



# EXCELSIA COLLEGE

— Sydney —  
Formerly Wesley Institute

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## Document Name

## WHISTLEBLOWING POLICY

## Document Number

## INSERT DOCUMENT NUMBER

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## 2 Purpose

Excelsia College is committed to the highest standards of legal, ethical and moral behaviour. This Policy is designed to reinforce a culture in which our everyday behaviour reflects that and to:

- encourage and facilitate you to report suspected improper conduct ("whistleblow"); and
- provide you with appropriate protection when you report suspected improper conduct to ensure you are not prejudiced (for example, in your employment) because you have made the claims and, where necessary, for Excelsia College to take positive action to protect you ("protected disclosure").

This policy does not replace Excelsia College other policies and procedures on conduct and grievance. Rather it is intended to complement them and offer an alternative channel for you to report suspected improper conduct.

This policy is part of our fraud and corruption control strategy.

## 3 Responsibility

		Applicable?
Our Board members (any person who is a member of our Board of Directors)		Yes
Our employees	Permanent	Yes
	Casual	Yes
	Fixed term contract employees	Yes
	Secondees	Yes
Volunteers		Yes
Agency staff (e.g. temporary staff assigned by an agency to Excelsia College)		Yes
Consultants*, whether individuals or organisations (e.g. evaluators)		Yes
Service or goods providers (that is, suppliers of goods or services to us), whether individuals or organisations*		Yes

*\*Also includes the people who work for them including any of their board member, employee, consultant, etc.*

## Authority and Responsibility for the Policy and the related Standards, Procedures and Guidelines:

The following table sets out for the four actions listed, those persons:

- with the responsibility to *recommend* the action (including to report about an incident in the case of incidents);
- who are to be *consulted* about the action;
- who have the authority to decide (including approve) the action; and
- with the responsibility and authority to *perform* (which means taking all actions necessary) for the action overall

Actions	Implementing the and the related standards, procedures and guidelines	Amending the Policy	Amending the related standards, procedures and guidelines	Responding to and dealing with incidents (including non-compliance)
<b>Recommend</b>	Not applicable	Anyone	Anyone	See 2.1 and Table A below
<b>Consult</b>	People and Culture	People and Culture, Company Secretary*	People and Culture, Company Secretary*	See policy below
<b>Decide*</b>	People and Culture	Board* (through Company Secretary)	Board* (through Company Secretary)	See 2.1 and Table A below
<b>Perform</b>	People and Culture	People and Culture	People and Culture	See 2.1 and Table A below

*\*Where the Policy is a Board policy, any amendments to the Policy must be considered and approved by the Board. Please liaise with the Company Secretary in relation to the process to be taken for this.*

## 4 Definitions

For the purposes of this policy

- **improper conduct** includes conduct that is:
  - (a) illegal, dishonest, fraudulent or corrupt;
  - (b) unethical, such as dishonestly altering College's records, engaging in questionable accounting practices or receiving money or gifts in return for favourable treatment or wilfully breaching our Code of Conduct (including bullying and harassment) ;
  - (c) a significant or considerable misuse or mismanagement of the College's resources;
  - (d) potentially damaging to the College or our personnel, such as unsafe work practices;
  - (e) may cause financial loss to the College or damage our reputation or be otherwise detrimental to our interests; or
  - (f) serious impropriety of any other kind.
- **Worker** means employee, contractor, agency staff, volunteer, Board member.

## 5 Policy

### 1. REPORTING IMPROPER CONDUCT

- 1.1 If you have reasonable grounds to suspect that any Excelsia College Worker has or is engaging in improper conduct you may report your claims. Table A on the next page shows:
  - a) the person to whom you should make the report.
  - b) who will investigate your claims. Generally, the Director People and Culture is our primary internal investigator for all reports under this policy. This role has a direct reporting line to the Audit Committee of our Board.
- 1.2 In reporting your claims, you (as the informant) must be prepared to cooperate with the investigator and act in good faith. This means that:
  - a) you must provide all relevant information that you have which in your view supports your claims.
  - b) you should have reasonable grounds to believe that the improper conduct has occurred.
  - c) you may not make a report for trivial or vexatious purposes or knowingly make a false report. You will have engaged in serious misconduct, if it is discovered that you (as the informant) have not acted in good faith or has used this policy inappropriately and you may then be subject to disciplinary action which may include dismissal.
- 1.3 You need not disclose your name but doing so may significantly assist the investigation process and in determining the veracity of your claims.

**Table A — To whom you should make your report and who will investigate your claims**

<b>If you are board member and you are:</b>	<b>then you should report your claim to:</b>	<b>and your claims will be investigated by:</b>
confident that the matter can be resolved by the College's processes	the Chairman of the Board	the Chairman of the Board or a person appointed by them
of the view that the matter is of the most serious nature and cannot be resolved by the College's processes	Hotline Phone: 1300 30 45 50 overseas (reverse charges): +61 3 9811 3275 Fax: +61 3 9882 4480 E-mail: <a href="mailto:excelsia@stopline.com.au">excelsia@stopline.com.au</a> Post: c/o The Stopline locked bag 8 Hawthorn Vic Australia 3122	an external person appointed by the Board
<b>If you are an employee, volunteer or agency staff and you are:</b>	<b>then you should report your claims to:</b>	<b>and your claims will be investigated by:</b>
confident that reporting to your supervisor/manager is appropriate and that they will handle the report appropriately	your supervisor/manager	Director People and Culture
not confident of the above	Director People and Culture	Director People and Culture
of the view that the matter is of the most serious nature and cannot be resolved by the organisation's processes	Hotline Phone: 1300 30 45 50 overseas (reverse charges): +61 3 9811 3275 Fax: +61 3 9882 4480 E-mail: <a href="mailto:excelsia@stopline.com.au">excelsia@stopline.com.au</a> Post: c/o The Stopline locked bag 8 Hawthorn Vic Australia 3122  (accessible business hours and is confidential)	Director People and Culture

