



HERITAGE COLLEGE

POLICY DOCUMENT

Policy No. G3 College Community	Title Whistle-blower Policy	Effective Date: May 2021
		Review Date: May 2024
		Number of Pages: 5

1. Purpose

To allow anyone in the Heritage College Community to report serious concerns about improper conduct or practices within the College's operations, including mismanagement or corruption, through appropriate and confidential channels without risk of retaliation, victimisation, harassment or reprisal.

Heritage College is committed to a culture of integrity and accountability and frameworks to support transparency in decision-making, good governance, and ethical behaviour. Our God asks us to do justice, and to love kindness, and to walk humbly with Him (Micah 6:8).

Heritage College is an incorporated association registered in South Australia under the Associations Incorporation Act. The College aims to ensure compliance with the *Treasury Laws Amendment (Whistle-blowers) Bill 2017* at all times.

2. Definitions

- 2.1. Whistleblowing is the act of a person/s raising serious concerns about improper conduct or practices within the College's operations. This includes concerns about conduct or practice within the College, which is potentially illegal, corrupt, fraudulent, dishonest, unsafe or unethical. It may involve substantial mismanagement of resources or breaches of relevant laws, regulations or Codes of Conduct. A person/s raising a concern should not fear retaliation, victimisation, and should have confidence that their concerns will be taken seriously and dealt with appropriately.
- 2.2. A Whistle-blower is defined as a person who discloses a serious concern about improper conduct or practices within the College's operations.
- 2.3. A reportable disclosure occurs when an eligible Whistle-blower discloses information to an eligible recipient, and the eligible Whistle-blower has reasonable grounds to suspect that the information concerns a disclosable matter.
- 2.4. An eligible Whistle-blower is an individual who is or has been any of the following in relation to the College:
 - 1.1. a Council member;
 - 1.2. an employee;
 - 1.3. a person who supplies goods or services (paid or unpaid);
 - 1.4. an employee of a person who supplies goods or services (paid or unpaid);
 - 1.5. an individual who has an association with the College; or
 - 1.6. a relative or dependent (or dependents of a spouse) of any individual described above.
- 2.5. A disclosable matter is a disclosure of information where the eligible Whistle-blower has reasonable grounds to hold concerns concerning:
 - 2.5.1. dishonesty;
 - 2.5.2. unethical conduct;
 - 2.5.3. misconduct;
 - 2.5.4. unsafe work practices;

- 2.5.5. illegal acts including theft, drug sale or use, violence or threatened violence and criminal damage against property;
 - 2.5.6. breaches of relevant laws, regulations, by-laws; or
 - 2.5.7. any other conduct which may cause loss to the College or be otherwise detrimental to the College.
- 2.6. Reasonable grounds to suspect: A discloser would have 'reasonable grounds to suspect' if the discloser has a suspicion that could reasonably be formed based on the facts and information available to them.
- 2.7. An eligible recipient is an individual who occupies any of the following roles in relation to the College:
- 2.7.1. an officer (such as a member of the College Council) or senior leader of the College, including the Principal, Primary and Secondary Leaders, or Business Manager;
 - 2.7.2. an auditor, or member of an audit team of the College;
 - 2.7.3. eligible recipients also include the Australian Charities and Not-for-profits Commission (ACNC) or a prescribed Government authority.
- 2.8. Whistleblowing is not
- 2.8.1. Complaints or allegations of staff misconduct that do not meet the criteria of a whistleblowing disclosure (including disclosures regarding a grievance between staff members about work matters, including work relationships and decisions made by other staff members which impact their work) will be addressed by either the Dispute Resolution Policy or Grievance Policy;
 - 2.8.2. Child protection complaints which will be dealt with by the College's Child Protection Policy in the Child Protection Manual;
 - 2.8.3. Unlawful discrimination, harassment or bullying complaints which will be addressed by the Bullying and Harassment Policy.

