



WHISTLEBLOWER



Foundation
to
Year 12

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PURPOSE

Sirius College is committed to upholding high ethical behavioural standards and practices, and providing a safe and confidential environment where people feel comfortable and safe to raise serious concerns about conduct they reasonably believe to be illegal, corrupt, fraudulent, improper or damaging, without any fear of reprisal or victimisation.

The aim of this policy is to

- set out principles and procedures to manage relevant disclosures made by whistleblowers, and to provide them with protection.
- ensure that all School operations are conducted ethically and with integrity.
- encourage the reporting of actual and suspected wrongdoing that may materially damage the College's reputation and/or cause material financial or non-financial loss to the College

SCOPE

This Policy applies to all members of the Sirius College community. It includes:

- Current or former students, employees, officers, directors/managers, parents
- Contractors, sub-contractors, suppliers of goods and services and their employees
- Individuals associated with the school such as volunteers, consultants, agents
- Relatives or dependants of any of the above people

Any person beyond this scope is not considered to be an eligible Whistleblower under the Corporations Act.

The scope of this Policy does not extend to staff who have concerns relating to their employment, or to parents or students who have concerns relating to the operation of the school. These are dealt with under the school's Feedback policy and procedures.

DEFINITIONS

Whistleblowing

Whistleblowing is the voluntary disclosure of information by an individual, also known as the discloser, to an eligible recipient if there is reasonable grounds to suspect that the information concerns misconduct or an improper state of affairs or circumstances.

Eligible Whistleblower

In accordance with section 1317AAA of the Corporations Act, an eligible whistleblower includes all persons specified in the scope of this policy.

Improper Conduct

For the purposes of this policy, improper conduct is a conduct which is:

- Dishonest
- Fraudulent
- Corrupt
- Illegal (such as theft, drug sale/use, violence, criminal damage to property)
- In breach of national, state or local laws

- Improper conduct (such as breaching any of Sirius College codes of conduct)
- Child abuse and unacceptable behaviour towards children
- Conduct which may cause financial or non-financial loss to Sirius College (such as conduct detrimental to the schools interests and reputation)
- Substantial risk to health and safety
- Substantial damage to the environment
- Mismanagement or wasting school resources

If an eligible person becomes aware of any of the issues outlined above, and has reasonable grounds to suspect improper conduct, they have the right to make a report in accordance with the procedures set out in this Policy.

Reasonable Grounds

Reasonable grounds mean that a reasonable person in the same position would also suspect the information indicates improper conduct. If a whistleblower's disclosure is not based on reasonable grounds, the disclosure is unfounded and does not qualify for protection under legislation.

Eligible Recipient

Disclosure must be made to an eligible recipient in order to qualify for protection. This includes:

- Executive Management Team, Campus Principal, Deputy Principal (if applicable)
- Members of the Sirius College School Board
- Schools auditors, including any person authorised by the School to act in this capacity

Protected Disclosure

When an eligible whistleblower makes a disclosure on reasonable grounds about improper conduct, this is referred to as protected disclosure. A disclosure can qualify for protection even if it turns out to be incorrect.

Frivolous and Vexatious Disclosure

A frivolous claim is one that has no serious purpose or value. A vexatious disclosure is one or many claims that is specifically being pursued to harass, annoy, cause inconvenience or damage the recipient and is usually without merit.

ROLES AND RESPONSIBILITIES

Sirius College School Board is responsible for:

- Reviewing the Whistleblower policy
- Responding to an eligible disclosure when it is called to do so
- Monitoring the number of disclosures made, the details and outcome of the event

The Executive Principal is responsible for:

- Ensuring eligible recipients know their roles and responsibilities
- Ensuring the Whistleblower policy is communicated to staff, parents and school community through its website
- Providing training for all staff, specifically to eligible recipients.
- Retaining a confidential register of protected disclosures (listing the date, subject and resolution) for reporting to the Board on an annual basis and to be available to the authorities if required

Campus Principals is responsible for:

- Ensuring concerns and complaints are addressed appropriately and handled with care and respect

The Director of Operations is responsible for:

- Setting up appropriate processes to manage and investigate a disclosure brought under this policy
- Determining the whistleblowing procedures and ensuring they are up-to-date
- Notifying all relevant government agencies when required

Eligible Recipients are responsible for:

- Understanding their role as eligible recipient
- Participating in relevant training
- Knowing and understanding Sirius College Whistleblower policy and procedures
- Being prepared to receive and respond to possible disclosures

Staff are responsible for:

- Participating in relevant training
- Knowing and understanding Sirius College Whistleblower policy and procedures

IMPLEMENTATION

Whistleblowers should take steps to ensure that the disclosure they are about to make is:

- factually accurate;
- supported by documentary evidence where available; and
- based on reasonable grounds to suspect that the information disclosed indicates Improper Conduct as defined in this policy.

Anonymous disclosure

A person seeking to make a disclosure under this Policy should put their name to allegations whenever possible, as anonymous disclosures may give rise to problems during the investigation stage. While anonymity is the right of any whistleblower, maintaining anonymity restricts the College's ability to fully understand, explore, manage and resolve the situation in a timely and efficient manner. Nonetheless, anonymous allegations will be considered under this policy.

In determining whether an anonymous allegation will be taken forward, the College will take the following factors into account:

- The seriousness of the issue raised
- The credibility of the concern
- The likelihood of confirming the allegation from attributable sources, and obtaining information required

Confidentiality

The College recognises that a person may want to raise concerns in confidence and will do its best to protect the identity of a person who does not wish to disclose their name. Reports of improper conduct pursuant to this policy will be treated confidentially to the greatest extent possible and will be promptly investigated.

