

Whistleblower Policy

1. Purpose

Djerriwarrh Community & Education Services (Djerriwarrh) and Djerriwarrh Community College (DCC) are committed to fostering a culture of legal, ethical and moral behaviour and exemplary corporate governance.

Djerriwarrh and DCC encourages the reporting of any instances of suspected unethical, illegal, corrupt, fraudulent or undesirable conduct involving the Djerriwarrh's business and provides protections and measures to individuals who make a disclosure in relation to such conduct without fear of victimisation or reprisal.

This Policy aims to:

- encourage a person to report improper conduct in good faith if they know or have reasonable grounds to suspect such conduct;
- provide a mechanism to report misconduct or dishonest or illegal activity that has occurred or is suspected within the organisation;
- enable Djerriwarrh to deal with reports from whistleblowers in a way that will protect the identity of the whistleblower and provide for secure storage of the information;
- ensure that any Reportable Conduct is identified and dealt with appropriately;
- ensure that individuals who disclose wrongdoing can do so safely, securely and with confidence that they will be protected and supported; and,
- help to ensure that Djerriwarrh maintains the highest standards of ethical behaviour and integrity.

2. Scope

This policy applies to any person who is, or has been, any of the following with respect to Djerriwarrh:

- Directors of the Board;
- Djerriwarrh employees;
- DCC employees and School Council members;
- Djerriwarrh and DCC volunteers;
- Student, participant, client and their families, parents/guardians/carers;
- Contractor (including sub-contractors and employees of contractors);
- Supplier (including employees of suppliers); and,
- Members of the public.

3. Definitions

Term	Definition
Djerriwarrh	For the purposes of this policy, Djerriwarrh refers to Djerriwarrh Community & Education Services and Djerriwarrh Community College
Whistleblower	A person who raises concern regarding illegal and/or improper conduct that affects others. The person is not usually involved in the issue but is wanting to alert others to suspected misconduct. The alert may be raised outside of usual reporting lines or processes.
Improper conduct	Improper conduct means conduct that is: <ul style="list-style-type: none"> • illegal; • a substantial mismanagement of Djerriwarrh resources; • conduct involving a substantial risk to customers/residents, public health and safety and the environment; • conduct by an employee, former employee of Djerriwarrh that amounts to the misuse of information or material acquired in the course of the performance of their official functions, or • deliberate concealment of the above
Corrupt conduct	Corrupt conduct means: <ul style="list-style-type: none"> • conduct of any person (whether or not an employee) that adversely affects the honest performance of an employee's role or responsibilities or Djerriwarrh's functions; and/or • the performance of an employee's functions dishonestly or with inappropriate partiality or conflict of interest; a conspiracy or attempt to engage in the above conduct. • The conduct must be serious enough to constitute, if proved, a criminal offence or reasonable grounds for dismissal
Whistleblower Protection Officers	Whistleblower Protection Officers are senior Djerriwarrh managers with designated responsibility for receipt and acknowledgement of allegations made under this Whistleblower Policy.

4. Policy

This Whistleblower Policy and Procedure has been developed so that people can raise concerns regarding situations where they believe that Djerriwarrh or anybody connected with Djerriwarrh has acted in a way that constitutes serious wrongdoing, including unethical, illegal, corrupt or other inappropriate conduct, as set out below.

5. Reportable Conduct

5.1 What is Reportable Conduct?

Reportable Conduct is any past, present or likely future activity, behaviour or state of affairs considered to be:

- a. dishonest, fraudulent or corrupt (including soliciting, accepting or offering a bribe, or facilitating payments or other such benefits);
- b. illegal (including theft, drug sale or use, violence or threatened violence, or property damage);
- c. in breach of regulation, internal policy or code (such as our Code of Conduct);
- d. improper conduct relating to accounting, internal controls, compliance, actuarial, audit or other matters of concern to the whistleblower;
- e. a serious impropriety or an improper state of affairs or circumstances;
- f. endangering health or safety, including harassment, discrimination, victimisation or bullying;
- g. damaging or substantially risking damage to the environment;
- h. a serious mismanagement of Djerriwarrh's resources;
- i. detrimental to Djerriwarrh's financial position or reputation;
- j. maladministration (an act or omission of a serious nature that is negligent, unjust, oppressive, discriminatory or is based on improper motives);
- k. concealing reportable conduct.