3. Reporting Procedure

- 3.1. An eligible Whistle-blower who wishes to make a report in connection with the disclosable matter should be made to one of the following contacts:
- 3.1.1. an officer (such as a member of the College Council) or senior leader of the College;
 - chair@heritage.sa.edu.au
 - deputychair@heritage.sa.edu.au
 - treasurer@heritage.sa.edu.au
 - principal@heritage.sa.edu.au
 - 3.1.2. an auditor, or member of an audit team of the College, MRL Group by phone +618 8364 3522 or contact at www.mrlgroup.com.au/contact-us/
 - 3.1.3. Eligible recipients also include ACNC or a prescribed Government authority.
- 3.2. The Whistle-blower will provide the eligible recipient(s) with the specific written information about allegations of mismanagement, illegal activities, corruption or misconduct in College operations.
- 3.3. The College is committed to ensuring that Eligible Recipients are appropriately qualified for this role and readily accessible.
- 3.4. All reports will be kept confidential and secure. The identity of the discloser or information which is likely to lead to the identification of the discloser will be kept confidential. All persons 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.
- 3.5. The person making the report, where they have provided contact details, will be kept informed of the progress of the investigation on a timely basis
- 3.6. If a disclosure is made to a person other than an Eligible Recipient, it must immediately be forwarded on a confidential basis to an Eligible Recipient.

4. Anonymous Allegations

- 4.1. Current staff, students, parents, volunteers, former staff or other parties themselves or on behalf of a child should put their name to allegations whenever possible.
- 4.2. Anonymous allegations will be considered under this Whistle-blower Policy.
- 4.3. In relation to determining whether an anonymous allegation will be taken forward, the College will take the following factors into account.
 - 4.3.1. The evidence supporting the credibility of the concern
 - 4.3.2. The ability to confirm the allegation from attributable sources
 - 4.3.3. The ability to obtain information.
- 4.4. An inquiry report will be provided where an anonymous allegation is not taken forward to investigate further, including the reasons and the regard to each of the three factors set out above.

5. Investigation procedures

- 5.1. All reports of disclosable matters will be subject to a thorough investigation by the Principal, nominated Council Member as the nature of the report requires ("Whistle-blower Investigations Officer") or external investigator if serious or against the Principal/Council.
- 5.2. Best practices will be followed by the Whistle-blower Investigations Officer, who will be fair and independent of the person who made the report and the person who is the subject of the reportable conduct.
- 5.3. The Whistle-blower Investigations Officer may undertake a preliminary assessment to:
 - 5.3.1. Identify conflicts (and potential conflicts) of interest that might arise in undertaking the investigation and how they are to be managed.
 - 5.3.2. Understand the nature of the issues involved and seek additional information as required;
 - 5.3.3. Assess the relevant Heritage systems and controls involved;
 - 5.3.4. Determine the additional resources required to undertake the investigation;
 - 5.3.5. Identify the need for and appoint a Whistle-blower Protection Officer to support:
 - The Whistle-blower, where their identity is known or becomes known.
 - Any employees affected by the disclosure
- 5.4. The investigation may include the following steps:
 - 5.4.1. Documentation of the full details of the allegations obtained and a complete record of the investigation process, including steps taken and decisions made;
 - 5.4.2. A person against whom allegations are made is informed, where the decision has been made to investigate that person or their actions;
 - 5.4.3. Involvement of external parties such as the Police considered by Principal or Council Chair as appropriate;
 - 5.4.4. Provide a report on the investigation;
 - 5.4.5. Principal or Council Chair decide on the action to be taken, based on the report; and
- 5.5. Where the Principal or the Council Chair decides that the allegations are very serious, external investigators will be engaged.
- 5.6. 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.
- 5.7. The Whistle-blower Protection Officer will safeguard the interests of the discloser, making reports under this policy, and will ensure the integrity of the reporting mechanism.

- 5.8. The College's employee assistance program (EAP) will be available to all eligible Whistle-blowers and other employees affected by the disclosure, should they require that support.

