



**ST DOMINIC'S
PRIORY COLLEGE**

EDUCATING GIRLS, INSPIRING CONFIDENCE

inspiring confidence

WHISTLEBLOWER POLICY

Last Review Date	Next Review Date
October 2023	October 2024

In use from Term 4, 2022



1. CONTEXT

This Policy is an important tool for ensuring St Dominic's Priory College can identify wrongdoing that may not be uncovered unless there is a safe and secure way to disclose wrongdoing. This Policy therefore provides a framework to ensure people who disclose wrongdoing can do so safely, securely and with confidence that they will be protected and supported.

Additionally, this Policy is intended to:

- support St Dominic's Priory College's long-standing excellent reputation;
- reflect St Dominic's Priory College's values, particularly 'Veritas'; and
- meet St Dominic's Priory College's legal and regulatory obligations as a company limited by guarantee.

2. POLICY STATEMENT

St Dominic's Priory College is committed to encouraging the reporting of any instances of suspected unethical, illegal, fraudulent or undesirable conduct related to St Dominic's functions as an educational institution and provides protections and measures so that people who make a report can do so confidentially and without fear of intimidation, disadvantage or reprisal.

3. SCOPE

This Policy applies and provides protections to Eligible Whistleblowers as defined in the *Corporations Act 2001 (Cth)* and the *Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019 (Cth)*.

To avoid doubt, Eligible Whistleblowers may include (but are not limited to):

- Directors of the College Board;
- Leadership Team members;
- Staff;
- Contractors (or employees of contractors);
- Volunteers;
- Students;
- Parents/caregivers; or
- A spouse, relative or dependant of the people referred to above.

An Eligible Whistleblower may, however, raise their concerns anonymously in keeping with the applicable legislation.

4. DEFINITIONS

The Act means the *Corporations Act 2001 (Cth)*.

St Dominic's Priory College means St Dominic's Priory College Limited and "*St Dominic's*" and "*the College*" have corresponding definitions.

Investigating Officer means the Principal or, where the Principal is the subject of a disclosure, the Chair of the College Board of Directors or such delegate as they may appoint in keeping with this Policy.

Disclosable Matter has the meaning given in Clause 5.1.

Disclosure means providing a report or information to the entities set out in Clause 6.2 in keeping with this Policy.

Discloser means a person who makes, or proposes to make, a Disclosure.

Eligible Whistleblower means Directors of the college Board, members of the College Leadership Team, staff, contractors (or employees of contractors), volunteers, students, parents and caregivers of students, or a spouse, relative or dependent of one of the same.

Protected Whistleblower means an Eligible Whistleblower who has disclosed a Disclosable Matter and therefore qualifies for the protections under Part 9.4AAA of the Act.

5. MATTERS THIS POLICY APPLIES TO

- 5.1 Disclosable Matters will qualify for legal protection under the Act. Disclosures that are not about a Disclosable Matters for the purposes of s 1317AA of the Act will not be protected under the Act and this Policy.

DISCLOSABLE MATTERS

- 5.2 A disclosure will concern a Disclosable Matter if an Eligible Whistleblower has reasonable grounds to suspect that the information being disclosed is about:
- (a) misconduct (including fraud, negligence, default, breach of trust and breach of duty);
 - (b) an improper state of affairs or circumstances;
 - (c) behaviour that represents a danger to the public or the financial system;
 - (d) improper conduct related to creation, or maintenance, of a Child Safe Environment;
 - (e) interactions with children which may be a breach of Child Protection Practices;
 - (f) breach of any law of the Commonwealth that is punishable by imprisonment for a period of 12 months or more; or
 - (g) a breach of the Act, in relation to St Dominic's Priory College.
- 5.3 Personal work-related grievances that do not involve a detriment caused to the Protected Whistleblower (or a threat of detriment) are not a Disclosable Matter. A personal work-related grievance is one that relates to the Protected Whistleblower's current or former employment that has implications for the Protected Whistleblower personally but does not have significant implications for St Dominic's Priory College.
- 5.4 To avoid doubt, a personal work-related grievance may still qualify for protection under applicable laws and other relevant policies and procedures of St Dominic's Priory College.

6. MAKING A DISCLOSURE

HOW TO MAKE A DISCLOSURE

- 6.1 Disclosures can be made in person, by telephone, in writing by post, or by email to the email addresses set out below at Clause 6.6. Disclosures can be made within business hours or outside of business hours. A person making a disclosure must, however, be aware that depending to whom a disclosure is made, disclosures made during term break may not be received until school term resumes. Where a disclosure is made during term break, the Investigating Officer will take steps to commence an investigation in keeping with Clause 10 as soon as practicable.
- 6.2 Disclosures can be made anonymously (in keeping with Clause 8) or confidentially (in keeping with Clause 9.1).

