

WesleySAFE

POLICY

1. SCOPE

This policy applies to the following members of the Wesley College school community.

It includes past and current:

- students
- parents
- a relative of an individual referred to above
- a dependent of an individual referred to above or of such an individual's spouse

Employee, volunteer and officer members of the Wesley College school community should use the Your Call Whistleblower 'Speak Up' confidential disclosure service in line with the statutory requirements under Whistleblower legislation:

[YourCall: Reporting service for raising matters of serious concern | Whistleblowing Service | Wesley College](#)

2. POLICY

Wesley College is committed to maintaining and ensuring a safe environment for our Wesley student community and families supported by a culture of ethical behavioural standards, respectful relationships, compliance and good corporate governance.

The College recognises that any genuine commitment to a truly safe environment requires a commitment for open and frank conversations enabling a safe environment to '**speak up**' and '**call out**' unacceptable conduct or misconduct and must include an appropriate mechanism whereby current and past students and families and members of the wider school community (collectively referred to as "members of the school community") can report their concerns freely and without fear of repercussion and with confidence that they will be listened to and that an appropriate response and follow-up action will be taken.

Wesley College Council, the Principal and College Executive are committed to a **WesleySAFE** program which promotes a 'speak up' culture within the school community by:

- Encouraging the reporting of such conduct
- Providing protection to the member of the school community making a report, allowing the person 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
- Acting as a preventative measure to actively discourage misconduct

This policy should be read in conjunction with the policies outlined in section 13 *Related Policies*.

3. DEFINITIONS

- Child Safe means Child Safe Standards – Managing the Risk of Child Abuse in Schools, Ministerial Order No. 870, 2016
- Act means Corporations Act 2001 (Commonwealth) where relevant

4. WHO MAY MAKE A DISCLOSURE?

Any person defined in paragraph 1 above may make a disclosure under this policy.

5. REPORTABLE CONDUCT

If you have seen or have reasonable grounds to suspect misconduct, or an improper state of affairs or circumstances, concerning Wesley College you should report it. ('Disclosure')

Misconduct includes but is not limited to:

- Unacceptable behaviour that breaches respectful relationships
- Dishonest, misogynistic, 'hate speech' (eg: racist, religious intolerance, homophobia) or illegal activities
- Unethical conduct
- Acts of bullying, discrimination, harassment or intimidation
- Child abuse
- Breaches of the College internal policies and procedures and external relevant laws, regulations and by-laws
- Concealment of misconduct
(Collectively referred to as 'Misconduct')

Members of the school community who become aware of known, suspected or potential cases of misconduct are expected to make a report as soon as possible.

Misconduct under Section 1317AA (5) of the Act should also be disclosed - refer to Appendix A for further details. Under Child Safe Standards refer to Appendix C.

6. PERSONAL SCHOOL-RELATED GRIEVANCES

May I make a disclosure about a personal school-related grievance?

Yes - the College recognises that any genuine commitment to a truly safe environment requires a commitment for open and frank conversations including the ability to safely speak up and raise a concern or issue. The College has Child Safe obligations to ensure a safe environment for students, we see this obligation extending to the development and lived experience of respectful relationships in all forms.

7. REPORTING PROCEDURES

A disclosure may be made:

1. internally through the College
2. to the independent disclosure service provider - **WesleySAFE** (via *Your Call*)
3. to external authorities and entities

a) Internally through the College.

Any eligible respondent may raise an issue. We support openness and teamwork. This policy is not intended to replace our first obligation to resolve issues quickly and internally where appropriate. All reasonable attempts to resolve an issue should first be tried.

A person considering raising an issue should first consider whether the issue may be more appropriately addressed through the College's existing internal reporting procedures (refer to *Related Policies* outlined in section 13). These include raising the issue with your Classroom / Homeroom Teacher, Cluster Leader, Head of House, Counsellors, Head of School or Head of Campus.

