Whistleblower Policy & Procedures

The College's policies, which are made from time to time, are made pursuant to the registration requirements set out in section 47 of the NSW Education Act and the NSW Education Standards Authority.

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Whistleblower Policy and Procedures

1. Introduction

1.1 GOAL College (the College) is committed to fostering a culture of legal, ethical and moral behaviour and exemplary corporate governance.

1.2 This Whistleblower Policy, which includes the Guidelines and Procedure annexed to this Policy, has been developed for people to raise concerns:

- regarding situations where they believe that the College or anybody connected with the College has acted in a way that constitutes serious wrongdoing, including unethical, illegal, corrupt or other inappropriate conduct; **and**
- they fear reprisal for making a report through the usual mechanisms (Raising Complaints and Concerns Policy, Child Protection Policy and Bullying, Harassment and Anti-Discrimination Policy).

1.3 This Whistleblower Policy does not replace other policies referred to above. Rather, it is intended to complement them and offer an alternative channel to report suspected improper conduct in circumstances where the reporter desires the legal protections provided by Whistleblower law.

2. Policy Statements

2.1 **Speak up and report it!** – We encourage everyone at GOAL College to report any concerns in line with our policies and procedures on complaints and grievances.

2.2 **Our expectations of our people** – We expect our staff, students and parents to act honestly and ethically, and to make any report in good faith and on reasonable grounds.

2.3 **Our responsibility to whistleblowers** – A whistleblower or any person who participates in an investigation will not be subject to a reprisal. Our obligations to our people are set out in this Policy.

2.4 **Confidentiality and consent** - We will maintain confidentiality of all reports and protect the identity of reporters to the fullest extent possible. A whistleblower may opt to report concerns anonymously.

3. Scope

3.1 This Policy applies to:

- Board members;
- employees;
- students
- volunteers.

Within this Policy all of these people are represented by the term "**Personnel**".

3.2 Although they are under no obligation to do so, any associate, family member or dependent of any person in the above groups of people may also speak up. If they do choose to speak up in line with this Policy, we will extend to them the relevant rights and protections under this Policy.

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4. Monitoring and Assurance

4.1 The Whistleblower Policy will be distributed and available to all Personnel via the College intranet.

5. Related Documents

- Child Protection Policy
- Employee Code of Conduct
- Bullying, Harassment and anti-Discrimination Policy
- Reporting Complaints Policy

6. Legislation & Industrial Instruments

- Corporations Act 2001 (Cth)
- Fair Work Act 2009 (Cth)
- Fair Work Regulations 2009 (Cth)
- Public Interest Disclosure Act 2013

This Policy is not intended to override any industrial instrument, contract, award or legislation.

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Appendix A

Whistleblower Guidelines

These Whistleblower Guidelines form part of, and provide further detail in relation to the Whistleblower Policy.

1. Reportable Conduct

1.1 Who can make a report?

1.1.1 A whistleblower is a person who, whether anonymously or not, attempts to report misconduct or dishonest or illegal activity that has occurred in connection with GOAL College, and wishes to avail themselves of protection against reprisal for having made the report.

1.1.2 A whistleblower may be current or former Personnel of the College.

1.2 What is Reportable Conduct?

1.2.1 A person may disclose any information that the person has reasonable grounds to suspect concerns misconduct, or an improper state of affairs or circumstances in relation to the College.

1.2.2 Reportable Conduct is any past, present or likely future activity, behaviour or state of affairs considered to be:

a) dishonest, corrupt, fraudulent, illegal or unethical;
b) in breach of regulation, internal policy or code;
c) improper conduct relating to child protection, accounting, internal controls, compliance, audit or other matters of concern to the whistleblower;
d) a serious impropriety or an improper state of affairs or circumstances;
e) endangering health or safety;
f) damaging or substantially risking damage to the environment;
g) a serious mismanagement of the College's resources;
h) detrimental to the College's financial position or reputation;
i) maladministration (an act or omission of a serious nature that is negligent, unjust, oppressive, discriminatory or is based on improper motives); or
j) concealing reportable conduct.

1.2.3 Reportable Conduct usually relates to the conduct of employees or directors, but it can also relate to the actions of a third party, such as a customer/client, supplier or service provider.

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1.3 What is *not* Reportable Conduct?

1.3.1 While everybody is encouraged to speak up and report any concerns to the College, not all types of conduct are intended to be covered by this Policy or by the protections under the *Corporations Act 2001* (Cth). This Policy does not apply personal work-related grievances (see 1.3.2, 1.3.3 and 1.3.4), unless the grievance includes victimisation due to whistleblowing.

