

# WHISTLEBLOWER POLICY



**SALESIAN  
COLLEGE**  
CHADSTONE EST. 1957

## POLICY STATEMENT

Salesian College encourages all members of the College Community and wider community to report wrongdoings that are of legitimate concern by providing a safe reporting mechanism, and protection for people who make serious wrongdoing disclosures.

## POLICY SYNOPSIS

This policy outlines the important role of all members of the College community to be able to raise concerns (including and not limited to unethical, illegal, corrupt or other inappropriate conduct). This policy references the VIT Code of Conduct, College's code of Conduct, Reportable Conduct Scheme and obligations to DHHS.

## VERSION CONTROL

Prepared by	Business Manager
Version	2.0
Approved by	Salesian College Board
Approval date	August 2023
Next review	August 2025

## ISSUE HISTORY

Date Modified	Modified by	Version	Details
8/03/2023	Business Manager	1.0	Updated policy after review

## RATIONALE

The Whistleblower Policy is underpinned by a strong commitment by the College that reflects sound governance and promotion of honest and ethical behaviour. An effective whistleblowing process provides a foundation for investigation and response where there are reasonable grounds to suspect misconduct, or an improper state of affairs or circumstances.

This policy provides protection and measures so that people can raise concerns on a confidential basis without fear of reprisal. The policy complies with the Australian Securities and Investment Commission (ASIC) Corporations (Whistleblower Policies) Instrument 2019/1146, and sound governance requirements as detailed by the Australian Charities and Not-for-profits Commission (ACNC) and the Corporations Act 2001 (Cth) (Corporations Act).

The College's Staff Code of Conduct and other policies have been developed to align with our values to ensure that we observe the highest standards of fair dealing, honesty and integrity in our activities as a school under the teachings of Don Bosco, and as a business.

## SCOPE

This policy applies to current and former directors and employees of the College who make a 'qualifying disclosure' to a person at the College authorised to receive such disclosures. It also applies to other people who engage with the College and have reasonable grounds to believe that misconduct has or will occur, where that disclosure is made in accordance with the relevant requirements. The scope of this policy includes the following:

- Eligible whistleblowers reporting qualified disclosures to eligible recipients (as defined in this policy) in reference to the College
- The College as a body corporate (including its volunteers, contractors, consultants and suppliers)
- Salesian residential community members
- College directors, board committees and working group members
- The Principal and staff
- College suppliers, contractors and consultants
- College volunteers
- Spouses, relatives or dependents of the people referred to above

It is recognised that there are forms of alleged employee conduct committed against, with, or in, the presence of a child, such as relevant sexual offences, sexual misconduct, physical violence, behaviour that causes significant emotional or psychological harm and significant neglect that constitute 'reportable allegations'. The required management of these forms of conduct is dealt with under the Reportable Conduct Scheme. Other obligations may also be relevant, such as the reporting of alleged criminal behaviour to police and mandatory reporting to the Department of Families, Fairness and Housing.

## PRINCIPLES

The College is committed to ensuring there is a culture of coming forward if a person has reasonable grounds for suspecting misconduct. This policy helps people connected with the College to identify instances of wrongdoing and provides guidance on how to raise a concern about suspected or actual misconduct in relation to the College.

Coming forward can be difficult so it is important that people to whom this policy applies feel supported to speak up when they see wrongdoing and that they are confident that the College has arrangements in place for handling disclosures with confidentiality. This includes having confidence that people authorised by the College to receive disclosures understand their obligations and will ensure they are handled appropriately.

## DEFINITIONS

**ACNC** means the Australian Charities and Not-for-profits Commission

**Board** means the board of Directors of the College

**College** is the reference to Salesian College Chadstone

**Detriment** means:

- 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
- any other damage to a person.

**Disclosure(s)/Disclosable matters** refers to information provided by a whistleblower who has reasonable grounds to suspect misconduct, an improper state of affairs or circumstances, or breach of the law. It can include conduct that contravenes the Corporations Act, the Australian Securities and Investments Commission Act 2001 (Cth), constitutes an offence against another Commonwealth law that is punishable by imprisonment for 12 months or more, represents a danger to the public or the financial system, or is prescribed by the Corporations Regulations 2001 (Cth). To qualify for protection, the whistleblower must have reasonable grounds to suspect that the information they will disclose indicates misconduct. It does not include personal work-related grievances (as defined in this policy).

