



KINGSWAY
CHRISTIAN COLLEGE

Cricos Provider #01855M

COLLEGE POLICY

WHISTLEBLOWER POLICY

VERSION
1.0

Document and Version Management

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Whistleblower Policy

Preamble

Kingsway Christian Education Association Inc (KCEA) is committed to providing and maintaining best practice in corporate governance, compliance and ethical behaviour. This policy addresses our commitment to provide an open environment and a defined framework in which an Informant can raise concerns regarding unethical, unlawful or undesirable conduct without fear of retaliation. The KCEA Board and leadership encourages Informants to report any genuinely suspect improper conduct, as it gives KCEA an opportunity to take corrective measures to remedy it.

Purpose

The purpose of this policy is to ensure that an Informant can raise concerns in good faith regarding actual or suspected improper conduct without fear of reprisal.

The policy aims to:

- Encourage Informants to report an issue in good faith if they genuinely suspected improper conduct,
- Outline how KCEA will deal with all reported suspected cases of misconduct, and
- Assist in ensuring that serious misconduct is identified and dealt with appropriately.

Definitions

Whistleblower or Informant

For this policy Whistleblower or Informant is defined as: a board member, association member, parent, employee (whether full-time, part-time or casual), contractor, or service provider, whether anonymously or not, makes or attempts to make a disclosure.

Whistleblowing

For this policy, whistleblowing is defined as: the deliberate, voluntary disclosure of individual or organisational malpractice by a Whistleblower or Informant who has or had privileged access to data, events or information about an actual, suspected or anticipated wrongdoing within or by an organisation that is within its ability to control”.

Wrongdoing

For this policy, examples of wrongdoing include, but are not limited to:

- Fraudulent activity (e.g. financial fraud and accounting fraud)
- Violation of laws and regulations (e.g. Corporations Act, Australian Securities and Investment Commission Act 2001.)
- Breach of KCEA policies or practices (e.g. bullying, harassment)
- Unethical or unlawful behaviours (e.g. illegal drug use, deceptive conduct)
- Endangerment to public health, safety and the environment
- Negligence of duty

These wrongdoings if proven constitute:

- A criminal offence

- Reasonable grounds for disciplinary action, dismissing or otherwise terminating the services of the person (or persons) who was, or is, engaged in that conduct; or reasonable grounds for disciplinary action.

Wrongdoings as defined above are different from grievances. Grievances should be dealt with in accordance with the College's Complaint Policy.

Good Faith

Good faith is evident when a report is made without malice or consideration of personal benefit and the person has a reasonable basis to believe that the incident is true. A report does not have to be proven to be made in good faith. However good faith is lacking when the disclosure is known to be malicious or false.

Adverse Action

For this policy, adverse employment action includes but is not limited to, demotion, suspension, termination, transfer to a lesser position, denial of promotions, denial of benefits, threats, harassment because of a person's report of wrongdoing. Adverse action includes any manner of discrimination against a person in the terms and conditions of employment as outlined in the Fair Work Act 2009.

Respondent

For this policy, a Respondent is defined as: a board member, association member, parent, employee (whether full-time, part-time or casual), contractor, or service provider, who is the subject of a Whistleblower or Informant's report.

Policy

Who can you make a report to?

If you become aware of any matter which you think contravenes the KCEA Code of Conduct, policies or the law then you have the option of reporting it internally as indicated below. If you would prefer to make an anonymous report you can contact Your Call which is an external, independent agency appointed to assist you in reporting your concerns.