WHO TO MAKE A DISCLOSURE TO

- 6.3 St Dominic's Priory College encourages Disclosers to make their disclosure to the Eligible Recipients internal to the College in the first instance, which will enable St Dominic's Priory College to identify and address wrongdoing as early as possible.
- 6.4 Notwithstanding this clause, a Discloser does not have to make an internal disclosure prior to making a disclosure directly to regulatory bodies (in keeping with clause 6.3).
- 6.5 Additionally, a disclosure to a legal practitioner for the purpose of obtaining legal advice or legal representation in relation to the operation of the Whistleblower provisions of the Act or this Policy are protected.
- 6.6 Disclosures can be made directly to any eligible recipient or submitted in writing, via email to admin@stdominics.sa.edu.au, where it will be addressed by the Principal in the first instance. If it is not appropriate for the disclosure to be made to the Principal, the eligible whistleblower is encouraged to direct their disclosure to the Chair of the College Board, via email at boardchair@stdominics.sa.edu.au.

ELIGIBLE RECIPIENTS

- 6.6 A disclosure can be made using any of the following channels. Each of the following channels is an Eligible Recipient of Disclosable Matter:
- (a) The Principal of St Dominic's Priory College;
 - (b) The Chair of the College Board;
 - (c) A Director of the College Board;
 - (d) The Business Manager of St Dominic's Priory College;
 - (e) The Deputy Principal of St Dominic's Priory College;
 - (f) The Director of Catholic Education South Australia;
 - (g) The Chair of Dominican Education Australia; or
 - (h) An auditor of St Dominic's Priory College.
- 6.7 To avoid doubt, each of the above people or groups of people can provide more information to the Discloser prior to the Discloser making a disclosure.

OTHER DESIGNATED BODIES THAT CAN RECEIVE DISCLOSURES

6.8 Disclosures of a Disclosable Matter may also be protected when made to:

- (a) Australian Security & Investments Commission (ASIC);
- (b) Australian Prudential Regulation Authority (APRA);
- (c) The Commissioner of Taxation; or
- (d) Another Commonwealth authority prescribed by law.

PUBLIC INTEREST DISCLOSURES

6.9 A disclosure can be made to a journalist or parliamentarian in cases of public interest or emergency. Such disclosures may be protected but only under very specific criteria set out in s 1317AAD of the Act, including that the disclosure must have, at least 90 days prior, been made to ASIC, APRA or a prescribed body.

6.10 St Dominic's strongly recommends that a Discloser obtain independent legal advice before making a Public Interest disclosure to ensure that:

- (a) the disclosure will attract protection under the relevant legislation and this Policy;
and
- (b) in making the disclosure, the Discloser will not breach other laws, regulations, codes of conduct, or be otherwise subject to disciplinary action where such disclosure does not attract protection.

7. MATTERS THIS POLICY APPLIES TO

7.1 A Protected Whistleblower will still qualify for protection for a disclosure even if their disclosure turns out to be incorrect. However, anyone who knowingly makes a false report of a Disclosable Matter, or who otherwise fails to act honestly with reasonable belief in respect of the report may be subject to disciplinary action, including dismissal.

8. ANONYMITY WHEN REPORTING

8.1 A Protected Whistleblower may choose to remain anonymous when disclosing a Disclosable Matter, over the course of the investigation and after the investigation is finalised. An anonymous Protected Whistleblower can refuse to answer questions that they feel could reveal their identity, and in so doing, they are not taken to have withdrawn their disclosure and St Dominic's Priory College must still investigate the disclosure, subject to clause 10.

8.2 A Protected Whistleblower is encouraged to share their identity when making a disclosure, as it may make it easier for St Dominic's Priory College to address the disclosure of a Disclosable Matter and for St Dominic's Priory College to communicate with the Protected Whistleblower.

8.3 If a Protected Whistleblower does not share their identity, St Dominic's Priory College will assess the disclosure in the same way as if the person had revealed their identity. An anonymous Protected Whistleblower may still elect to maintain two-way communication with St Dominic's, so that the Investigating Officer is able to ask follow-up questions or provide feedback.