If you do not feel safe or able to raise misconduct with the persons mentioned above you may make a disclosure to any of the following Wesley College WesleySAFE Disclosure Officers - contact details are set out below:

Name	Position	Contact details
Nicholas Evans	Principal	8102 6000 nick.evans@wesleycollege.edu.au
Kim Bence	Head of Campus SKR	8102 6047 Kim.bence@wesleycollege.edu.au
Sheriden Vella	Head of Campus GW	8102 6510 Sheridan.vella@wesleycollege.edu.au
Jacinta Janssens	Head of Campus E	8102 6810 Jacinta.janssens@wesleycollege.edu.au
Cameron Moroney	Business Director & CFO	8102 6161 cameron.moroney@wesleycollege.edu.au
Peter Rogers	Director Human Resources	8102 6771 peter.rogers@wesleycollege.edu.au
<i>Alternative officer to be notified only if disclosure relates to all other Disclosure Officers</i>		
Ms Marianne Stillwell	President of Council	

b) To independent WesleySAFE service provider – Your Call External Reporting

Where the issue relates to serious misconduct and a person has reservations about raising the issue through the internal reporting procedures and/or prefers to remain anonymous, a report should be made through the College's external and independent reporting service.

Wesley College has contracted *Your Call Whistleblowing Solutions* ("Your Call") to receive and manage your WesleySAFE report with impartiality and confidentiality. This option allows you to:

- Remain completely anonymous;
- Identify yourself to WesleySAFE only; or
- Identify yourself to both WesleySAFE and the College

Your identity will not be disclosed by WesleySAFE or the College unless:

- You consent to the disclosure;
- The disclosure is required by law; or
- It is necessary to prevent a serious threat to a person's health or safety.

The WesleySAFE reporting options include:

- Online at www.yourcall.com.au/report 24/7
- Dedicated telephone **1800 718 514** between 9am – 12am AEST, Mon – Fri, excluding public holidays

When making a report use the organisation **ID: WESLEYSAFE**

You may upload any relevant documentation and/or material that you wish to provide.

After making a disclosure, you will be provided with a unique Disclosure Identification Number (DIN) and access to a secure online Message Board. The Message Board allows ongoing anonymous communication with WesleySAFE and/or the College. WesleySAFE through *Your Call* remains the intermediary at all times, receiving and forwarding communication between all parties.

For further details, please refer to the WesleySAFE section on the College, WiSE for current students or the Contact section on the College website (for other members of the school community).

National Relay Service:

If you are deaf, or have a hearing or speech impairment, you can contact WesleySAFE online or through the National Relay Service. Simply choose your contact method at www.relayservice.gov.au and request WesleySAFE hotline 1300 790 228.

Supporting Documentation

Wesley College does not expect a report to include absolute proof or evidence of misconduct. Despite this, a report should show reasonable grounds for concerns and include all relevant details (dates, times, location, names of person(s)) and supporting documents available or known. Steps already taken by a member of the school community to report the matter internally, if relevant, should also be included.

Including all relevant details assists the College to operate a thorough review, and if reasonable basis, a sufficient investigation and action.

There are no penalties for making a disclosure with reasonable grounds that an investigation determines unverified.

8. DO I HAVE TO DISCLOSE MY IDENTITY?

There is no requirement to identify themselves in order to make a disclosure under this policy.

Members of the school community can choose to remain anonymous when making a report to a Wesley College Disclosure Officer or through WesleySAFE. Wesley College will respect the member of the school community's right to not provide their identity. It should be noted, if a member of the school community chooses to make a report anonymously, this may hinder the College's ability to fully review and investigate the matter.

Will my identity be treated confidentially?

Your identity will not be disclosed by WesleySAFE or Wesley College unless:

- you consent to disclosing your identity
- the disclosure is required by law
- it is necessary to prevent a serious threat to a person's health or safety

An unauthorised disclosure of:

- the identity of a respondent
- information that is likely to lead to the identification of the respondent where the information was obtained because of the disclosure

Will be regarded as a disciplinary matter and will be dealt with in accordance with Wesley College's disciplinary procedures for current students and employees.

Protection against victimisation

We will do everything reasonably possible to support and protect anyone who:

- intends to or actually makes a disclosure
- is mentioned in the disclosure
- acts as a witness
- otherwise assists with the investigation and resolution of the disclosure from victimisation.