WHAT TO DO

Internal Reporting Procedure

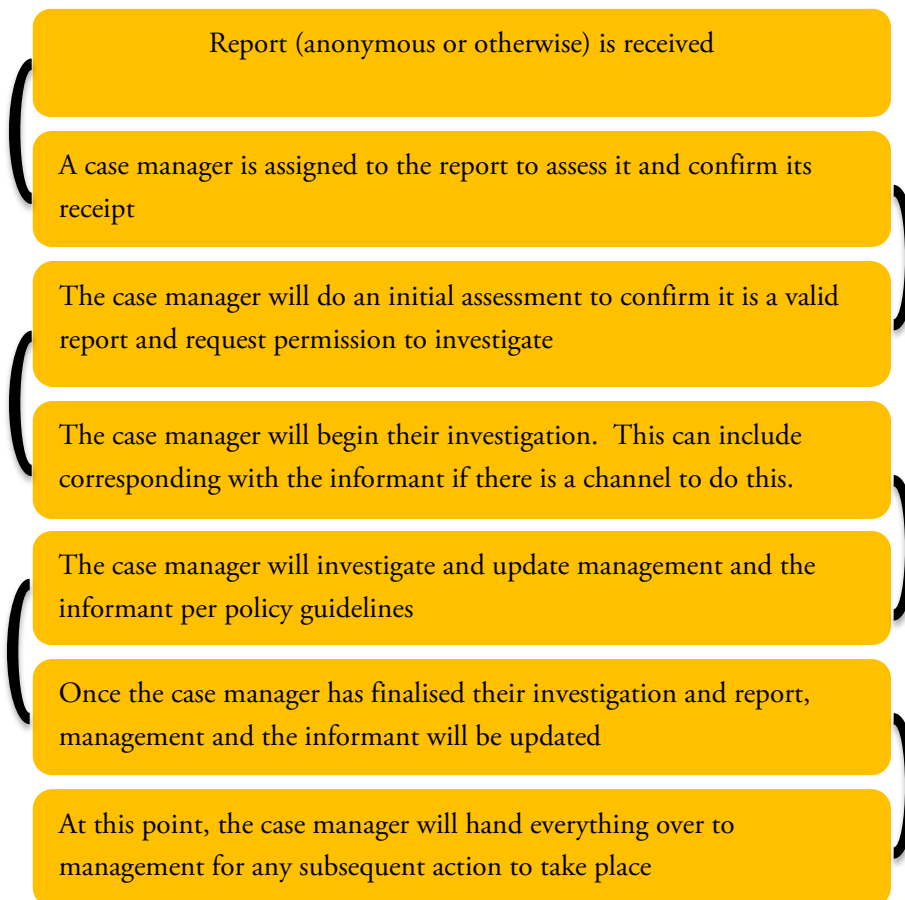
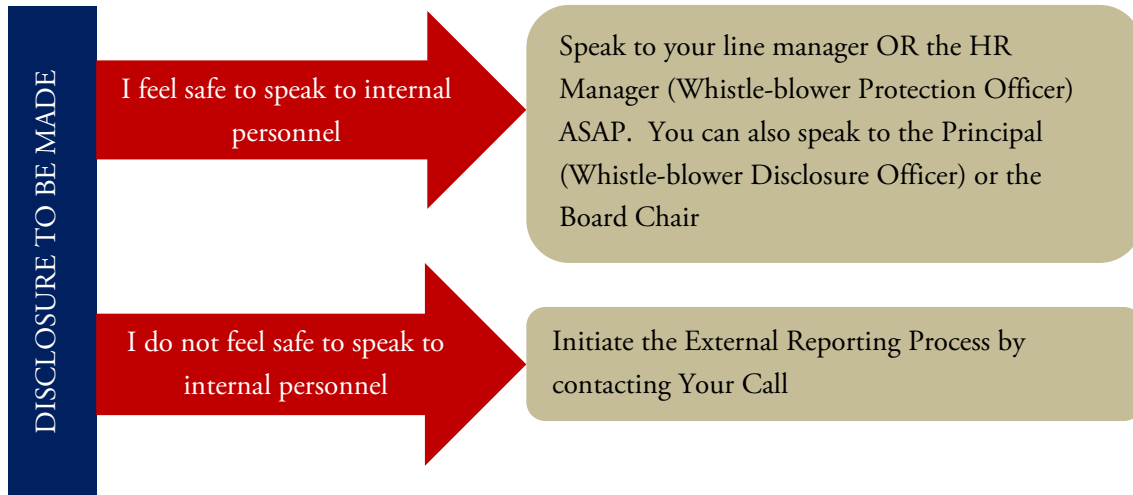
Internal reporting of a suspected wrongdoing should be kept at the lowest reasonable level in the following chain:

- your immediate line manager or,
- the Principal or the Human Resources Manager or,
- the KCEA Board Chair.

