



Policy Statement

The Diocese of Ballarat Catholic Education Limited (DOBCEL) and its schools are committed to the highest standards of integrity, ethical behaviour and sound organisational governance and do not tolerate improper conduct, including fraud, corruption or criminal misconduct.

DOBCEL's Whistleblower Policy and Procedures are an important element in detecting corrupt, illegal or other undesirable conduct, by providing all eligible parties with the opportunity to report any actual or suspected wrongdoing or any other issues of concern. Through the Whistleblower Policy and Procedures, DOBCEL encourages all stakeholders to speak up if they suspect or witness misconduct.

Context

This policy provides protection and measures so that people can raise concerns on a confidential basis without fear of reprisal. The policy complies with the *Australian Securities and Investment Commission (ASIC) Corporations (Whistleblower Policies) Instrument 2019/1146*, and sound governance requirements as detailed by the Australian Charities and Not-for-profits Commission (ACNC) and the *Corporations Act 2001 (Cth) (Corporations Act)*.

The aim of this policy is to encourage and support the reporting of actual and suspected wrongdoing and misconduct by:

- providing staff with an understanding of what can be reported under this policy
- demonstrating the importance that DOBCEL places on ensuring a safe and supportive environment where staff and members of the school community feel confident to raise suspected breaches of internal rules or Disclosable Conduct relating to the organisation, school and employees or volunteers
- improving the whistleblowing processes to create a culture within DOBCEL and schools that encourages people to speak up and raise suspected breaches of internal rules or policy, or Disclosable Conduct
- explaining the processes for reporting breaches of internal rules or policy, or Disclosable Conduct, including what happens when a report is made; and
- outlining how staff and school community members will be protected if they make a report.

Scope

This policy applies to current and former directors and employees of DOBCEL and DOBCEL schools who make a 'qualifying disclosure' to a person at DOBCEL authorised to receive such disclosures. It also applies to other people who engage with DOBCEL and DOBCEL schools who have reasonable grounds to believe that misconduct has occurred or will occur, where that disclosure is made in accordance with the relevant requirements.

The scope of this policy includes the following:

- eligible whistleblowers reporting qualified disclosures to eligible recipients (as defined in this policy) in reference to DOBCEL or any DOBCEL school
- DOBCEL as a body corporate (including its volunteers, contractors, consultants and suppliers)
- DOBCEL directors, DOBCEL Board and DOBCEL consultative committee members
- DOBCEL Executive Director and staff
- DOBCEL primary and secondary schools
- DOBCEL primary and secondary school Principals and staff
- DOBCEL school suppliers, contractors and consultants
- DOBCEL school volunteers
- spouses, relatives or dependents of the people referred to above.

Principles

DOBCEL is committed to ensuring there is a culture of reporting if a person has reasonable grounds for suspecting misconduct. This policy helps people connected with DOBCEL and DOBCEL schools to identify instances of wrongdoing and provides guidance on how to raise a concern about suspected or actual misconduct in relation to DOBCEL and DOBCEL schools and services.

DOBCEL will protect and support those who come forward in good faith to report a suspected improper situation based on a reasonable belief. DOBCEL will maintain confidentiality by determining an appropriate time and place for the disclosure to be made and by treating confidentially any information that could lead to the identification of the whistleblower, subject to law, and any authorisation by the whistleblower to allow identification in the context of an investigation of a disclosure.

Additionally, DOBCEL will protect anyone who makes a disclosure in good faith from any form of detrimental act or omission because of a disclosure. DOBCEL will also ensure that there are consequences for anyone who mistreats a whistleblower.

Any allegation of mistreatment should be reported to the Whistleblower Protection Officer and will be dealt with under this policy.

