



WHISTLEBLOWER POLICY

1. PURPOSE

Saint Stephen's College (the College) is committed to pursuing its mission ethically and maintaining and promoting high standards of integrity and governance within the organisation by people at all levels. The purpose of the Whistleblower Policy is to allow staff, parents, students, and volunteers to report serious concerns about College operations through appropriate and confidential channels without risk of retaliation, victimisation or harassment in any form. Saint Stephen's College is committed to comply with the applicable laws and practices included in the Australian Standard AS8004-2003 Whistleblower Protection Program for Entities.

The Policy seeks to achieve this by:

- a) providing a supportive environment in which people feel comfortable to raise issues of legitimate concern to them and to the College;
- b) enabling individuals, including but not limited to Eligible Persons, to raise concerns about any Improper Conduct in a way that will protect the identity of the whistleblower and for the secure storage of the information provided;
- c) safeguarding against the victimisation or detriment of any person who makes a report of Improper Conduct on reasonable grounds;
- d) establishing a process for the appointment of a 'Whistleblower Protection Officer' and a "Whistleblower Investigations Officer' who will act independently of each other; and
- e) providing for the fair and independent investigation of alleged Improper Conduct and to ensure appropriate follow-up where necessary.

2. SCOPE

This policy applies to and is binding upon all employees, parents, students and volunteers of the College, and members of the College Board.

3. REFERENCES

Corporations Act 2001 (Cth)

Australian Standard AS8004-2003 Whistleblower Protection Program for Entities.

4. BACKGROUND

The College recognises the value of transparency and accountability in its administrative and management practices, and supports the making of disclosures that reveal corrupt conduct, conduct involving a substantial mismanagement of resources, or conduct involving a substantial risk to public health and safety or the environment.

Reported allegations will be treated confidentially to the greatest extent possible and will be promptly investigated. Neither the College nor any of its employees, students, parents or volunteers will take adverse employment or other action in retaliation against a person/s who reports information under this policy. The College will take all reasonable steps to protect persons who make such disclosures from any detrimental action in reprisal for making the disclosure. The College will also afford procedural fairness to the person/s who is the subject of the disclosure.



Developing character, inspiring hope

5. TERMS OF REFERENCE

This Policy is designed to complement normal communication channels between supervisors, employees, volunteers and school staff, students and parents. Employees, volunteers, students and parents are encouraged to continue to raise appropriate matters at any time with the relevant supervisors and or members of the Executive through the Complaints and Dispute Resolution Policy on the College website or for staff, the Grievance Policy in the Staff Handbook.

Relationship with the Complaints & Dispute Resolution Policy

This Policy is designed to complement normal communication channels between students, supervisors, employees, volunteers, student, parents and the College Executive. This policy should be read in conjunction 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 Risk 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.

6. DEFINITIONS

Eligible Whistleblower¹

A Whistleblower who is eligible for protection is an individual such as an officer, employee, service provider or associate (or their relative) who is or has been in a relationship with Saint Stephen's College and who brings a Disclosable Matter to the attention of the College under this policy.

Disclosable Matter²

A disclosure is eligible for protection if it relates to actual or suspected conduct within Saint Stephen's College that is:

- misconduct, or an improper state of affairs or circumstances in relation to the College
- contravention of the *Corporations Act 2001*
- conduct that represents a danger to the public or the financial system
- an offence against any other law of the Commonwealth that is punishable by imprisonment for 12 months or more.

Reportable Conduct is defined in Australian Standard AS8004-2003: Whistleblower Protection Programs for Entities, as conduct by a person or persons connected with an entity which, in the view of a whistleblower acting in good faith, is:

- a) Dishonest;
- b) Fraudulent;
- c) Corrupt;
- d) Illegal (including theft, drug sale/use, violence or threatened violence and criminal damage against property);
- e) In breach of Commonwealth or State legislation or local authority by-laws;
- f) Unethical;
- g) Other serious improper conduct;

¹ Corporations Act 2001 (Cth), section 1317AAA

² Corporations Act 2001 (Cth), section 1317AA (5)(c)

- h) Representative of gross mismanagement, serious or substantial waste and/or repeated breach of administrative procedures;
- i) An unsafe work-practice; or
- j) Any other conduct which may cause financial or non-financial loss to the entity or be otherwise detrimental to the interests of the entity.

Eligible Recipients³

Disclosures qualify for protection if they are made to eligible recipients. Those belong to the following categories of persons:

- a member of the College Executive or College Board
- the Whistleblower Investigations Officer of the College
- an auditor, or a member of an audit team conducting an audit of the College.

Disclosures made to a legal practitioner for obtaining legal advice or legal representation are also protected. Under exceptional circumstances, the law makes provisions for whistleblowing disclosures to professional journalists⁴ and members of parliament. These are called “emergency disclosures” and “public interest disclosures”; however, they require strict adherence to prescribed processes before being made to qualify for protection⁵.

Detriment⁶

This policy seeks to prevent Whistleblowers from Detriment, which includes the following:

- 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
- damage to a person’s property
- damage to a person’s reputation

Whistleblower Investigations Officer

A person or persons being a Board member, Principal, College Executive, staff member or contractor of the College who has responsibility for conducting preliminary investigations into reports received from a whistleblower.