Assistance is available to students through Head of House / Pastoral Care and for staff pursuant to the Employee Assistance Program to employees mentioned or involved in a disclosure.

We will thoroughly investigate reports of victimisation. If proven, those who have victimised another will be subject to appropriate disciplinary action up to suspension, expulsion (student) and dismissal (employee).

Nothing in this policy is intended to change or take away any other protections which may be available at law.

What protections are available to a discloser?

Making a disclosure takes courage.

As stated earlier, the College recognises that any genuine commitment to a truly safe environment requires a commitment for open and frank conversations enabling a safe environment to **'speak up'** and **'call out'** unacceptable conduct or misconduct and must include an appropriate mechanism whereby current and past students and families and members of the wider school community (collectively referred to as "members of the school community") can report their concerns freely and without fear of repercussion and with confidence that they will be listened to and that an appropriate response and follow-up action will be taken.

For respondents considering making a disclosure, the College, through WesleySAFE, commits to undertaking confidential follow up through fair and impartial investigation. Where agreed with the respondent, the College will provide access to an appointed WesleySAFE Protection Officer, counselling and support as appropriate.

Where can I get information and advice?

If you need information and advice about making a disclosure or the support and protection available you may discuss the matter in confidence with your immediate home room teacher, Head of School or Head of Campus for students or for employees, their immediate supervisor, manager or People & Culture.

Note: In the event you do not formally make a disclosure we may nevertheless be compelled to act on the information provided during the discussion if the information reasonably suggests misconduct has occurred or may occur.

9. WHAT HAPPENS AFTER I MAKE A DISCLOSURE TO WesleySAFE?

WesleySAFE via *Your Call* is the external go-between you and Wesley College to:

- receive the disclosure you make to WesleySAFE
- make a record of the information you provide
- ensure your identity is kept confidential from Wesley College if you wish
- allow you to access the WesleySAFE Message Board to enable you to communicate with Wesley College. You may post questions and information online for the attention of Wesley College. If you wish you can remain anonymous throughout the communications
- WesleySAFE will refer the disclosure, including the information and documents provided by you, to the College's WesleySAFE Disclosure Officers within one business day

Please Note: Wesley SAFE via *Your Call* is not the decision maker. All decisions relating to dealing with the disclosure including the investigation and resolution of the disclosure are entirely the responsibility of Wesley College.

What will Wesley College do with the disclosure?

The WesleySAFE Disclosure Officers have been appointed by Wesley College to receive the disclosure directly from you (if you make an internal disclosure to the College) or from WesleySAFE (if you make an external disclosure to WesleySAFE).

The WesleySAFE Disclosure Officers will:

- carefully assess the information provided to decide the best action to take, including whether an investigation is required, to determine whether the misconduct is proven or not proven
- keep the information provided in a confidential and secure system
- coordinate and oversee the investigation where an investigator has been appointed
- appoint a WesleySAFE Protection Officer to support and protect the respondent, if necessary, from victimisation
- advise the respondent (through WesleySAFE where anonymity is requested) of the progress of the matter to the extent it is legally permissible and appropriate to do so
- take all reasonable steps to ensure the identity of the respondent and the person/s who is the subject of the disclosure are kept confidential

WesleySAFE Protection Officers

If necessary, Wesley College will appoint a WesleySAFE Protection Officer to provide or coordinate support and protection for anyone who has or is in the process of making a disclosure. The support may include a support person and/or other support services as may be appropriate based on the circumstances.

The WesleySAFE Protection Officer is appointed by Wesley College to:

- assess the immediate welfare and protection needs of a respondent / discloser
- safeguard the interests of a respondent / discloser in accordance with this policy and the law
- address any issues or concerns of victimisation/detrimental treatment

Wesley College may appoint a person from within the College or a third party to be the WesleySAFE Protection Officer.

As a first step, students can contact Head of House or Councillors and employees can contact the Employee Assistance Program.

Reporting with Reasonable Grounds

Anyone who makes a disclosure knowing it to be false or misleading may be subject to disciplinary / further action.

Similarly, any action taken in retribution against a person who has made a disclosure may give rise to disciplinary / further action.