If the matter concerns or is about someone in this chain of command, then the report should be made to the next person in the chain.

The Human Resources Manager is appointed as the Whistleblower Protection Officer and the Principal as the Whistleblower Disclosure Officer.

- The Whistleblower Protection Officer is responsible for ensuring Whistleblowers feel supported.
- The Whistleblower Disclosure Officer is responsible for ensuring an appropriate investigation is undertaken and no adverse action occurs.



Making a disclosure to independent service provider - Your Call

If for any reason you do not feel safe or able to make a disclosure internally you may do so to independent whistleblower service provider, Your Call.

Your Call operates under a Service Agreement with our organisation and acts as the intermediary, providing the means for a Whistleblower to retain anonymity. Disclosures received by Your Call are reported to us in accordance with this policy. Your Call also enables us to obtain further information if required and enables the Whistleblower to receive updates from us.

This is done via the use of an online anonymous Message Board which the Whistleblower will have access to after making a disclosure.

The Message Board allows you to:

- communicate with Your Call and/or Kingsway Christian College without revealing your identity
- securely upload any relevant documentation and/or material that you wish to provide
- receive updates
- request support or report victimisation

This option allows you to:

- remain completely anonymous if you wish
- identify yourself to Your Call only
- identify yourself to both Your Call and Kingsway Christian College

Your Call enables disclosures to be made anonymously and confidentially. Whilst we prefer Whistleblowers to disclose their identity in order to facilitate an investigation Whistleblowers are not required to identify themselves and will not be named in any report to our organisation unless they have consented to their identity being disclosed.

Your Call reporting options include:

- Website: <https://www.yourcall.com.au/report>

Available 24/7

- Telephone: 1300 790 228

Available 9am and 12am on recognised Australian national business days (AEST)

Online reports can be made via the website address listed above. Our organisation's unique identifier code is: KCC1312.

In the event a disclosure received by Your Call relates to a Disclosure Officer, Your Call will exclude that Disclosure Officer from all communications when providing the disclosure to our organisation. The Disclosure Officers who are not named in the disclosure will then receive and determine how the matter will be addressed or investigated as required.

Your Call remains an independent intermediary at all times and will only communicate with those authorised within our organisation.

National Relay Service

If you are deaf, or have a hearing or speech impairment, you can contact Your Call online or through the National Relay Service. Simply choose your contact method at www.relayservice.gov.au and request Your Call's hotline 1300 790 228

Supporting evidence of misconduct

We do not expect a disclosure to include absolute proof of misconduct. Where possible it should include:

- the name, job title and workplace address of the person the subject of the disclosure
- details of the misconduct including dates and places
- names of anyone who may substantiate the disclosure
- any other evidence that supports the disclosure such as email, documents, CCTV

These details will assist us in deciding how best to deal with and resolve the disclosure.

Confidentiality and Privacy

Kingsway Christian College and Your Call will treat disclosures in the strictest confidence. All paper and electronic documents and other material relating to disclosures will be stored securely and able to be accessed only by authorised staff.

Every person who is involved in handling and investigating a disclosure will be reminded of their obligation to keep the identity of the Whistleblower and the disclosure confidential and that an unauthorised disclosure of a Whistleblower's identity is illegal and may be a criminal offence.

The confidentiality provisions do not preclude anyone involved in the disclosure from sharing the information with their representative or support person.

