

## Whistleblower Policy

### Purpose

This Whistleblower Policy (Policy) is underpinned by a strong commitment to building a culture in Loreto College Ballarat (College) that reflects sound governance and ethical behaviour. In accordance with that commitment, the Policy provides a foundation for investigation and response where there are reasonable grounds to suspect misconduct, or an improper state of affairs or circumstances, in relation to the College.

The Policy provides protection to Whistleblowers by establishing a mechanism for concerns to be raised on a confidential basis without fear of reprisal.

### Scope

The Policy applies in respect of relevant Disclosures made under the Policy by individuals who are, or have been, Senior Management, employees or contractors performing work for Loreto College Ballarat (including individuals, whether paid or unpaid, who supply goods or services to the 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 the Department of Health and Human Services.

### Terms of Reference

The following Terms of Reference assist with determining which College policy is best suited to supporting concern.

<b>Complaints &amp; Dispute Resolution Policy</b>	<b>Whistleblower Policy</b>
Refer to this policy if you have a concern about day-to-day activity within the College.	Refer to this policy if you have a significant concern around business operations of the College, a breach of legislative responsibility, serious misconduct or unlawful activity.

## Relationship with the Complaints & Dispute Resolution Policy

This Policy is designed to complement normal communication channels between students, supervisors, employees, volunteers, parents and the Leadership Team. It should be read together with the Complaints & Dispute Resolution Policy, which is designed to deal with concerns and complaints about conduct which do not rise to the level of illegality, dishonesty, fraud or other serious misconduct.

## Reports or Disclosures about Child Protection

This policy should also be read in conjunction with the Child Protection Policy and Child Protection Management Strategy, which set out the specific requirements and processes for dealing with concerns relating to child protection, including as required by relevant legislation. Disclosures or complaints that fall within the ambit of the Child Protection Policy must be dealt with in accordance with that Policy.

## Definitions

Term	Definition
<b>Detriment</b>	Means: <ul style="list-style-type: none"> <li>• dismissal of an employee</li> <li>• injury of an employee in his or her employment</li> <li>• alteration of an employee's position or duties to his or her disadvantage</li> <li>• discrimination between an employee and other employees of the same employer</li> <li>• harassment or intimidation of a person</li> <li>• harm or injury to a person, including psychological harm</li> <li>• any other damage to a person</li> </ul>
<b>Disclosure</b>	Means information provided by a Whistleblower who has reasonable grounds to suspect misconduct, or an improper state of affairs or circumstances, in relation to Loreto College Ballarat, not including disclosures about a personal work-related grievance.
<b>Personal work-related grievance</b>	Means information provided by a Whistleblower who has reasonable grounds to suspect misconduct, or an improper state of affairs or circumstances, in relation to Loreto College Ballarat, not including disclosures about a personal work-related grievance.
<b>Misconduct</b>	Means conduct by a person or persons connected with Loreto College Ballarat, which the Whistleblower has reasonable grounds to suspect, is (among other things): <ul style="list-style-type: none"> <li>• dishonest;</li> </ul>

