

# Whistleblower Policy



Approved by: Board Chair	Date of Authorisation: 01/09/2020
Name: Mike Millard	Review Frequency: Annually
Signed: 	Next Review Date: 01/09/2022



## 1. POLICY STATEMENT

Kimberley College is committed to maintaining and promoting high standards of integrity, governance and ethical behaviour within the organisation by people at all levels, starting with the governing body, the principal, and senior management. Kimberley College is, therefore, encouraging the reporting of wrongdoing through appropriate channels.

Kimberley College is committed to complying with the applicable laws and practices included in the *Corporations Act 2001* and *Australian Standard AS8004-2003 Whistleblower Protection Program for Entities*.

All Kimberley College employees and associates have a responsibility to help detect, prevent and report instances of suspicious activity or wrongdoing.

## 2. PURPOSE

This policy exists to encourage the reporting of corrupt, illegal or other undesirable conduct at Kimberley College. It outlines how individuals can appropriately make disclosures about these matters, and how Kimberley College will protect those individuals from detrimental consequences.

## 3. SCOPE

Kimberley College's Board, Officers, Workers, Contractors and Service Providers, Other Persons associated with the school, including students and parents.

## 4. REFERENCES

- Australian Standard AS8001-2008: Fraud and Corruption Control
- Australian Standard AS8004-2003 – Whistleblower Protection Program for Entities.
- Corporations Act 2001 (Cth)
- Kimberley College Code of Conduct

## 5. TERMS OF REFERENCE

To assist with determining which College policy is best suited to supporting your concern, refer to the following Terms of Reference in the first instance.

### **Complaints Handling Policy**

Refer to this policy if you have a concern about day-to-day activity within the College

### **Whistleblower Policy**

Refer to this policy if you have a significant concern around business operations of the College, a breach of legislative responsibility, serious misconduct or unlawful activity

## 6. DEFINITIONS

### **Eligible Whistleblower– Who qualifies for protection?**

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 Kimberley College and who brings a Disclosable Matter to the attention of the school under this policy.

### **Disclosable Matter – What kind of disclosures can be made under this policy?**

A disclosure is eligible for protection if it relates to actual or suspected conduct within Kimberley College that is:

- misconduct, or an improper state of affairs or circumstances in relation to Kimberley 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.

### **Eligible Recipients – To whom should a disclosure be made?**

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

- a senior manager of Kimberley College
- the Whistleblower Investigations Officer of Kimberley College
- an auditor, or a member of an audit team conducting an audit of Kimberley 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 journalists 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 protection.

### **Detriment**

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
- damage to a person’s business or financial position
- any other damage to a person

## 7. WHISTLEBLOWER INVESTIGATIONS OFFICER

The HR Manager is appointed as a Whistleblower Investigations Officer and will investigate the substance of the complaint to determine whether there is evidence in support of the matters raised or to refute the report.

The Whistleblower Investigations Officer can be contacted by the following means:

- *Email: people@kimberley.college*
- *phone: 32090300*
- *in person:*
- *anonymously:*

## 8. WHISTLEBLOWER PROTECTION OFFICER

The Principal/HR Manager is appointed as a Whistleblower Protection Officer and will safeguard the interests of the Whistleblower in terms of this policy and any applicable legislation and standards. The Whistleblower Protection Officer will be readily accessible by all staff and will have direct, unfettered access to independent financial, legal and operational advisers as required.

The Whistleblower Protection Officer can be contacted by the following means:

- *email: principal@kimberley.college*
- *phone: 32090300*
- *in person:*
- *other:*

The responsibilities of the Whistleblower Protection Officer and Whistleblower Investigations Officer will not reside in the same person. They should operate, and be seen to operate, independently of each other and should act in such a way that they discharge the two quite separate functions independently of each other.

## 9. REPORTING

Kimberley College is committed to providing a safe, reliable and confidential way of reporting any Disclosable Matters.

A report under this Policy can be made if individuals falling into the category of Eligible Whistleblower have reasonable grounds to suspect that Disclosable Matters have taken place.

A report can be made to any of the following persons, noting it may depend on the matter and the person who is the subject of the matter:

- Principal/Deputy Principal
- Whistleblower Investigations Officer
- Board Chair
- other Eligible Recipients as defined above.

At any stage, a person in the list above can be skipped if that person is the subject of the report or if the Whistleblower has another reason to believe that the person is not likely to deal with the report properly. While reports can be made anonymously if preferred, this may affect the ability to investigate the matter properly and to communicate with the Whistleblower about the report.

## 10. INVESTIGATION

Investigation processes will vary depending on the precise nature of the conduct being investigated. The purpose of the investigation is to determine whether or not concerns are substantiated, with a view to rectifying any wrongdoing uncovered to the extent that this is practicable in all the circumstances.

The investigation will be thorough, objective, fair and independent of the Whistleblower and anyone who is the subject of the Disclosable Matter. The investigation will also have proper regard to the principles set out in the *Australian Standard AS8004-2003 on Whistleblower Protection Program for Entities*.

The Whistleblower will receive feedback regarding the investigation arising from their report, subject to considerations of the privacy of anyone who is the subject of the Disclosable Matter and standard confidentiality requirements.

## 11. PROTECTIONS

The Australian Securities & Investment Commission (ASIC) provides general information about [protections available to whistleblowers](#).

At Kimberley College, a Whistleblower will not be disadvantaged by having made a report. This includes not being disadvantaged by way of dismissal, demotion, any form of harassment, discrimination or current or future bias (see definition of “Detriment” above). This protection extends to the Whistleblower’s colleagues and relatives.

If reprisals are taken or are claimed to have been taken against a Whistleblower, the Whistleblower Protection Officer will investigate the matter and recommend appropriate action be taken. The Whistleblower has a right to make requests through the Whistleblower Protection Officer for positive actions of protection to be taken.

Kimberley College will keep the reporting confidential and secure within the law. It will not disclose the identity of a Whistleblower, nor disclose information that is likely to lead to the identification of the Whistleblower, unless required under law.

## 12. AWARENESS

Kimberley College will ensure that all its officers and employees are aware of this policy by:

- including it in the list of policies for induction of new staff
- making it available to all staff on the school intranet
- communicating it to the school community and include it in continuous training schedule

## 13. MANAGING THIS POLICY

This policy will be reviewed annually or earlier if necessary. The Human Resources Manager is responsible for reviewing or making approved modifications to this policy and distributing.