**Eligible recipient** refers to the person an eligible whistleblower must make their qualifying disclosure to, to qualify for protection. These include the College Whistleblower Protection Officer, specific directors, or the auditor or a member of the audit team of the College, ASIC, the Australian Prudential Regulatory Authority (APRA), a Commonwealth body nominated for this purpose in the Regulations (not including the ACNC) or a legal practitioner if someone is seeking legal advice about whether the protections will apply to them.

**Eligible whistleblower or whistleblower** means a person eligible to make a qualifying disclosure to an eligible recipient, including an officer, employee, volunteer or an individual or an employee of a person who supplies services or goods to the College, or a relative or dependant of such an officer, employee or supplier, or a dependant of the officer, employee or supplier's spouse.

**Disclosure** means information provided by a Whistleblower who has reasonable grounds to suspect misconduct, or an improper state of affairs or circumstances, in relation to Salesian College, not including disclosures about a personal work-related grievance.

**Misconduct** means conduct by a person or persons connected with the College, which the whistleblower has reasonable grounds to suspect, is (among other things):

- is a systemic, wilful or serious breach of the law as it relates to the College, or its internal policies
- poses a significant or serious threat to the health and safety of workers
- involves a serious mismanagement of the College's resources
- involves victimisation of someone for reporting a disclosable matter
- involves an instruction to cover up or attempt to cover up serious wrongdoing
- interferes with an impending internal or external audit process
- is unethical, and a breach of the Code of Conduct or generally a serious risk to the reputation or financial wellbeing of the College
- is dishonest, fraudulent, corrupt, negligent or illegal (including theft, drug sale/use, criminal damage etc.)
- is in breach of Commonwealth or state legislation or local authority by-laws
- is conduct that may cause financial or non-financial loss to the College or otherwise detrimental to the interests of the College

**Personal work-related grievance** means a grievance about any matter in relation to a person's employment, or former employment, having personal implications, and the information does not have significant implications, beyond the personal implications, for the College.

**Reasonable grounds** means more than suspicion and would usually require some factual basis that indicates misconduct.

**School staff and employees** refers to College staff and employees, unless the context requires otherwise, means an individual working at the College who is:

- directly engaged or employed by the College
- a volunteer or a contracted service provider (whether or not a body corporate or any other person as an intermediary).

**The Leadership Team** means, as relevant, the Employer, the Principal, Business Manager, Executive Assistant to the Principal, and Assistant Principals and employees of Salesian College who have authority over the direction or management of Salesian College.

**Whistleblower** means an officer, employee or a contractor performing work or providing goods for the College or an associate, relative or dependant of such an officer, employee or contractor, who makes a Disclosure.

**Whistleblower Investigations Officer** is the person who may be appointed, either internally or externally, by the Whistleblower Protection Officer to conduct an investigation into Disclosures.

**Whistleblower Protection Officer** is the Business Manager who, by their role is appointed by the College to receive qualifying disclosures and protect the interests of whistleblowers in accordance with this policy.

**Whistleblower protections** means the protections provided to whistleblowers to enable them to come forward to report misconduct without fear of retribution or personal detriment.

## **POLICY**

The College will protect and support those who come forward in good faith to report a suspected improper state of affairs based on a reasonable belief. The College will maintain confidentiality by determining an appropriate time and place for the disclosure to be made and by treating with confidentiality any information that would be likely to lead to the identification of the whistleblower, subject to law, and any authorisation by the whistleblower allowing identification in the context of an investigation of a disclosure.

Additionally, the College will protect anyone who makes a disclosure in good faith from any form of detrimental act or omission as a result of a disclosure. The College will also ensure that there are consequences for anyone who treats a whistleblower detrimentally in accordance with relevant policies or codes of conduct.

Any allegation of detrimental treatment should be reported to the Whistleblower Protection Officer, and may be dealt with under the relevant College policy.

### **Types of misconduct that may be a qualifying disclosure**

The following types of misconduct may be a qualifying disclosure:

- suspicious behaviour involving payroll
- work practices that are unsafe

- deliberate, inaccurate reporting of student enrolment numbers in a government census
- inappropriate electronic material or use of computers to circulate inappropriate material
- suspicious behaviour involving school/services funds.

### **Inappropriate electronic material**

An employee brings to work a personal DVD containing image files of adults that are sexually explicit. They download the images to their work computer and then decide to circulate some of the images to colleagues. A colleague who receives the images uses the provisions of the Whistleblower Protection Policy to report the matter confidentially, as the actions are in breach of acceptable ICT Usage policies.

