

WHISTLEBLOWER POLICY

1. Purpose

ELTHAM College is committed to a culture of integrity and accountability and systems that support transparency in decision-making, good governance and ethical behaviour.

The purpose of this policy is to provide a framework to support and encourage the disclosure by individuals of wrongdoing occurring within the College without fear of reprisal and so that appropriate action can be undertaken. The College will treat all information disclosed in a confidential manner, conduct a fair and objective investigation and take appropriate remedial steps or notify the relevant authorities.

The College will provide appropriate protection for individuals who make disclosures under this policy and in accordance with the [Whistleblower Protection Act 2001](#)

2. Scope

This policy covers all members of the ELTHAM College community including staff, students, visitors and volunteers.

3. Definition of Whistleblower

For the purpose of this policy, Whistleblowing is defined as:

"The deliberate, voluntary disclosure of individual or organisational malpractice by a person who has or had privileged access to data, events or information about an actual, suspected or anticipated wrongdoing within or by an organisation that is within its ability to control."

4. Improper Conduct

Improper conduct at ELTHAM College can be described as:

- Dishonest, corrupt, fraudulent or other illegal conduct or activity
- Conduct that is contrary to, or a breach of ELTHAM College policies and code of practice
- Conduct or any proposed conduct, bid, proposal, offer, contract, product or other aspect of conducting business that breaches local or international laws
- A substantial mismanagement of ELTHAM College resources
- Conduct involving substantial risk to public health or safety
- Any other conduct or act which may cause a material business loss or which may otherwise be detrimental to the company's' interests.

5. Responsibilities

Responsibilities of ELTHAM College:

- Nominate a Whistleblower Protection Officer (WPO). This is a designated staff member who has the responsibility of protecting and safeguarding the interests of whistleblowers

- Nominate a Whistleblower Investigation Officer (WIO). This is a designated staff member who is responsible for conducting preliminary investigations into reports received from the whistleblower, and is not associated with the area under investigation. The role of the WIO is to investigate the substance of the complaint to determine whether there is evidence in support to the matters raised or, alternatively, to refute the report made
- Establish and oversee the procedures and provide sufficient information and guidance to facilitate disclosures of wrongdoing
- Deal with disclosures thoroughly and impartially, and conduct investigations where appropriate
- Monitor the outcome of investigations to ensure that appropriate actions are taken
- Ensure that wherever possible confidentiality is maintained in respect of the Whistleblowers identity
- Ensure the Whistleblower is protected as required and their wellbeing is considered
- Ensure the Whistleblower is kept informed and updated on proceedings regarding the disclosure
- Take action to rectify any wrongdoing which is discovered and implement disciplinary action as required
- Liaise with external agencies where required and notify relevant agencies of the wrongdoing.

Responsibilities of Staff at ELTHAM College:

- Be aware of and comply with their legal and ethical obligations and the policies of ELTHAM College
- Must not engage in making false accusations of wrongdoing
- Co-operate fully with any investigations carried out
- Support and protect those who have made disclosures
- Maintain confidentiality at all times.

6. Disclosure Procedure

If a person within the ELTHAM College community becomes aware of an issue or behaviour believed to constitute a breach of the code of conduct, policies or the law, they can report either internally or externally.

Usage of one method does not preclude the usage of another, and people are encouraged to use the reporting method they consider most appropriate.

Internal Reporting Procedure

- The concern should be reported to either the Principal, Deputy Principal or A member of the Executive team, as appropriate
- A WPO and WIO will be arranged as appropriate
- An investigation will be carried out. Please refer to the [EC081-Conducting an Investigation Procedure.](#)

External Reporting Procedure

If the internal reporting procedure is not suitable for the complaint, a report can be made through an external independent whistleblowing service. Reporting options are:

- [STOPline Whistleblower Service](#)
- [Yourcall Whilstblowing](#)

These services are independent from ELTHAM College and have trained specialists in dealing with whistleblower complaints.

7. Investigations

All disclosures made will require a full investigation to be carried out, this will be instigated by the Principal, Deputy Principal or member of the Executive who will nominate the Whistleblower Investigation Officer (WIO). The WIO will ensure:

- Investigations are conducted promptly and on a fair and impartial basis
- Principles of natural justice will apply to ensure the investigation is conducted without bias and the person who is the subject of the disclosure is informed of the details and provided with adequate opportunity to respond
- The Whistleblower is updated of the outcome as required
- All findings are documented.

Please refer to [EC081 Conducting an Investigation Procedure](#)

8. Confidentiality

ELTHAM College is committed to preserving the confidentiality of:

- The identity of the Whistleblower
- The identity of the person who is the subject of the disclosure
- The details and facts of the disclosure.

If an anonymous disclosure is made, the Whistleblower must ensure that the disclosure is supported by the provision of all relevant details and evidence to substantiate the disclosure.

9. Protection of the Discloser

ELTHAM College is committed to the protection of Whistleblowers against any adverse action taken in reprisal for the making of a disclosure. If it is established that a breach of confidentiality or victimisation has occurred, ELTHAM College will ensure reasonable steps are taken to stop the activity and protect the Whistleblower.

Disciplinary action will be taken against an employee found to be engaged in victimisation or adverse action against a discloser.

A Whistleblower who considers that they are the subject of victimisation may seek independent legal advice or contact the appropriate authorities, including the Equal Opportunity Commission.

10. Deliberate and False Disclosure Accusations

A person who makes a false disclosure knowing it to be false, or reckless about whether it is false:

- Is not afforded any protection under the Act or this policy
- May have engaged in misconduct and be the subject to disciplinary action; and

- Many be guilty of an offence under the Act.

11. Definitions

- The Act – the [Whistleblower Protection Act 2001](#)
- Victimisation – is the action of singling someone out for cruel or unjust treatment which causes detriment to that person. This can be in the form of harassment, discrimination or intimidation
- WPO – Whistleblower Protection Officer
- WIO – Whistleblower Investigation Officer.

12. References

Internal References:

- [EC081-Conducting an Investigation Procedure](#)

External References:

- [Whistleblowers Protection Act 2001](#)
- [STOPline Whistleblower Service](#)
- [Yourcall Whistleblowing](#)

13. Document Version Control and Amendments

Version	Date	Amendment	Author
1	July 2018	First Version	D Nicholson