Do I have to disclose my identity?

There is no requirement for a Whistleblower to identify themselves in order for a disclosure to qualify for protection under this policy or the Act.

Will my identity be treated confidentially?

Your identity will not be disclosed by Your Call or Kingsway Christian College unless:

- you consent to disclosing your identity
- the disclosure is required by law
- it is necessary to prevent a serious threat to a person's health or safety
- it is reasonably necessary for investigating the issues raised in the disclosure.

An unauthorised disclosure of:

- the identity of a Whistleblower
- information that is likely to lead to the identification of the Whistleblower where the information was obtained because of the disclosure

will be regarded as a disciplinary matter and will be dealt with in accordance with the College's disciplinary procedures.

You may also be eligible to claim compensation and remedies under the Act.

Note: It is also an offence/contravention under the Act which carries serious penalties for individuals and companies.

Protection against detrimental action and victimisation

We will do everything reasonably possible to support and protect anyone who:

- intends to or actually makes a disclosure
- is mentioned in the disclosure
- acts as a witness
- otherwise assists with the investigation and resolution of the disclosure

from detrimental action and victimisation

The Kingsway Christian College Protection Officer will coordinate support and protection for anyone who has or is in the process of making a disclosure. The support may include support services as may be appropriate based on the circumstances.

The specific actions the College will take to protect a discloser from risk of detriment will be based on the circumstances as required. For example:

- the discloser may be allowed to perform their duties from another location
- reassigning the discloser to another role at the same level
- making other modifications to the discloser's workplace or the way they perform their work duties
- reassign or relocate other staff involved in the disclosable matter

Assistance is also available pursuant to the Employee Assistance Program to employees and persons mentioned or involved in a disclosure.

If you believe that are being harassed, discriminated against or victimised from making or making a disclosure you should contact a Protection Officer immediately.

We will thoroughly investigate reports of detrimental action. If proven, those who have caused detriment to another will be subject to management action including disciplinary action up to dismissal.

Disclosers may be entitled to legal remedies (including financial compensation, apologies, reinstatement and orders to prevent, stop and/or remedy the effects of the detrimental conduct) under applicable legislation if they are subjected to detrimental action because they made a disclosure. In that event Whistleblowers should seek independent legal advice.

Nothing in this policy is intended to change or take away any other protections which may be available at law.

Note: Detrimental action is also an offence under the Act which carries serious penalties for individuals and companies.

Disclosures that qualify for protections under the Act

To qualify for protection under the Act you must meet all three of the following requirements:

- you must be an eligible discloser (as defined above)
- disclose reportable conduct subject to the work grievance exemptions (as defined above)
- make the disclosure through an appropriate reporting channel and recipient (as defined above)

What immunities are available to a Whistleblower?

If you make a disclosure that qualifies for protection under the Act:

- you are not subject to any civil, criminal or administrative liability (including disciplinary action) for making the disclosure; and
- no contractual or other remedy may be enforced, and no contractual or other right may be exercised, against you on the basis of the disclosure; and
- the information is not admissible in evidence against the Whistleblower in criminal proceedings or in proceedings for the imposition of a penalty, other than proceedings in respect of the falsity of the information.

Note: Except as provided for by the Act the protections do not grant immunity for any misconduct a discloser has engaged in that is revealed in their disclosure.

What happens after I make a disclosure to Your Call?

Your Call is the external go-between you and Kingsway Christian College.

Your Call will:

- receive the disclosure you make to Your Call
- make a record of the information you provide
- ensure your identity is kept confidential from the College if you wish
- allow you to access the Your Call Message Board to enable you to communicate with Kingsway Christian College. You may post questions and information on line for the attention of the College. If you wish you can remain anonymous throughout the communications
- Your Call will refer the disclosure, including the information and documents provided by you, to the Principal (Whistleblower Disclosure Officer) within one business day

Please Note: Your Call is not the decision maker. All decisions relating to dealing with the disclosure including the investigation and resolution of the disclosure are entirely the responsibility of Kingsway Christian College.