1.3.2 Personal work-related grievances are those that relate to the discloser's current or former employment with the College that might have implications for the discloser personally but do not:

a) have any other significant implications for the College; or
b) relate to any conduct or alleged conduct about a disclosable matter (as set out in 1.2.2).

1.3.3 Personal work-related grievances include grievances such as interpersonal conflicts, decisions about promotions, decisions that do not involve a breach of workplace laws, or terms and conditions of employment.

1.3.4 However, personal work-related grievances may be covered by these Guidelines where they include information about misconduct, an allegation that the entity has breached employment or other laws punishable by imprisonment by a period of 12 months or more, or the grievance includes victimisation due to whistleblowing.

1.4 What information do I need to make a report?

1.4.1 To make a protected report you must know of or have reasonable grounds to suspect the Reportable Conduct.

1.4.2 For a report to be investigated, it must contain enough information to form a reasonable basis for investigation. It is important therefore that you provide as much information as possible. This includes any known details about the events underlying the report such as the:

a) date;
b) time;
c) location;
d) name of person(s) involved;
e) possible witnesses to the events; and
f) evidence of the events (e.g. documents, emails).

1.4.3 In your report, include any steps you may have already taken to report the matter elsewhere or to resolve the concern.

1.5 How can I make a report?

1.5.1 A report must be made **verbally or in writing to** a member of the College Executive Team, to a College Board member, or to the Chief Operating Officer.

The Whistleblower Protection Officers can also provide accurate and confidential advice or information about the Whistleblower Policy, without a report being made.

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2. Protection (Protected Disclosures)

2.1 How will I be protected if I speak up about Reportable Conduct?

2.1.1 If you have reasonable grounds to suspect Reportable Conduct, even if it turns out your concerns are mistaken, the College will support and protect you and anyone else assisting in the investigation.

2.1.2 The College will not tolerate any detriment inflicted on you because you or somebody else has made, or might make, a report of Reportable Conduct. Examples of a detriment include:

a) retaliation, dismissal, suspension, demotion, or termination of your role;
b) bullying, harassment, threats or intimidation;
c) discrimination, subject to current or future bias, or derogatory treatment;
d) harm or injury;
e) damage or threats to your property, business, financial position or reputation; or
f) revealing your identity as a whistleblower without your consent or contrary to law;
g) threatening to carry out any of the above actions.

2.1.3 This protection applies regardless of whether any concerns raised in a report are found to be true, provided that you are acting honestly and ethically and made the report on reasonable grounds.

2.1.4 This protection also applies to individuals conducting, assisting or participating in an investigation. You will also be entitled to the protection if you make a report of Reportable Conduct to an external body under this Policy.

2.1.5 Anyone found to be victimising or disadvantaging another individual for making a disclosure under these Guidelines will be disciplined and may be dismissed or subject to criminal or civil penalties.

2.2 How will the College ensure confidentiality?

2.2.1 Your details will be treated confidentially to the fullest extent possible in connection with the investigation. The College will take measures to protect your identity such as by redacting your personal information, storing your information and disclosure securely, referring to you in a gender-neutral context and only allowing qualified staff to investigate your disclosures.

2.2.2 Your identity will not be disclosed unless:

a) you consent in writing to the disclosure;
b) the disclosure is made to ASIC, APRA or the Australian Federal Police (AFP);
c) the disclosure is made to a Legal Practitioner for the purpose of obtaining advice;
d) the disclosure is authorised under the *Corporations Act 2001* (Cth); and/or
e) disclosure is necessary to prevent or lessen a threat to a person's health, safety or welfare.

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2.2.3 It is illegal for a person to identify a discloser, or disclose information that is likely to lead to the identification of the discloser unless an exception above applies. If you feel that your confidentiality has been breached, you can lodge a complaint with a regulator, such as ASIC, APRA or the ATO, for investigation. The College may also take disciplinary action against individuals that breach the confidentiality of a discloser, including summary dismissal.

2.3 False reports or disclosures

2.3.1 Protected Disclosures must be made on reasonable grounds. Anyone who knowingly makes a false report/disclosure of Reportable Conduct may be subject to disciplinary action, including dismissal.

2.3.2 The disciplinary action will depend on the severity, nature and circumstance of the false disclosure.

3. Handling and investigating a disclosure

3.1.1 The College will handle and investigate Protected Disclosures in accordance with the Whistleblower Procedure at Annexure B.

3.1.2 The College will endeavour to provide the discloser with regular updates.

3.1.3 The College may not be able to investigate a disclosure if it is unable to contact the discloser.

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Appendix B

Whistleblower Procedure

This Whistleblower Procedure forms part of the Whistleblower Policy. It outlines the procedure for making a report under the Whistleblower Policy and Guidelines.

