



Whistleblower Policy

Last Review: 28 November 2024	Constructed / Reviewed by: Director Governance
Next Review: November 2027 (and every 3 years or thereafter in accordance with the College's review cycle, or more frequently as required).	Approval Required: Board
	Implementation Date: 13 February 2025

1. Key Information

What to report	Actual or reasonably suspected wrongdoing in relation to St Kevin's College Ltd
Why report	So that we can investigate and address wrongdoing
How to report	Contact our <i>Your Call</i> Online: www.yourcall.com.au/stkevins Telephone: 1300 790 228
What we will do	<ol style="list-style-type: none"> 1. Access your disclosure for appropriate action, including commencing an investigation 2. Protect your identity 3. Protect you from detriment – although our ability to do this will be greater for current employees than for whistleblowers external to the College
What you need to know	You may be entitled to legal protections under the Corporations Act 2001 (Cth), as detailed in this Policy
What you should do if you are considering making a report	Read this Policy
Who you can speak to about this policy and process	Speak to the College's Whistleblower Protection Officer: Nadia Marsh , Company Secretary

2. Statement of Context and Purpose

The Whistleblower Policy is set in the context of the Mission and Vision Statement of St Kevin's College (the College), where we seek to live, learn and teach with the values of the Catholic Church and those of the College - excellence, integrity and compassion.

The College is committed to standards of *excellence* in the formation of young people. We lead through the values of the Gospel and in the spirituality of Edmund Rice. We strive with *compassion* and *integrity* to build a better world.

St Kevin's College Ltd (the College) is committed to ethical behaviour that is aligned with our values and complies with all relevant laws. The disclosure of actual or reasonably suspected wrongdoing is a key element in maintaining our ethical culture.

3. Child Safety

The College is an inclusive school committed to providing a safe and educationally supportive environment for students where there is zero tolerance policy for child abuse.

Ministerial Order No. 1359 – Implementing the Child Safe Standards – Managing the risk of child abuse in schools and school boarding premises sets out certain requirements that the College must meet in order to comply with the Child Safe Standards.

One such requirement is that, in embedding a culture of 'no tolerance' for child abuse and giving effect to the Child Safe Standards, schools must ensure that equity is upheld and diverse needs respected in policy and practice.

4. Related Documents

- *Corporations Act 2001 (Cth) (Corporations Act)*
- *Australian Securities and Investment Commission (ASIC) Regulatory Guide 270 Whistle-blower Policies.*
- *Child Wellbeing and Safety Act 2005 (Vic)*

5. Application

This policy applies to all eligible people as listed below all current employees (full time, part time and casual – and including Directors, Managers, secondees and CRTs), contractors, consultants, service providers, suppliers, business partners, former employees and a relative or dependent of one of the people above.

Inclusive of whether these activities for the College are undertaken during school hours or as such out of school hours.

6. Definitions

Child Safe Standards means the standards made under section 17 of the *Child Wellbeing and Safety Act 2005 (Vic)*. The aim of the Child Safe Standards is to promote child safety,

ensure that child abuse is prevented, and ensure that allegations of child abuse are properly addressed.

All Victorian organisations that provide services or facilities to children or young people are required to comply with the Standards.

MO 1359 means *Ministerial Order No. 1359 – Implementing the Child Safe Standards – Managing the risk of child abuse in schools and school boarding premises.*

Staff means all persons identified in section 5 of this policy.

7. Overview

This Policy outlines the College’s approach to receiving and managing reports of significant wrongdoing from individuals with knowledge of the College without fear of reprisal, dismissal, discrimination, harassment or victimisation - and with the support and protection of the College. This means the process is confidential and may be done anonymously.

Significant wrongdoing may include conduct you suspect may be illegal, fraudulent, corrupt, damaging or improper, on a confidential basis, without fear of reprisal, dismissal or discriminatory treatment.

This Policy does not replace existing complaints, conduct or compliance policies but provides additional avenue for matters to be raised in relation to the specific type of conduct covered within this Policy.

This Policy is compliant with the *Corporations Act 2001 (Cth) (Corporations Act)* and the *Australian Securities and Investment Commission (ASIC) Regulatory Guide 270 Whistle-blower Policies.*

Who can make a report?