Roles and Responsibilities

Role	Responsibility
Whistleblower Investigation Officer	The person who may be appointed, either internally or externally, by the Whistleblower Protection Officer who is responsible for leading, co-ordinating, or overseeing the investigation of matters in a fair, confidential, objective (without bias) and timely manner qualifying disclosures made by whistleblowers. • Reports to the Whistleblower Protection Officer
Whistleblower Protection Officer	The Deputy Director, Stewardship who, by their role, is appointed by DOBCEL to receive whistleblower qualifying disclosures and protect the interests of whistleblowers in accordance with this policy.
Executive Director, DOBCEL	To receive disclosures of misconduct, instigate or authorise an investigation and notify a whistleblower of the outcome of investigation when the Whistleblower Protection Officer is the subject of the disclosure.

Legislative Context

Australian Securities and Investments Commission Act 2001 (Cth)

Corporations Act 2001 (Cth)

Corporations Regulations 2001 (Cth)

Taxation Administration Act 1953 (Cth)

Australian Securities and Investment Commission (ASIC) Corporations (Whistleblower Policies) Instrument 2019/1146

Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019;

Public Interest Disclosures Act 2012 (Vic);

Independent Broad-based Anti-corruption Commission Act 2011 (Vic);

Ombudsman Act 1973 (Vic).

Definitions

TERM	DEFINITION
ACNC	The Australian Charities and Not-for-profits Commission.
Disclosable conduct / matters	Refers to information provided by a whistleblower who has reasonable grounds to suspect misconduct, an improper situation or circumstances, or breach of the law. It can include conduct that contravenes the Corporations Act, the Australian Securities and Investments Commission Act 2001 (Cth), constitutes an offence against another Commonwealth law that is punishable by imprisonment for 12 months or more, represents a danger to the public or the financial system, or is prescribed by the Corporations Regulations 2001 (Cth). To qualify for protection, the whistleblower must have reasonable grounds to suspect that the information they will disclose indicates misconduct. It does not include personal work-related grievances (as defined in this policy).
Misconduct	Conduct by a person or persons connected with DOBCEL, including schools, which the whistleblower has reasonable grounds to suspect: • is a systemic, wilful or serious breach of the law as it relates to DOBCEL, or its internal policies • poses a significant or serious threat to the health and safety of workers • involves a serious mismanagement of DOBCEL resources • involves victimisation of someone for reporting a disclosable matter • involves an instruction to cover up or attempt to cover up serious wrongdoing • interferes with an impending internal or external audit process • is unethical, and a breach of a DOBCEL Code of Conduct or a serious risk to the reputation or financial wellbeing of DOBCEL • is dishonest, fraudulent, corrupt, negligent or illegal • is in breach of Commonwealth or state legislation or local authority by-laws

	is conduct that may cause financial or non-financial loss to a DOBCEL workplace or is otherwise detrimental to the interests of DOBCEL.
Personal work-related grievance	A grievance about any matter in relation to a person's employment, or former employment, having personal implications, where the information does not have significant implications, beyond the personal implications, for DOBCEL or DOBCEL schools.
Qualifying disclosure	A whistleblower is entitled to protection under the Corporations Act if they make a qualifying disclosure to an eligible recipient. A qualifying disclosure involves reporting conduct by a charity or an officer or employee of the charity that represents misconduct, an improper state of affairs or circumstances, or breach of the law. This can include conduct that: - contravenes the Corporations Act, or the ASIC Act - constitutes an offence against another Commonwealth law that is punishable by imprisonment for 12 months or more - represents a danger to the public or the financial system, or - is prescribed by the Regulations. To qualify for protection, the whistleblower must have reasonable grounds to suspect that the information they will disclose indicates misconduct.
Reasonable grounds	More than suspicion and usually requiring some factual basis that indicates misconduct.
School staff and employees	References to school staff and employees, unless the context requires otherwise, means an individual working in a DOBCEL school who is: - directly engaged or employed by DOBCEL - a volunteer or a contracted service provider (whether a body corporate or any other person as an intermediary).
Whistleblower (May also be called Discloser)	A person eligible to make a qualifying disclosure to an eligible recipient, for example an officer, employee, volunteer or an individual or an employee of a person who supplies services or goods to DOBCEL or DOBCEL schools, or a relative or dependant of such an officer, employee or supplier, or a dependant of the officer, employee or supplier's spouse.
Whistleblower Investigation Officer (WIO)	The person who may be appointed, either internally or externally, by the Whistleblower Protection Officer who is responsible for leading, co-ordinating, or overseeing the investigation of matters in a fair, confidential, objective (without bias) and timely manner with regard to disclosures made by whistleblowers.
Whistleblower Protection Officer (WPO)	The Deputy Director, Stewardship who, by their role, is appointed by DOBCEL to receive whistleblower qualifying disclosures and protect the interests of whistleblowers in accordance with this policy.
Whistleblower protections	The protections provided to whistleblowers to enable them to come forward to report misconduct without fear of retribution or personal detriment.

