WESLEY COLLEGE

By daring & by doing

POLICY NAME:	**WHISTLEBLOWER POLICY**
POLICY AREA:	Risk Management
DATE APPROVED:	September 2026
AUTHOR:	Director of Finance and Resources
NEXT REVIEW:	September 2028

1. Objective

Wesley College is committed to fostering a culture of honesty, integrity, accountability and ethical conduct. The objective of this Policy is to encourage the reporting of suspected misconduct and wrongdoing, provide protections for eligible whistleblowers, and ensure compliance with the whistleblower protection regime contained in Part 9.4AAA of the Corporations Act 2001 (Cth).

2. Rationale

The purpose of this Policy is to set out information relating to:

- The types of disclosures that qualify for protection.
- The protections available to whistleblowers.
- Who disclosures can be made to and how they can be made.
- How the College will support whistleblowers and protect them from detriment.
- How the College will investigate disclosures.
- How the College will ensure fair treatment of employees who are the subject of or are mentioned in disclosures.

3. Definitions

Whistleblower

ASIC defines a whistleblower as an 'insider within an organisation who reports misconduct or dishonest or illegal activity that has occurred with the same organisation."

Eligible whistleblower

An eligible whistleblower includes any individual referred to in Part 9.4AAA of the Corporations Act 2001 (Cth). In a Wesley College context the following are eligible whistleblowers;

- a member, or former member of the governing body of the College and members, or former members of Committees of Council;
- an employee of the College;
- a person who supplies, or has previously supplied goods or services (paid or unpaid) to the College,
- an employee of a person who supplies goods or services (paid or unpaid) to the College;
- an individual who is an associate of the College, eg OWCA Committee or WCEF.

- parents who volunteer or have volunteered for such activities as camps, or sporting activities etc ;
- an individual who is a relative, dependent or spouse of all eligible whistleblowers

There is no requirement that the disclosure be related to information obtained while the person was providing the particular service they were at the College to deliver.

Eligible recipient

An eligible recipient is:

- a member of College Council, the Head of College, other members of College Executive, Heads of Learning Areas, Directors, Deans and Managers;
- an auditor or member of the College's auditors or related company;
- a person authorised by the College to receive disclosures.

Disclosures may also qualify for protection if they are made to ASIC, the Australian Prudential Regulation Authority (APRA) or a prescribed Commonwealth authority, or if an eligible whistleblower makes a disclosure to a legal practitioner to obtain advice.

Disclosable matters

A **disclosable matter** is a disclosure of information where the eligible discloser has "reasonable grounds to suspect" that information relating to the College or a related entity is:

- misconduct;
- an improper state of affairs or circumstances;
- an illegal activity (including conduct of Council and Council Committee members, Executive and other employees) – meaning possible breaches of specified financial services legislation, or an offence against any law of the Commonwealth punishable by imprisonment of 12 months or more; or
- conduct (including conduct of Council and Council Committee members, Executive and other employees) that represents a danger to the public or financial system.

Disclosable matters do not necessarily involve a contravention of a law, for example, misconduct could involve conduct that whilst not unlawful indicates a systemic issue of concern. It may also relate to unethical behaviours and practices or conduct prohibited by the College's polices or codes of conduct.

Personal work-related grievances are strictly excluded from the protections offered by this policy. Examples include:

- interpersonal conflicts between employees;
- decisions regarding promotion, transfer or remuneration;
- employment performance management;
- disciplinary decisions relating solely to an individual employee.

However, a personal work-related grievance may qualify for protection where it:

- concerns victimisation arising from a whistleblower disclosure;
- concerns a breach of whistleblower laws;
- has broader implications beyond the individual's personal circumstances;
- concerns systemic misconduct;
- is disclosed to a legal practitioner for legal advice regarding whistleblower protections.

Reasonable Grounds

An eligible whistleblower who makes a disclosure must have 'reasonable grounds to suspect' the information to qualify for protection. This means that even if a disclosure turns out to be incorrect, the protections will still apply provided the eligible whistleblower had "reasonable grounds to suspect".

4. Scope

This Policy applies to all eligible whistleblowers who disclose information concerning suspected misconduct or an improper state of affairs relating to Wesley College.Policy Statement.

