



# WHISTLEBLOWER ‘SPEAK UP’ POLICY

## 1. SCOPE

This policy applies to any member of the Wesley College school community.

It includes past and current:

- employees
- officers and managers
- Council and sub-committee members
- parents
- students
- volunteers
- individuals who supply goods and services to us, and their employees
- work experience students
- commissioned agents and consultants
- a relative of an individual referred to above
- a dependent of an individual referred to above or of such an individual’s spouse (all eligible as and collectively referred to as ‘whistleblowers’).

## 2. POLICY

Wesley College is committed to maintaining a culture of ethical behavioural standards, compliance and good corporate governance. Wesley College Council recognises that any genuine commitment to detecting and preventing illegal, unethical and unsatisfactory conduct or misconduct must include an appropriate mechanism whereby members of the school community can report their concerns freely and without fear of repercussion. A whistleblowing program promotes a ‘speak up’ culture within the College and this policy provides such a mechanism, 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

Act means Corporations Act 2001 (Commonwealth)

## 4. WHO MAY MAKE A DISCLOSURE?

Any person defined as a whistleblower 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:

- Dishonest, corrupt or illegal activities
  - Unethical conduct
  - Acts of bullying, discrimination, harassment or intimidation
  - Child abuse
  - Theft, fraud or misappropriation
  - Breaches of the College internal policies and procedures and external relevant laws, regulations and by-laws
  - Unsafe work practices
  - Concealment of misconduct
  - Any other conduct which may cause loss to the College or be otherwise detrimental to the College
- (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.

## 6. PERSONAL WORK-RELATED GRIEVANCES

### May I make a disclosure about a personal work-related grievance?

Section 1317AADA of the Act states that the protections under the Act do not apply to a disclosure to the extent that the disclosure:

- concerns a personal work-related grievance of the whistleblower; and
- does not concern a contravention, or an alleged contravention, of section 1317AC that involves detriment caused to the whistleblower or a threat made to the whistleblower.

The Act gives these examples of grievances that may be personal work-related grievances:

- an interpersonal conflict between the whistleblower and another employee
- a decision relating to the engagement, transfer or promotion of the whistleblower
- a decision relating to the terms and conditions of engagement of the whistleblower
- a decision to suspend or terminate the engagement of the whistleblower, or otherwise to discipline the whistleblower

## 7. REPORTING PROCEDURES

A disclosure may be made:

1. internally through the College
2. to independent whistleblower service provider – *Your Call*
3. to external authorities and entities

### a) Internally through the College.

Any eligible whistleblower 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 direct report / manager, the Classroom / Homeroom Teacher, Cluster Leader, Head of House, Head of School, Head of Campus or People & Culture, depending on whether the issue relates to staff performance and management, pastoral care of a student, organisation governance etc.

If you do not feel safe or able to raise misconduct with the persons mentioned above you may make a disclosure to:

- an officer or senior manager of Wesley College or related company
- an auditor, or a member of an audit team conducting an audit of Wesley College or related company
- an actuary of Wesley College or related company
- a person authorised by Wesley College to receive disclosures

Wesley College's Disclosure Officers to whom you may make a disclosure and their contact details are set out below.

<b>Name</b>	<b>Position</b>	<b>Contact details</b>
Mr Nicholas Evans	Principal	8102 6000 nick.evans@wesleycollege.edu.au
Mr Cameron Moroney	Business Director & CFO	8102 6161 cameron.moroney@wesleycollege.edu.au
Mr Peter Rogers	Director People & Culture	8102 6771 peter.rogers@wesleycollege.edu.au
<i>Alternative officer to be notified only if disclosure relates to all other Disclosure Officers</i>		
Ms Rachel Webster	President of Council	

**b) To independent whistleblower 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 whistleblowing service.

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

- Remain completely anonymous;
- Identify yourself to *Your Call* only; or
- Identify yourself to both *Your Call* and the College

Your identity will not be disclosed by *Your Call* 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 *Your Call* reporting options include:

- Online at [www.yourcall.com.au/report](http://www.yourcall.com.au/report) 24/7

- Telephone 1300 790 228 between 9am – 12am AEST, Mon – Fri, excluding public holidays

When making a report use the organisation ID: **WESLEY1866**

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 *Your Call* and/or the College. *Your Call* remains the intermediary at all times, receiving and forwarding communication between all parties.

