



Whistle-blower Protection Policy

Reviewed: February 2020
Ratified: May 2020
Next Review: 2023

Rationale

This Whistle-blower Protection Policy is underpinned by a strong commitment to building a culture in DOBCEL schools that reflects sound governance and promotes ethical behaviour in the detection and management of fraudulent, corrupt or improper conduct.

This Policy provides protection to Whistle-blowers by establishing a mechanism for concerns to be raised on a confidential basis without fear of reprisal.

This Policy applies to any DOBCEL employee who makes a report of Improper Conduct to the DOBCEL Executive Director in accordance with this Policy.

DOBCEL recognises that there are other forms of conduct that pertain to the DOBCEL Board and Schools, such as misconduct of a sexual, physical or emotional nature. The appropriate management of these forms of misconduct is dealt with separately in the *DOBCEL Protect : Identifying and Responding to Abuse Reporting Obligations*.

Definitions

Corruption is dishonest activity in which a Worker acts contrary to the interests of the relevant Entity and abuses their position of trust in order to achieve some personal gain or advantage for themselves or for another person or entity.

Entity includes a reference to the DOBCEL Board, a DOBCEL School and any DOBCEL employee or volunteer.

Fraud is dishonest activity causing actual or potential financial loss to an Entity including theft of moneys or other property by Workers or persons external to the Entity and whether or not deception is used at the time, immediately before or immediately following the activity. It also includes the deliberate falsification, concealment, destruction or use of falsified documentation used or intended for use for a normal business purpose or the improper use of information or position.

Improper Conduct is conduct by a person or persons connected with an Entity which, in the view of a Whistle-blower acting in good faith, is:

- dishonest;
- fraudulent;
- corrupt;
- illegal (including theft, drug sale/use, violence or threatened violence and criminal damage against property);
- in breach of Commonwealth or state legislation or local authority by-laws;
- unethical (representing a breach of DOBCEL's or a School's code of conduct);
- 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
- any other conduct which may cause financial or non-financial loss to, or be otherwise detrimental to, the interests of DOBCEL.

School means a Catholic primary or secondary school operating under the governance of DOBCEL.

Senior Management are employees of a DOBCEL School or DOBCEL Management who have authority over the direction or management of that workplace and its employees.

Whistle-blower is a person to whom this Policy applies who reports Improper Conduct in good faith in accordance with this Policy.

Whistle-blower Investigations Officer is the person appointed (internal or external to DOBCEL) by the Whistle-blower Protection Officer to conduct an investigation into reports that are made to the Catholic Education Office Ballarat by a Whistle-blower.

Whistle-blower Protection Officer is the Co-Company Secretary of DOBCEL, or such other delegated person.

Worker means an employee, contractor, consultant or volunteer of an Entity.

Policy Statement

DOBCEL encourages all persons covered by this Policy to report Improper Conduct and is committed to protecting and supporting those persons who do so.

Any person who reports Improper Conduct under this Policy will not be personally disadvantaged by having made the report by:

- (a) dismissal;
- (b) demotion;
- (c) any form of harassment;
- (d) discrimination; or
- (e) current or future bias.

Principles of Governance

Human dignity

Our common humanity requires respect for and support of the sanctity and worth of every human life. All other rights and responsibilities flow from the concept of human dignity. This principle is deemed as the central aspect of the Church's social teaching. The belief that each life has value is shared with International Human Rights which are universal, inviolable and inalienable.¹

Subsidiarity in fostering local expressions of the Church's common mission

All people have the right to participate in decisions that affect their lives. Thus, decisions should be made at the most appropriate level, by the people most affected by the decision and by those who exercise responsibility for carrying out the decision. It also means that those in positions of authority have the responsibility to listen to everyone's voice and make decisions according to the common good.² Implementing the principle of subsidiarity supports the interdependence of all decision makers.

Relevant Legislation (if required)

Occupational Health and Safety

The Treasury Laws Amendment (Enhancing Whistle-blower Protections) Act 2019

Key related documents

DOBCEL Grievance Policy

DOBCEL Procedures for Responding to Grievances

DOBCEL Occupational Health and Safety Policy and Procedures documents

¹ *ibid.*

² See <https://caritas.org.nz/catholic-social-teaching/subsidiarity>. See also *The Light from the Southern Cross, op.cit.*, 5.2.1. p.41.



