

# FSAC Ltd

## Compliance Procedure No. 6.3

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# Whistle Blower Procedure

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2017

| <b>Document Approval and Version Control</b>                                    |  |
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| Version # 3.1<br>Last amended: 16.12.2016                                       | Approved by: FSAC Ltd Board<br>Name:<br>Signed:<br>Date: |
| Contact Officers:<br>Position: Manager Human Resources<br>Name: Craig Middleton | Next Review: 30.06.2017                                  |

## 1. POLICY STATEMENT

### Board Policy No. 6– Compliance Management

## 2. PROCEDURE STATEMENT

*The Board is committed to ensuring all its business activities are carried out in a way that is both ethical and compliant. It recognises that any genuine commitment to detecting and preventing illegal and improper conduct must include a mechanism whereby employees and others can report their concerns freely and without fear of reprisal or intimidation. The Whistleblower Procedure provides such a mechanism.*

**SPECIAL NOTE:** This Policy should be read in concert with Policy No. 2 Student Protection in Anglican Schools Policy and Procedures which deals with matters of harm, sexual abuse or inappropriate behaviour. The Student Protection policy and procedures must be kept at the forefront when considering and implementing the contents of this policy and associated procedures. In the event that reasonable suspicions that harm exists, and/or sexual abuse has occurred or is likely to occur, the Student Protection Policy and Procedures must be followed.

### 2.1. Scope

This procedure applies to all staff, volunteers, contractors and persons associated with the operation of the organisation.

### 2.2. Principles

This procedure is based on the following principles:

- a safe means to report wrongdoing
- appropriate protection for those who make such reports
- a framework to properly deal with and fix reported matters
- The protection offered to whistleblowers includes protection against victimisation and suffering any detriment.

### 2.3. Legal Authorities

- *Whistleblowers Protection Act 1994*
- *Crime and Misconduct Act 2001*

### 2.4. Affiliated Authorities

- Corporate Governance Manual 2017
- Compliance Policy No. 6
- Delegation of Authority Procedure No. 6.1

## 3. DEFINITIONS

### **Whistleblower**

Makes certain wrongdoings known for the benefit of the public. In Queensland, Whistleblowers are protected by law from criminal prosecution or legal action against them.

### **Corruption**

Corruption is defined by the CMC as behaviour that may involve fraud, theft, misuse of position or authority or other acts that are unacceptable to an organisation and which may cause loss to the organisation, its clients or the general community. It may also include such elements as breaches of trust and confidentiality. The behaviour need not necessarily be criminal.

### **Fraud**

A major subset of corruption and is a deliberate, intentional and premeditated dishonest act or omission acted out for the purpose of deceiving to gain advantage from a position of trust or authority. It includes acts such as theft, making false statements or representations, evasion, manipulation of information, criminal deception and abuse of property or time.

### **Maladministration**

The Whistleblower's Protection Act 1994 as an administrative action that is unlawful, arbitrary, unjust, oppressive, improperly discriminatory or taken for an improper purpose and which substantially and adversely affects someone's interests.

#### **Official Misconduct**

Defined in the Crime and Misconduct Act 2001 and includes the performance of a dishonest (not impartial) act, breach of trust or misuse of information or material acquired. Further, where proved, it can be a criminal offence or treated as a disciplinary breach providing reasonable grounds for termination of services.

#### **Public Interest Disclosures**

Conduct which, in the view of a Whistleblower acting in good faith, incorporates activity that is:

- dishonest;
- corrupt;
- fraudulent;
- illegal
- in breach of Commonwealth or state legislation, or local by-laws;
- unethical, either representing a breach of the FSAC Colleges' Code of Conduct;
- unsafe work practices;
- conduct which may cause financial or other loss to the FSAC Colleges;
- official misconduct, as defined in the Crime and Misconduct Act 2001;
- maladministration, as defined in the Whistle blowers Protection Act 1994;
- negligent or improper management of resources resulting in a substantial waste of funds;
- substantial and specific dangers to public health or safety, or to the environment.

## **4. ACCOUNTABILITIES**

General Accountabilities:

**The Board** is the governing body of FSAC Ltd, and is therefore ultimately responsible for ensuring the proper and effective management and operation of the FSAC organisation. The Board is responsible for the overall governance of FSAC Ltd. This includes defining and monitoring the strategic direction, developing and monitoring policies, monitoring the effectiveness of the Board's and the Company's performance, and establishing control and accountability systems.

**The College Councils** are responsible for the administration and implementation of the Strategic Direction, Policies and Procedures and Control and Accountability systems developed by the Board. The College Councils act within the scope of powers delegated to them by the Board and remain accountable to and report regularly to the Board.

