



## PP110 WHISTLEBLOWER'S POLICY AND PROCEDURE

### 1. RATIONALE

The St Thomas Aquinas College Board of Councillors is the governing body of the College. Recognising the expectations of the College's staff (all employees), students, regulators and the community, the Board is committed to best practice in corporate governance, compliance and ethical behaviour generally.

One of the principal responsibilities of the Board includes monitoring compliance with regulatory practices. A key test of the corporate governance health in St Thomas Aquinas College is whether there are both formal and informal structures in place to enable communication to the appropriate destination. This policy is an important mechanism in being able to satisfy that key test.

### 2. SCOPE

This policy covers the procedures for dealing with reports made by a member of the St Thomas Aquinas College of suspected improper conduct within the College. It also addresses the protection of individuals making those reports.

### 3. ALIGNMENT WITH COLLEGE ETHOS

The vision of the College is to form in each youth, the true and perfect Catholic. To achieve the Vision, the College will provide a complete education taking in the whole of human life:

- spiritual and physical;
- intellectual & moral;
- individual, domestic and social;

in accordance with the example and teachings of Christ.

Our core values underpin this policy and procedure:

- Faith: To firmly believe in God and all He has revealed to us through His Holy Catholic Church.
- Hope: To trust in God; His infinite power, His goodness and His promises.
- Charity: To love God above all things; and neighbour as self for the love of God.
- Prudence: To form a calm and well-balanced judgement, capable of discerning between truth and error, good and evil, justice and its opposite, then to act in accordance with that judgement.
- Justice: To give to God and to give to man what is strictly owing to them.
- Fortitude: To undertake & endure difficulties, and to show resolve and constancy in doing good.
- Temperance: To show self-restraint in the face of temptation or desire, even in some things that are permitted, so that reason governs passion.

At all times, this Whistleblower Policy operates within the construct of the vision, values and guiding principles of the College.

<b>4. DEFINITIONS</b>	
<i>4.1. Whistleblowing</i>	<p>For the purpose of this policy, whistleblowing is defined as:</p> <p><i>"The deliberate, voluntary disclosure of individual or organisational malpractice by a person who has had access to data, events or information (whether privileged, confidential or otherwise) about an actual, suspected or anticipated wrongdoing within or by an organisation that is within its ability to control."</i></p>
<i>4.2. Whistleblower</i>	<p>For the purpose of this policy, a whistleblower is defined as:</p> <p><i>"Any employee, director, related officer or contractor of St Thomas Aquinas College, who whether anonymously or not makes or attempts to make a disclosure as defined in 4.1."</i></p>
<i>4.3. Improper Conduct</i>	<p>For the purpose of this policy, improper conduct is defined as conduct which is:</p> <ul style="list-style-type: none"> <li>• Dishonest</li> <li>• Fraudulent</li> <li>• Corrupt</li> <li>• Illegal (including theft, drug sale/use, violence or threatened violence, criminal damage against property)</li> <li>• In breach of Commonwealth or Victorian legislation or local authority by-laws</li> <li>• Unethical (representing a breach of the St Thomas Aquinas College's Staff Code of Conduct or generally)</li> <li>• Other serious improper conduct which if proven would constitute reasonable grounds for dismissing or taking disciplinary action against an employee or otherwise terminating the services of the person or entity</li> <li>• A substantial risk to health and safety</li> <li>• Substantial mismanagement of St Thomas Aquinas' resources</li> <li>• Substantial risk to the environment</li> <li>• Any other conduct which may cause financial or non-financial loss to the College or be otherwise detrimental to the interests of St Thomas Aquinas College</li> </ul>
<i>4.4. Protected Disclosure</i>	<p>For the purpose of this policy, protected disclosure is defined as:</p> <p><i>"Any good faith communication based on reasonable grounds that discloses or demonstrates an intention to disclose information that may evidence improper conduct."</i></p>

## 5. POLICY AND RELATED PROCEDURES

### 5.1 Statement

A person who has knowledge of or information about misconduct in College operations should report the misconduct in writing to a member of the Executive Team or the Principal. If a serious allegation of misconduct relates to a member of the Executive Team, a written complaint should be made to the Principal, who will raise the matter with the Chairman of the Board.

If a serious allegation of misconduct relates to the Principal, a written complaint should be made to the Chairman of the Board, whose contact details are available below.

If the reporting person desires anonymity, the report should be in writing and delivered via regular mail.

This Policy only applies to whistleblowing as defined by the Whistleblowers Protection Act 2001 (VIC) and the Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019. These Acts provide more information on what can and cannot be reported and when Public Interest and Emergency Disclosures are able to be made.

### 5.2 How to make a whistleblower report

All St Thomas Aquinas College staff are encouraged and have a responsibility to report any known or suspected incidences of improper conduct by making a protected disclosure in accordance with this policy. St Thomas Aquinas College staff should, in the normal course, first report such matters to their immediate manager. However, if a staff member has a concern with that, (for example the staff member reasonably believes that the manager is involved in the improper conduct or, for any other reason believes that it would not be deemed to be appropriate to inform their immediate manager), then the staff member should notify the Principal or the Chair of the College Board. Contact details for members of the College Board can be found in 5.2.1.