For further details, please refer to the *Your Call* section on the College Portal (for staff) 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 *Your Call* online or through the National Relay Service. Simply choose your contact method at [www.relayservice.gov.au](http://www.relayservice.gov.au) and request *Your Call's* 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 the 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.

### **c) To external authorities and entities**

Misconduct relating to Section 1317AA (1) of the Act can also be disclosed to various external authorities and entities. Refer to **Appendix B** for further details.

## **8. DO I HAVE TO DISCLOSE MY IDENTITY?**

There is no requirement for a whistleblower to identify themselves in order for a disclosure to qualify for protection under the Act or 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 *Your Call*. 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. Further, it may prevent members of the school community from accessing additional protection at law.

### **Will my identity be treated confidentially?**

Your identity will not be disclosed by *Your Call* 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 whistleblower
- information that is likely to lead to the identification of the whistleblower 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.

Note: It is also an offence/contravention under the Act which carries serious penalties for individuals and companies.

### **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 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 management action including disciplinary action up to dismissal.

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

Note: Victimisation is also an offence under the Act which carries serious penalties for individuals and companies.

### **What immunities are available to a whistleblower?**

If you make a disclosure that qualifies for protection under the Act:

- you are not subject to any civil, criminal or administrative liability (including disciplinary action) for making the disclosure; and
- no contractual or other remedy may be enforced, and no contractual or other right may be exercised, against you on the basis of the disclosure; and
- the information is not admissible in evidence against the whistleblower in criminal proceedings or in proceedings for the imposition of a penalty, other than proceedings in respect of the falsity of the information.

**Note:** Except as provided for by the Act it does not prevent a whistleblower being subject to any civil, criminal or administrative liability for conduct of the whistleblower that is revealed by the disclosure.

### **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 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 YOUR CALL?**

*Your Call* is the external go-between for you and Wesley College. *Your Call* will:

- receive the disclosure you make to *Your Call*
- 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 *Your Call* Message Board to enable you to communicate with Wesley College. You may post questions and information on line for the attention of Wesley College. If you wish you can remain anonymous throughout the communications
- *Your Call* will refer the disclosure, including the information and documents provided by you, to the College's Disclosure Officers within one business day

**Please Note:** *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 Wesley College 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 *Your Call* (if you make an external disclosure to *Your Call*).

The Wesley College 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 Whistleblower Protection Officer to support and protect the whistleblower, if necessary, from victimisation
- advise the whistleblower (through *Your Call* 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 whistleblower and the person/s who is the subject of the disclosure are kept confidential

### **Whistleblower Protection Officers**

If necessary, Wesley College will appoint a Whistleblower 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 Whistleblower Protection Officer is appointed by Wesley College to:

- assess the immediate welfare and protection needs of a whistleblower
- safeguard the interests of a whistleblower 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 Whistleblower Protection Officer.

As a first step, 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 action, including dismissal.

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 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 Whistleblower Protection Officers or *Your Call*.

### **Support**

The College Whistleblower 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 Wesley College 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 technical, financial or legal 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 whistleblower 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 whistleblower. (Where disclosure of the identity of the whistleblower cannot be avoided due to the nature of the allegations, the investigator will warn the whistleblower 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 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 dismissal.

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 the police, ASIC or APRA.

### **Will the whistleblower be kept informed?**

Subject to privacy and confidentiality requirements the whistleblower 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.