#### **The Principals**

The Principal of St John's Anglican College and the Principal of The Springfield Anglican College are held accountable for the effective management of their College including the maintenance of all accreditation compliance requirements. The Principals are responsible to the Board for leading the Colleges to deliver high quality curriculum and educational outcomes, excellence in teaching and learning, strong College communities and driving the agenda for building the Colleges' market growth. The Principals work

## **5. APPLICATION**

### **5.1. Improper Conduct**

closely with the College Councils in the management of the College. The Principals report to the Board through the College Council.

For the purposes of this Policy, improper conduct can be defined as the improper conduct of someone connected with FSAC, which, in the view of the person reporting the conduct in good faith, is:

- fraud or fraudulent activity, dishonest, corrupt or unlawful;
- misleading or deceptive, including conduct or representations which amount to improper or misleading accounting or financial reporting practices;
- endangering the physical or emotional health and safety of any person, which has been reported to management but not acted upon;
- harassment, bullying or unlawful discrimination, of any kind;
- creating a significant danger to the environment; and/or
- any other activity which may cause loss to FSAC or which may otherwise be detrimental to FSAC interests.

### **5.2. Reporting improper Conduct**

Employees should report, in writing, alleged improper conduct to their Supervisor. If the concern relates to their Supervisor, they should report the matter to the Principal of Department.

If improper conduct is still suspected, the Principal must be advised of the details of the allegation. At all times, discussions will remain confidential.

If an Employee:

- is not comfortable reporting alleged improper conduct to their supervisor (including where the complaint is about their Supervisor);
- or has reported alleged improper conduct to their Supervisor but it has not been satisfactorily resolved or investigated,

Then the Employee may contact:

- the Principal; or
- a member of the College Leadership Team;
- the Chair of College Council; or
- the Chairman of the Board.

### **5.3. Investigations**

#### **Procedures**

All reports of improper conduct will be treated seriously and be the subject of a thorough investigation with the objective of locating evidence that either substantiates or refutes the allegations made by the Whistleblower.

Investigations will be undertaken by appropriately qualified, third party investigators depending on the matter or content of the individual complaint received.

The investigations will be coordinated by the Principal in conjunction with the Manager HR and Compliance.

#### **Reporting of Investigation Findings**

At the end of the investigation, the Principal will report findings to the Board. A response will be required where unacceptable conduct is substantiated and/or action is required to address control weaknesses so as to prevent future occurrences of the same improper conduct.

### **Communication with the Whistleblowers**

Where possible, and where the Whistleblower is known, the Whistleblower will be informed of the outcome of the investigation of their allegation, by the Principal, subject to privacy and confidentiality considerations.

All Whistleblowers must maintain confidentiality of such information and not disclose that information to any person.

#### **5.4. Confidentiality**

The organisation shall not reveal the identity of any Whistleblower who makes an improper conduct allegation unless:

- the person making the allegation consents to the disclosure;
- the disclosure is required by law;
- the disclosure is necessary to prevent or lessen a serious threat to a person's health or safety;
- it is necessary to protect FSAC legal rights or interests; or
- it is necessary to defend claims.

#### **5.5. Protection of Whistleblowers**

The organisation will not tolerate any retaliation by management or any other person or group, directly or indirectly, against anyone who makes a Whistleblower allegation, provided the allegation is made in good faith and the employee has not engaged in improper conduct themselves.

An organisational employee, who reports improper conduct in good faith and without having been involved in the improper conduct, will not be personally disadvantaged as a result of having made the allegation.

Where an employee, who has made an allegation of improper conduct, considers that action has been taken against them, their colleagues or relatives, which results in them being personally disadvantaged, they should immediately contact Manager HR & Compliance, who will review the claim and report to the Principal.

#### **5.6. False Disclosure of Improper Conduct**

The organisation takes deliberate or malicious false allegations of improper conduct seriously and if it is established to be so, disciplinary action may be initiated.

Whilst not intending to discourage Whistleblowers from reporting matters of genuine concern, Whistleblowers must ensure as far as possible, that allegations are factually accurate, complete, presented in an unbiased fashion (and any possible perception of bias of the Whistleblower is disclosed) and without material omission.

Any employee found to have made a false allegation of improper conduct without acting in good faith (including, malicious, vexatious or without basis), will be subject to disciplinary action.

### **6. PROCEDURE ADMINISTRATION**

In accordance with procedure development and review protocol this procedure will be recorded as an authorised procedure approved by the Principals, at its meeting of the date shown on the front of this procedure document.

The procedure will be reviewed twelve (12) months from the date of the approval shown herein.

Notwithstanding the schedule review, should any circumstance change materially before the twelve (12) month review period, the policy will be

immediately reviewed in order to maintain appropriate accuracy, relevance and authority.