DOBCEL Principles of Governance

All DOBCEL policies are founded on and reflect the [Principles of Governance](#).

Responsible Directorate member	Deputy Director: Stewardship
Policy Owner	Manager: Assurance and Risk
Assigned Board Committee	Assurance and Risk
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Procedures

DOBCEL is committed to maintaining a culture of ethical behaviour, compliance with legal requirements and good corporate governance. The DOBCEL Board recognises that any genuine commitment to detecting and preventing illegal, unethical and unsatisfactory conduct or misconduct must include an appropriate mechanism whereby all stakeholders can report their concerns freely and without fear of repercussion.

A whistleblowing program promotes a reporting culture within DOBCEL and these procedures provide a mechanism, by:

- encouraging the reporting of misconduct
- providing protection to any stakeholder making a report, allowing the person to come forward confidentially and anonymously, to the extent possible under existing laws, and ensuring that they are not victimised or subjected to any form of detrimental action
- serving as a preventative measure actively to discourage misconduct.

Types of Misconduct That May Be Reportable / Disclosable

The following types of misconduct may be a qualifying disclosure:

- suspicious behaviour regarding payroll
- deliberate, inaccurate reporting of student enrolment numbers in a government census
- possession of inappropriate electronic material or use of computers to circulate inappropriate material
- suspicious behaviour involving school/services funds
- fraud, theft or dishonest conduct (including falsification of records)
- bribery, corruption, money laundering or secret commissions
- illegal, unethical or improper conduct (drug use, violence, criminal damage)
- breach of employment, labour or workplace health and safety or any other laws
- conduct that damages DOBCEL's reputation or brand or relationships with third parties
- breach of an internal policy (e.g. Code of Conduct or Conflicts of interest)
- breaches of confidentiality and disclosure of confidential information
- any other inappropriate behaviour
- an offence against any other law of the Commonwealth that is punishable by imprisonment for a period of 12 months or more
- an offence prescribed by regulations under the *Corporations Act, 2001*.

Types of Misconduct That Are Not Disclosable

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'. Management of these types of conduct is dealt with under the Reportable Conduct Scheme. Other obligations may also be relevant, such as the reporting to police of alleged criminal behaviour and mandatory reporting to the Department of Families, Fairness and Housing.

If a person has a complaint regarding DOBCEL or a DOBCEL school relating to a service issue or policy decision or they wish to raise a grievance, they should refer to the school's Complaint Handling Policy or

DOBCEL's Grievance Procedures, or speak to their supervisor/manager, or the relevant committee or fill in the online [DOBCEL Feedback Form](#) available on the [DOBCEL website](#).

A report of misconduct solely about a personal work-related grievance such as bullying, harassment or discrimination is not generally covered by whistleblower protections. A personal work-related grievance includes:

- 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 disciplinary action

Disclosures that are not about 'disclosable matters' do not qualify for protection under the *Corporations Act*.

Reporting Disclosable Conduct

Individuals can choose to provide their details or remain anonymous and, in all circumstances their identity, and the information they provide, will be treated with the strictest confidence. DOBCEL will disclose the person's name and the information they provide only with their consent or if the law requires it.

