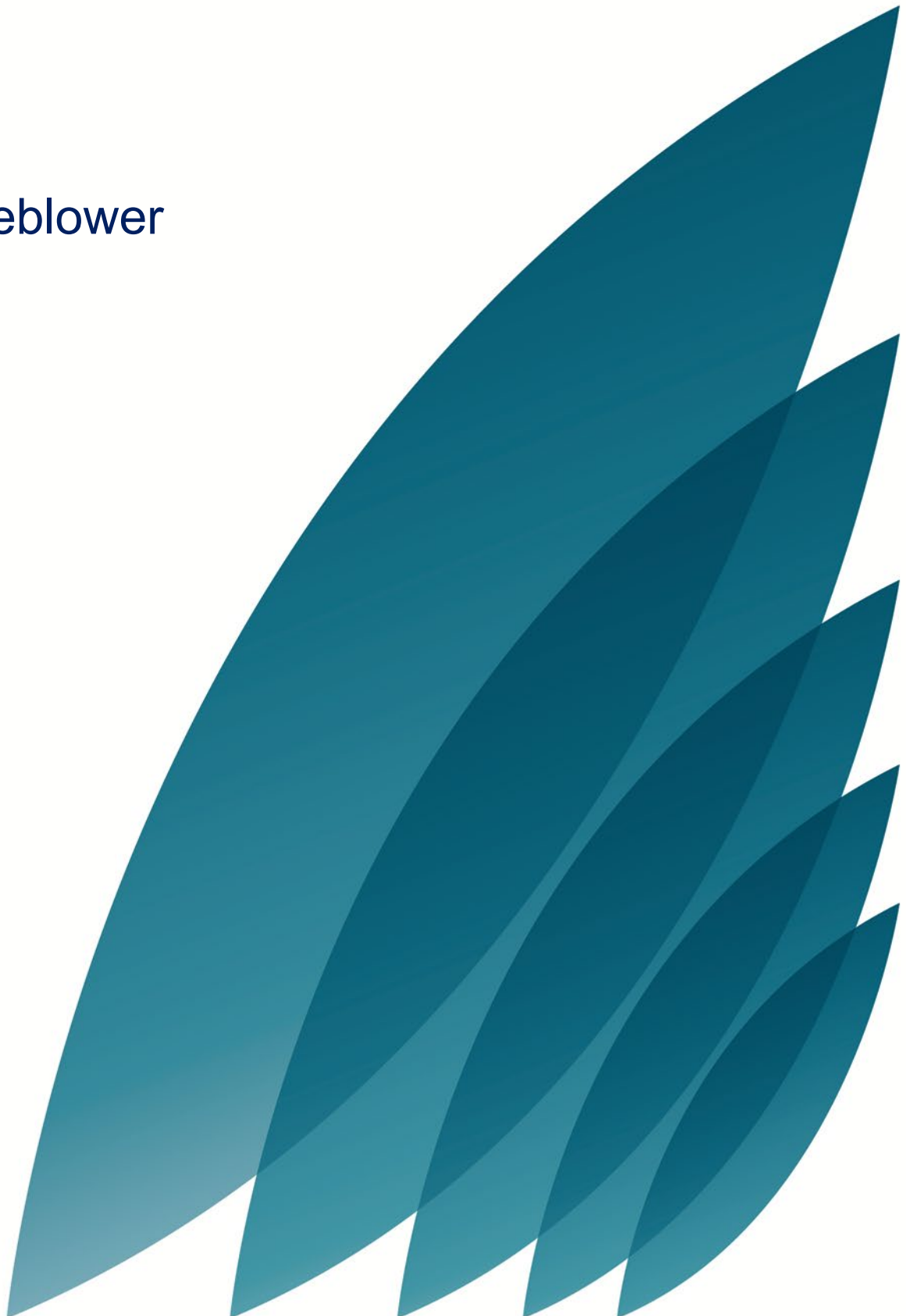


# Whistleblower

## **Policy**



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## 1 Purpose

Catholic Education South Australia (CESA) is committed to creating and maintaining an open working environment in which staff (and others) are able to raise concerns regarding unethical, unlawful or undesirable conduct.

This policy sets out the process for concerns of possible unethical, unlawful, or undesirable conduct to be reported without fear of reprisal and with the support and protection of CESA. This policy also outlines the investigation process which CESA will follow upon receipt of a whistle blowing report.

The aim of this policy is to enable CESA staff (and others) to feel confident about raising concerns of wrongdoing by offering a reporting and investigation process that is objective, confidential and provides protection from reprisal or disadvantage.

Behaviour or action by one staff member (or more) against another where the individual(s) perceive/s they are harshly, unfairly or unjustly affected is generally not a wrongdoing but rather should be dealt with in accordance with CESA's [Complaint Response and Resolution Procedure](#) or Clause 10 (Dispute Resolution) of the [South Australian Catholic Schools Enterprise Agreement](#) (EA).

Malicious, vexatious or purely fabricated reports will not be tolerated and will be dealt with in accordance with CESA's [Managing Allegations of Misconduct Guidelines](#).

## 2 Scope

This policy applies to all CESA staff and is in accordance with the Whistleblower Protection Laws, *Corporation Act 2001* and whistleblower protective legislation.

It is recognised that some separately governed schools may have their own Whistleblower Policy.

## 3 Definitions

**Staff** means staff employed by any Catholic School or Catholic Education Office.

**Others** includes students, contractors, volunteers, members of the school community or people outside of the school community.

