



Malvern

Whistleblower Policy

Rationale

De La Salle College aims to build a culture that reflects sound governance and ethical behaviour. In accordance with that commitment, this Policy provides a foundation for investigation and response where reasonable grounds have been found to suspect misconduct, or an improper state of affairs or circumstances.

Mission

De La Salle College is a Catholic College in the Lasallian tradition, enabling students in a community of faith and excellence to achieve their full potential with integrity and distinction.

"May God continue what he has begun in you."

(Letter 46—to Brother Robert in Darnetal, just outside Rouen, 1709)

Aim of the Policy

This Policy is to ensure the protection of Whistleblowers by establishing a mechanism for concerns to be raised on a confidential basis without fear of reprisal.

Policy Statement

The College is committed to providing a child safe educational environment, which is caring, supportive and responsive to the needs of all in our community. As such, individuals who may have information around suspected misconduct are encouraged to come forward in the knowledge their privacy and wellbeing will be protected.

Guidelines

The Policy applies in respect of relevant Disclosures made under the Policy by individuals who are, or have been, officers, associates, employees or contractors performing work for De La Salle College (including individuals, whether paid or unpaid, who supply goods or services to De La Salle College and their employees), and their relatives and dependants.

It is recognised that there are forms of alleged employee conduct committed against, with or in the presence of a child, such as relevant sexual offences, sexual misconduct, physical violence, behaviour that causes significant emotional or psychological harm and significant neglect that constitute 'reportable allegations'. The required management of these forms of conduct is dealt with under the Reportable Conduct Scheme. Other obligations may also be relevant, such as reporting of alleged criminal behaviour to police and mandatory reporting to DHHS and/or other relevant authorities.

Definitions

Detriment means:

- dismissal of an employee
- injury of an employee in his or her employment
- alteration of an employee's position or duties to his or her disadvantage

- discrimination between an employee and other employees of the same employer
- harassment or intimidation of a person
- harm or injury to a person, including psychological harm
- any other damage to a person

Disclosure means information provided by a Whistleblower who has reasonable grounds to suspect misconduct, or an improper state of affairs or circumstances, in relation to De La Salle College not including disclosures about a personal work-related grievance.

Personal work-related grievance means a grievance about any matter in relation to a person's employment, or former employment, having personal implications, and the information does not have significant implications, beyond the personal implications, for the College.

Misconduct means conduct by a person or persons connected with De La Salle College, which the Whistleblower has reasonable grounds to suspect, is (among other things):

- dishonest;
- fraudulent;
- corrupt;
- negligent;
- illegal (including theft, drug sale/use, criminal damage etc);
- in breach of Commonwealth or state legislation or local authority by-laws;
- unethical (representing a breach of the College Staff Code of Conduct or generally);
- other serious improper conduct;
- an unsafe work practice;
- representative of gross mismanagement, serious and substantial waste and/or a repeated breach of administrative procedures; and
- other conduct which may cause financial or non-financial loss to De La Salle College or be otherwise detrimental to the interests of the College.

Reasonable grounds to suspect means more than mere conjecture and would usually require some factual basis.

Senior Management means, as relevant, the employer, the Principal and Deputy Principal and employees of De La Salle College who have authority over the direction or management of the College.

Whistleblower means an officer, employee or a contractor performing work or providing goods for the De La Salle College, or an associate, relative or dependant of such an officer, employee or contractor, who makes a disclosure.

Whistleblower Investigations Officer is the person who may be appointed, either internally or externally, by the Whistleblower Protection Officer to conduct an investigation into disclosures.

Whistleblower Protection Officer is the Principal who has been appointed by the College Board to receive disclosures and protect the interests of Whistleblowers in accordance with this Policy.

Protections and support

De La Salle College encourages all persons covered by this Policy to report misconduct or an improper state of affairs or circumstances, in relation to the College, and is committed to protecting and supporting those persons who do so.

The protections provided to a Whistleblower under this Policy apply to the disclosure of information where the Whistleblower has reasonable grounds to suspect misconduct or an improper state of affairs or circumstances in relation to the College and do not apply in circumstances where a person discloses information that they know to be untrue. Information that is disclosed regarding matters that do not relate to misconduct or an improper state of affairs or circumstances in relation to the College do not qualify for protection under legislation.

A Whistleblower under this Policy will not be subjected to any detriment or threat of detriment for making a disclosure and will be covered by all of the protections provided under Commonwealth legislation providing for Whistleblower protections. Any alleged detriment should be reported to the Whistleblower Protection Officer, and may be dealt with under the De La Salle College Workplace Equal Opportunity Policy. A court may make orders including orders for compensation where a Whistleblower is subjected to detriment for making a disclosure.