9. PROTECTIONS FOR PROTECTED WHISTLEBLOWERS

CONFIDENTIALITY

9.1 Disclosures from Protected Whistleblowers will be treated confidentially and sensitively.

PROTECTION OF IDENTITY

9.2 Once a report is received, the Eligible Recipient will make sure immediate steps are taken to protect the identity of the Protected Whistleblower. These steps may include:

- (a) redacting personal information;
- (b) using gender-neutral pronouns; and
- (c) working with the Discloser to ensure that certain aspects of their disclosure which could identify them are redacted.

9.3 Information likely to identify a Protected Whistleblower may be shared if it is reasonably necessary for the purposes of an investigation or to ensure protection against detrimental treatment under clause 9.4 below. In this circumstance all reasonable steps will be taken to reduce the risk that the Protected Whistleblower will be identified and to the extent that an investigation can occur without identifying a Protected Whistleblower, St Dominic's will ensure that this occurs.

UNLAWFUL TO IDENTIFY PROTECTED WHISTLEBLOWERS

9.4 It is unlawful for a person to identify Protected Whistleblowers or disclose information that is likely to lead to their identification. A Protected Whistleblower's identity and position (or any other information which would be likely to identify them) will only be shared if:

- (a) they consent to the information being shared;
- (b) the disclosure is to a recipient permitted by law such as the Commissioner of Taxation or Australian Federal Police; or
- (c) the disclosure is otherwise allowed or required by law (for example, disclosure by St Dominic's Priory College to a legal practitioner for the purpose of obtaining legal advice relating to a matter arising under this policy).

BREACH OF CONFIDENTIALITY

9.5 If a Protected Whistleblower considers that an Eligible Recipient, Investigating Officer or other employee of St Dominic's Priory College has breached confidentiality, the Protected Whistleblower may complain to another Eligible Recipient or a regulator such as ASIC, APRA or the ATO for investigation.

DETRIMENTAL TREATMENT

9.6 It is unlawful for a person to engage in conduct that causes (or threatens) detrimental treatment to a Protected Whistleblower in the belief or suspicion that a person has made, may make, proposes to make or could make a report of a Disclosable Matter and where that belief or suspicion is a reason for the conduct.

- 9.7 Detrimental treatment could include dismissal, demotion, harassment, damage to a person's reputation, discrimination, disciplinary action, bias, threats or other unfavourable treatment connected with making a disclosure as a Protected Whistleblower. To avoid doubt, detrimental treatment would not include administrative action that is reasonable for the purpose of protecting a Discloser from detriment (for example, a temporary reallocation of duties), or reasonable management action in relation to managing an employee's work performance.
- 9.8 St Dominic's Priory College will seek to ensure that Protected Whistleblowers are not subjected to detrimental treatment as a result of making (or the intention to make) a disclosure under this policy. To protect Protected Whistleblowers from detrimental treatment, the Investigating Officer will:
- (a) make an assessment of the risk of detriment to a Protected Whistleblower as soon as possible after receiving a disclosure of a Disclosable Matter;
 - (b) make sure that any Eligible Recipients or members of the Executive Leadership Team are aware of their responsibilities to:
 - i. maintain the confidentiality of a Protected Whistleblower (to the extent that it is appropriate to disclose their identity in keeping with this Policy and applicable laws); and
 - ii. address the risks of detriment and ensure fairness when managing the performance of, or taking other management action relating to, a Protected Whistleblower;
 - (c) take practical action, as necessary, to protect a Protected Whistleblower from the risk of detriment and intervene if detriment has already occurred; and
 - (d) ensure the Protected Whistleblower is aware of support services (such as counselling services).
- 9.9 If a Protected Whistleblower believes that they have been subject to detrimental treatment, they should inform an Eligible Recipient immediately and, if they consider necessary, seek independent legal advice or contact regulatory bodies such as ASIC, APRA or the ATO.

CIVIL, CRIMINAL AND ADMINISTRATIVE LIABILITY

- 9.10 Protected Whistleblowers are protected from civil, criminal or administrative liability (including disciplinary action) for making reports of Disclosable Matters. No contractual right (including under an employment contract) can be exercised against a Protected Whistleblower to prevent or hinder them disclosing a Disclosable Matter.
- 9.11 Disclosures made by Protected Whistleblowers are protected from:
- (a) civil liability (such as for a breach of an employment contract or a confidentiality agreement);
 - (b) criminal liability (such as a prosecution for unlawfully releasing information); and
 - (c) administrative liability (such as disciplinary action within St Dominic's Priory College).
- 9.12 However, notwithstanding these protections, a Discloser must be aware that a disclosure does not provide immunity for any misconduct a Discloser has engaged in that is revealed in their disclosure.

