



## WHISTLEBLOWING POLICY

This policy was last updated in August 2020, reviewed every 12 months.

### 1. Statement of context

- 1.1 Donvale Christian College (**the College**) is committed to fostering a culture of legal, ethical and moral behaviour and exemplary corporate governance.
- 1.2 The College recognises the value of transparency and accountability in its administrative and management practices, and supports the reporting of improper conduct.
- 1.3 This Whistleblowing Policy (**the Policy**) has been put in place to ensure employees and other workers can raise concerns regarding any serious wrongdoing (including unethical, illegal, corrupt or other inappropriate conduct) without being subject to victimisation, harassment or discriminatory treatment.

### 2. Purpose

This Policy aims to:

- 2.1 encourage a person to report improper conduct in good faith if they know or have reasonable grounds to suspect such conduct;
- 2.2 provide a mechanism to report misconduct or dishonest or illegal activity that has occurred or is suspected within the organisation;
- 2.3 enable the College to deal with reports from whistleblowers in a way that will protect the identity of the whistleblower and provide for secure storage of the information;
- 2.4 ensure that any Reportable Conduct is identified and dealt with appropriately;
- 2.5 help to ensure that the College maintains the highest standards of ethical behaviour and integrity.

### 3. Scope and application

- 3.1 This Policy applies to all:
  - (a) employees;
  - (b) directors;

- (c) officers;
- (d) contractors (including employees of contractors);
- (e) volunteers;
- (f) parents; and
- (g) agents

of all entities within or associated with the College (**Workers**).

- 3.2 This Policy does not apply to child safety concerns, occupational health and safety concerns or personal work-related grievances, unless the grievance includes victimisation because of the making of a protected disclosure. Victimisation is defined as punishing or threatening to punish someone.
- 3.3 In contemplating the use of this Policy, a person should consider whether the matter of concern may be more appropriately raised under another policy or procedure, such as the College's Grievance Policy.

#### **4. Reportable conduct**

##### **4.1 Who can speak up?**

A Whistleblower is a person who, whether anonymously or not, attempts to report, or reports misconduct or dishonest or illegal activity that has occurred within the College, and wishes to avail themselves of protection against reprisal for having made the report.

A Whistleblower may fall within one of the categories identified at section 3.1 whether they are currently employed or previously held a role with the College.

##### **4.2 What is Reportable Conduct?**

Reportable Conduct is defined as any past, present or likely future activity, behaviour or state of affairs considered to be:

- (a) corrupt (including soliciting, accepting or offering a bribe, facilitation payments or other such benefits);
- (b) dishonest or fraudulent;
- (c) illegal (including theft, drug sale or use, violence or threatened violence and property damage);
- (d) in breach of regulation, internal policy or code (such as the College's Code of Conduct);
- (e) impending internal or external audit processes;
- (f) improper conduct relating to accounting, internal controls, compliance, actuarial, audit or other matters of concern to the Whistleblower;
- (g) a serious impropriety or an improper state of affairs or circumstances;
- (h) endangering health or safety;

- (i) damaging or substantially risking damage to the environment;
- (j) endangering the financial system;
- (k) a serious mismanagement of the College's resources;
- (l) detrimental to the College's financial position or reputation;
- (m) maladministration (an act or omission of a serious nature that is negligent, unjust, oppressive, discriminatory or is based on improper motives);
- (n) concealing reportable conduct.

Reportable Conduct usually relates to the conduct of the College's staff, but it can also relate to the actions of a third party.

#### **4.3 What information do I need to make a report?**

To make a report you must know of or have reasonable grounds to suspect the Reportable Conduct.

For a report to be investigated, it must contain enough information to form a reasonable basis for investigation. It is important therefore that you provide as much information as possible. This includes any known details about the events underlying the report including:

- (a) date;
- (b) time;
- (c) location;
- (d) name of person(s) involved;
- (e) possible witnesses to the events; and
- (f) evidence of the events (e.g. documents, emails).

In your report, include any steps you may have already taken to report the matter elsewhere or to resolve the concern.