De La Salle College will maintain the confidentiality of a Whistleblower and any information that would be likely to lead to the identification of the Whistleblower, subject to law and any authorisation by the Whistleblower allowing for identification in the context of an investigation of a disclosure.

A person who is considering making a disclosure may contact the Whistleblower Protection Officer to obtain additional information before making a disclosure.

(Note: There are also specific protections provided in the tax whistleblower regime under the Taxation Administration Act.)

How Disclosures May Be Made

Disclosures may be made, either verbally or in writing, to any member of the College Executive or the Whistleblower Protection Officer if preferred. Disclosures may be made anonymously and still be protected.

A Whistleblower will also qualify for protection in relation to disclosures made to:

- ASIC, APRA or another prescribed Commonwealth body;
- A legal practitioner for the purpose of obtaining legal advice or legal representation about the provisions of the Whistleblower legislation;
- A member of Federal or State Parliaments;
- A journalist.

How Investigations Are To Be Conducted

Investigation

All Disclosures that qualify for protection will be subject to thorough investigation.

The Whistleblower Protection Officer will investigate the disclosure, or may elect to appoint a Whistleblower Investigations Officer to investigate. This will be a decision of the Whistleblower Protection Officer and will depend on the nature and extent of the allegation(s) contained in the disclosure.

The Whistleblower Protection Officer, subject to privacy considerations of individuals involved in the investigation, will keep the Whistleblower informed of the progress and outcome of the investigation.

All reports and investigation procedures will be dealt with promptly.

Investigation report

The person conducting the investigation, whether that be the Whistleblower Protection Officer or a Whistleblower Investigations Officer will prepare an investigation report. The investigation report will provide a summary of the facts of the disclosure and of the investigation. It will also provide recommendations as to findings of whether any allegation is substantiated or unsubstantiated and may provide recommendations on actions, if any, that may be taken accordingly.

Decision-making

The investigation report will be provided by the Whistleblower Protection Investigator to the Whistleblower Protection Officer who will make a final decision in relation to the recommended findings and actions to be taken, if any. In circumstances where the investigation is conducted by a Whistleblower Investigations Officer, the investigation report will also be provided to the Whistleblower Protection Officer.

Ensuring Fair Treatment for Employees Mentioned In Disclosures

Procedural fairness

The principles of procedural fairness will apply to the conduct of investigations regarding disclosures. The person against whom any relevant allegations are made will be informed accordingly and will be provided an opportunity to respond. An unbiased decision-maker will make any decision regarding outcomes of an investigation.

Whistleblowers can rely on the protection afforded by this Policy and the relevant legislation, providing that the person making any disclosure has reasonable grounds to suspect misconduct. If a Whistleblower has any concerns regarding any Detriment because of a report made under this Policy, they should immediately contact the Whistleblower Protection Officer.

How The Policy Is To Be Made Available To Employees

This Policy is to be made available to all employees and contractors at De La Salle College by way of OLLIE and the College Website. The Policy will be the subject of induction and subsequent in-service training.

Examples of Disclosures

Inappropriate Electronic Material

An employee is accessing and/or downloading files that contain sexually explicit images to their work computer and then decide to circulate some of the images to colleagues. A colleague who receives the images uses the provisions of the Whistleblower Protection Policy to report the matter confidentially, as the actions are in breach of the Staff Allocation and ICT Usage Policy and the Staff Code of Conduct.

Suspicious Behaviour involving School Funds

An employee is relieving a colleague who is on leave and is asked by a parent why they have not received a receipt for the last cash payment they made to the school. The replacement employee advises that they will follow up the parent's inquiry. The replacement employee is suspicious that fraudulent misconduct may be occurring. They decide to report the matter confidentially and in line with the Whistleblower Protection Policy.

Who to Contact

The Whistleblower Protection Officer is the Principal who can be contacted via email (principal@delasalle.vic.edu.au) or via telephoning the College on 9508 2100.

Should the disclosure concern the Principal the Whistleblower Protection Officer would be the Chair of the College Board who can be contacted via email (boardchair@delasalle.vic.edu.au).

Relevant Legislation

Corporations Act 2001

Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019 (Cth)

Corporations Amendments (Proprietary Company Thresholds) Regulations 2019

ASIC Whistleblowing Guidelines

<https://www.asic.gov.au/about-asic/asic-investigations-and-enforcement/whistleblowing/>

Approval

Responsible Officer:	The Principal
Approval body:	College Executive / College Board
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