Reportable Conduct usually relates to the conduct of employees or directors, but it can also relate to the actions of a third party, such as a funder, customer/client, supplier or service provider.

5.2 What is not Reportable Conduct?

While everybody is encouraged to speak up and report any concerns to Djerriwarrh, not all types of conduct are intended to be covered by this Policy or by the protections under the *Corporations Act 2001* (Cth).

This Policy does not apply to complaints by student, participants or about a service or personal work-related grievances. Those matters are dealt with under other policies. Refer to the relevant grievance and complaints policies in Section 12 of this Policy. .

Personal work-related grievances are grievances about any matter in relation to a staff member's current or former employment, having implications (or tending to have implications) for that person personally and that do not have broader implications for Djerriwarrh. Personal work-related grievances include interpersonal conflicts, decisions about promotions, decisions that do not involve a breach of workplace laws, or terms and conditions of employment.

However, personal work-related grievances may be covered by this policy where they include information about misconduct, an allegation that the entity has breached employment or other laws punishable by imprisonment by a period of 12 months or more, or the grievance includes victimisation due to whistleblowing.

6. Protected disclosures

6.1 What is a protected disclosure?

A protected disclosure is when an eligible whistleblower makes a disclosure of information relating to a disclosable matter directly to an eligible recipient.

A person who makes a protected disclosure will be subject to the protections under the *Corporations Act 2001* and as outlined in this policy.

Eligible whistleblower

An eligible Whistleblower is a person who, whether anonymously or not, attempts to report misconduct or dishonest or illegal activity that has occurred in connection with Djerriwarrh, and wishes to avail themselves of protection against reprisal for having made the report.

Disclosable matter

A disclosable matter is where the eligible whistleblower knows of or has reasonable grounds to suspect Reportable Conduct.

Eligible recipient - Whistleblower Officers

In order to qualify for protection, the disclosure must be made directly to an eligible recipient. At Djerriwarrh, eligible recipients are designated Whistleblower Officers including:

- Deputy Chair of the Board,
- DCC Assistant Principal,
- Senior Manager Pathways & Education, and
- Senior Manager LLN.

7. Making a report

7.1 Internal

A report must be made to a Djerriwarrh Whistleblower Officer.

Whistleblower Officers are senior Djerriwarrh managers, DCC Assistant Principal and Deputy Chair of the Board with designated responsibility for receipt and acknowledgement of allegations made under this Whistleblower Policy.

They are responsible for ongoing communication with and feedback to the Whistleblower, if the Whistleblower wishes for this. They are also responsible for ensuring the ongoing health and wellbeing and provision of support to Whistleblowers.

In relation to the allegations reported to them, they are responsible for ensuring documentation, appropriate investigation, action on investigation outcomes, identification of systemic issues contributing to opportunity for wrongdoing and implementation of action plans.

The Whistleblower Officer will determine in each case, acting reasonably, whether a reported matter is a disclosable matter in accordance with this policy.

PR 107a Whistleblower Reporting and Investigation Procedure details the process that Djerriwarrh will follow where a protected disclosure is made.

7.2 External

Whistleblowers may also make a disclosure to the Australian Securities and Investments Commission (ASIC) or the Australian Prudential Regulation Authority (APRA) in relation to a Reportable Conduct. Whistleblowers will be covered by the protections outlined in this policy if they have reported their concerns to ASIC or APRA.

8. Protection of Whistleblowers

Djerriwarrh is committed to protecting those who make a disclosure in accordance with this policy.

This protection applies:

- regardless of whether any concerns raised in a report are found to be true, provided that the person making the disclosure is acting honestly and ethically and made the report on reasonable grounds.
- to individuals conducting, assisting or participating in an investigation.
- if a report of Reportable Conduct is made to an external body under this policy.

Anyone found to be victimising or disadvantaging another individual for making a disclosure under this Policy will be disciplined and may be dismissed or subject to criminal or civil penalties.

8.1 Protection against detrimental conduct

Djerriwarrh will take all reasonable steps to protect you from detrimental conduct and will take necessary action where such conduct is identified.

Detrimental conduct includes actual or threatened conduct such as the following (without limitation):

- retaliation, dismissal, suspension, demotion, or termination of your role;
- bullying, harassment, threats or intimidation;
- discrimination, subject to current or future bias, or derogatory treatment;
- harm or injury;
- damage or threats to property, business, financial position or reputation;
- revealing the person's identity as a Whistleblower without consent or contrary to law;
or
- threatening to carry out any of the above actions.