	<ul style="list-style-type: none"> <li>• fraudulent;</li> <li>• corrupt;</li> <li>• negligent;</li> <li>• illegal (including theft, drug sale/use, criminal damage etc);</li> <li>• in breach of Commonwealth or state legislation or local authority by-laws;</li> <li>• unethical (representing a breach of the Loreto College Ballarat Code of Conduct or generally);</li> <li>• other serious improper conduct;</li> <li>• an unsafe work practice;</li> <li>• representative of gross mismanagement, serious and substantial waste and/or a repeated breach of administrative procedures; and</li> <li>• other conduct which may cause financial or non-financial loss to Loreto College Ballarat or be otherwise detrimental to the interests of Loreto College Ballarat.</li> </ul>
<b>Reasonable grounds to suspect</b>	Means more than mere conjecture and would usually require some factual basis.
<b>Senior Management</b>	Means, as relevant, the College Board, the Principal, Business Manager, Deputy Principals and employees of Loreto College Ballarat who have authority over the direction or management of the College
<b>Whistleblower</b>	Means a director, manager, staff member or a contractor performing work or providing goods for Loreto College Ballarat, or an associate, relative or dependant of such an officer, employee or contractor, who makes a Disclosure.
<b>Whistleblower Investigations Officer</b>	<p>The person who may be appointed, either internally or externally, by the Chair of the School Board and the Principal of Loreto College Ballarat, to conduct an investigation into Disclosures. If:</p> <ul style="list-style-type: none"> <li>• the Chair of the School Board is the subject of the Disclosure, the School Board must be advised of the situation and the appointment of the Whistleblower Investigations Officer will be made by another Board member nominated by the School Board (excluding the Chair) and the Principal, acting jointly.</li> <li>• the Principal of Loreto College is the subject of the Disclosure, the School Board must be advised of the situation and the appointment of the Whistleblower Investigations Officer will be</li> </ul>

	made by the Chair or other delegated member of the School Board and the CEO of Loreto Ministries, acting jointly.
<b>Whistleblower Protection Officer</b>	The member of Senior Management appointed at Loreto College Ballarat to receive Disclosures and protect the interests of Whistleblowers in accordance with this Policy. In the absence of an appointment, the Whistleblower Protection Officer will be the Chair of the School Board's Finance & Risk Committee.

## Protections and Support

Loreto College Ballarat 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 Loreto College Ballarat 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 Loreto College Ballarat 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 College's Code of Conduct and other relevant policies. A court may make orders including orders for compensation where a Whistleblower is subjected to detriment for making a Disclosure.

Loreto College Ballarat 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 the Whistleblower Protection Officer. 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

## How Investigations Are to Be Conducted

### *Investigation*

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

The Whistleblower Protection Officer will refer to Disclosure to the Whistleblower Investigations Officer to investigate.

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

All reports and investigation procedures will be dealt with promptly.

### *Investigation report*

The person conducting the investigation 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 also provide recommendations on actions, if any, that may be taken accordingly.

### *Decision-making*

The investigation report will be provided by the Whistleblower Investigation Officer to the Chair of the School Board who will make a final decision in relation to the recommended findings and actions to be taken, if any. The investigation report will also be provided to the Whistleblower Protection Officer.

If the Chair of the School Board is the subject of the Disclosure, the School Board must be advised of the situation and will appoint another Board member to substitute for the Chair of the School Board in their decision making role.

The Whistleblower Protection Officer will inform the Whistleblower of the outcome of any investigation and retain a coordinating role in monitoring the implementation of any decided actions.

## 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. Any decision regarding outcomes of an investigation will be made by an unbiased decision-maker.

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 as a result of a report made under this Policy, they should immediately contact the Whistleblower Protection Officer.

### ***Untrue and Malicious / Vexatious Allegations***

If a whistleblower makes an allegation in good faith but it is not confirmed by further inquiry, the matter will be closed, and no further action taken. If, however, the inquiry shows that untrue allegations were malicious and / or vexatious or made for personal gain then the College will consider taking appropriate disciplinary and / or civil action.

## Communication

This Policy is to be made available to all officers, employees and contractors at Loreto College Ballarat by way of the intranet and policy resource documents. The Policy will be the subject of induction and subsequent in-service training.

### Who to Contact?

Whistleblower Protection Officer (current as at 23/12/2019):

*Chair of Finance & Risk Committee  
Loreto College Ballarat Board  
Mr Richard Robinson  
c/o 1600 Sturt St  
Ballarat.3350*

## Relevant Legislation

### Commonwealth

- *Corporations Act 2001*
- *Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019 (Cth)*
- *Corporations Amendments (Proprietary Company Thresholds) Regulations 2019*

## Policy Review

This policy will be reviewed every three years but will be reviewed earlier to take account of any changed technology, legislation, expectations or practices.

Policy Review Scheduled November 2020