Whistle-blower Protection Procedures

Reviewed: February 2020
Ratified: May 2020
Next Review: 2023

Procedures

1. **Complaints Procedure**

Persons to whom this Policy applies are encouraged to refer suspected instances of Improper Conduct directly to the School Principal, Senior Management or DOBCEL Executive Director. However, in instances where a person is not comfortable reporting directly to such persons, then the suspected Improper Conduct should be referred to the Whistle-blower Protection Officer of DOBCEL, who is the Co-Company Secretary.

A Whistle-blower may remain anonymous, to the extent allowed by the law.

2. **Investigation Procedures**

All reports of Improper Conduct will be subject to a thorough investigation.

The Whistle-blower Protection Officer may investigate the report or may elect to appoint a Whistle-blower Investigations Officer to investigate the matter. This will depend on the nature and extent of the allegation(s).

The person against whom the allegations are made will be informed accordingly.

All reports and investigation procedures will be dealt with promptly.

3. **Report Procedures**

The Whistle-blower Investigations Officer will submit a preliminary report to the Whistle-blower Protection Officer on the outcome of any investigation. The report will provide a summary of the facts of the suspected Improper Conduct and of the investigation. It will also provide recommendations about whether an accusation is substantiated or unsubstantiated, whether the matter should be referred to the police, other disciplinary actions that may be required and, if warranted, suggested actions to recover stolen funds or property, and internal control implications.

The investigation report and recommendations will be provided by the Whistle-blower Protection Officer to the relevant Principal and to the DOBCEL Executive Director. All recipients will be required to respond promptly.

4. **Monitoring and Follow-up**

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

The Whistle-blower Protection Officer will retain a coordinating role in monitoring the implementation of the recommendations of the final report.

5. **Safeguards**

Whistle-blowers can rely on the protection afforded by this Policy. If a Whistle-blower has any concerns regarding victimisation, discrimination or any other unfavourable treatment as a result of a report made under this Policy, they should immediately contact the Whistle-blower Protection Officer.

DOBCEL strongly encourages Whistle-blowers to identify themselves to the Whistle-blower Protection Officer. No action will be taken against a Whistle-blower, who in good faith, makes an allegation which is not substantiated by subsequent investigation. However, separate disciplinary action may be taken by their employer against an individual making malicious or vexatious allegations.

6. **Record Keeping**

The Whistle-blower Protection Officer overseeing any investigation will retain all documents relevant to the notification and investigation. Notes and records will be kept securely and must not be destroyed as they may be needed at a later time. DOBCEL will ensure that privacy legislation and storage of personal records policies are adhered to. The retention of documents is to enable DOBCEL to defend any subsequent claims of discrimination or adverse action relating to the notification process.

Examples of Improper Conduct

Inappropriate Electronic Material

A Worker brings to work a personal DVD containing image files that are sexually explicit. They download the images to their work computer and then decide to circulate some of the images to colleagues. One Worker receiving the material is offended and uses the provisions of the Whistle-blower Protection Policy to report the matter confidentially, as the actions are in breach of acceptable ICT Usage policies.

Suspicious Behaviour involving School Funds

A school Worker is relieving a colleague who is on annual leave and is asked by a parent why they have not received a receipt for the last cash payment they made to the school. The replacement Worker advises that they will follow up the parent's inquiry. The Worker is suspicious that misconduct may be occurring. They decide to report the matter confidentially and in line with the policy as suspicious and potential fraud. They contact the Whistle-blower Protection Officer and provide their details, concerns and the school's details.

Who to Contact:

Safeguarding and Standards Manager, Mr Tim O'Farrell

tofarrell@dobcel.catholic.edu.au or phone 0457 808 134

Supporting documents

DOBCEL Whistleblower Policy

DOBCEL Fraud Prevention and Reporting Policy 2019

DOBCEL Grievance Policy and Procedures