COMPENSATION AND OTHER REMEDIES

9.13 Eligible Whistleblowers may be entitled to seek compensation and other remedies if St Dominic's Priory College fails to protect the Eligible Whistleblower from detriment and the Eligible Whistleblower suffers loss or damage as a consequence.

10. WHEN TO INVESTIGATE

10.1 Once a report of a Disclosable Matter has been received from an Eligible Whistleblower, the Investigating Officer will determine whether the disclosure amounts to a Disclosable Matter.

10.2 If the Investigating Officer determines that the information disclosed does not amount to a Disclosable Matter because it:

- (a) Is baseless or unfounded;
 - (b) does not meet the threshold of a Disclosable Matter; or
 - (c) does not fall within the definition of a Disclosable Matter under this Policy,
- the Eligible Whistleblower will be, if practicable, informed of that decision and no investigation will commence.

10.3 If the Investigating Officer determines that the disclosure amounts to a Disclosable Matter, an investigation will commence as soon as practicable and the Investigating Officer will take steps to advise the Board of Directors that an Investigation is to commence, or, where a disclosure relates to a Director or number of Directors, the Chair of the College Board of Directors. Such advice must be provided in keeping with the confidentiality obligations set out at Clause 9.

INVESTIGATION PROCEDURE

10.4 If an investigation is conducted, it will:

- (a) follow a fair process;
- (b) be conducted in as timely a manner as the circumstances allow; and
- (c) be independent of the person(s) about whom an allegation has been made.

10.5 The Investigating Officer may appoint a delegate to conduct an investigation on their behalf except where such an appointment would present an unacceptable breach of confidentiality of the Protected Whistleblower having regard to clause 9.1.

10.6 Investigations will be conducted promptly and fairly with regard for the nature of the allegation and the rights of the people involved in the investigation.

10.7 St Dominic's Priory College recognises the importance of balancing the rights of the Eligible Whistleblower and the rights of people against whom a report is made in ensuring fairness.

INFORMING THE PERSON AGAINST WHOM THE ALLEGATION IS MADE

10.8 Provided there are no restrictions or other reasonable bases for doing so, people against whom a disclosure has been made may be informed of the allegation and, where it is determined that a disclosure amounts to a Disclosable Matter, will have an opportunity to respond to any allegation.

10.9 The Principal or Chair of the College Board will decide whether the person named in the disclosure should be informed that a suspicion was raised and found to be baseless upon preliminary review. This decision will be based on a desire to preserve the integrity of a person so named, to enable workplace harmony to continue unfettered and to protect the Protected Whistleblower where the disclosure has been made in good faith.

10.10 St Dominic's Priory College will take steps to ensure fair treatment of any person who is the subject of the Disclosable Matter report as well as the Protected Whistleblower.

11. COMMUNICATIONS WITH THE PROTECTED WHISTLEBLOWER

11.1 St Dominic's Priory College will ensure that, provided the claim was not submitted anonymously, the Protected Whistleblower will be kept informed of the outcomes of the investigation of their disclosure. St Dominic's Priory College may require that a Protected Whistleblower give a written undertaking to maintain confidentiality prior to receiving outcomes of investigations of their disclosure.

11.2 Such communications will be subject to the considerations of:

- (a) privacy of those against whom allegations are made; and
- (b) considerations of confidentiality affecting St Dominic's Priory College.

12. FURTHER POLICY DETAILS

POLICY AVAILABILITY

12.1 This policy is made available on the St Dominic's Priory College website. This is in keeping with the requirement of s 1317AI(5)(f) of the Act.

RELATED POLICIES

12.2 This policy should be read in conjunction with St Dominic's Priory College's other relevant policies including:

- (a) [Safeguarding Children and Young People Policy](#)
- (b) [Safeguarding Children and Young People Code of Conduct](#)
- (c) [Parent Code of Conduct](#)
- (d) [Student Wellbeing and Child Protection Policy](#)
- (e) [St Dominic's Priory College ICT Acceptable Use Policy](#)

RELATED POLICIES

- (a) [Protective practices for staff in their interactions with children and young people Guidelines for staff working or volunteering in education and care settings 2017 \(2nd Edition, revised 2019\)](#)
- (b) [SACCS Code of Conduct for Staff employed in Catholic Education SA \(2020\)](#)
- (c) [Dominican Education Australia LTD Policy and Procedures for Management of Complaints](#)



13. REVISION RECORD

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