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If you are a consultant/contractor or a service provider and you are:	you should report your claims to:	and your claims will be investigated by:
confident that reporting to the manager of your contract is appropriate and that they will handle the report appropriately	the manager of your contract	Director People and Culture
<u>not</u> confident	Director People and Culture	Director People and Culture

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## **2. PROTECTION OF INFORMATION**

- 2.1 Excelsia College is committed to protecting you (as the informant) if you have provided a report in good faith and as a general principle, the investigator will take reasonable steps to ensure that you are treated fairly during and after the claims are investigated.
- 2.2 Retaliatory action or threats of retaliatory action against you (as the informant), even if you are implicated in the suspect improper conduct will not be tolerated and will constitute serious misconduct.

If however, you are implicated in the improper conduct that you (as the informant) have reported, while no retaliatory action may be taken or threatened against you, you may nevertheless be held accountable for your involvement in the improper conduct; the fact that you have reported the improper conduct may be a mitigating factor when disciplinary or other action against you is considered.

- 2.3 If you (as the informant) believes retaliatory action has occurred or is threatened against you, you may report this to the Director People and Culture or the Chair of the Audit Committee of our Board.

## **3. SUPPORT FOR PERSONS BEING INVESTIGATED**

- 3.1 Excelsia College recognises that each person against whom a claim of improper conduct is made (person being investigated) must also be supported and as a general principle, the investigator will take reasonable steps to ensure that they are treated fairly during and after the claims are investigated.
- 3.2 In addition to other measures set out in this policy, Excelsia College will provide support to such a person where the allegations contained in a report are not substantiated.

## **4. INVESTIGATION AND REPORTS**

- 4.1 The investigator of the claims which you (as the informant) have reported is responsible for properly investigating all the claims with the objective of locating and verifying evidence of the claims you have made.
- 4.2 During the investigation, the investigator must:
  - a) means that their decisions and actions must be independent from all management and each team concerned, you (as the informant), each person being investigated and any other person participating in the investigation (for example, a witness).
  - b) utilise an investigation method which is flexible and fit for purpose taking into account the claims and the information available;
  - c) determine the resources to be allocated to the investigation and may seek independent financial, legal or operational advice as necessary;
  - d) communicate with you (as the informant), each person being investigated and any other person participating in the investigation clearly and unambiguously;

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- e) take all appropriate procedural steps and maintain an audit trail relating to investigation activities and document evidence found and critical decisions made during the course of the investigation; and
  - f) where relevant and appropriate, keep the Director People and Culture informed of the progress of the investigation.
- 4.3 The investigator must take reasonable steps to safeguard the confidentiality and privacy of you (as the informant), and each person being investigated and any other person participating in the investigation.
- 4.4 The investigator must take reasonable steps to safeguard the confidentiality of the information comprised in the report that you (as the informant) have made and which they have gathered in the course of the investigation.
- 4.5 Where and to the extent it is relevant and appropriate (taking into account confidentiality and also privacy considerations), the Director People and Culture will keep you (as the informant) and each person being investigated informed of the outcomes of the investigation.

## 6 STANDARDS, PROCEDURE AND GUIDELINES RELATED TO THE POLICY

### Procedures for the investigator of claims

#### 1 Steps to support each person being investigated — paragraph 3.1 of the Policy

- a. The investigator must ensure that each person being investigated:
  - is informed of the substance of the claims made by the informant;
  - is given reasonable opportunity to address the claims; and
  - is informed of any adverse findings about them that the investigator may make.
- b. The investigator must also ensure that their report at the end of the investigation contains the relevant responses to the claims which have been provided by each person who has been investigated.

#### 2 Steps to safeguard the confidentiality and privacy of the informant, each person being investigated and any person participating in the investigation – paragraph 4.3 of the Policy

- a. The investigator must:
  - keep confidential and only disclose on a need-to-know basis (particularly where the investigation results in a claim not being substantiated):
    - the fact that the investigation is or has been carried out;
    - the findings of the investigation;
    - any information which may identify the informant, each person being investigated or who participates in the investigation (including ensuring that the investigator's report does not contain such information).



take legal advice if the suspected improper conduct relates to a breach of laws.

- 3 **Steps to safeguard the confidentiality of the information comprised in the report that the informant has made and which are gathered in the course of the investigation – paragraph 4.4 of the Policy**
  - a. The investigator must ensure that all documents and other media containing information provided by the informant and others will be stored, as the investigation progresses and after it concludes, in a confidential electronic or paper filing system (clearly marked as containing confidential “protected disclosure” information) which is appropriately secured and restricted to be accessed only:
    - i. by the investigator or others on a strict need-to-know basis for the purposes of the investigation;
    - ii. if required by law or for the purposes of obtaining legal advice

### 3 References

List all policies, procedures, forms, etc. that relate to this policy.