



## WESLEY COLLEGE

By daring & by doing

<b>POLICY NAME:</b>	<b>WHISTLEBLOWER POLICY</b>
<b>POLICY AREA:</b>	Risk Management
<b>DATE APPROVED:</b>	12 July 2019
<b>AUTHOR:</b>	Director of Finance
<b>NEXT REVIEW:</b>	12 July 2021

### 1. Objective

The objective of this Whistleblower Policy is to allow Wesley College current staff, parents, students, volunteers, former staff and other parties to report serious concerns about improper conduct or practices within the College's operations through appropriate and confidential channels without risk of retaliation, victimisation or harassment in any form. This Whistleblower Policy is intended to assist in ensuring that all College operations are conducted ethically and with integrity.

### 2. Rationale

The requirement for Wesley College current staff, students, parents, volunteers, former staff or other parties to have a transparent and safe process for reporting serious concerns about improper conduct or practices within the College's operations is a broad requirement in the community generally. The processes described in this Whistleblower Policy are considered to be consistent with the expectations of both the College community and the community in general.

### 3. Definition

Whistleblowing is the means by which Wesley College current staff, students, parents, volunteers, former staff or other parties can raise serious concerns about improper conduct or practices within the College's operations, including concerns about conduct or a practice within the College which is potentially illegal, corrupt, fraudulent, dishonest, unsafe or unethical or which may constitute substantial mismanagement of resources or breaches of relevant laws, regulations and by-laws, without fear of victimisation and with confidence that their concerns will be taken seriously and dealt with properly.

A Whistleblower is defined as a person who discloses a serious concern about improper conduct or practices within the College's operations, including about wrong doings, corruption, substantial mismanagement of resources or any illegal activities taking place within the College.

### 4. Scope

This Whistleblower Policy applies and to and is binding upon all current Wesley College staff, students, parents, volunteers, former staff and other parties.

### 5. Policy Statement

Wesley College recognises the value of transparency and accountability in its administrative and management practices, and supports the making of disclosures of serious concerns about improper conduct or practices within the College's operations, including about corrupt conduct, conduct involving a substantial mismanagement of resources, or conduct involving a substantial risk to health

and safety or the environment. It is the policy of Wesley College that all current staff, students, parents, volunteers of the College, and former staff and other parties shall be free to report, without fear of retaliation, activity occurring in the College's operations that the reporting person believes in good faith to be improper, including because it is believed in good faith to be illegal, corrupt, dishonest, unsafe, unethical, fraudulent, or otherwise significantly not in compliance with College policy.

This Whistleblower Policy is designed to complement normal communication channels between Wesley College Executive, managers, supervisors, staff, students, parents, volunteers, former staff and other parties. Current staff, students, parents, volunteers, former staff and other parties are encouraged to continue to raise appropriate matters at any time with the relevant managers and or school heads. As an alternative, Wesley College current staff, students, parents, volunteers, former staff and other parties may make disclosure of serious concerns about improper conduct or practices within the College's operations, including mismanagement or corruption, in accordance with this Whistleblower Policy.

Reported allegations will be treated confidentially to the greatest extent possible, and will be promptly investigated. The College will not take adverse action in retaliation against a person/s who makes a disclosure under this Whistleblower Policy and will not tolerate adverse action by others, including staff, parents and volunteers.

Wesley College will take all reasonable steps to protect persons who make disclosures under this Whistleblower Policy from any detrimental action in reprisal for making the disclosure. It will also seek to afford procedural fairness to any person/s who is/are the subject of the disclosure.

#### **5.1 Safeguard against reprisal, harassment and victimisation**

Wesley College will not tolerate harassment or victimisation of current staff, students, parents, volunteers, former staff or other parties when concerns are raised in accordance with this Whistleblower Policy. Any Wesley College staff, students, parents, volunteers, former staff or other parties who victimise or harass any person as a result of their having raised a concern in accordance with this Whistleblower Policy may be dealt with under Wesley College's disciplinary procedures and, if required, applicable legislation.

#### **5.2 Confidentiality**

The College recognises that current staff, students, parents, volunteers, former staff and other parties may want to raise concerns in confidence. The College will do its utmost to protect the identity of current staff, students, parents, volunteers, former staff and other parties who raise a concern in accordance with this Whistleblower Policy and do not want their name disclosed.

However, proper investigation into the concern could reveal the source of the information relevant to the concern. Further, if the investigation leads to legal proceedings, a statement may be required as part of the evidence, which may be required to be revealed to other parties involved, including where the whistleblower is called upon to give evidence in a court or tribunal.

If an investigation comes to a point when it becomes evident that the whistleblower's identity will likely be revealed should the investigation continue, the whistleblower must be consulted by the leader of the investigation prior to the investigation proceeding. Should the whistleblower not wish the investigation to continue at that point, the leader of the investigation will consider whether to proceed, including having regard to the nature and seriousness of the disclosure and the likely impact on the disclosure. If the leader of the investigation decides to proceed, consideration will be given to what steps can be implemented to limit any disclosure of the identity, or information which may reveal the identity, of the whistleblower, and where appropriate legal advice will be sought in that regard.

#### **5.3 Anonymous allegation**

Current staff, students, parents, volunteers, former staff or other parties themselves or on behalf of their child should put their name to allegations whenever possible - anonymous concerns are much less powerful. Nonetheless anonymous allegations will be considered under this Whistleblower Policy. In relation to 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 provided.