Penalties for Breaches

Failure to comply with the confidentiality and detrimental conduct provisions are criminal offences, punishable by imprisonment and / or fines. That is why the College will ensure confidentiality of the disclosure and those involved unless a legal obligation requires us to report this matter to authorities.

It should be noted that investigation into the matter may reveal the source of the information. It is also possible that additional statements may be required from the whistleblower as part of the investigation process and this may be seen by all parties involved in the investigation. If the disclosure leads to prosecution, the whistleblower may be called to give evidence in court.

Breaches of confidentiality will be treated as a serious breach of the School's Code of Conduct and Privacy Policy and will lead to disciplinary action including possible instant dismissal.

Whistleblower Protection

Sirius College is committed to providing a supportive environment for any person making a whistleblower disclosure and will always strive to ensure that every whistleblower is protected from detriment as a result of blowing the whistle. This includes:

- identity protection (confidentiality);
- protection from detrimental acts or omissions;
- compensation and remedies; and
- civil, criminal and administrative liability protection in relation to their disclosure.

Support for Whistleblower

The whistleblower may seek support from the school's employee assistance program (EAP). The College recognises that in some situations, the effect of an eligible disclosure may impact on employees other than the whistleblower. The support provided by the College to the whistleblower extends to them as well.

Frivolous/Vexatious Allegations

If a whistleblower makes an allegation in good faith and with reasonable belief but it is not confirmed by subsequent investigations, the matter will be closed and no further action taken and will not result in disciplinary actions.

If, however, the inquiry shows that untrue allegations were malicious and/or vexatious or made for personal gain, then the College will consider taking appropriate disciplinary and/or civil action.

Grievance vs Whistleblowing

Personal or professional grievances made by employees are not included within the definition of a protected disclosure. These should be dealt with using the school's Feedback policy and procedures.

Communication

The College will ensure that the Whistleblower Policy is communicated to all board members, staff, contractors and the wider school community via such publications as initial employment information, the Sirius Expert and via the website.

PROCEDURE

Reporting

If an eligible whistleblower wishes to make a report regarding serious improper conduct, they should do so in writing and send it to an eligible recipient. All reports will be kept confidential and can be made anonymously. The

discloser of the report will not be personally disadvantaged by dismissal, demotion, discrimination or bias provided the report is written in good faith and is reasonable.

If the reporting person desires anonymity, the report can be made either via [webform](#) at Sirius website or Voicebox placed in staff rooms of each campus.

If a serious allegation relates to a member of Executive Management, a written report should be made to the Executive Principal.

If a serious allegation relates to the Executive Principal, a written report should be made to the Chairperson of the Board.

Assessment

An initial assessment of the report is undertaken to ensure it is a whistleblower matter and not a complaint or grievance matter. Once a report is identified as a potential Whistleblower matter, the College will begin to track the matter within the Sirius College Whistleblower handling procedure.

In making an assessment decision on which of the below procedures to follow, the College will consider the following:

- the nature of the case reported;
- aspects of the Code and relevant College policies that relate to the case;
- the complexity of the case; and
- the number of witnesses.

If the nature of allegations requires notification to government agencies, the Director of Operations will notify all relevant agencies without any delay by consulting with the Executive Principal.

Investigation

All reports of serious improper conduct will be investigated. The Campus Principal and/or the Executive Principal will determine an appropriate means to investigate the issue and assign an individual to oversee the investigation. All details will be kept highly confidential for the protection of both the Whistleblower and the person/s against whom the allegations are made.

The school will assign an internal or external investigator depending on the nature of the reporting made.

The investigation process will include the following steps:

- Obtaining full details of the allegations being made
- Informing the person/s against whom the allegations are made, if reasonably necessary for the purposes of investigation
- Notifying external parties such as the Police or the CCYP, as required by law
- Investigating allegations

Outcome

The investigator(s) will prepare a final report together and make findings as to whether each allegation is substantiated or not substantiated. The findings must be based on consideration of the relevant facts and evidence.

The standard of proof is a civil standard of the balance of probabilities – that, on the balance of probabilities, it is more likely than not that the allegation occurred. This standard will increase in accordance with the seriousness and consequences of the allegations.

The report will include:

- the alleged grounds, the alleged particulars, and the investigator's assessment of the evidence

- any response by the employee to the written advice
- all relevant documentary evidence

Based on all of the material collected, the College will form a preliminary view on the matter and will propose a final outcome.

The College will then provide the preliminary view in writing to the subject person of the investigation and invite the person to make a submission in writing to the College within 14 days addressing the preliminary view.

Where the College has finalised a matter, the eligible recipient will communicate the outcome with necessary details to the Whistleblower in writing, if the disclosure is not made anonymously.

RELATED POLICIES & PROCEDURES

- Staff Code of Conduct
- Duty of Care
- Bullying and Harassment in the Workplace
- Health & Safety
- Child Safety Responding and Reporting Obligations Procedure
- Privacy
- Child Safety
- Child Safety Code of Conduct
- Conflict of Interest
- Feedback

REFERENCES/LEGISLATION

- Corporations Act 2001 (Part 9.4AAA)
- Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019
- ASIC Regulatory Guide 270 released November 2019

REVIEW

Name of Policy	Whistleblower
Description of Policy	Guideline to manage the disclosure by a whistleblower
Policy Responsible Officer	Director of Operations
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