



# Genazzano FCJ College

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## Whistleblower Policy

### Rationale

This Whistleblower Policy is underpinned by a strong commitment to building a culture at Genazzano FCJ College that reflects sound governance and ethical behaviour. In accordance with that commitment, the policy provides a foundation for investigation and response where there are reasonable grounds to suspect misconduct, or an improper state of affairs or circumstances, in relation to Genazzano FCJ College.

The policy provides protection to whistleblowers by establishing a mechanism for concerns to be raised on a confidential basis without fear of reprisal.

### Scope

The policy applies in respect of relevant disclosures made under the policy by individuals who are, or have been, officers, associates, employees or contractors performing work for Genazzano FCJ College including individuals, whether paid or unpaid, who supply goods or services to Genazzano FCJ College and their employees, and their relatives and dependants.

It is recognised that there are forms of alleged employee conduct committed against, with or in the presence of a child, such as relevant sexual offences, sexual misconduct, physical violence, behaviour that causes significant emotional or psychological harm and significant neglect that constitute “reportable allegations”. The required management of these forms of conduct is dealt with under the Reportable Conduct Scheme. Other obligations may also be relevant, such as reporting of alleged criminal behaviour to police and mandatory reporting to Department of Health and Human Services (DHHS).

### Definitions

**Detriment** means:

- dismissal of an employee
- injury of an employee in his or her employment
- alteration of an employee’s position or duties to his or her disadvantage
- discrimination between an employee and other employees of the same employer
- harassment or intimidation of a person
- harm or injury to a person, including psychological harm
- any other damage to a person

**Disclosure** means information provided by a whistleblower who has reasonable grounds to suspect misconduct, or an improper state of affairs or circumstances, in relation to Genazzano FCJ College, not including disclosures about a personal work-related grievance.

**Personal work-related grievance** means a grievance about any matter in relation to a person’s employment, or former employment, having personal implications, and the information does not have significant implications, beyond the personal implications, for Genazzano FCJ College.

**Misconduct** means conduct by a person or persons connected with Genazzano FCJ College, which the whistleblower has reasonable grounds to suspect, is (among other things):

- dishonest;
- fraudulent;
- corrupt;
- negligent;

- illegal (including theft, drug sale/use, criminal damage etc.);
- in breach of Commonwealth or state legislation or local authority by-laws;
- unethical representing a breach of the Genazzano FCJ College code of conduct; or its Vision and Mission;
- other serious improper conduct;
- an unsafe work practice;
- representative of gross mismanagement, serious and substantial waste and/or a repeated breach of administrative procedures; and
- other conduct which may cause financial or non-financial loss to Genazzano FCJ College, or be otherwise detrimental to the interests of Genazzano FCJ College.

**Reasonable grounds to suspect** means more than mere conjecture and would usually require some factual basis.

**Senior Management** means, as relevant, the employer, the Principal and Deputy Principal, member of the College Executive and employees of Genazzano FCJ College who have authority over the direction or management of Genazzano FCJ College.

**Whistleblower** means an officer, employee or a contractor performing work or providing goods for Genazzano FCJ College, or an associate, relative or dependant of such an officer, employee or contractor, who makes a disclosure.

**Whistleblower Investigations Officer** is the person who may be appointed, either internally or externally, by the Whistleblower Protection Officer to conduct an investigation into disclosures.

**Whistleblower Protection Officer** is the Human Resources Manager, Genazzano FCJ College. The Whistleblower Protection Officer will receive disclosures and protect the interests of whistleblowers in accordance with this policy.

#### **Protections and support**

Genazzano FCJ College encourages all persons covered by this policy to report misconduct or an improper state of affairs or circumstances in relation to Genazzano FCJ College, and the College is committed to protecting and supporting those persons who do so.

The protections provided to a whistleblower under this policy apply to the disclosure of information where the whistleblower has reasonable grounds to suspect misconduct or an improper state of affairs or circumstances in relation to Genazzano FCJ College, and do not apply in circumstances where a person discloses information that they know to be untrue. Information that is disclosed regarding matters that do not relate to misconduct or an improper state of affairs or circumstances in relation to Genazzano FCJ College do not qualify for protection under legislation.