Wesley College recognises the value of transparency and accountability in its 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 eligible whistleblowers, shall be free to report suspected misconduct or wrongdoing occurring within the College's operations without fear of retaliation, victimisation or other detriment. This includes conduct that the reporting person reasonably suspects to be illegal, corrupt, dishonest, unsafe, unethical, fraudulent, an improper state of affairs or circumstances, or otherwise inconsistent with the College's policies, values or legal obligations.

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 members of the College Executive.

5.1 Whistleblower Protections

Important protections apply to **eligible whistleblowers** who report **disclosable matters**.

Eligible Whistleblowers are protected in two ways; confidentiality and without fear of detriment. These protections apply if an **eligible whistleblower** makes a **qualifying disclosure** to an **eligible recipient.**

5.1.1 Confidentiality

The **eligible recipient** must not disclose the identity of the **eligible whistleblower** or information which is likely to lead to the identification of the **eligible whistleblower**.

There are several exceptions, such as disclosures to

- ASIC or APRA
- The Federal Police
- A legal practitioner (for particular reasons)
- Certain State or Commonwealth authorities (for particular reasons)
- With the consent of the whistleblower
- When reasonably necessary to investigate the matter (steps must be taken to reduce the risk of identifying the whistleblower).

Wesley College will take the following steps to protect **eligible whistleblowers** who make **disclosable matters** under this policy, by ensuring:

- all personal information or reference to the **eligible whistleblower** witnessing an event will be redacted;
- the **eligible whistleblower** will be referred to in a gender-neutral context;
- where possible, the **eligible whistleblower** will be contacted to help identify certain aspects of their disclosure that could inadvertently identify them;
- disclosures will be handled and investigated by qualified staff.
- all paper and electronic documents and other materials relating to disclosures will be stored securely;
- access to all information relating to a disclosure will be limited to those directly involved in managing and investigating the disclosure;
- only those people who are directly involved in handling and investigating a disclosure will be made aware of an **eligible whistleblower's** identity (subject to the **eligible whistleblower's**

consent) or information that is likely to lead to the identification of the **eligible whistleblower**;

- communications and documents relating to the investigation of a disclosure will not to be sent to an email address or to a printer that can be accessed by other staff; and
- each person who is involved in handling and investigating a disclosure will be reminded about the confidentiality requirements, including that an unauthorised disclosure of an **eligible whistleblower's** identity may be a criminal offence.

5.1.2 Detriment

Eligible Whistleblowers *will not* be subject to any civil, criminal or administrative liability (including disciplinary action) for making the disclosure. No contractual or other remedy or right may be enforced or exercised against the person based on the disclosure.

This protection does not prevent an **eligible whistleblower** being subject to criminal, civil or other liability for conduct that is revealed by the disclosure.

Detriment has a very broad meaning and includes dismissal of an employee, injuring an employee in their employment, alteration of an employee's position or duties to their disadvantage; discrimination between an employee and other employees; victimisation of a dependent of the discloser, harassment or intimidation of a person or harm or injury to a person, including psychological harassment; damage to a person's property, reputation or business or financial position.

The College will ensure

- processes for assessing the risk of detriment against an **eligible whistleblower** and other persons (e.g. other staff who might be suspected to have made a disclosure), will commence as soon as possible after receiving a disclosure;
- support services will be available to **eligible whistleblowers.** Support measures may include:
    - confidential welfare support;
    - access to counselling services or the Employee Assistance Program;
    - flexible working arrangements;
    - temporary reporting line changes;
    - relocation of individuals involved;
    - ongoing welfare monitoring during and after an investigation**.**
- strategies will be provided to help an **eligible whistleblower** minimise and manage stress, time or performance impacts, or other challenges resulting from the disclosure or its investigation;
- the College will ensure that management are aware of their responsibilities to maintain the confidentiality of an **eligible whistleblower**, address the risks of isolation or harassment, manage conflicts, and ensure fairness when managing the performance of, or taking other management action relating to, an **eligible whistleblower**:
- procedures are in place (section 5.8) as to how an **eligible whistleblower** can lodge a complaint if they have suffered detriment, and the actions the College may take in response to such complaints (e.g. the complaint could be investigated as a separate matter).