#### 5.2.1 Making an anonymous whistleblower report

St Thomas Aquinas College acknowledges and makes provision for the anonymous reporting of a whistleblower allegation. Options for staff in making an anonymous report are as follows;

- Sending the report via post to the Principal or The Chair, marked 'Private and Confidential';
- Making a report via our confidential disclosures email address:
  - The Principal: [principal@stac.vic.edu.au](mailto:principal@stac.vic.edu.au)
  - The Chair, College Board of Councillors: [collegechair@stac.vic.edu.au](mailto:collegechair@stac.vic.edu.au) or
- Calling main reception on: Main Reception: (03) 5629 2500

### 5.3 Protecting the Identity of the Whistleblower

St Thomas Aquinas College will take all reasonable steps to protect the identity of the whistleblower. Maintaining confidentiality is crucial in ensuring reprisals are not made against a whistleblower.

## **5. POLICY AND RELATED PROCEDURES (CONT...)**

### **5.4 Timescale for initial response**

A member of the Executive or Principal who is investigating allegations will normally provide a written response to the whistleblower within five (5) 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 whilst matters are looked into.

### **5.5 Managing the Welfare of the Whistleblower**

All St Thomas Aquinas College staff also have an important responsibility concerning the welfare of the whistleblower within the organisation. All St Thomas Aquinas College staff must refrain from any activity that is, or could be perceived to be, victimisation or harassment of a person who makes a protected disclosure. All St Thomas Aquinas College staff must take all reasonable steps to attempt to maintain the confidentiality of a person they know or suspect to have made a disclosure.

#### **5.5.1 Commitment to protecting whistleblowers**

St Thomas Aquinas College is committed to the protection of genuine whistleblowers against action taken in reprisal for the making of protected disclosures. The College is prepared to take the necessary measures to protect the whistleblower while an investigation is in progress, when a member of staff may be particularly vulnerable. Measures that may be considered include moving a member of staff out of a particular section while the investigation is ongoing, granting leave, or working from home.

#### **5.5.2 Keeping the whistleblower informed**

The Principal or the Chair of the Board will ensure the whistleblower is kept informed of action taken in relation to their disclosure.

#### **5.5.3 Whistleblowers implicated in improper conduct**

St Thomas Aquinas College acknowledges that the act of whistle blowing should not shield whistleblowers from the reasonable consequences flowing from any involvement in improper conduct. A person's liability for their own conduct is not affected by the person's disclosure of that conduct. However, in some circumstances, an admission may be a mitigating factor when considering disciplinary or other action.

### **5.6 Investigating a Whistleblower Report**

St Thomas Aquinas College is committed to investigating all whistleblower reports. The type of investigation will be determined by the circumstances of the report at the time. The investigation will follow the principles following procedure of fairness, including involving an impartial person or persons as appropriate to the investigation.

## 5. POLICY AND RELATED PROCEDURES (CONT...)

### 5.7 Distinguishing from Internal Grievance

Whistleblowing differs from the lodgement of an internal grievance under our PP612 Complaints Policy and Procedure which, in general terms, deals with less serious complaints about day-to-day work related problems, concerns or behaviours. If you are in doubt as to which procedure to use, we recommend that you use the internal grievance procedures in our PP612 Complaints Policy and Procedure

## 6. BREACHES OF THIS POLICY

St Thomas Aquinas College may take disciplinary action, that may include dismissal where:

- a staff member/whistleblower breaches this policy in making an allegation in bad faith;
- a staff member breaches this policy by victimising a person who made, or may have made, a whistleblower report.

## 7. LEGISLATIVE CONTEXT

Both Federal and State legislation is relevant to the concepts discussed in this policy. This legislation and related STAC policies include the following:

- *Whistleblowers' Protection Act 2001*
- *Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019*
- *Fair Work Act 2009*
- *Education and Training Reform Act 2006 (Vic.)*
- *Education and Training Reform Regulations 2017 (Vic.)*
- *Charter of Human Rights and Responsibilities Act 2006 (Vic.)*
- *Protected Disclosure Act 2012 (Vic.)*
- *Privacy Act 1988 (Cth)*
- *Crimes Act 1958 (Vic.)*
- *Equal Opportunity Act 2010 (Vic.)*
- *Wrongs Act 1958 (Vic.)*
- *Disability Discrimination Act 1992 (Cth)*
- *Disability Standards for Education 2005 (Cth)*
- *Racial Discrimination Act 1975 (Cth)*
- *Migration Act 1958 (Cth).*
- St Thomas Aquinas College's Child Safety (and associated) Policy and Procedure
- St Thomas Aquinas College's Equal Opportunity and Respectful Workplace Policy & Procedure

## 8. RESPONSIBILITIES

### Employee responsibilities

- Where a complaint is made against an employee, they will be expected to cooperate in any investigation conducted by the College.

### Additional responsibilities of Principal and his delegate or the Board of College Chair

The above people will:

- Listen to the allegations brought to light by parents, students, other members of the community or staff;
- Document the allegations lodged;
- Raise the concerns at the appropriate level;
- Investigate the substance of the concerns;
- Document the concerns raised;
- Make any employee who is the subject of a whistleblower's complaint aware of the substance of the complaint and place a file note on their file *which is cited by the employee* (NB: the file note will, therefore, have the employee's signature on it) while protecting the anonymity of the whistleblower (if required) and ensuring the whistleblower is protected from recrimination;
- refer formal complaints about breaches of this policy to the appropriate person, e.g., Principal/delegate for investigation
- take action to ensure that the person who raises an issue or makes a complaint are not victimised for doing so;
- act impartially in resolving issues and enforcing appropriate workplace behaviour and conduct, and ensure relevant parties have an opportunity to be heard.

## MONITORING AND EVALUATION

The Principal will be responsible for ensuring that this policy is monitored and evaluated throughout the College.

## VERSION

Authorised by	STAC College Board
Effective date	February 2020
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