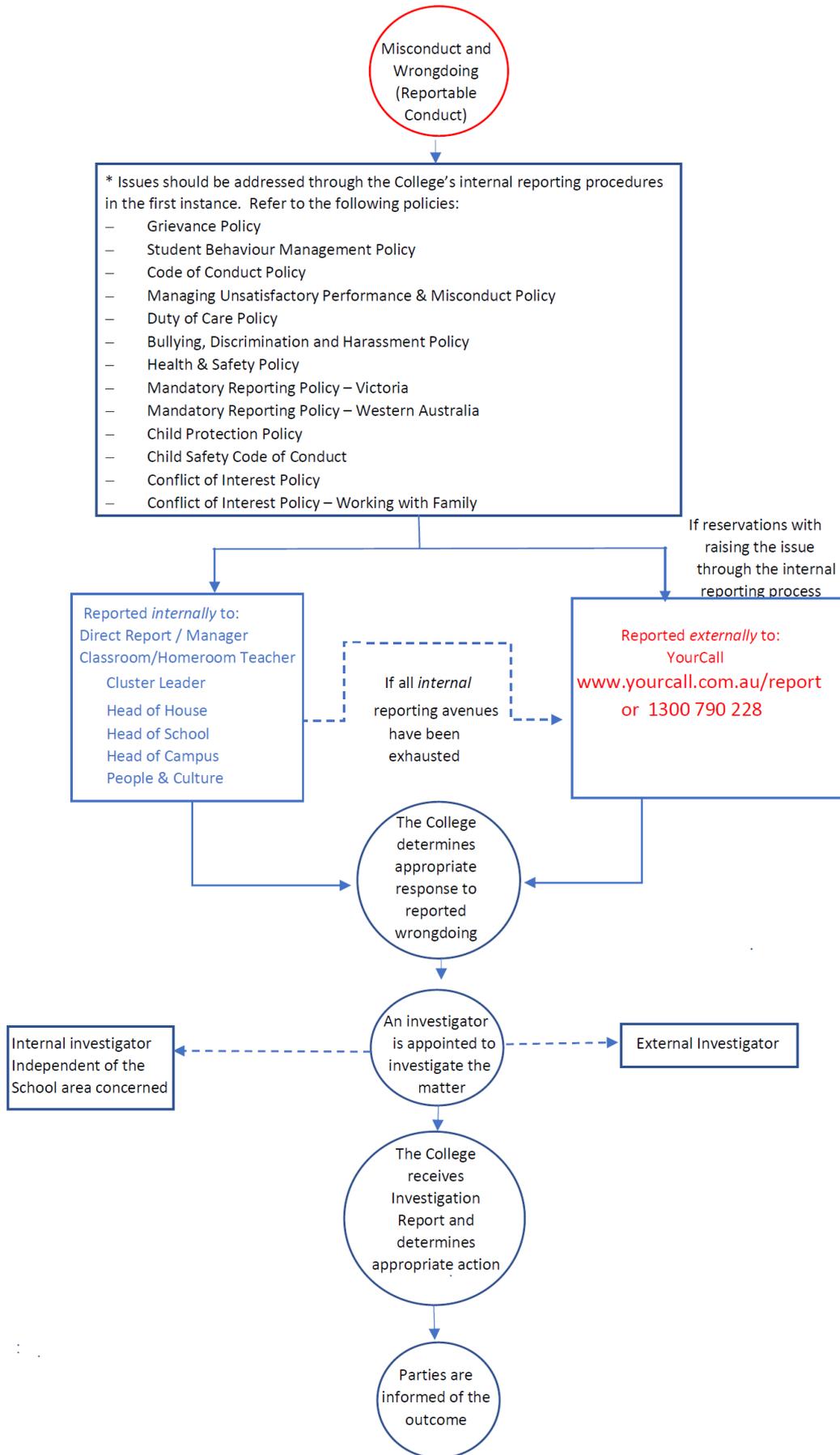
## **11. MONITORING AND TRAINING**

The College will monitor and review this policy regularly 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 employees and officers of our organisation on the Wesley College Portal and all other members of the school community on the Wesley College website.