Any questions or concerns regarding the protections that apply to people who make a report, and the support being provided, should be directed to Whistleblower Protection Officer (WPO).

Reporting Misconduct

All DOBCEL staff, including school staff, volunteers, members of the school community, contractors, and suppliers can report any actual or suspected issues of wrongdoing or misconduct.

If a person becomes aware of a matter, it is important to notify the appropriate person immediately so that it can be addressed appropriately.

If a person raising the matter fears for their wellbeing, safety, or fears a reprisal they need to mention this at the time the report is being made. The person will be noted by DOBCEL as a Discloser, and afforded the protections outlined under this Policy, and where eligible legislative disclosure requirements are met, protected under the provisions of the Corporations Act.

Contact Persons

Disclosures of misconduct must be made only to a person authorised by DOBCEL to receive whistleblower information. This is to ensure that any disclosure is handled in accordance with the requirements and the whistleblower is covered by the protections outlined in this policy.

At DOBCEL, the role of Whistleblower Protection Officer is held by the Deputy Director, Stewardship. For the purposes of DOBCEL, disclosures can be made to:



Email execdirector@dobcel.catholic.edu.au



Phone 03 4344 4350



Mail

DOBCEL
200 Gillies St Nth
Lake Wendouree 3350

Reporting Disclosable Conduct to An External Agency

If the matter relates to Disclosable Conduct and it is not practical in the first instance, to report the matter within DOBCEL individuals can report Disclosable Conduct to the relevant external agency. Disclosure can be made to one of the following:

- ASIC
- another prescribed Commonwealth body
- a legal practitioner for the purpose of obtaining legal advice or legal representation about the provisions of the whistleblower legislation

The ACNC is not an eligible recipient of disclosures.

Any of these people can receive a disclosure from a whistleblower and using it will trigger the whistleblower process. A whistleblower is also able to give the information to their lawyer and have their lawyer contact one of the people in the above list with the information.

The person reporting the disclosable conduct also has no obligation to give the agency their name or contact details. However, this can have implications as to whether a disclosure is able to be investigated properly.

Legal Protections

To qualify for whistleblower protections, the person making a disclosure must have reasonable grounds to suspect that the information they will disclose indicates misconduct. Disclosures that are not about 'disclosable matters' do not qualify for protection under the *Corporations Act*.

Support and Protection

Whistleblowers can rely on protection for disclosures of misconduct that meet the definition provided in this policy. Any concerns about unfavourable treatment as a consequence of making such a disclosure should immediately be made to the Whistleblower Protection Officer, or to the DOBCEL Executive Director if the matter relates to the Whistleblower Protection Officer.

No action will be taken against a whistleblower who in good faith makes a report that is not subsequently substantiated in an investigation. However, it is important to have reasonable grounds to suspect that the information to be disclosed about DOBCEL or a DOBCEL school amounts to misconduct or concerns an improper situation. This will usually include some factual information.

DOBCEL is committed to protecting anyone that speaks up by:

- Protecting their identity: DOBCEL will not share the reporter's identity, or information that is likely to lead to their identity being known, unless they give consent, or it is required by law. DOBCEL will always ask for consent before disclosing to another party a whistleblower's identity or any of the information that has been provided.
- Ensuring Fairness: DOBCEL is committed to ensuring reporters are treated fairly and that they are not disadvantaged or discriminated against because of their disclosures. DOBCEL will assess the report and take all reasonable and appropriate actions to consider, investigate and resolve the issues raised. Each report will be treated on its own merits in terms of the appropriate action or

response but in all circumstances DOBCEL is committed to ensuring fairness to all parties involved. If a whistleblower has concerns regarding detrimental treatment because of making a disclosure, the concerns should be reported to the Whistleblower Protection Officer who will ensure they are investigated.