A report will be provided to the Executive Committee of the College Council where any anonymous allegation is not taken forward, including the reasons for not investigating or otherwise inquiring into the allegation, having regard to each of the three factors specified above.

#### **5.4 Untrue and malicious/vexatious allegations**

If a current member of staff, student, parent, volunteer, former staff or other parties makes an allegation under this Whistleblower Policy in good faith but it is not confirmed by further inquiry, the matter will be closed and no further action taken. 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 or legal action.

#### **Other complaints and allegations concerning student protection issues**

This Whistleblower Policy is separate from the College's Complaints Policy and related procedures, and other statutory reporting procedures. Student Protection issues should be reported according to the specific guidelines laid out in the College's Student Protection Policy.

#### **5.5 Reporting process**

Current staff, students, parents, volunteers, former staff or other parties who wish to raise a serious concern about improper conduct or practices within the College's operations, including about mismanagement, illegal activities, corruption or misconduct in College operations, should report the concern in writing to a member of the College Executive or the Headmaster. If the concern involves any allegation of misconduct by or with the knowledge of the Chaplain or a member of the College Executive, the report should be made in writing to the Headmaster, who will then raise the matter with the Chair of College Council.

If the concern involves any allegation of misconduct by or with the knowledge of the Headmaster, the report should be made in writing to the Chair of College Council, whose address will be supplied on request. If the reporting person desires anonymity, the report should be in writing and delivered via regular mail or College mail, marked 'Chair of Wesley College Council - Private and Confidential'.

If the Chair of Council is the subject of the concern, the concern should be reported to the Headmaster. The Executive Committee of College Council, excluding the Chair of Council, will be advised of the concern by the Headmaster. The Executive Committee of Council will appoint another Council member to substitute for the Chair of Council when and if considered by the Executive Committee of Council to be required.

If a whistleblower considers that none of the avenues above are acceptable for the reporting of a concern, the whistleblower should report the concern in writing to The Moderator of the Uniting Church in Western Australia, who can be contacted via the Uniting Church offices in Edwards St Perth.

Any person who, having made a report, believes that they have been personally disadvantaged has an automatic right of appeal to the Executive Committee of Council whose decision will be complied with.

The processes detailed in the College's Complaints Policy should ***not*** be followed in making a whistleblower report.

#### **5.6 Delegation of responsibility for reviewing allegations**

The Headmaster will delegate the responsibility for the review of allegations made under this Whistleblower Policy where such allegations have been reported to the Headmaster or a member/s of the College Executive. In the case of allegations about conduct by or with the knowledge of the Headmaster, the Chair of Council will either delegate the responsibility for the review or undertake the review themselves. In the case of allegations about conduct by or with the knowledge of the Chair of

Council, the Executive Committee of Council, excluding the Chair of Council, will either delegate the responsibility for the review or undertake the review themselves.

Where the Headmaster or the Chair of Council decides that the allegations are of a very serious nature, external investigators may be engaged.

### 5.7 Timescale for initial response

The person responsible for reviewing an allegation made under this Whistleblower Policy will normally provide an initial written response to the whistleblower within 5 working days (except in cases of anonymous allegations) acknowledging that the concern has been received. The person will then provide the whistleblower with further information as appropriate, in as timely a manner as is possible, regarding the person's review, including regarding the following:

- How the person proposes to deal with the matter;
- An estimate of how long the person will take to provide a final response;
- Any enquiries that may be made by the person;
- The support available to the whistleblower while the matter is dealt with.

### 5.8 Addressing reports of concerns

Persons reporting concerns under this Whistleblower Policy should not attempt to investigate the matter independently, as doing so may compromise the integrity of an official investigation and adversely impact both the reporting person and the College.

A member of the College Executive or the Headmaster will promptly and discreetly investigate any report under this Whistleblower Policy, with the assistance of other College personnel as appropriate. The member of the College Executive and or Headmaster will report the results of their investigation and any recommendations for appropriate corrective and/or disciplinary action to the Chair of Council. The Chair of Council will consult with other Council members, the Headmaster and, if considered appropriate, members of the College Executive to decide on any action to be taken by the College in relation to the concern, and before implementing any corrective and/or disciplinary action. The imposition of discipline, if any, will be made in accordance with the College's Workplace Behaviour Policy and Guidelines and any other applicable College policies. In the case of particularly serious matters the concern (and any action taken by the College) these may be required to be reported under legislative requirements.

Following the Chair of Council's decision on the action to be taken by the College in relation to the concern, the whistleblower will be notified of the decision, normally within 5 working days (except in relation to anonymous allegations), setting out whether any action will be taken by the College in relation to the concern and, if so, the action to be taken, and a summary of the reasons for the decision.

The identity or any information that could lead to the identity of the person who has made a report will not be released to any person who is not involved in the investigation/resolution of the matter.

<b>Approval / Endorsement Body:</b>	Director of Finance
<b>Policy Portal Access Level:</b>	Public
<b>Communication Process:</b>	Loaded to portal and web site
<b>Author / Contact Person:</b>	Director of Finance
<b>Relevant Legislation</b>	Nil

**Acknowledgement** – This policy is largely that of the same name belonging to the Fairholme College (Qld)