What will Kingsway Christian College do with the disclosure?

The Disclosure Officer has been appointed by Kingsway Christian College to receive the disclosure directly from you (if you make an internal disclosure to our organisation) or from Your Call (if you make an external disclosure to Your Call).

The Disclosure Officer will:

- assess the disclosure to determine whether it falls within this policy including whether the disclosure qualifies for protection
- carefully assess the information provided to decide the best action to take, including whether an investigation is required, to determine whether the misconduct is proven or not proven
- keep the information provided in a confidential and secure system
- coordinate and oversee the investigation where an investigator has been appointed
- assess the risk of detriment to the discloser or another person as soon as it receives a disclosure
- appoint a Protection Officer to support and protect the Whistleblower, if necessary, from detrimental action
- advise the Whistleblower (through Your Call where anonymity is requested) of the progress of the matter to the extent it is legally permissible and appropriate to do so
- take all reasonable steps to ensure the identity of the Whistleblower and the person/s who is the subject of the disclosure are kept confidential

Role of Protection Officer (Human Resources Manager)

The Protection Officer is appointed by Kingsway Christian College to:

- explain to the Whistleblower how they will protect their welfare
- assess the risk of detriment against a discloser
- assess the immediate welfare and protection needs of a Whistleblower.
- The Protection Officer may do this by gathering information from a discloser about:
 - the risk of their identity becoming known
 - who they fear might cause detriment to them
 - whether there are any existing conflicts or problems in the work place
 - whether there have already been threats to cause detriment.
- safeguard the interests of a Whistleblower in accordance with this policy and the law
- explain the support services (including counselling or other professional or legal services) that are available to Whistleblowers
- address any issues or concerns of detrimental action
- monitoring and reassessing the risk of detriment as the disclosure progresses and even after it is finalised

What happens if the misconduct is proven?

If the misconduct is proven the College will decide what action to take including disciplinary action up to dismissal.

The disciplinary action will depend on the severity, nature and circumstance of the misconduct.

Every person's responsibility

Every person to whom this policy applies has a responsibility to:

- remain alert to misconduct
- report known or suspected misconduct in accordance with this policy

- act in a way that reduces, prevents or stops misconduct
- support (and not victimise) those who have made or intend to make a disclosure
- ensure the identity of the Whistleblower and the person/s who is the subject of the disclosure are kept confidential

Will the Whistleblower be kept informed?

Subject to privacy and confidentiality requirements the Whistleblower will be kept informed of:

- relevant progress of the disclosure
- the outcome of the disclosure

to the extent that it is legally permissible and appropriate to do so.

Fair treatment of individuals mentioned in a disclosure

Kingsway Christian College will ensure individuals who are involved in or directly affected by a disclosure are:

- Informed of the substance of the disclosure
- Given a fair and reasonable opportunity to answer the allegation(s)
- Informed as to the substance of any adverse comment that may be included in a report arising from the investigation
- Able to include their response in the investigator's report
- If the matter has been publicly disclosed, the College may also consider a request by any affected individual that to issue a statement regarding the outcome of the investigation
- Where adverse conclusions are made in an investigator's report about an individual, that individual has a right
- Given an opportunity respond to the conclusions of an investigation prior to any action being taken against them
- Given appropriate support if the disclosure is found to be false

Investigation of the disclosure

The Disclosure Officer will carefully assess and use the information provided in the disclosure to decide the best action to take, including whether an investigation is required and, if so, determine the appropriate investigation process, including:

- the nature and scope of the investigation
- who will conduct the investigation and whether that person should be external to our organisation
- the nature of any technical, financial or legal advice that may be required
- a timeframe for the investigation (having regard to the level of risk)

How will the investigation be conducted?

