter.

#### **4.5 Abuse of reporting process**

All reports made under the confidential reporting process must be made in good faith. Abuse of the confidential reporting process is unacceptable and will be treated as a serious breach of the College's *Privacy Policy*.

#### **4.6 Monitoring and training**

The College will monitor and review this policy regularly to assess its effectiveness in encouraging the reporting of reportable conduct, protection of persons making reports, and investigation of reports.

Education and training about the procedures involved under this Whistleblower Policy will be provided to those involved in managing or investigating disclosures. The College community will also be educated and kept informed in relation to the Policy and the protections and procedures contained therein.

### **5. RELATED COLLEGE POLICIES**

- Code of Conduct
- Complaints Handling Policy
- Privacy Policy
- Staff Handbook

### **6. REFERENCES**

- [Whistleblowing ASIC](#) - ASIC website June 2019
- [Whistleblowers](#) – ISV Governance Guidelines – ISV website June 2019
- [Whistleblower-policy template](#) - ISV Governance Guidelines - ISV website June 2019