This Policy applies to all eligible people as listed below:

- All current employees (full time, part time and casual – and including Directors, Managers, secondees and CRTs)
- Contractors, consultants, service providers, suppliers, business partners
- Former employees
- A relative or dependent of one of the people above

For more information on eligible whistleblowers visit the ASIC website.

Whistleblowing protections do not extend to parents or students. Concerns and allegations of misconduct or improper behaviour raised by parents or students should be dealt with using the College’s complaints policy and procedures.

What can be reported?

The College would like to hear from individuals who witness or know about any behaviours that may include actual or suspected:

- Conduct or practices which are illegal or breach any Law (including drug sale/use, violence or threatened violence toward individuals or groups and criminal damage against property)
- Corrupt or misleading activities or conduct
- Theft, fraud or misappropriation
- Significant mismanagement or waste of funds or resources
- Abuse of authority
- Serious harm to public health, safety or environment or the health and safety of any employee of the School, contractor, parent or student
- Dishonesty
- Conduct which has the potential to damage the reputation of the School or individuals
- Unethical behaviour

Under the Corporations Act a qualifying disclosure is one where the eligible whistle-blower has reasonable grounds to suspect that the information they are disclosing about the organisation concerns a disclosable matter. For more information on qualifying disclosures visit the ASIC website.

Serious Crime

Reports of crimes such as aggravated assault or theft should be made to the police urgently

Child Safety

The College's Child Protection Policies and Procedures apply to all concerns regarding the safety of a child and as such should be reported following procedures outlined in the relevant policy.

This policy is also independent of any mandatory reporting requirements.

What shouldn't be reported?

The protections available to whistleblowers under the Corporations Act do not apply to disclosures that do not qualify for protection.

Personal work-related grievances

Personal work-related grievances are not qualified disclosures. Personal work-related grievances are issues that are solely related to personal employment with the College, and do not involve illegal, dishonest or improper conduct. Workplace grievances are to be addressed via Human Resources, a line manager or the relevant executive director in accordance with the College's policies and procedures.

Examples of personal work-related grievances include:

- an interpersonal conflict with another employee
- a decision about employment, transfer, or promotion
- a decision about the terms and conditions of employment
- a decision to suspend or terminate employment or other disciplinary measures.

Where a disclosure about a personal work-related grievance has serious implications for the College, however, it may still qualify for protection. For example:

- it includes information about a disclosable matter
- the whistle-blower has experienced or been threatened with detriment for making a disclosure.

False claims

Do not use the whistleblower service to disclose a matter you know to be false.

Allegations which prove to be malicious or made falsely are viewed as a disciplinary offence and for current employees, subject to disciplinary action under the Catholic Education Multi-Enterprise Agreement 2022.

Anonymity

You may provide an eligible whistleblower disclosure anonymously. If reporting through Your Call you may also ask your identity is not disclosed and kept confidential from the College.

If you choose to remain anonymous the College may not be able to effectively investigate a matter if it cannot contact the discloser.

By providing your non-identifying contact details or your identity, you will assist

investigation of your disclosure by enabling the College or Your Call to contact you if we need further information. It will also enable the College or Your Call to advise you of the outcome of the investigation.

If eligible persons decide to disclose their identity the College will work to protect the person and will take all reasonable steps to prevent retaliation.

Making a whistleblower report

To provide effective protection of whistleblowers the College uses the external and independent service provider Your Call who are contracted to receive disclosures impartially and confidentially.

If an eligible person becomes aware of any matter or conduct they consider is a qualifying disclosure, it is expected that they will immediately and in confidence report the matter to the College's whistleblower platform Your Call.

Your Call fulfil the role of Whistleblower Investigation Officer (WIO) for the College. If a report is assessed as requiring investigation Your Call undertake the investigation on behalf of the College.

You can make a report to Your Call by phone from 7am to midnight AEST on business days, or online via a dedicated website 24 hours a day, 365 days a year.

Online: **www.yourcall.com.au/stkevins**

Telephone: **1300 790 228**

Language and translation services are also accessible on the Your Call website.

On the Your Call website you can:

- make your report anonymously or consent to sharing your identity
- securely upload any relevant documentation or material that you wish to provide
- receive updates about the handling of your report via Your Call's online message board
- With your consent, your report will be provided to the College's nominated Whistleblower Protection Officer so that it can be managed in accordance with this Policy. If you have chosen to remain anonymous, your identity will not be provided by Your Call to the College.

