



WHISTLEBLOWER POLICY

1. PURPOSE

The purpose of this policy is to establish a procedure to provide whistleblowers with protection, allowing past and present Staff, students, parents and others 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.

2. WHAT IS A WHISTLEBLOWER AND HOW IS IT DIFFERENT TO A COMPLAINT?

In general, a whistleblower is a person who reports misconduct or dishonest or illegal activity that has occurred with an organisation.

Concerns or complaints about the delivery of the College's services should be raised using the process contained in the College's **Complaints Handling Policy** (see our website).

Staff work-related complaints or grievances about employment conditions, unfair dismissal or industrial relations related concerns should be made using the process contained in the College **Enterprise Agreement**.

3. WHAT TYPE OF CONDUCT IS REPORTABLE?

Any past or present student, parent, staff member, Board member, contractor or other person involved with the College should report the following misconduct or improper state of affairs when observed by the reporting individual acting in good faith:

- dishonesty;
- unethical conduct;
- serious improper conduct;
- unsafe work practices;
- child abuse not acted on;
- illegal acts including theft, drug sale or use, violence or threatened violence and criminal damage against property;
- breaches of the Corporations Act and other relevant laws, regulations, by-laws; and
- any other conduct which may cause loss to the College or be otherwise detrimental to the College.

4. REPORTING PROCEDURE

A past or present student, parent, staff member, Board member, contractor or other person involved with the College who wishes to make a report in connection with suspected misconduct should contact the Principal (the College Whistleblower Protection Officer) on 9725 5388 or the College Board Chair if the report concerns the College Principal.

A report can also be made in writing to the:
Whistleblower Protection Officer
Billanook College
197 Cardigan Road Mooroolbark, Vic 3138
or via email at wpo@billanook.vic.edu.au



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The School is committed to ensuring the Whistleblower Protection Officer is appropriately trained and qualified for this role and readily accessible.

All reports will be kept confidential and secure. All persons making a report are assured that in making a report they will not be personally disadvantaged by dismissal, demotion, any form of harassment, discrimination or current or future bias. The person making the report will be kept informed of the progress of the investigation.

Any person who, having made a report, believes that they have been personally disadvantaged has an automatic right of appeal to the College Board Chair whose decision will be complied with.

Under the *Corporations Act 2001* a disclosure can also be made to:

- 'eligible recipients'
- legal practitioners
- regulatory bodies; and
- other eligible recipients as identified by ASIC – refer to ASIC website “Guidance for whistleblowers” information sheet ([Info 238](#))

5. PROTECTIONS FOR “ELIGIBLE WHISTLEBLOWERS”

Under the *Corporations Act* some protections are available for whistleblowers who report suspected misconduct about companies and company officers. To be eligible for these protections you must meet the Corporations Act criteria, for more information refer to, ASIC website “Guidance for whistleblowers” information sheet ([Info 238](#)).

5.1 Getting advice

If you believe you may be a whistleblower or are unsure about what protections or rights may apply to you, it is important to seek legal advice. The College is not able to give personal legal advice and can only provide general information on these issues.

Only a properly accredited legal practitioner who understands your circumstances can give you legal advice. This is especially important if you are thinking of acting on the rights the whistleblower protections give you.

6. INVESTIGATION PROCEDURES

All reports of suspected misconduct will be subject to thorough investigation by the **Whistleblower Protection Officer** or the **College Board Chair**.

Best practices will be followed by the Whistleblower Protection Officer who will be fair and independent of the person who made the report and the person who is the subject of the alleged reportable conduct.

The investigation will include the following steps:

- Full details of the allegations obtained;
- Person against whom allegations are made is informed;



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- Involvement of external parties such as the police considered by Principal or Chair as appropriate;
- Allegations fully investigated;
- Principal or Chair decide on action to be taken; and
- The person making the report will be kept informed of the progress of the investigation.

Where the Principal or the Chair decides that the allegations are of a very serious nature, external investigators will be engaged.

The identity or any information that could lead to the identity of a person who has made a report will not be released to any person who is not involved in the investigation/resolution of the matter.

7. ABUSE OF REPORTING PROCESS

All reports made under the confidential reporting process must be made in good faith. Abuse of the confidential reporting process will not be tolerated and will be treated as a serious breach of the College's *Privacy Policy* and under Confidentiality requirements as detailed in the Staff Handbook.

8. MONITORING AND TRAINING

The College will monitor and review this policy regularly to assess its effectiveness in encouraging the reporting of reportable conduct, protection of persons making reports and investigation of reports.

Education and training about the procedures involved under this Whistleblower Policy will be provided to those involved in managing or investigating disclosures.

The School's community will also be kept informed in relation to the Policy and the protections and procedures contained therein by publishing this policy on the College intranet *MyConnect*, *College Policies* page and on the College website under *Governance* section.

9. RELATED COLLEGE POLICIES

Code of Conduct
Complaints Handling Policy
Privacy Policy
Staff Handbook

10. REFERENCES

[Whistleblowing ASIC](#) website June 2019 & August 2021
ISV Governance Guidelines – Whistleblowers - ISV website June 2019
ISV Governance Guidelines - [Whistleblower-policy template](#) - ISV website June 2019
[ASIC Regulatory Guide 270](#) – Whistleblower policies – November 2019
[ASIC Whistleblower rights and protections Information sheet \(INFO 238\)](#) – 1 July 2019