- Providing Support: throughout the process DOBCEL is committed to providing support to reporters, and, anyone else who may be affected by a report. That commitment includes providing the person who has made the report with access to DOBCEL's Whistleblower Protection Officer (WPO). The WPO is responsible for ensuring protections under this policy are enforced and maintained.

Handling & Investigating a Disclosure of Misconduct

Following receipt of a qualifying disclosure, the Whistleblower Protection Officer, or another person authorised by DOBCEL to receive such disclosures, will take steps to ensure that the time and place for receiving the disclosure is appropriate. The following steps will be undertaken:

- consideration of any disclosure made in good faith
- prompt investigation with objectivity and procedural fairness of all qualifying disclosures
- prompt attention to all reports and investigation procedures
- the Whistleblower Protection Officer may appoint a Whistleblower Investigation Officer to conduct the investigation. 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 the individuals involved
- preparation of a report by the person conducting the investigation for the Whistleblower Protection Officer
- the Whistleblower Protection Officer will provide the report to DOBCEL Executive Director, who will make a final decision in relation to the recommended findings and actions to be taken, if any
- the Whistleblower Protection Officer will inform the whistleblower of the outcome of the investigation.

The following flowchart is a useful tool to illustrate the report handling and investigation process.

Report Handling & Investigation Flowchart

Making a disclosure to DOBCEL/School under Whistleblower Policy & Procedures

Will a disclosure be protected by Whistleblower protections?

1. Who is an eligible Whistleblower*?

To be eligible, a Whistleblower must be a current or former employee, officer, contractor, or contractor's employee of DOBCEL, or a spouse, relative or dependent of the above.

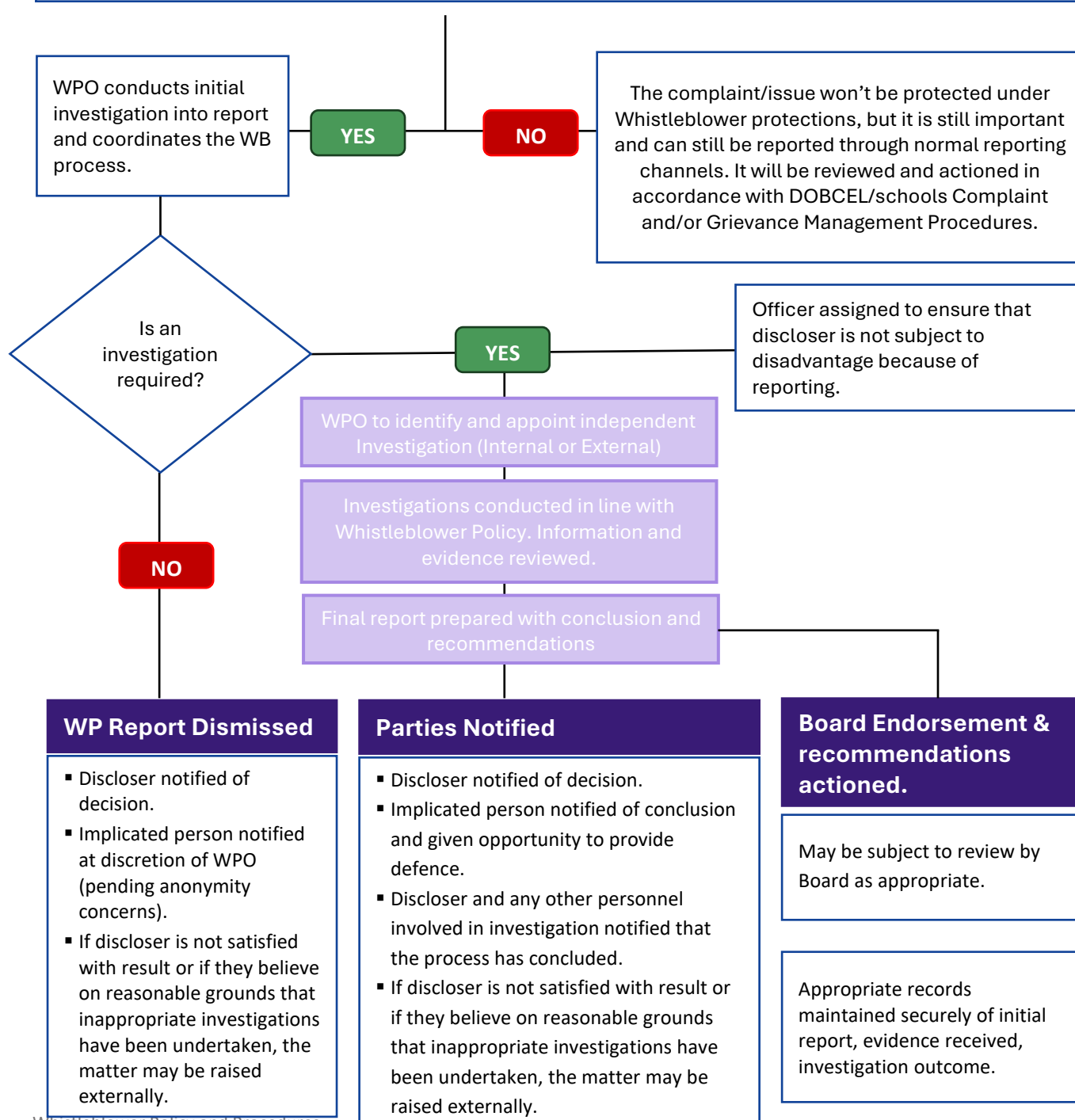
A full list of eligible Whistleblowers, can be found in the Whistleblower Policy