Other ways to report

Alternatively, you can contact the College's Whistleblower Protection Officer (WPO), the Company Secretary, who liaises with Your Call when there are eligible disclosures at privacyofficer@stkevins.vic.edu.au

If the whistleblower report involves the Company Secretary, Your Call will liaise with the Chair of the Board in relation to the investigation without notification to the WPO. The Chair will take responsibility for notifying members of the Board as appropriate.

Other eligible recipients include the Directors of the SKC Limited Board; the Principal; the Director of Governance, the Director of Human Resources and the Director of Finance; the College's auditors, ASIC, the eligible whistleblower's solicitor if disclosing to obtain legal advice or representation under the whistleblower provisions of the Corporations Act.

The protections can also apply to a whistle-blower report made to a journalist or Member of Parliament in certain limited circumstances relating to matters in the public interest and emergencies. If a disclosure about these matters is made to the public in another way, the protections do not apply. For more information on whistleblower rights and protections visit the ASIC website.

What to include in your report

You should only report actual or suspected wrongdoing that you have reasonable grounds to suspect has occurred or will occur and that you consider cannot reasonably be managed through our existing internal reporting procedures. Matters that do not meet the threshold

required for a qualifying disclosure will be dealt with in accordance with the College's appropriate policies and procedures.

For a whistleblower disclosure to be investigated it must contain enough information to form a reasonable basis for investigation. This includes any known details about the events underlying the actual or suspected wrongdoing, including:

- a description of the events or activities, including locations
- the names of the people involved and their roles
- relevant dates and times
- possible witnesses to the events
- supporting documentary evidence of the events
- any steps you may already have taken to report the matter elsewhere or to resolve your concerns.

Handling and investigating a whistle-blower report

All reports to eligible recipients will be provided to Your Call. Your Call will then assess and make a recommendation to the Company Secretary as to whether a disclosure made:

1. qualifies for protection, and;
2. a formal, in-depth investigation is required.

If an investigation is deemed necessary by the Company Secretary, it will be conducted by Your Call, with assistance as needed from the Company Secretary.

Unless the whistleblower has opted to remain anonymous, they will be told who has been appointed to investigate and given an indication of how long the investigation is expected to take, and be informed of progress and receive a written account of the final outcome of the investigation.

If the whistle-blower chooses to remain anonymous, they will be issued with a confidential reference and password and must initiate contact through one of the methods listed on the Your Call website to receive feedback.

Once the substance of a whistleblower report is confirmed, it is investigated thoroughly. The confidentiality of the whistle-blower remains paramount.

Your Call and the WPO have access to independent financial, legal and operational advisers as required for the purposes of assessing and investigating a whistle-blower report.

Your Call and the College has a duty to report any act or omission that may involve suspected criminal activity to the police as soon as they become aware of the circumstances during an investigation.

Addressing the outcome of an investigation

Your Call provides its investigation report to the Principal/CEO of the College.

Where the Principal/CEO is the subject of or implicated in the whistleblower report, the investigation report is made to the Chair of the Board.

Where the Chair of the Board is implicated in the whistleblower report, the investigation report is made to the Chair of the Governance and Risk Committee.

If the whistle-blower's identity is known, or they can be contacted through anonymous channels, where possible Your Call will provide feedback to the whistleblower during the course of the investigation in a way that does not compromise the confidentiality of their identity. The frequency and timeframes for providing feedback will vary according to the nature of the disclosure and the investigation.

The whistleblower will be informed of the outcome of an investigation, including:

- if the whistle-blower's concern was substantiated, the action that has been taken or will be taken to address the issues
- if the whistleblower's concern was not substantiated, that no further action will be taken unless further information becomes available.

There may be circumstances where it is not appropriate to provide details of the outcome to the whistle-blower.

Recommendations will be activated in accordance with investigation reports via the Principal/CEO or as otherwise provided in this policy as appropriate. In addition, processes and controls will be reviewed/implemented to reduce further incidents.

Protections afforded to eligible whistleblowers

Protections available to whistle-blowers under the Corporations Act only apply to 'eligible whistleblowers'.