Djerriwarrh also strictly prohibits all forms of detrimental conduct against any person who is involved in an investigation of a matter disclosed under the policy in response to their involvement in that investigation.

8.2 Protection from legal action

Whistleblowers will not be subject to any civil, criminal or administrative legal action (including disciplinary action) for making a disclosure under this policy or participating in any investigation.

Any information you provide will not be admissible in any criminal or civil proceedings other than for proceedings in respect of the falsity of the information.

8.3 Protection of confidentiality

Djerriwarrh encourages all individuals to disclose their identity when raising a concern. This will assist us to gather further information on the disclosure. All information relating to a report of Reportable Conduct will be stored securely and access will be limited to authorised staff.

A disclosure can be made anonymously to any of the eligible recipients listed in this policy and still be protected by this policy and the *Corporations Act 2001*. However, this may make it difficult to investigate the disclosed matter. If a discloser wishes to disclose anonymously, the discloser should provide sufficient information to allow the matter to be properly investigated.

Djerriwarrh will not disclose any information that would suggest or reveal the identity of the whistleblower unless:

- they consent in writing to the disclosure;
- the disclosure is made to ASIC, APRA or the Australian Federal Police (AFP);
- the disclosure is made to a Legal Practitioner for the purpose of obtaining advice;
- the disclosure is authorised under the *Corporations Act 2001* (Cth); and/or

- disclosure is necessary to prevent or lessen a threat to a person's health, safety or welfare.

Djerriwarrh will also take the following measures for protecting the identity of the Whistleblower and any other persons involved in an investigation:

- 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 a restricted number of people who are directly involved in handling and investigating a disclosure will be made aware of your identity (subject to consent) or information that is likely to lead to identification;
- Communications and documents relating to the investigation of a disclosure will not 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 identity may be a criminal offence.

9. False reports or disclosures

Protected disclosures must be made on reasonable grounds. Where it is shown that a person purporting to be a whistleblower has knowingly or recklessly made a false report of wrongdoing, then that conduct itself will be considered a serious matter and that person may be subject to disciplinary action, which may include dismissal in serious cases.

10. Support

Any employee who makes a disclosure under this policy or is implicated as a result of a disclosure that is made may access Djerriwarrh's Employee Assistance Program (EAP) which is a free and confidential counselling service.

Where appropriate, Djerriwarrh may also appoint an independent support person from the Human Resources team to deal with any ongoing concerns.

Individuals may also access third party support providers such as Lifeline (13 11 14) and Beyond Blue (1300 22 4636) for support.

11. Communication

This Policy is available for staff in Djerriwarrh's document control system, Gemba360 and on the Djerriwarrh website.

12. Associated documents and legislation

<p>Associated policies and procedures</p>	<p>PR 107a Whistleblower Reporting and Investigation Procedure Djerriwarrh Community & Education Services PO 006 Privacy Policy PO 048 Grievance Policy PO 060 Code of Conduct Policy PO 098 Complaints and Feedback Policy Djerriwarrh Community College 31 Staff Code of Conduct Policy 53 Complaints Policy 106 Privacy Policy 147 Staff Grievances Policy</p>
<p>Relevant legislation</p>	<p>Commonwealth <i>Fair Work Act 2009</i> <i>Fair Work Regulations 2009</i> <i>Corporations Act 2001</i> <i>Privacy Act 1988</i></p> <p>Victorian <i>Charter of Human Rights and Responsibilities Act 2006</i> <i>Crimes Act 1958</i> <i>Equal Opportunity Act 2010</i> <i>Protected Disclosures Act 2012</i> <i>Privacy and Data Protection Act 2014</i> <i>Occupational Health and Safety Act 2004</i></p>
<p>Other associated documents External</p>	<p>Victorian Registration and Qualifications Authority (VRQA) Guidelines for VET Providers VRQA Guidelines to the Minimum Standards and Requirements for School Registration Information Technology – Security techniques – Information security management systems – Requirements ISO:27001:2015</p>

13. Approval

<p>Document owner:</p>	<p>CEO</p>
<p>Authorised by:</p>	<p>Board</p>