**Protection Officer** means a Director to support and provide protection to the Whistleblower.

**Reasonable Suspicion** means having a genuine reason to believe wrongdoing is occurring. It does not require evidence that proves the suspicions, but you must be acting in good faith and have reasonable grounds for believing a wrongdoing has or is occurring.

**Whistleblower** means a person who reports a wrongdoing in accordance with this policy.

**Wrongdoing** includes any conduct that:

- is unethical, dishonest, fraudulent, or corrupt
- is illegal or a breach of any Commonwealth or State legislation
- involves a continuing or regular breach of CESA's policies
- is a breach of CESA's [Code of Conduct](#) or other policies that is not appropriate to discuss with your line manager/Principal
- is potentially damaging to CESA, a CESA staff member/s (or others), or pertains to unsafe work practices, environmental damage or poses a health risk

- involves a substantial misuse of CESA resources
- may cause financial loss to CESA or damage its reputation
- involves a conflict of interest
- amounts to abuse of authority, or
- contravenes canon law.

## 4 Reporting Actual or Suspected Wrongdoing

If you have a reasonable suspicion of a wrongdoing you may report the wrongdoing to your line manager/Principal who in turn will raise the matter with a Protection Officer.

If you do not feel comfortable reporting the matter to your line manager/Principal or if you are not satisfied with the response you received, you can report the matter directly to a Catholic Education Office (CEO) Deputy Director or Assistant Director who in turn will raise the matter with a Protection Officer.

If you do not feel comfortable reporting the matter to a CEO Deputy Director or Assistant Director or if you are not satisfied with the response you received, you can report the matter directly to a Protection Officer.

If the wrongdoing relates to a Protection Officer (i.e. Director) a report may be made to the Archbishop of Adelaide or Bishop of Port Pirie.

You can report the matter to SAPOL if it involves criminal activity.

## 5 Investigation of Wrongdoing

CESA will investigate all reports of wrongdoing made under this policy as soon as possible after the matter has been reported.

Investigations into wrongdoing will be conducted:

- by an investigation officer appointed by a Protection Officer. The investigation officer will be a senior leader who is independent of the alleged wrongdoing, or it may be an external independent resource. The investigation officer may seek independent financial, legal, and operational advice to enable them to properly investigate the alleged wrongdoing, and
- in a timely, thorough, confidential, objective, and fair manner.

The investigation officer will carry out a preliminary review of the alleged wrongdoing and will decide whether the allegations raised should be investigated. Whilst not all whistleblower disclosures will necessarily lead to an investigation, they will be assessed, and a decision made as to whether they should be investigated. For example, the investigation officer may decide that the allegations were investigated previously and that a new investigation is not required,

Should further investigation be determined, the person who is alleged to have committed the wrongdoing (the alleged wrongdoer) will be informed of the allegation and given the opportunity to respond to it. The alleged wrongdoer's response will be included in any report arising from the investigation.

Subject to CESA's obligations under the Privacy Act and any other relevant legislation, CESA will:

- inform the Whistleblower on the progress of the investigation
- provide the Whistleblower with a summary of the outcome of the outcome (as appropriate). The summary will be provided on a confidential basis and the Whistleblower is not permitted to disclose any details of matter unless prior written consent is approved by the Protection Officer

When an investigation is completed the investigation officer will report the findings to the Protection Officer who in turn will determine an appropriate response.

If the investigation concludes that a wrongdoing has occurred this will be treated as a disciplinary matter in accordance with CESA's [Managing Allegations of Misconduct Guidelines](#). If the wrongdoing involves criminal activity, the matter will be referred to SAPOL.

If the investigation concludes that a wrongdoing has not occurred, the Whistleblower will be protected in accordance with this policy.

## 6 Whistleblower Protection

If a Whistleblower reports a wrongdoing under this policy, the Whistleblower's identity will only be disclosed to the Protection Officer, the investigation officer and any other persons required to be informed to enable a proper investigation to be conducted. No-one else will be informed of the Whistleblower's identity unless he or she consents to the disclosure, or his or her identity is required to be disclosed by law.

CESA will not disclose details of any reported matter which may reveal the identity of the Whistleblower, without the Whistleblower's consent.

All records created as part of the investigation process will be retained under strict security. The release of any such information in breach of this policy will be dealt with in accordance with CESA's [Managing Allegations of Misconduct Guidelines](#).

CESA is committed to protecting Whistleblowers who report a wrongdoing in good faith under this policy and to ensuring the Whistleblower is not subjected to detrimental treatment because of making a report.

Detrimental treatment of a Whistleblower includes dismissal, demotion, disciplinary action, threats, harassment and any unfavourable or biased treatment connected with reporting a wrongdoing. Detrimental treatment will be deemed to be serious misconduct and dealt with in accordance with CESA's [Managing Allegations of Misconduct Guidelines](#).

If a Whistleblower believes they have been subjected to detrimental treatment as a result of being a Whistleblower they should immediately report the matter to the Protection Officer.

If the Whistleblower has been involved in the wrongdoing CESA may provide the Whistleblower with immunity from CESA's disciplinary procedures. CESA however has no power to grant immunity from criminal prosecution.

## 7 Related Documents

This policy is to be read in conjunction with, and is additional to, any other relevant SACCS Policy, Procedure or Guideline. All Staff employed in CESA are required to comply with the provisions of any such document.

- [Complaint Response and Resolution Procedure](#)
- [South Australian Catholic Schools Enterprise Agreement](#)
- [Managing Allegations of Misconduct Guidelines](#)
- [SACCS Privacy Policy](#)
- [Code of Conduct](#)

## 8 Revision Record

<b>Document Title</b>	Whistleblower Policy
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<b>Contact</b>	Assistant Director – People, Leadership and Culture
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