### **Suspicious behaviour involving school Funds**

An employee is relieving a colleague who is on annual leave and is asked by a parent why they have not received a receipt for the last cash payment they made to the school. The replacement employee advises that they will follow up the parent's inquiry. The replacement employee is suspicious that fraudulent misconduct may be occurring. They decide to report the matter confidentially and in line with the Whistleblower Protection Policy.

### **What misconduct is not disclosable?**

A report of misconduct solely about a personal work-related grievance such as bullying, harassment or discrimination is not generally covered by whistleblower protections. A personal work-related grievance includes:

- an interpersonal conflict with another employee
- a decision about your employment, transfer or promotion
- a decision about the terms and conditions of your employment
- a decision to suspend or terminate your employment or otherwise discipline you.

Disclosures that are not about 'disclosable matters' do not qualify for protection under the Corporations Act.

### **How do I make a disclosure?**

A disclosure can be made either verbally or in writing, noting that disclosures can be made confidentially, securely and outside business hours. They can also be made anonymously and still be protected under the Corporations Act.

### **Who can receive a disclosure?**

Disclosures of misconduct must only be made to a person authorised by the College to receive whistleblower information. This is to ensure that any disclosure is handled in accordance with the requirements and the whistleblower is covered by the protections outlined in this policy. At the College, the role of Whistleblower Protection Officer is held by the Business Manager.

For the purposes of the College, disclosures can be made to:

- Whistleblower Protection Officer – Business Manager, Daniel Nguyen on 03 9807 2644 or [dnquyen@salesian.vic.edu.au](mailto:dnquyen@salesian.vic.edu.au).
- Principal on [principal@salesian.vic.edu.au](mailto:principal@salesian.vic.edu.au).
- Compliance and Risk Manager, Jessica Taylor on 03 9807 2644 or [jtaylor@salesian.vic.edu.au](mailto:jtaylor@salesian.vic.edu.au)
- Salesian Provincial: [sdbaul@salesians.org.au](mailto:sdbaul@salesians.org.au) or 03 9831 9516 for disclosures relating to the Principal or College Board Directors only.
- ASIC, APRA or another prescribed Commonwealth body, a legal practitioner for the purpose of obtaining legal advice or legal representation about the provisions of the whistleblower legislation, a member of federal or state parliaments or a journalist.

The ACNC is not an eligible recipient of disclosures.

### **Legal protections**

To qualify for whistleblower protections, the person making a disclosure must have reasonable grounds to suspect that the information they will disclose indicates misconduct.

Disclosures that are not about 'disclosable matters' do not qualify for protection under the Corporations Act.

### **Support and practical protection**

Whistleblowers can rely on the protection of this policy for disclosures of misconduct that meet the definition provided in this policy. Any concerns about unfavourable treatment as a result of making such a disclosure should immediately be made to the Whistleblower Protection Officer, or to the Principal if the matter relates to the Whistleblower Protection Officer.

No action will be taken against a whistleblower who makes a report in good faith that is not subsequently substantiated in an investigation. However, it is important to have reasonable grounds to suspect that the information to be disclosed about the College concerns misconduct or an improper state of affairs which will usually include some factual information.

A court may make orders, including orders for compensation, where a whistleblower is subjected to detriment for making a disclosure.

The College will maintain the confidentiality of a Whistleblower and any information that would be likely to lead to the identification of the whistleblower, subject to law and any authorisation by the whistleblower allowing for identification in the context of an investigation of a disclosure. It is illegal to identify a whistleblower without consent outside these reasons.

A person who is considering making a disclosure may contact the Whistleblower Protection Officer to obtain additional information before making a disclosure.

It should be noted that the Taxation Administration Act 1953 (Cth) also contains protections for whistleblowers reporting misconduct related specifically to tax, however, as a registered charity, the College receives tax concessions.

### **Handling and investigating a disclosure of misconduct**

Following receipt of a qualifying disclosure, the Whistleblower Protection Officer, or another person authorised by the College to receive such disclosures, will take steps to ensure the time and place for receiving the disclosure is appropriate.

