



Whistleblower Policy

1. Purpose

The purpose of this policy is to establish a procedure to provide whistleblowers with protection, allowing past and present staff, students, parents, and others 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.

2. Scope

This policy applies to all College past and present staff, students, parents and other community members.

3. Key Responsibilities

Position/Roles	Responsibilities
College Board	<ul style="list-style-type: none">• Ensure a policy and procedure is in place to enable whistleblowers 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.• Understand the differences between a whistleblower and complaint and how both are to be handled.
Principal & Executive Leadership Team	<ul style="list-style-type: none">• Understand the legislation in place to protect whistleblowers• Understand the differences between a whistleblower and complaint and how both are to be handled.• Support and follow this policy and procedure.

4. Key Elements of the Policy

4.1 What is a whistleblower and how is it different to a complaint?

A whistleblower is someone with inside knowledge of an organisation who reports misconduct or dishonest or illegal activity that may have occurred within that organisation.

Concerns or complaints about the delivery of the College's services should be raised using the process contained in the College's *Concerns and Complaints Policy* (see our website).

Staff work-related complaints or grievances about employment conditions, unfair dismissal or industrial relations related concerns should be made using the process contained in the College *Enterprise Agreement*.

4.2 What type of misconduct is reportable?

A student, parent, staff member, Board member or any other person involved with the College should report the following misconduct when observed by the reporting individual acting in good faith:

- Dishonesty;
- Unethical conduct;
- Serious improper conduct;
- Unsafe work practices;
- Child abuse not acted on;
- Illegal acts including theft, drug sale or use, violence or threatened violence and criminal damage against property;
- Breaches of relevant laws, regulations, by-laws;
- Any other conduct which may cause loss to the College or be otherwise detrimental to the College.

4.3 Cornish College's Whistleblower Reporting Procedure

A student, parent, staff member or other person involved with the College who wishes to make a report in connection with illegal or serious misconduct should contact the College officer authorised to receive reports ("Whistleblower Protection Officer") being the Risk and Compliance Manager, Richard Sallows on 0409 794 019 or email richard.sallows@cornishcollege.vic.edu.au

All reports will be kept confidential and secure. All persons making a report are assured that in making a report they will not be personally disadvantaged by dismissal, demotion, any form of harassment, discrimination or current or future bias. The person making the report will be kept informed of the progress of the investigation.

Any person who, having made a report, believes that they have been personally disadvantaged has an automatic right of appeal to an independent appeal body such as ASIC or ACNC whose decision will be complied with.

4.4 Investigation procedures

All reports of misconduct will be subject to thorough investigation by a Whistleblower Investigations Officer, as appointed by the Principal or Chair of the Board, or an external independent whistleblowing investigation service.

Best practices will be followed by the Whistleblower Investigations Officer who will be fair and independent of the person who made the report and the person who is the subject of the reportable conduct.

The investigation will include the following steps:

1. Full details of the allegations obtained;
2. Person against whom allegations are made is informed;
3. Involvement of external parties such as the police considered by Principal or Chair of the Board as appropriate;

4. Allegations fully investigated;
5. Principal or Chair of the Board decide on action to be taken; and
6. The person making the report will be kept informed of the progress of the investigation.

Where the Principal or the Chair of the Board decides that the allegations are of a very serious nature, external investigators will be engaged.

The identity or any information that could lead to the identity of a person who has made a report will not be released to any person who is not involved in the investigation/resolution of the matter.

4.5 Abuse of reporting process

All reports made under the confidential reporting process must be made in good faith. Abuse of the confidential reporting process will not be tolerated and will be treated as a serious breach of the College's *Privacy Policy* and under Confidentiality requirements as detailed in the Staff Handbook.

4.6 What legislation provides whistleblower protections?

The *Corporations Act 2001* (Cth.) (Corporations Act) and the *Taxation Administration Act 1953*(Cth.) both contain protections for whistleblowers.

To encourage whistleblowers to come forward with their concerns and protect them when they do, the *Corporations Act 2001* (Corporations Act) gives certain people legal rights and protections as whistleblowers. Cornish College is a company incorporated under the Corporations Act therefore these rights and protections can apply.

For more information refer to or ASIC website [Guidance for Whistleblowers](#).

Who is an eligible whistleblower?

Under the Corporations Act, whistleblower protection legislation, an eligible whistleblower can be someone who is or was:

- An officer or employee of the company (either past or current)
- An individual or an employee of a person that supplies services or goods to the entity (including volunteers)
- An individual who is an associate of the entity
- A relative or dependant of any of the above, or a dependant of the spouse of any of the above
- An individual prescribed by the Regulations as being an eligible whistleblower.

An eligible whistleblower can remain anonymous and still qualify for protection.

How can I access the whistleblower protections under the Corporations Act?

The Corporations Act whistleblower rights and protections apply when you report or disclose your concerns either internally to a director, officer, senior manager or a person the company or organisation has authorised to receive whistleblower reports ("Whistleblower Protections Officer"). You can also report concerns externally to the company's auditor or a service



provider that the relevant company or organisation has authorised to provide a whistleblower complaints service or hotline.

You are also covered by the whistleblower protections if you report your concerns to a regulator, such as ASIC, even if you have not first raised your concerns internally. You can lodge a report through our [online misconduct reporting form](#) or by [writing to ASIC](#)

5. Monitoring and Training

The College will monitor and review this policy regularly to assess its effectiveness in encouraging the reporting of reportable conduct, protection of persons making reports, and investigation of reports.

Education and training about the procedures involved under this Whistleblower Policy will be provided to those involved in managing or investigating disclosures. The School's community will also be educated and kept informed in relation to the Policy and the protections and procedures contained therein.

6. Related College Policies

Concerns and Complaints Handling Policy
Community Code of Conduct
Privacy Policy
Staff Code of Conduct
Staff Handbook

7. References

[Whistleblowing ASIC](#) - ASIC website June 2019
[Whistleblowers](#) - ISV Governance Guidelines - ISV website June 2019
[Whistleblower-policy template](#) - ISV Governance Guidelines - ISV website June 2019