6. Responsibility for Investigating Allegations and Outcomes

- 6.1. An identified Whistle-blower will be advised to keep the process confidential to protect the integrity of the investigation so it can be a fair and proper process. They will be asked to sign a co-operation and confidentiality agreement. This will state that they will not investigate independently and compromise the integrity of an official investigation or communicate that they have made a report to anyone else.
- 6.2. Allegations made by a Whistle-blower will be subject to an initial review.
- 6.3. If the allegations are anonymous, then the initial review will determine if the three key factors as outlined in 4.3 are fulfilled to warrant a full investigation.
- 6.4. If the initial review fulfils the three key factors for a report, then a full investigation will be carried out by a Council member or trained independent investigator that is appointed by the Council. This is with the Principal/Business Manager assisting, unless the complaint is against them.
- 6.5. If the Whistle-blower has requested to be anonymous, then this will, where possible, be protected. However, if there comes a point when this is likely to be revealed, then a meeting with the Whistle-blower will occur to discuss this and any legal implications if the investigation was to continue.
- 6.6. There is no absolute guarantee that the request of the Whistle-blower to remain anonymous can be honoured, especially if the College determines the need to proceed further with an investigation or matters are required to be reported to the Police.
- 6.7. An investigation report will be shared with the Principal and the Chair of the Council, unless the complaint relates to either of them, in which circumstance the Deputy Chair would act as replacement.
- 6.8. An in-camera session of the Council will be held, without those who were investigated, to consider the investigation's findings. They will then determine appropriate disciplinary action according to expectations outlined in the Code of Conduct, the individual's Employment Contract, and other relevant College policies.

7. Abuse of reporting process

- 7.1. All reports made under the confidential reporting process must be made in good faith.
- 7.2. Abuse of the confidential reporting process will not be tolerated and treated as a serious breach of the College's Code of Conduct.

8. Related Policies and Procedures

- 8.1. G2 Grievance Policy
- 8.2. D7 Harassment Policy
- 8.3. Code of Conduct
- 8.4. F3 Child Protection Manual (Policy & Procedures)
- 8.5. Bullying and Harassment Policy

Document History

May 2021 Policy written and adopted by Council.

Appendix: Guidelines on eligibility for the Whistle-blower process

Question	Requirement	Detail
Who the disclosure is made by?	The disclosure must be made by an eligible Whistle-blower	<p>An eligible Whistle-blower is an individual who is or has been any of the following, in relation to the College:</p> <ul style="list-style-type: none"> • a member of the governing body of the College; • an employee; • an individual who has an association with the College; • a person who supplies goods or services (paid or unpaid); • an employee of a person who supplies goods or services (paid or unpaid); and • a relative or dependent (or dependents of a spouse) of any individual described above. • one of the above on behalf of a student. <p>Anonymous complaints, where the discloser's name is not known, can also meet the 'eligible Whistle-blower' requirement.</p>
Who the disclosure is made to?	The disclosure must be made to an Eligible Recipient	<p>Eligible Recipients:</p> <ul style="list-style-type: none"> • an officer (such as a member of the College Council) or senior leader of the College; <ul style="list-style-type: none"> ○ chair@heritage.sa.edu.au ○ deputychair@heritage.sa.edu.au ○ treasurer@heritage.sa.edu.au ○ principal@heritage.sa.edu.au ○ an auditor, or member of an audit team, of the College • Auditor MRL by phone +618 8364 3522 or www.mrlgroup.com.au/contact-us • ACNC or a prescribed Government authority.
What is the nature of the disclosure?	The disclosure must be about a disclosable matter	<p>Information that concerns:</p> <ul style="list-style-type: none"> • dishonesty; • unethical conduct; • misconduct; • unsafe work practices; • child abuse; • illegal acts including theft, drug sale or use, violence or threatened violence and criminal damage against property; • breaches of relevant laws, regulations, by-laws; or • any other conduct which may cause loss to the School or be otherwise detrimental to the School.
Is there reasonable suspicion by the eligible Whistle-blower?	The eligible Whistle-blower has reasonable grounds to suspect	<p>Reasonable grounds to suspect is where the discloser has the suspicion that could reasonably be formed based on the facts and information available to them.</p> <p>It is not required that the recipient believe the suspicion, merely that the suspicion held by the discloser is reasonable.</p>