A whistleblower under this policy will not be subjected to any detriment or threat of detriment for making a disclosure and will be covered by all of the protections provided under Commonwealth legislation providing for whistleblower protections. Any alleged detriment should be reported to the Whistleblower Protection Officer, and may be dealt with under the Genazzano FCJ College disciplinary procedures. A court may make orders including orders for compensation where a whistleblower is subjected to detriment for making a disclosure.

Genazzano FCJ College will maintain the confidentiality of a whistleblower and any information that would be likely to lead to the identification of the whistleblower, subject to law and any authorisation by the whistleblower allowing for identification in the context of an investigation of a disclosure.

A person who is considering making a disclosure may contact the Whistleblower Protection Officer to obtain additional information before making a disclosure.

The College Employee Assistance Program (EAP) can also be utilized by staff for support via 1800 81 87 28.

(Note: There are also specific protections provided in the tax whistleblower regime under the Taxation Administration Act.)

## **Disclosure Process**

Disclosures may be made, either verbally or in writing, to the Principal, Chair of College Council or any member of the College Executive or the Whistleblower Protection Officer if preferred. Disclosures may be made anonymously and still be protected.

A whistleblower will also qualify for protection in relation to disclosures made to:

- ASIC, APRA or another prescribed Commonwealth body
- A legal practitioner for the purpose of obtaining legal advice or legal representation about the provisions of the whistleblower legislation
- A member of Federal or State Parliaments
- A journalist

## **Investigation Process**

### **Investigation**

All disclosures that qualify for protection will be subject to thorough investigation.

The Whistleblower Protection Officer will investigate the disclosure, or may elect to appoint a Whistleblower Investigations Officer to investigate. This will be a decision of the Whistleblower Protection Officer and will depend on the nature and extent of the allegation(s) contained in the disclosure.

The whistleblower will be kept informed of the progress and outcome of the investigation by the Whistleblower Protection Officer, subject to privacy considerations of individuals involved in the investigation.

All reports and investigation procedures will be dealt with in a timely manner.

### **Investigation Report**

The person conducting the investigation, whether that be the Whistleblower Protection Officer or a Whistleblower Investigations Officer, will prepare an investigation report. The investigation report will provide a summary of the facts of the disclosure and of the investigation. It will also provide recommendations as to findings of whether any allegation is substantiated or unsubstantiated and may also provide recommendations on actions, if any, that may be taken accordingly.

### **Decision Making**

The investigation report will be provided by the Whistleblower Protection Officer to the Principal and or College Council at Genazzano FCJ College, or if involving the Principal to College Council. The Principal, unless the matter is determined by College Council will make the final decision in relation to the recommended findings and actions to be taken, if any. In circumstances where the investigation is conducted by a Whistleblower Investigations Officer, the investigation report will also be provided to the Whistleblower Protection Officer.

The Whistleblower Protection Officer will inform the whistleblower of the outcome of any investigation and retain a coordinating role in monitoring the implementation of any decided actions.

## **Ensuring Fair Treatment for Employees Mentioned in Disclosures**

### **Procedural Fairness**

The principles of procedural fairness will apply to the conduct of investigations regarding disclosures. The person against whom any relevant allegations are made will be informed accordingly and will be provided an opportunity to respond. Any decision regarding outcomes of an investigation will be made by an unbiased decision-maker.

Whistleblowers can rely on the protection afforded by this policy and the relevant legislation, providing that the person making any disclosure has reasonable grounds to suspect misconduct. If a whistleblower has any concerns regarding any detriment as a result of a report made under this policy, they should immediately contact the Whistleblower Protection Officer.

## **Communication of Policy to Employees**

This policy is to be made available to all staff and contractors at Genazzano FCJ College via Recruitment Plus and GenConnect. The policy will be the subject of induction and subsequent professional development training. The annual training induction information will be laced on Link Safe.

### **Whistleblower Protection Officer contact details:**

Human Resources Manager  
Genazzano FCJ College  
301 Cotham Road  
Kew VIC 3101  
(03) 8862 1109

### **CEM Whistleblower Protection Officer contact details:**

Senior Officer  
Professional Conduct, Ethics & Investigation  
Catholic Education Melbourne  
PO Box 3  
East Melbourne VIC 8002  
(03) 9267 0221  
opcei@cem.edu.au

### **Policy introduced:**

19 December 2019  
Ratified by College Council on 24 March 2020

### **Policy to be reviewed:**

March 2023