### **5. Procedure**

#### **5.1 How do I make a report?**

Where you have reasonable grounds to suspect that an individual has engaged in Reportable Conduct, you should report your concern to:

- (a) the Whistleblower Protection Officer (Assistant Business Manager);
- (b) a Board Director;
- (c) the Company Secretary;
- (d) a member of the College's Senior Leadership team;

- (e) any other person authorised by the College to receive Whistleblower disclosures; or
- (f) ASIC.

## 5.2 How are reports investigated?

The person appointed to conduct the investigation will assess the information provided to decide the best action to take, including whether external authorities need to be notified and whether an investigation into the Reportable Conduct is required.

If an investigation is deemed necessary, it will be conducted fairly and objectively. The investigation process will vary depending on the nature of the Reportable Conduct and the amount of information provided. While the College will endeavour to conclude an investigation within two months, if this cannot be achieved the individual who reported the Reportable Conduct will be notified of the expected investigation timeframe.

During an investigation, the individual who is the subject of the protected disclosure investigation will be informed as to the substance of any allegations and given an opportunity to respond to the allegations.

If there is insufficient information to warrant further investigation or the initial investigation immediately identifies there is no case to answer, the individual who reported the Reportable Conduct will be notified at the earliest possible opportunity.

## 5.3 Outcome of an investigation

At the conclusion of the investigation, a written report will be prepared outlining:

- (a) a finding of all relevant facts;
- (b) a determination as to whether the allegation(s) have been substantiated or otherwise;
- (c) the disciplinary or other action, which may include dismissal, that is to be taken.

The disciplinary action will be dependent on the severity, nature and circumstances of the Reportable Conduct.

Where possible and appropriate, having regard to the College's privacy and confidentiality obligations, the Whistleblower will be informed of the outcome of any investigation into their concerns.

## 6. Protection

### 6.1 How will I be protected if I speak up about Reportable Conduct?

The College understands you may feel worried about possible repercussions from reporting your concern. If you have reasonable grounds to suspect Reportable Conduct, even if it turns out your concerns are mistaken, the College will support and protect you and anyone else assisting in the investigation.

The College will not tolerate retaliation or adverse action related to a report of Reportable Conduct. This includes action such as:

- (a) dismissal, suspension, demotion or being overlooked for future career opportunities;
- (b) any form of bullying or harassment, including intimidation or threatening behaviour;
- (c) discrimination or bias;
- (d) harm or injury;
- (e) damage to a person's reputation;
- (f) threatening to carry out any of the above actions.

Anyone found to be victimising or disadvantaging another individual for making a disclosure under this Policy will be disciplined and potentially dismissed.

If you believe you have suffered personal disadvantage in violation of this Policy, you are encouraged to report this immediately to the Whistleblower Protection Officer. Your concerns of being disadvantaged will be treated as a report of Reportable Conduct, and this Policy will apply.

## 6.2 How will the College ensure confidentiality?

You may choose to report your concerns anonymously. However, if you do choose to disclose your identity, your details will only be used in connection with the investigation and your identity will not be disclosed unless;

- (a) you consent in writing to the disclosure;
- (b) the disclosure is made to ASIC, APRA or the Australian Federal Police;
- (c) the disclosure is made to a Legal Practitioner for the purpose of obtaining advice;
- (d) the disclosure is authorised under the *Corporations Act 2001* (Cth); and/or
- (e) disclosure is necessary to prevent or lessen a threat to a person's health, safety or welfare.

We encourage all individuals to disclose their identity when raising a concern. This will assist us to gather further information on your report. All information relating to a report of Reportable Conduct will be stored securely and access will be limited to authorised staff.

## 7. False reports or disclosures

- 7.1 Anyone who knowingly makes a false report/disclosure of Reportable Conduct, or who otherwise fails to act in good faith in respect of the report may be subject to disciplinary action, including dismissal.

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

**8. Monitoring and assurance**

8.1 This Policy will be distributed to all workers on commencement via email and stored on Complispace.

8.2 To ensure effective protection under the Policy, the Governance, Risk and Compliance Committee will monitor and review this Policy on an annual basis.

**9. Relevant policies and procedures**

9.1 Acceptable Use Policy;

9.2 Grievance Policy and Procedure;

9.3 Child Protection and Safety Policy; and

9.4 Child Safety Code of Conduct.