1. Responsibilities

1.1 The **Principal** is responsible for ensuring that:

a) Personnel are made aware of their rights and responsibilities in relation to whistleblowing at induction; and
b) Personnel are encouraged to speak up about concerns of Reportable Conduct.
c) providing advice and support to reporters;
d) maintaining a secure and restricted record of all reports made under this Policy, Guidelines and Procedure;
e) determining whether the report falls within the scope of the Policy;
f) determining whether and how a report should be investigated;
g) appointing a Whistleblowing Investigator where an investigation is deemed appropriate;
h) ensuring investigations are conducted in accordance with this Policy; and
i) ensuring any reports involving a Director or the CEO are reported to the Board Chair. Reports involving the Chair will be reported to the Chair of the Audit and Risk Committee.
j) updating reporters on progress and details of outcomes to the fullest extent possible;
k) maintaining to the fullest extent possible confidentiality of the identity of and reports received by reporters.

1.2 **Whistleblower Investigators** are responsible for:

a) investigating reports in accordance with this Framework;
b) maintaining to the fullest extent possible confidentiality of the identity of and reports received by reporters;
c) gathering evidence and taking steps to protect or preserve evidence;
d) making findings based on a fair and objective assessment of the evidence gathered during the investigation, and formalising this in a report;
e) keeping comprehensive records about the investigation;
making recommendations to the Principal about how to implement the strategy in relation to how reported misconduct can be stopped, prevented and/or mitigated in future.

1.3 **Personnel** are responsible for reporting misconduct or dishonest or illegal activity that has occurred or is suspected within the College as quickly as possible.

2. Procedure

2.1 How are reports investigated?

2.1.1 Upon receiving your report, the College will:

a) assess the report of Reportable Conduct;
b) consider whether there are any conflicts of interest prior to investigating;
c) determine whether external authorities need to be notified;
d) determine whether and how to investigate; and
e) appoint a Whistleblower Investigator if appropriate.

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2.1.2 If an investigation is deemed necessary, it will be conducted fairly, objectively and in a timely manner. The investigation process will vary depending on the nature of the Reportable Conduct and the amount of information provided.

2.1.3 When an investigation is commenced, the Whistleblower Investigator will make contact with the whistleblower (if possible), advising that:

a) they have been appointed to respond to the report and conduct an investigation, subject to the clarification of any preliminary matters with the whistleblower;
b) they will then form a preliminary assessment of whether the alleged Reportable Conduct is reasonably capable of meeting the criteria of improper conduct. If unclear about the matter, the Whistleblower Investigator may seek further information from the whistleblower or other persons necessary to form a proper view and will advise the whistleblower of his or her assessment;
c) if the Whistleblower Investigator (or reviewing body or panel) considers that the whistleblower report discloses potential improper conduct, he or she will assess and determine the appropriate manner in which to conduct an Investigation.

2.1.4 Without limitation, an Investigation Plan may address:

a) a summary of the allegations, the issues to be proven, the possible findings or offences, and the facts in issue;
b) the number and identity of witnesses to be interviewed, if any, and the nature and extent of any documents to be reviewed;
c) any resources required to conduct the investigation;
d) whether the investigation should be conducted in whole or in part by external investigators, in light of the allegations or any other matter; and
e) any recommendations to be considered by the Whistleblower Investigator regarding actions to be taken where improper conduct is found to have occurred.

2.1.5 The Whistleblower Investigator will then conduct the investigation. The Whistleblower Investigator will be free to depart from, vary or skip any steps identified in the Investigation Plan, depending on the nature of the allegations contained in the disclosure and any matters identified or determined during the investigation.

2.1.6 Any individuals who are accused of misconduct in a report (a Respondent) will have an opportunity to respond to allegations before any adverse findings are made and before any disciplinary action (if appropriate) is taken.

2.1.7 If there is insufficient information to warrant further investigation, or the initial investigation immediately identifies there is no case to answer, the individual who reported the Reportable Conduct will be notified at the earliest possible opportunity.

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2.2 Outcome of an investigation

2.2.1 At the conclusion of the investigation, a report will be prepared outlining:

a) a finding of all relevant facts;
b) a determination as to whether the allegation(s) have been substantiated or otherwise;
c) the action that will be taken, which may include disciplinary action and dismissal.

2.2.2 The disciplinary action will be dependent on the severity, nature and circumstances of the Reportable Conduct.

2.2.3 Where possible and appropriate, having regard to The Colleges privacy and confidentiality obligations, the whistleblower will be informed of the outcome of any investigation into their concerns.

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