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

Protection

Disclosures made under this policy will be managed confidentially and kept confidential to the extent possible to meet legal and regulatory requirements.

No person who makes a disclosure under this policy will be subject to any detrimental action including (but not limited to) adverse discrimination or disadvantage in their enrolment, employment, or connection, with Wesley College in response to making a disclosure.

Wesley College will not tolerate any detrimental action against anyone who has made a disclosure in accordance with this policy. If you believe detrimental action has been or is being taken against you or someone else involved in or as a result of the disclosure you should tell the College WesleySAFE Protection Officers or WesleySAFE.

If you have been threatened with detrimental action, this is also cause to notify the College WesleySAFE Protection Officer or WesleySAFE.

Support

The College WesleySAFE Protection Officers can initiate or coordinate support for anyone who has made a disclosure under this policy. The appropriate support person and/or other support services will be chosen based on the circumstances of each case and nature of the request.

10. INVESTIGATION OF THE DISCLOSURE

The WesleySAFE Disclosure Officers will carefully assess and use the information provided in the disclosure to decide the best action to take, including whether an investigation is required and, if so, determine the appropriate investigation process, including:

- the nature and scope of the investigation
- who will conduct the investigation and whether that person should be external to the College
- the nature of any specialist review / advice that may be required
- a timeframe for the investigation (having regard to the level of risk)

How will the investigation be conducted?

The investigation must be conducted in a constructive, impartial and lawful way according to the principles of natural justice and procedural fairness.

The investigator will:

- gather information, material and documentation concerning the disclosure as quickly as possible. (This may involve taking steps to protect or preserve documents, materials and equipment.)
- take a statement or record of interview and/or tape formal interviews with witnesses as required (Where the respondent wishes to remain anonymous and does not wish to make a statement they will not be asked to do so.)
- keep information gathered in the investigation securely
- take all reasonable steps to protect the identity of the respondent. (Where disclosure of the identity of the respondent cannot be avoided due to the nature of the allegations, the investigator will warn the respondent of this probability)
- complete the investigation and provide a report of their findings as soon as is reasonably practical

Investigator's Report

At the conclusion of the investigation, the investigator will provide a written report to the College's WesleySAFE Disclosure Officers including:

- a finding of all relevant facts
- whether the disclosure is proven, not proven or otherwise
- recommendation/s, when requested to do so, as to any action that may be taken in respect of the findings

Wesley College will use the report to determine the action (if any) to be taken including disciplinary action.

The findings will be communicated to the relevant parties involved to the extent that it is legally permissible and appropriate to do so.

What happens if the misconduct is proven?

If the misconduct is proven the College will decide what action to take including disciplinary action up to expulsion (student) or dismissal (employee).

The disciplinary action will depend on the severity, nature and circumstance of the misconduct.

Reporting the matter to external authorities

Wesley College will refer:

- the information in the disclosure
- the findings of an investigation

which revealed conduct that may constitute a legal or criminal offence or when required to so by law to the relevant external agency, such as Victoria Police.

Will the respondent be kept informed?

Subject to privacy and confidentiality requirements the respondent will be kept informed of:

- relevant progress of the disclosure
- the outcome of the disclosure

to the extent that it is legally permissible and appropriate to do so.

11. MONITORING AND TRAINING

The College, through the Council Ethics, Governance & Compliance Committee will regularly monitor and review this policy and disclosure reporting trends and follow up actions (in a privacy-protected way) to assess its effectiveness in encouraging the reporting of misconduct, protection of persons making reports, and the investigation of reports. Education and training about the procedures involved under this policy will be provided to those involved in managing or investigating disclosures. The Wesley College school community will also be educated and kept informed in relation to the policy and the protections and procedures contained in it.

How will this policy be made available to members of the Wesley College school community?

This policy is available to students, families, employees and officers of our organisation on the Wesley College Intranet and WiSE and all other members of the school community on the Wesley College website.