2. What are reasonable grounds to suspect "Disclosable Conduct"?

Disclosable Conduct is (a) misconduct or (b) an improper situation or circumstances, or (c) DOBCEL or its employees breaching certain laws.

3. Reporting Disclosable Conduct to an authorised officer?

If the matter is considered Disclosable Conduct it should be reported to one of the people defined as an authorised officer. Refer to the *Who to Contact* section of the Whistleblower Policy and Procedures [DOBCEL].



Investigation Report

The investigation report will provide a summary of the facts of the disclosure and of the investigation. It will also provide information concerning whether any allegation is substantiated or unsubstantiated and may also provide recommendations on actions, if any, to be taken.

Decision-making

The investigation report will be provided by the Whistleblower Protection Officer to the Executive Director, who will make a final decision in relation to the recommended findings and actions to be taken, if any. If the complaint / issue involves the Executive Director, the investigation report will be directed to the DOBCEL Board Chair.

In circumstances where the investigation is conducted by a Whistleblower Investigation 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.

Accessibility of Policy

The Whistleblower Policy is accessible to all people connected with DOBCEL and DOBCEL schools, and is available:

- on the DOBCEL website
- in the DOBCEL policy library
- on websites belonging to DOBCEL schools.

Supporting Documentation

Forms, templates, and internal documents listed below are available to download from the Knowledge Banks 'eSORT' for schools and Policy Central in SharePoint for DOBCEL offices.

Internal

- Complaints Management Policy and Procedures [DOBCEL]
- Grievance Resolution Procedures concerning Executive Director Procedures [DOBCEL]
- Occupational Health and Safety Policy and Procedures [DOBCEL]
- PROTECT Identifying & Responding to Abuse – Report Obligations Policy and Procedures [DOBCEL]
- PROTECT – Identifying and Responding to Student Sexual Offending [DOBCEL]
- PROTECT – Reportable Conduct Scheme Policy [DOBCEL]
- Schools and DOBCEL Conflict of Interest Policy and [DOBCEL]

Resources

- [ACNC Whistleblower Fact Sheet](#)
- [ASIC Whistleblower Instrument](#)
- [Reportable Conduct Scheme \(CCYP\)](#)
- [Whistleblower Protections \(Fair Work Commission\)](#)