The investigation must be conducted in a constructive, impartial and lawful way according to the principles of natural justice and procedural fairness.

The Investigator will:

- gather information, material and documentation concerning the disclosure as quickly as possible. (This may involve taking steps to protect or preserve documents, materials and equipment.)

- take a statement or record of interview and or tape formal interviews with witnesses as required (Where the Whistleblower wishes to remain anonymous and does not wish to make a statement they will not be asked to do so.)
- ensure the fair treatment of those who are the subject of a disclosure by advising them about the particulars of the disclosure and providing them with sufficient time to prepare their response
- keep information gathered in the investigation securely
- take all reasonable steps to protect the identity of the Whistleblower. (Where disclosure of the identity of the Whistleblower cannot be avoided due to the nature of the allegations, the investigator will warn the Whistleblower of this probability)
- complete the investigation and provide a report of their findings as soon as is reasonably practical

Investigator's Report

At the conclusion of the investigation, the investigator will provide a written report to the Principal including:

- a finding of all relevant facts
- whether the disclosure is proven, not proven or otherwise
- recommendation/s, when requested to do so, as to any action that may be taken in respect of the findings

Kingsway Christian College will use the report to determine the action (if any) to be taken including disciplinary action.

The findings will be communicated to the relevant parties involved to the extent that it is legally permissible and appropriate to do so.

If the discloser is not satisfied with the outcome of the investigation Kingsway Christian College will provide a review of the outcome by an officer who was not involved in handling and investigating the disclosure.

The review findings will be provided to the (Board/audit committee/risk committee/other)

Kingsway Christian College is:

- not obliged to reopen an investigation
- can conclude a review if it finds that the investigation was conducted properly, or, new information is either not available or would not change the findings of the investigation

A discloser may lodge a complaint with a regulator, such as ASIC, if they are not satisfied with the outcome of the investigation.

Reporting the matter to external authorities

Kingsway Christian College will refer:

- the information in the disclosure
- the findings of an investigation

which revealed conduct that may constitute a legal or criminal offence or when required to so by law to the relevant external agency, such as the police, ASIC or APRA.

Immunity from disciplinary action

We want you to speak up against misconduct.

Anyone who makes a disclosure:

- with reasonable grounds for suspecting misconduct has or may occur, and
- has not engaged in serious misconduct or illegal conduct relating to the disclosure will be provided with immunity from disciplinary action.

Note: Kingsway Christian College has no power to offer any person immunity against prosecution in the criminal jurisdiction. Immunity against prosecution can only be granted, in most jurisdictions, by the Director of Public Prosecutions.

What are the consequences of making a false disclosure?

Anyone who makes a disclosure knowing it to be false or misleading may be subject to disciplinary action, including dismissal. The disciplinary action will depend on the severity, nature and circumstance of the false disclosure.

Training & Education

The Principal will be responsible for conducting upfront and ongoing education and training on the Whistleblower policy, processes and procedures in accordance with the ASIC Guides as are appropriate or necessary for the College

Report to the Board

The Principal will arrange for the compilation of a report to the Board at least once a year on the effectiveness of this policy.

Subject to privacy and confidentiality the report will include:

- a brief description of the disclosure
- the action taken in response to the disclosure
- the outcome
- the timeframe in resolving/finalising the disclosure

Review of this Policy

The Principal will monitor and review and update this policy and associated processes and procedures as need be to ensure it meets its objectives.

Any amendments to this policy shall be made known to employees and officers of our organisation by posting an updated version of the policy on the College intranet and website/other.

Further Information

For more detailed information on your and KCEA's obligations, refer to the following policies and documents:

- Corporations Act 2001
- Australian Securities and Investment Commission Act 2001
- ASX Corporate Governance Principals (Principal 7 Recognise and Manage Risk)
- Fair Work Act 2009
- Kingsway Christian College Code of Conduct

Implementation

Aspects of this Policy will be discussed at Staff induction training.