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Policy no:	
Approval date:	03/2018
Previous review dates:	2024
Next review date:	2029
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# Whistleblower protection

## Reflection

"But in your hearts honour Christ the Lord as holy, always being prepared to make a defense to anyone who asks you for a reason for the hope that is in you; yet do it with gentleness and respect." Peter 3:15

## Purpose

This Whistleblower Protection policy is underpinned by a strong commitment to building a culture in Catholic Education workplaces in the Diocese of Cairns that reflects sound governance and promotes ethical behaviour in the detection and management of Reportable Conduct

This policy provides protection to whistleblowers by establishing a mechanism for concerns to be raised on a confidential basis without fear of reprisal.

## Policy

Catholic Education Diocese of Cairns (CEDC) encourages all persons covered by this policy to report Reportable Conduct (defined below) and is committed to protecting and supporting those persons who do so.

Any person who reports Reportable 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.

This protection does not extend to those whose engagement with the whistleblowing process is motivated by vexatious, malicious or dishonest behaviour. Such behaviour may be subject to misconduct processes consistent with breaches of the Code of Conduct.

Where a person who is a whistleblower is implicated in the wrongdoing, they will not be protected from the consequences flowing from their involvement in the wrongdoing itself. A person's liability for their own conduct is not affected by their reporting of that conduct under this policy.

The policy applies to all members of CEDC and to members of the general public who have access to, or information about CEDC, and might not be comfortable reporting relevant reportable conduct directly with their school or CES.

This policy does not relate to other forms of conduct such as misconduct of a sexual, physical or emotional nature. The appropriate management of these forms of conduct is dealt with separately under student protection reporting processes and Catholic Education grievance, misconduct and investigation processes. However, the whistleblower process is available where reportable conduct might apply to the failure of these processes.

The availability of the whistleblower process will be widely communicated through the CEDC community.

## Rationale

A whistleblower is a person to whom this policy applies who reports Reportable Conduct in good faith in accordance with this policy.

**Reportable Conduct** is conduct by a person or persons connected with CEDC or a school, which, in the view of a Whistleblower 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 CEDC's code of conduct or generally);
- 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 CEDC or its schools or be otherwise detrimental to their interests.

The action of whistleblowers acting in good faith is consistent with the provisions of the document: *Integrity in the Service of the Church*, through:

- being aware of workplace inadequacies/injustices and responding appropriately;
- acting responsibly and being accountable in the use of resources and exercising responsible stewardship;
- knowing, understanding and respecting the physical and emotional boundaries of adults, children and young people;
- promoting proper working conditions characterised by justice and fairness.

For the purpose of this policy the Whistleblower Disclosure Coordinator shall be the Diocesan Executive Manager, Professional Standards and Safeguarding Office (PSSO). This office may delegate the investigation of Reportable Conduct to a Whistleblower Investigation Officer – this person is bound by the same commitment to confidentiality and protection for the whistleblower.

The policy is guided by two principles:

**Ethical culture.** This policy supports the commitment by schools and Catholic Education Services to sound governance and ethical behaviour.

**Confidentiality and protection.** CEDC will take all reasonable steps to protect the confidentiality of a Whistleblower except where the law requires their identification in legal proceedings. Workers who make a

report in good faith and in accordance with this Policy shall be protected as far as reasonably practicable against reprisal, dismissal, discrimination or other unfavourable treatment as a result of making the report.

This policy's context in Catholic values may be expressed through:

*For we are taking pains to do what is right, not only in the eyes of the Lord but also in the eyes of man. (2 Corinthians 8:21)*

*Pray for us. We are sure that we have a clear conscience and desire to live honourably in every way. (Hebrews 13:18)*

*The integrity of the upright guides them, but the unfaithful are destroyed by their duplicity. (Proverbs 11:3)*

## Outcomes

### 1. **Complaints Procedure**

Persons to whom this policy applies are encouraged to refer suspected instances of Reportable Conduct directly to the relevant Principal or line manager. However, in instances where a person is not comfortable reporting directly to such persons, they should use the confidential STOPline 'hotline' facility. This service is operated externally, securely and confidentially by an independent service provider in Melbourne.

STOPline can be accessed by any of the following:

**Telephone (toll free):** 1300 30 45 50

**Fax:** 03 9882 4480

**Email:** doc@stopline.com.au

**Mail:** c/o The Stopline, Locked Bag 8, Hawthorn Vic 3122

**App:** Search for Stopline in the iTunes App Store or Google Play to download the free app and submit a disclosure.

### 2. **Investigation Procedures**

STOPline will transmit reports it receives to the Whistleblower Disclosure Coordinator. When a report might implicate the PSSO, the report will be submitted to that team's line manager, the Executive Director of Catholic Education, and if that role is also implicated the report will be directed to the Bishop of Cairns or his delegate. Callers who advise of concerns that do not amount to reportable conduct will be redirected to other processes available to them for resolution.

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

The Whistleblower Disclosure Coordinator will investigate the report or may elect to appoint a Whistleblower Investigations Officer to investigate the matter. This will depend on the nature and extent of the allegation(s). The investigative process will be guided by the CEDC procedure on Employee Misconduct and Investigations and the Guiding Principles for Managing Unacceptable Workplace Behaviour, and other CEDC policies and procedures as might apply.

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 Whistleblower Investigations Officer will submit a preliminary report to the Whistleblower Disclosure Coordinator on the outcome of any investigation. The report will provide a summary of the facts of the suspected Reportable 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 Whistleblower Disclosure Coordinator to the CEDC Executive Director. If the report implicates the Executive Director, the Whistleblower Disclosure Coordinator may elect to report to the Bishop of Cairns or his delegate the Episcopal Vicar for Education. All recipients will be required to respond promptly.

#### **4. Monitoring and Follow-up**

The Whistleblower will have access to information on the conduct and outcome of the investigation process through the STOPline facility.

The Whistleblower Disclosure Coordinator shall retain a coordinating role in monitoring the implementation of the recommendations of the final report.

#### **5. Safeguards**

Whistleblowers can rely on the protection afforded by this Policy. If a Whistleblower 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 Whistleblower Disclosure Coordinator, either directly or through STOPline.

#### **6. Governance**

The Whistleblower Disclosure Coordinator will provide quarterly and adhoc reports (when required) to the CEDC Executive, Board of Governance, and the diocesan Audit Risk and Compliance Committee. The report will include the quantity and nature of reportable conduct, the outcome of investigations, and areas of concern. The timing and nature of the reporting will not compromise the integrity of investigations. Routinely, the Whistleblower Disclosure Coordinator will also report on the effectiveness of the implementation of this policy and suggest improvements.

## **Enquiries**

Assistant Executive Director – Strategic Governance and Engagement  
Executive Manager, Professional Standards and Safeguarding Office

## **Related Directives, Policies and Procedures**

Corporations Act 2001

Cairns Catholic Education Services: Student Protection Reporting Processes and Guidelines

Code of Conduct: Employees

Policy: Discrimination and Sexual Harassment

Policy: Workplace Bullying

Policy: Grievance Policy (Maintaining Right Relations)

Policy: Conflict of Interest

Procedure: Grievance Procedure (Maintaining Right Relations)

Procedure: Employee Misconduct and Investigations

Procedure: Employee Unsatisfactory Performance Process

Guiding Principles – Managing Unacceptable Workplace Behaviour