

# LIVING WATERS LUTHERAN COLLEGE



## Whistleblower Policy

### 1. Overview

The purpose of the Whistleblower Policy is to allow Living Waters Lutheran College staff, parents, students, and volunteers to report serious concerns about College operations through appropriate and confidential channels without risk of retaliation, victimisation or harassment in any form. The policy is to ensure that all College operations are conducted ethically and with integrity.

### 2. Scope

This policy applies to and is binding upon the College Board, all employees, parents, students and volunteers of Living Waters Lutheran College. This document establishes College policy relating to:

- Investigation of disclosed matters, and
- Protecting people from reprisals because of disclosures.

### 3. Background

Living Waters Lutheran College values transparency and accountability in its administrative and management practices, and supports the making of disclosures that reveal corrupt conduct, conduct involving a substantial mismanagement of resources, or conduct involving a substantial risk to public health and safety or the environment.

It is the College's policy that all staff, students, volunteers and parents are free to report, without fear of retaliation, activity that the reporting person believes in good faith to be illegal, dishonest, unethical, fraudulent, or not in compliance with College policy.

This Policy is designed to complement normal communication channels between supervisors, employees, volunteers and College staff, students and parents. Employees, volunteers, students and parents are encouraged to continue to raise appropriate matters at any time with the relevant supervisors and or members of the Executive. As an alternative, employees, volunteers, students and parents may make disclosure of improper conduct, mismanagement or corruption in accordance with this policy.

Reported allegations will be treated confidentially to the greatest extent possible, and will be promptly investigated. Neither the College nor any of its employees, students, parents or volunteers will take adverse employment or other action in retaliation against a person/s who reports information under this policy.

Living Waters Lutheran College will take all reasonable steps to protect persons who make such disclosures from any detrimental action in reprisal for making the disclosure. The College will also afford procedural fairness to the person/s who is the subject of the disclosure.

#### **4. Definitions**

Whistleblowing is the means by which employees, volunteers, parents and students can raise concerns about conduct or practices within the College which are potentially illegal, corrupt, improper, dishonest, unsafe or unethical or which amounts to mismanagement, and are able to do so without fear of victimisation and with confidence that their concerns will be taken seriously and dealt with properly.

A Whistleblower is defined as a person who discloses wrong doings, corruption, mismanagement and any illegal activities taking place within the College.

#### **5. Related Policy and Procedure**

- Child Protection Policy
- Statement on Bullying and Harassment
- Safety Policy
- Staff Code of Conduct
- Grievance Procedure
- Staff Dispute Resolutions Process (EBA)
- Privacy Policy

#### **6. Guidelines**

##### **6.1 Safeguard against reprisal, harassment and victimisation**

Living Waters Lutheran College will not tolerate harassment or victimisation of members of staff, volunteers, parents and students when matters are raised in accordance with the Whistleblower Policy. Any members of staff, volunteers, parents or students who victimise or harass any person as a result of their having raised a concern in accordance with the Whistleblower Policy may be dealt with under Living Waters Lutheran College disciplinary procedures and applicable State laws.

##### **6.2 Confidentiality**

The College recognises that members of staff, volunteers, students and parents may want to raise concerns in confidence and will do its utmost to protect the identity of members of staff, students and parents who raise a concern and do not want their name disclosed. However, investigation into the concern could reveal the source of the information; and statements may be required from the member of staff, student or parent as part of the evidence, which would be seen by all parties involved if the investigation leads to prosecution and the whistleblower is likely to be called in to give evidence in court.

##### **6.3 Anonymous allegation**

Staff, volunteers, students and parents, themselves or on behalf of their child should put their name to allegations whenever possible - anonymous concerns are much less powerful. Nonetheless, anonymous allegations will be considered under this Whistleblower Policy.

In relation to determining whether an anonymous allegation will be taken forward the College will take the following factors into account:

- The seriousness of the issue raised;
- The credibility of the concern;
- The likelihood of confirming the allegation from attributable sources, and obtaining information provided.

#### **6.4 Untrue and malicious/vexatious allegations**

If a member of staff, volunteer student or parent makes an allegation in good faith but it is not confirmed by further inquiry, the matter will be closed and no further action taken. If, however, the inquiry shows that untrue allegations were malicious and/or vexatious, or made for personal gain, then the College will consider taking disciplinary action.

#### **6.5 Other complaints and allegations concerning child protection issues**

This policy is separate from the College Complaints Policy and other statutory reporting procedures. Child Protection issues should be reported according to the specific guidelines outlined in the Child Protection Policy.

#### **6.6 Reporting process**

Staff members, volunteers, students and parents who have knowledge of or information about mismanagement, unethical conduct, illegal activities, unsafe work practices, corruption or misconduct in College operations should report the misconduct in writing to a member of the Executive or the Principal. If a serious allegation of misconduct relates to a member of the Executive Leadership Team, a written complaint should be made to the Principal, who will then raise the matter with the Board Chairperson. If a serious allegation of misconduct relates to the Principal a written complaint should be made to:

The Board Chairperson  
Private & Confidential  
PO Box 997  
Rockingham WA 6968

#### **6.7 Timings for initial response**

The Principal or member of the Executive who is investigating allegations will normally provide a written response to the whistleblower within five working days (except in the case of anonymous allegations):

- acknowledging that the concern has been received;
- indicating how it is proposed to deal with the matter;
- giving an estimate of how long it will take to provide a final response;
- advising whether any initial enquiries have been made;
- advising whether further enquiries will take place;
- informing the whistleblower of support available whilst matters are looked into.

#### **6.8 Addressing reports of misconduct**

Persons reporting misconduct in College operations should not attempt to investigate the matter independently, as doing so may compromise the integrity of an official investigation and adversely impact both the reporting person and the College.

The Principal or member of the Executive will promptly and discreetly investigate any report of misconduct in College operations, with the assistance of other College officials as appropriate. The member of the Executive and/or Principal will report the results of their investigation and any recommendations for appropriate corrective and/or disciplinary action to the Board Chairperson.

The Chair of the Board will consult with other Board members, the Principal and members of the Executive to decide on the action to be taken before implementing corrective, disciplinary action. In serious matters the concern will immediately be reported to the appropriate Federal, State or local governing body.

The imposition of discipline, if any, will be made in accordance with the Code of Conduct, and any other applicable College policies. In serious cases the matter will be dealt with under the appropriate Federal, State and local laws.

Following notification of the Board Chairperson’s decision, the whistleblower will be notified of the outcome normally within five working days (except in relation to anonymous allegations), setting out the action to be taken or that no further action is to be taken and the reasons why.

If the Board Chairperson is the subject of a report of misconduct, the Principal will work with the Vice Chair of the Board to substitute for the Board Chairperson in his/her investigative or decision making role.

**7. Breach**

If you breach this policy, you may be subject to disciplinary actions.

<b>Whistleblower</b>		
<b>Version</b>	<b>Action</b>	<b>Date</b>
V1	Ratified by College Board	29 Jul 19
		Review