## 12. DISCLOSURE FLOWCHART



### **13. RELATED POLICIES**

- Wesley Safe Policy
- Grievance Policy
- Student Behaviour Management Policy
- 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

### **14. LEGISLATION**

- Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019
- Public Interest Disclosure Act 2013
- Corporations Act 2001
- Australian Securities and Investments Commission Act 2001
- Banking Act 1959
- Insurance Act 1973
- Life Insurance Act 1995
- Superannuation Industry (Supervision) Act 1993
- Taxation Administration Act 1953
- 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)
- Child Safe Standards - Managing the Risk of Child Abuse in Schools, Ministerial Order No. 870, 2016

### **15. 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

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)

### Concerning disclosures relating to superannuation entities

If the misconduct concerns a regulated entity that is a superannuation entity you may make a disclosure to:

- an officer of the superannuation entity
- an auditor, or a member of an audit team conducting an audit, of the superannuation entity
- an actuary of the superannuation entity
- an individual who is a trustee (within the meaning of the Superannuation Industry (Supervision) Act 1993) of the superannuation entity
- a director of a company that is the trustee (within the meaning of the Superannuation Industry (Supervision) Act 1993) of the superannuation entity
- a person authorised by the trustee or trustees (within the meaning of the Superannuation Industry (Supervision) Act 1993) of the superannuation entity to receive disclosures

### Concerning disclosures made to legal practitioner

If you make a disclosure to a legal practitioner for the purpose of obtaining legal advice or legal representation in relation to the operation of Part 9.4 of the Act (which includes the whistleblower protections and confidentiality of a whistleblower's identity) the disclosure will be protected under the Act.

### Concerning public interest disclosures

You may make a disclosure in the public interest to a member of the Parliament of the Commonwealth, the Parliament of a State or the legislature of a Territory or a journalist if:

1. you have previously made a disclosure of that misconduct, and
2. at least 90 days have passed since the previous disclosure was made; and
3. you do not have reasonable grounds to believe that action is being, or has been, taken to address the misconduct to which the previous disclosure related; and
4. you have reasonable grounds to believe that making a further disclosure of the misconduct would be in the public interest; and
5. after the end of the 90-day period you give the person to whom you made the previous disclosure a written notification that:
  - includes sufficient information to identify the previous disclosure; and
  - state that you intend to make a public interest disclosure; and
6. the public interest disclosure is made to:
  - a member of the Parliament of the Commonwealth, the Parliament of a State or the legislature of a Territory; or
  - a journalist; and
7. the extent of the information disclosed in the public interest disclosure is no greater than is necessary to inform the recipient referred to in paragraph (6) of the misconduct or the improper state of affairs or circumstances referred to in subsection 1317AA(4) or the conduct referred to in subsection 1317AA(5), as the case may be.

### **Concerning emergency disclosures**

You may also make an emergency disclosure to a member of the Parliament of the Commonwealth, the Parliament of a State or the legislature of a Territory or a journalist if:

1. you previously made a disclosure that qualifies for protection under the Act (Part 9.4 under subsection 1317AA(1)); and
2. you have reasonable grounds to believe that the information concerns a substantial and imminent danger to the health or safety of one or more persons or to the natural environment; and
3. you give the body to which the previous disclosure was made a written notification that:
  - includes sufficient information to identify the previous disclosure; and
  - state that you intend to make an emergency disclosure; and
4. the emergency disclosure is made to:
  - a member of the Parliament of the Commonwealth, the Parliament of a State or the legislature of a Territory; or
  - a journalist; and
5. the extent of the information disclosed in the emergency disclosure is no greater than is necessary to inform the recipient referred to in paragraph (4) of the substantial and imminent danger.

Note: Journalist means a person who is working in a professional capacity as a journalist for any of the following:

1. a newspaper or magazine;
2. a radio or television broadcasting service;
3. an electronic service (including a service provided through the internet) that:
  - is operated on a commercial basis, or operated by a body that provides a national broadcasting service (within the meaning of the Broadcasting Services Act 1992); and
  - is similar to a newspaper, magazine or radio or television broadcast.