Whistleblower Protection Officer

A person or persons being a Board Member, Principal, College Executive, staff member or contractor of the College who has responsibility for protecting whistleblowers. The Whistleblower Investigations Officer and the Whistleblower Protection Officer should be different people.

As appropriate, a Whistleblower Investigations Officer (‘the Investigator’) and a Whistleblower Protection Officer will be appointed by the Principal (or Delegate), Chairman of the College Board, or College Executive. Both positions will be independent from the person or persons who are the subject of the report and the Whistleblower.

³ Corporations Act 2001 (Cth), section 1317AAC

⁴ Corporations Act 2001 (Cth), section 1317AAD (3)

⁵ Corporations Act 2001 (Cth), section 1317AAD

⁶ Corporations Act 2001 (Cth), section 1317ADA

7. GUIDELINES

7.1 Awareness

The College will ensure appropriate training of staff and publish this policy on the College website to assist awareness and access for students, parents and other people associated with the College.

7.2 Safeguard against reprisal, harassment and victimisation

The College will not tolerate harassment or victimisation of members of staff, volunteers, parents and students when matters are raised in accordance with the Whistleblower Policy. Any members of staff, volunteers, parents or students who victimise or harass any person as a result of their having raised a concern in accordance with the Whistleblower Policy may be dealt with under College disciplinary procedures and applicable laws.

7.3 Confidentiality

The College recognises that members of staff, volunteers, students and parents may want to raise concerns in confidence. The College will do its utmost to protect the identity of members of staff, students and parents who raise a concern and do not want their name disclosed. However, investigation into the concern could reveal the source of the information; and statements may be required from the member of staff, student or parent as part of the evidence, which would be seen by all parties involved if the investigation leads to prosecution and the whistleblower is likely to be called in to give evidence in court.

7.4 Anonymous allegation

Staff, volunteers, students and parents, themselves or on behalf of their child should put their name to allegations whenever possible - anonymous concerns are much less powerful.

In relation to determining whether an anonymous allegation will be taken forward the School will take the following factors into account:

- The seriousness of the issue raised;
- The credibility of the concern;
- The likelihood of confirming the allegation from attributable sources, and obtaining information provided.

7.5 Untrue and malicious/vexatious allegations

If a member of staff, volunteer student or parent 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 disciplinary action.

7.6 Reporting process

A person who has knowledge of or information about misconduct in College operations should report the misconduct in writing (by mail or email and mark the correspondence 'private and confidential') to a member of the College Executive or the Principal.

If a serious allegation of misconduct relates to a member of the College Executive, a written complaint should be made to the Principal, who will raise the matter with the Chairman of the Board of Directors.

If a serious allegation of misconduct relates to the Principal, a written complaint should be made to the Chairman of the Board, by sending the letter to:

Chair of the Saint Stephen's College Board
Private and Confidential
PO Box 441
Oxenford 4209

Depending on the nature of the complaint, the Principal or the Chairman of the Board will appoint the Whistleblower Protection Officer and Investigations Officer to perform their duties.

7.7 Timescale for initial response

The appointed Investigator of the allegations will normally provide a written response to the whistleblower within five working days (except in the case of anonymous allegations):

- Acknowledging that the concern has been received;
- Indicating how it is proposed to deal with the matter;
- Giving an estimate of how long it will take to provide a final response;
- Advising whether any initial enquiries have been made;
- Advising whether further enquiries will take place;
- Informing the whistleblower of support available (including the Whistleblower Protection Officer, as appropriate) whilst matters are being addressed.

7.8 Addressing reports of misconduct

A whistleblower reporting misconduct in College operations should not attempt to investigate the matter independently, as doing so may compromise the integrity of an official investigation and adversely impact both the whistleblower, the College and the situation in focus.

The appointed Investigator will promptly and discreetly investigate any report of misconduct in College operations and will report the results of their investigation and any recommendations for appropriate corrective and/or disciplinary action to the Chairman of the Board. The Chairman of the Board will consult with other Board members, the Principal and members of the Executive Team (as appropriate) to decide on the action to be taken. Where relevant, the concern may be reported immediately to the appropriate law enforcement or professional agency.

Following investigation and suitable action by the College – If any, decisions will be made in accordance with the College's Staff Code of Conduct, Code of Ethics for Teachers in Queensland, Professional Standards for Teachers in Queensland and any other applicable College policies. Additional penalties, processes and/or reporting obligations may also apply under federal, state and local laws.

In a timely manner following the Chairman of the Board's decision, the whistleblower will be notified of the outcome of the College's investigation; the actions and outcome may be shared at this time.

Alternative Options to Disclose Information

If the Chairman of the Board is the subject of a report of misconduct in College operations, the Board will be advised of the situation and will appoint another Board member to substitute for the Chairman of the Board in their investigative or decision-making role. If the Principal, or the Commercial Manager is the subject of a report, then the Chairman of the Board (or delegate) will conduct the investigation and decision-making process.

The ASIC provides an alternative avenue for whistle blowers to disclose information, for more information refer to the [ASIC Whistleblowers](#) website page.

Policy Responsibility: Principal
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