Note that Part IVD of the Taxation Administration Act 1953 (Cth) ('Taxation Act') provides corresponding protections to 'eligible whistleblowers' for disclosures that relate to an entity's tax affairs.

Protection of information and identity

The College will keep the identity of an eligible whistle-blower or information that is likely to lead to their identification confidential – it will not be disclosed without their consent. No details of their participation in the process will be included in their personnel file or performance review.

The College may report information to ASIC, the Australian Federal Police, or to a lawyer for advice about whistle-blower matters where required.

There may also be circumstances where the College is required to disclose the information to a court or tribunal, where the court or tribunal considers it necessary in the interests of justice or to give effect to the whistleblower provisions in the Corporations Act. Outside of these circumstances it is illegal to disclose the whistleblowers identity without their consent.

Outcomes of the investigation will be communicated to other staff, students or the parent community only to the extent necessary in order to restore normal operations within the College where they have been disrupted or suspended.

Documents, reports and records relating to the investigation of a report are confidential and retained securely with restricted access.

Protection against reprisals

The Whistleblower will not be dismissed, discriminated against or otherwise disadvantaged in their employment or work with the College as a consequence of reporting a matter, in good faith, in accordance with this process, nor will they be subjected to their actions in making a report. It is a criminal offence to cause detriment to an eligible whistle-blower. For more information visit Whistle-blower Protections under the ASIC website.

Reasonable steps and external and internal support networks will be put in place to ensure that adequate and appropriate protection is provided for those who, in good faith, make a report. This protection applies whether the matter is found to have merit or not, regardless of whether it is reported to an external authority.

A whistle-blower who experiences or is threatened with detrimental conduct should immediately report it to the Company Secretary. Any such conduct will be treated as serious misconduct and the perpetrator will be subject to disciplinary action. The whistleblower may also contact ASIC if they believe they have suffered detriment.

The College may not be able to extend the full level of protections and support to whistleblowers who are not current employees.

Compensation and remedies

A whistleblower can seek compensation through a court if they suffer loss, damage or injury for making a disclosure. Other remedies available include:

- Employment reinstatement to an original position or a comparable position
- An injunction to prevent or stop detrimental conduct
- An apology.

It is the whistleblower's responsibility to bring any action for compensation based on their own independent legal advice. If a whistle-blower is unsuccessful in a claim for compensation for detriment against a person, company or organisation, they are protected from having to pay their legal costs (unless a court finds the claim to be vexatious unreasonable).

Immunity

Commonwealth laws provide legal protection and immunity for whistleblower disclosures. This includes immunity from civil, criminal and administrative liability that arises from making the whistleblower disclosure.

8. Concerns and Complaints

Any concerns arising in respect of these Guidelines are encouraged to be raised with the College in first instance. The College will respond to such concerns in accordance with its Staff Grievance Resolution Procedure or Parent and Student Complaints and Grievances Policy as relevant.

9. Consequences of Breach

Breaches of these Guidelines will be taken seriously.

The College will respond in accordance with its requirements under law and its policies and procedures.

Child Safety: If matters relate to child safety the College will respond in accordance with its requirements under *Ministerial Order No. 1359 – Implementing the Child Safe Standards – Managing the risk of child abuse in schools and school boarding premises* and its policies and procedures.

Students: For students, breach of this policy may be subject to disciplinary action in accordance with the *Student Behavioural Guidelines*. Students should also refer to the *Student Code of Conduct Policy*.

Staff: For staff, breach of this policy may be subject to disciplinary action in accordance with the *Catholic Education Multi Enterprise Agreement 2022: Diocese of Ballarat, Diocese of Sandhurst, Archdiocese of Melbourne and Lavalla Catholic College, Traralgon (CEMEA)*, or the relevant industrial agreement. Staff should also refer to the *Staff Code of Conduct Policy*.

10. Where to get help?

For enquiries on this Whistleblower Policy, contact the Company Secretary by emailing privacyofficer@stkevins.vic.edu.au

For general policy enquires, contact the Risk and Compliance Manager.

You can provide feedback on this policy by emailing policy@stkevins.vic.edu.au.

For enquiries on the Colleges' handling of a breach of this policy, please contact the Director of Governance.