An **eligible whistleblower** can seek compensation or other remedies through the Courts.

5.2 Penalties

There are very substantial penalties that can be applied to the College for breaching an **eligible whistleblower's** confidentiality and causing (or threatening to cause) detriment to the **eligible whistleblower.**

Any employee, officer, volunteer or contractor who engages in retaliation, victimisation or breach of confidentiality may be subject to disciplinary action up to and including termination of employment or engagement.

5.3 Anonymous Disclosures

Anonymous disclosures are the right of any **eligible whistleblower** and will be considered. However, maintaining anonymity restricts the College's ability to fully understand, explore, manage and resolve the situation.

In relation to determining whether an anonymous disclosure 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 Fair Treatment of Persons Mentioned in Disclosures

The College will ensure that any person who is the subject of a disclosure:

- is treated fairly;
- is afforded procedural fairness;
- is informed of allegations when appropriate;
- is given an opportunity to respond prior to adverse findings being made.

5.5 Untrue, malicious and /or vexatious allegations

If a current member of staff, student, parent, volunteer, former staff or other parties makes an disclosure under this 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 the disclosures were malicious and/or vexatious or made for personal gain then the College will consider taking appropriate disciplinary or legal action.

The protections of the Whistleblower Protection Scheme will not extend to vexatious complaints.

5.6 Other complaints and allegations concerning student protection issues

This Whistleblower Policy is separate from the College's *Complaint Resolution 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*.

5.7 Work related grievances

Generally any disclosure that is related to the **eligible whistleblower's** employment or former employment or having implications for the **eligible whistleblower** personally does not qualify for protection.

Disclosures about personal work-related grievances should be raised under the College's *Complaint Resolution Policy.*

5.8 Reporting Process

Reporting Process for Eligible Whistleblowers

If your concern involves...	Report in writing to...
General misconduct, mismanagement, illegal activity, corruption, or improper conduct	A member of the College Executive **or** the Head of College
Chaplain or a member of the College Executive	Head of College
Head of College	Chair of College Council
Chair of College Council	Head of College

If the eligible whistleblower desires anonymity, the report should be in e writing and delivered via regular mail or College mail or emailed to ChairofCouncil@wesley.wa.edu.au, and marked 'Chair of Wesley College Council - Private and Confidential'.

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

5.9 Conflict of Interest

Any person who is the subject of, materially involved in, or reasonably perceived to have a conflict of interest in relation to a disclosure must immediately recuse themselves from all decisions relating to the disclosure.

5.10 Independent Investigator

The College may appoint an independent investigator where:

- senior management is implicated;
- conflicts of interest exist;
- the matter involves significant financial, governance or reputational risk.

5.11 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 **eligible whistleblower** within 5 working days (except in cases of anonymous allegations) acknowledging that the concern has been received. The person will then provide the **eligible 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 **eligible whistleblower** while the matter is dealt with.

5.12 Addressing reports or 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, the Head of College, Council Chair or their delegates 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, Head of College or Council Chair 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 Head of College 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 Codes of Conduct 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 **eligible whistleblower** will be notified of the decision, normally within 5 workings 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.

If the disclosure concerns the Chair of Council, the Executive Committee of Council will undertake the above process without the involvement of the Chair.

If an **eligible whistleblower** believes they have suffered detriment as a consequence of their making a disclosure against another staff member or the College in general, they should provide information to the Head of College and/or Director of Human Resources. The Head of College and/or Director of Human Resources will decide whether such a belief is reasonable and move to act accordingly.

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.

5.13 Record keeping

The College will maintain secure records relating to:

- disclosures;
- investigations;
- risk assessments;
- support measures;
- outcomes and actions taken.

Access to these records will be restricted to authorised personnel.

The College may provide de-identified reports to Council regarding disclosure trends and governance outcomes.

Approval / Endorsement Body:	Council
Policy Portal Access Level:	Public
Communication Process:	Website and Policy Portal
Author / Contact Person:	Director of Finance and Resources
Related Policies:	Codes of Conduct
	Complaints Resolution Policy
	Corporations Act 2001 - Part 9.4AAA
Relevant Legislation:	
Further Reference:	