- The College will consider any disclosure made in good faith.
- All qualifying disclosures will be investigated promptly with objectivity and procedural fairness.
- All reports and investigation procedures will be dealt with promptly.
- The Whistleblower Protection Officer may appoint a Whistleblower Investigation Officer to conduct the investigation. This will be a decision of the Whistleblower Protection Officer and will depend on the nature and extent of the allegation(s) contained in the disclosure. The whistleblower will be kept informed of the progress and outcome of the investigation by the Whistleblower Protection Officer, subject to privacy considerations of the individuals involved in the investigation.
- The person conducting the investigation will prepare a report for the Whistleblower Protection Officer.
- The Whistleblower Protection Officer will provide the report to the relevant decision-



maker at the College, who will make a final decision in relation to the recommended findings and actions to be taken, if any.

- The Whistleblower Protection Officer will inform the whistleblower of the outcome of the investigation.

### **Investigation report**

The investigation report will provide a summary of the facts of the disclosure and of the investigation. It will also provide recommendations as to findings of whether any allegation is substantiated or unsubstantiated and may also provide recommendations on actions, if any, that may be taken accordingly.

### **Decision-making**

The investigation report will be provided by the Whistleblower Protection Officer to the relevant decision-maker at the College, who will make a final decision in relation to the recommended findings and actions to be taken, if any. In circumstances where the investigation is conducted by a Whistleblower Investigation Officer, the investigation report will also be provided to the Whistleblower Protection Officer. The Whistleblower Protection Officer will inform the whistleblower of the outcome of any investigation and retain a coordinating role in monitoring the implementation of any decided actions.

### **Ensuring fair treatment of a person mentioned in a disclosure**

Any person named in a disclosure that qualifies for protection will be treated with procedural fairness, including those who are the subject of a disclosure.

If a whistleblower has concerns regarding detrimental treatment as a result of making a disclosure under this policy, the concerns should be reported to the Whistleblower Protection Officer who will ensure they are investigated.

### **Ensuring the policy is accessible**

The Whistleblower Policy is accessible to all people connected with the College. This includes being available on the following:

- the College website
- the College portal SIMON
- the College induction program and subsequent in-service training
- any other website belonging to the school.

## **RESPONSIBILITIES**

- Whistleblower Protection Officer – Receive whistleblower disclosures and ensure protection of the whistleblower. Arrange investigations of qualifying disclosures, appoint a Whistleblower Protection Officer (where required) and inform the whistleblower of the outcome of the investigation.
- Principal – Ensure the policy is published and available to staff, students and the College community. Refer any disclosures to the Whistleblower Protection Officer unless the matter relates to the Whistleblowing Protection Officer.
- Whistleblower Investigator – Investigate any whistleblower disclosures referred to by the Whistleblower Protection Officer. Provide recommendation to the Whistleblower Protection Officer on the outcome of the investigation.
- Staff – Reporting any concerns regarding serious wrongdoing to any authorised persons at the College listed under this policy.

## CONTACTS

### **Whistleblower Protection Officer**

Mr Daniel Nguyen, Business Manager  
[dnguyen@salesian.vic.edu.au](mailto:dnguyen@salesian.vic.edu.au)

### **Principal**

Mr Mark Ashmore  
[principal@salesian.vic.edu.au](mailto:principal@salesian.vic.edu.au)

### **Compliance and Risk Manager**

Ms Jessica Taylor  
[jtaylor@salesian.vic.edu.au](mailto:jtaylor@salesian.vic.edu.au)

### **Salesian of Don Bosco Provincial**

Fr Will Matthews

C/o Karen Childs  
Mon – Thursday

03 9377 6600

[sdbaul@salesians.org.au](mailto:sdbaul@salesians.org.au)

### **Australian Securities and Investments Commission (ASIC)**

1300 300 630

GPO Box 9827  
Brisbane QLD 4001

### **Australian Prudential Regulation Authority (APRA)**

1300 558 849

GPO Box 9836  
Sydney NSW 2001

### **Victorian Registration and Qualifications Authority (VRQA)**

03 9637 2806  
[vrqa@education.vic.gov.au](mailto:vrqa@education.vic.gov.au)

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### **External references and relevant legislation**

[Corporations Act 2001](#)  
[ACNC Whistleblower Fact Sheet](#)  
[ASIC Whistleblower Instrument Reportable Conduct Scheme](#)  
[Department of Families, Fairness and Housing](#)  
[Department of Education and Training \(Victoria\)](#)  
[Victorian Institute of Teaching](#)

### **RELATED POLICIES**

[Complaints Policy](#)  
[Child Safety Code of Conduct](#)  
[Reportable Conduct Policy](#)  
[PROTECT – Reporting Obligations Policy](#)  
[Bullying and Harassment Policy](#)  
[OHS Policy](#)