12. RELATED POLICIES

- Grievance Policy
- Student Handbook – Student Code of Conduct
- Code of Conduct Policy
- Managing Unsatisfactory Performance & Misconduct Policy
- Duty of Care - General Staff Policy
- Duty of Care - Teaching Staff Policy
- Bullying, Discrimination, and Harassment Policy
- Health & Safety Policy
- Mandatory Reporting Policy – Victoria
- Mandatory Reporting Policy – Western Australia
- Child Protection Policy
- Child Safety Code of Conduct
- Conflict of Interest Policy
- Conflict of Interest Policy - Working with Family

13. LEGISLATION

- Child Safe Standards - Managing the Risk of Child Abuse in Schools, Ministerial Order No. 870, 2016
- Public Interest Disclosure Act 2013
- Corporations Act 2001
- Equal Opportunity Act 2010 (Vic)
- Equal Opportunity Act 1984 (WA)
- Fair Work Act 2009 (Commonwealth)
- Occupational Health and Safety Act (2004)
- Western Australian Occupation Safety and Health Act (1984)

14. OTHER RELATED RESOURCES

Refer to the *Your Call* section on the College Portal, or the Contact section on the College website, which includes further information.

Appendix A

For employees related to a disclosure:

Misconduct under Section 1317AA (5) of the Act should also be disclosed. It includes conduct that constitutes an offence against, or a contravention of, a provision of any of the following:

1. the Act;
2. the ASIC Act;
3. the Banking Act 1959;
4. the Financial Sector (Collection of Data) Act 2001;
5. the Insurance Act 1973;
6. the Life Insurance Act 1995;
7. the National Consumer Credit Protection Act 2009;
8. the Superannuation Industry (Supervision) Act 1993;
9. an instrument made under an Act referred to in any of subparagraphs 1. to 8.; or
 - constitutes an offence against any other law of the Commonwealth that is punishable by imprisonment for a period of 12 months or more; or
 - represents a danger to the public or the financial system; or
 - is prescribed by the regulations for the purposes of this paragraph.

Appendix B

Misconduct can also be disclosed to various external authorities and entities.

Concerning misconduct under the Act

If the misconduct relates to the Corporations Act 2001 Section 1317AA (1) you may make a disclosure to:

- ASIC
- APRA
- a Commonwealth authority prescribed for the purposes of Section 1317AA (1)

If of a criminal nature – Victoria Police

Appendix C

The Victorian Child Safe Standards

- Commission for Children and Young People, [The Child Safe Standards, 2018](#)
- Minister for Education, [Child Safe Standards – Managing the Risk of Child Abuse in Schools, Ministerial Order No. 870, 2016](#)

Mandatory Reporting

- Department of Education and Training, [Your Reporting and Legal Obligations, 2018](#)
- Department of Health and Human Services, [Reporting child abuse, 2018](#)

Responding to Child Protection Incidents

- Department of Education and Training and Department of Health and Human Services, [Child Protection, Protect: Identifying and Responding to All Forms of Abuse in Victorian Schools, 2018](#)
- Department of Education and Training and Department of Health and Human Services, [Child Protection, Four Critical Actions for Schools: Responding to Incidents, Disclosures or Suspicions of Child Abuse, 2018](#)
- Department of Education and Training and Department of Health and Human Services, [Child Protection, Responding to Suspected Child Abuse: A Template for all Victorian Schools, 2018](#)
- Department of Education and Training and Department of Health and Human Services, [Child Protection, Responding to Student Sexual Offending.](#)
- Department of Education and Training and Department of Health and Human Services, [Child Protection, Responding to Suspected Student Sexual Offending: Template for all Victorian Schools.](#)

Working with Children Checks

- Department of Justice and Regulation, [Working with Children Check website](#)

Reportable Conduct Scheme

- Commission for Children and Young People, [Reportable Conduct Scheme, 2018](#)

General Obligation to Report

- Department of Justice and Regulation, [Failure to Disclose Offence Fact Sheet, 2018](#)

Duty to Protect Students from Abuse

- Department of Justice and Regulation, [Failure to protect: a new criminal offence to protect children from sexual abuse, 2018](#)

Child Related HR Practices

- Commission for Children and Young People, [Standard 4: human resource practices, 2018](#)
- Department of Education and Training, [HR Practices for a Child Safe Environment, 2018](#)