

Policy

Whistleblower Policy

PURPOSE

The purpose of the Whistleblower Policy is to allow St Michael's College employees, parents, students, and volunteers, to report serious concerns about College operations through appropriate and confidential channels without risk of retaliation, victimisation or harassment in any form. The policy is to ensure that all College operations are conducted ethically and with integrity.

This policy aims to:

- give confidence to employees, parents, students, and volunteers in relation to raising concerns about conduct or practice which is potentially illegal, corrupt, improper, unsafe or unethical or which amounts to malpractice or is inconsistent with College standards and policies so that they are encouraged to act on those concerns;
- provide avenues for concerns to be raised;
- ensure that employees, parents, students, and volunteers receive a response to the concerns they have raised and feedback on any action taken;
- offer assurance that employees, parents, students, and volunteers are protected from reprisals or victimisation for whistleblower action.

There are existing procedures in place to enable employees to lodge a grievance relating to their own employment, disputes, personal concerns, health and safety and other work-related problems. Employees are encouraged to take these issues to their Manager. However, this policy has been introduced to help those who may have concerns about doing this.

SCOPE

This policy applies to former or current employees, students, visitors, volunteers, relatives of such individuals, and all contracted employees. This policy covers whistleblowing relating to alleged:

- sexual, physical or emotional abuse;
- health and safety issues;
- action that has caused, or is likely to cause, physical danger to any person or risk serious damage to College property;
- unlawful conduct;
- miscarriages of justice in the conduct of statutory or other processes;
- failure to comply with a statutory or legal obligation;
- potential maladministration, misconduct or malpractice;
- action that has caused or is likely to cause danger to the environment;
- abuse of authority;
- fraud or corruption;
- breaches of financial regulations or policies;
- mistreatment of any person;
- unfair discrimination;
- racist incidents or acts, or racial harassment;
- inappropriate use of social media and other technologies;
- any attempt to prevent disclosure of any of the issues listed.

DEFINITION

Whistleblowing is the means by which employees, volunteers, parents and students can raise concerns about conduct or practice within the school which is potentially illegal, corrupt, improper, dishonest, unsafe or unethical or which amounts to mismanagement and are able to do so without fear of victimisation and with confidence that their concerns will be taken seriously and dealt with properly. A 'whistleblower' is defined as a person who discloses wrong doings, corruption, mismanagement and any illegal activities taking place within the College.



STATEMENT

It is the policy of St Michael's College regarding the following matters:

Training and Support

The College will implement training, mentoring, advice and other support systems to ensure employees understand their avenues for support.

Whistleblower protection

The College will use its best efforts to protect whistleblowers against retaliation. Whistleblower complaints will be handled with sensitivity, discretion, and confidentiality to the extent allowed by the circumstances and the law. Generally, this means that whistleblower complaints will only be shared with those who have a need to know so that the College can conduct an effective investigation and determine what action to take based on the results of any such investigation.

Safeguard against reprisal, harassment and victimisation

St Michael's College will not tolerate harassment or victimisation of employees, volunteers, parents and students when matters are raised in accordance with the Whistleblower Policy. Any employees, volunteers, parents or students who victimise or harass any person as a result of their having raised a concern in accordance with the Whistleblower Policy may be dealt with under St Michael's College's disciplinary procedures and applicable laws.

Confidentiality

The College recognises that employees, volunteers, students and parents may want to raise concerns in confidence and will do its utmost to protect the identity of those who raise a concern and do not want their name disclosed. However, investigation into the concern could reveal the source of the information. Statements may be required from the employee, student or parent as part of the evidence which would be seen by all parties involved if the investigation leads to prosecution and the Whistleblower is likely to be called to give evidence in court.

The College will safely secure all paper or any other documents that could potentially reveal the identity of the individual and situation. Furthermore, the investigation will be restricted to limited employees and a pseudonym will be used as reference to mitigate potential exposure.

In the event where a disclosure is made (or any information that could likely identify the Whistleblower) will only be shared if:

1. the Whistleblower provides consent for that information to be shared;
2. disclosure is allowed or required by the law (ie the College seeks legal advice from a lawyer in relation to the Whistleblower).

Further to this, any additional information that may potentially identify the Whistleblower, for purposes of investigation, all necessary steps will be taken to reduce the likelihood of identification.

Untrue and malicious/vexatious allegations

If an employee, volunteer student or parent makes an allegation but it is not confirmed by further inquiry, the matter will be closed and no further action taken. If, however, the inquiry shows that untrue allegations were malicious and/or vexatious, or made for personal gain, then the College will consider taking disciplinary action.

Child protection issues

Child Protection issues should be reported according to the specific guidelines laid out in that policy.

Reporting process

Employees, volunteers, students and parents who have knowledge of or information about mismanagement, illegal activities, corruption or misconduct in College operations should report the misconduct in writing to the Principal. If a serious allegation of misconduct relates to the Principal a written complaint should be made to the Chair of the Board.



Timescale for response

The Principal will look into allegations and will provide a written response to the Whistleblower within 5 working days (except in case of anonymous allegations):

- Acknowledging that the concern has been received;
- Indicating how it is proposed to deal with the matter;
- Giving an estimate of how long it will take to provide a final response;
- Advising whether any initial enquiries have been made;
- Advising whether further enquiries will take place;
- Informing the Whistleblower of support available whilst matters are investigated;
- Feedback to be provided direct to the Whistleblower.

Addressing and managing reports of misconduct

The Principal will promptly and discreetly investigate any report of misconduct in College operations including anonymous allegations, with the assistance of other College officials as appropriate. The Principal will report the results of the investigation and any recommendations for appropriate corrective and/or disciplinary action to the Chair of the Board. The Principal will decide on the action to be taken before implementing corrective or disciplinary action. The imposition of discipline, if any, will be made in accordance with the College's Code of Conduct. St Michael's College is committed to the Corporations Act 2001.

Acknowledgements

The College is committed to the Whistleblower Protection Laws Corporation Act 2001 and Whistleblower Protective Legislation.

Contact Details

The Whistleblower may report their concerns or the alleged offence, by the following options. Name and contact details can be provided or left anonymous: whistleblower@smc.sa.edu.au

Principal
 St Michael's College
 15 Mitton Avenue
 Henley Beach SA 5022
 Telephone: 8356 5966

RELATED POLICIES, PROCEDURES AND SUPPORT DOCUMENTS

This Policy is to be read in conjunction with the following documents:

- Code of Conduct
- Protective Practices
- Grievance Policy
- Responding to Bullying and Harassment in the Workplace
- Whistleblowers Protection Act 1993
- Laws Amendment (Enhancing Whistleblower Protections Bill) 2019 (CTH)s

REVISION RECORD

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