

FSAC Ltd

Whistleblower Procedure

2020

Document Approval and Version Control	
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Contact Officers: Position: Manager Human Resources and Compliance	Next Review: 10 October 2020

1. PURPOSE

This procedure outlines how individuals can appropriately make disclosures about corrupt, illegal or otherwise undesirable conduct at the FSAC Ltd Colleges. This includes how FSAC Ltd will protect those individuals from detrimental consequences.

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 exist that harm, and/or sexual abuse has occurred or is likely to occur, the Student Protection Policy and Procedures must be followed.

1. DEFINITIONS

Eligible Whistleblower: (Who qualifies for protection?):

A Whistleblower who is eligible for protection is an individual such as an officer, employee, service provider or associate (or their relative) who is or has been in relationship with St John's Anglican College and who brings a 'Disclosable Matter' to the attention of the college under this procedure. (refer section 1317AAA of the Corporations Act 2001)

Disclosable matter: (What kind of disclosures can be made under this policy and affiliated procedure?):

A disclosure is eligible for protection if it relates to actual or suspected conduct within St John's Anglican College that is:

- gross misconduct, or an improper state of affairs or circumstances in relation to St John's Anglican College
- contravention of the *Corporations Act 2001* (the Act)
- conduct that represents a danger to the public or the financial system
- an offence against any other law of the Commonwealth that is punishable by imprisonment for 12 months or more.

(refer section 1317AA (5)(c) of the Corporations Act 2001)

Eligible Recipients: (To whom should a disclosure be made?):

Disclosures qualify for protection if they are made to eligible recipients. Those belong to the following categories of persons:

- a senior leader of St John's Anglican College
- the Whistleblower Investigations Officer of St John's Anglican College
- an auditor, or a member of an audit team conducting an audit of St John's Anglican College.

Disclosures made to a legal practitioner for obtaining legal advice or legal representation are also protected.

(refer section 1317AAC of the Corporations Act 2001)

Detriment:

This procedure seeks to prevent Whistleblowers from Detriment, which includes the following:

- dismissal of an employee
- injury of an employee in his or her employment
- alteration of an employee's position or duties to his or her disadvantage
- discrimination between an employee and other employees of the same employer

- harassment or intimidation of a person
- harm or injury to a person, including psychological harm
- damage to a person's property
- damage to a person's reputation
- damage to a person's business or financial position
- any other damage to a person.

(refer to section 1317ADA of the Corporations Act 2001)

2. WHISTLEBLOWER REPORTING MECHANISM

The *Corporations Act 2001* (the Act), now provides for a whistleblower protection regime covering corporate, financial and tax sectors. This regime aims to encourage ethical whistleblowing and discourage white collar crime, while holding employers accountable for protecting whistleblowers. This procedure encourages reporting of wrongdoing that is of legitimate concern by providing a safe reporting mechanism and protection for people who make serious wrongdoing disclosures or protected disclosures.

2.1 Responsibilities

Whistleblower Protection Officer

At the request of the Whistleblower, the Manager Human Resources and Compliance can be appointed as a Whistleblower Protection Officer and will safeguard the interests of the Whistleblower in terms of this procedure and any applicable legislation and standards. The Whistleblower Protection Officer will be readily accessible by all employees and will have direct, unfettered access to independent financial, legal and operational advisers as required.

The Whistleblower Protection Officer at St John's Anglican College can be contacted by the following means:

- email: ewright@sjac.qld.edu.au
- phone: 07 3372 0174 or 0410 653 429
- in person: St John's Anglican College, 55 College Avenue, Forest Lake Qld 4078
- anonymously: via mail – St John's Anglican College, PO Box 4078, Forest Lake Qld 4078

The Whistleblower Protection Officer at The Springfield Anglican College can be contacted by the following means:

- email: mshuter@tsac.qld.edu.au
- phone: 07 3814 8107
- in person: The Springfield Anglican College Secondary Campus, 2 Steve Croft Circuit, Springfield Qld 4300
- Anonymously: via mail – The Springfield Anglican College, PO Box 4180, Springfield Qld 4300

Whistleblower Investigations Officer

The Business Manager is appointed as a Whistleblower Investigations Officer and will investigate the substance of the complaint to determine

whether there is evidence in support of the matters raised or to refute the report.

The Whistleblower Investigations Officer at St John's Anglican College can be contacted by the following means:

- email: [klewis@sjac.qld.edu.au](mailto:kewis@sjac.qld.edu.au)
- phone: 07 3372 0115
- in person: St John's Anglican College, 55 College Avenue, Forest Lake Qld 4078
- anonymously: via mail – St John's Anglican College, PO Box 4078, Forest Lake Qld 4078

The Whistleblower Investigations Officer at The Springfield Anglican College can be contacted by the **following means:**

- Email : jmccomb@tsac.qld.edu.au
- Phone: (07) 3814 8171
- In person: The Springfield Anglican College Secondary Campus, 2 Steve Croft Circuit, Springfield QLD 4300.
- Anonymously: via mail – The Springfield Anglican College, PO Box 4180, Springfield QLD 4300

2.2 Training

Whistleblower Training

The Whistleblower Protection Officer and Whistleblower Investigations Officer will undertake relevant accredited training by a reputable recognised provider to guide them in their whistleblower responsibilities.

All FSAC Ltd staff will undertake relevant accredited training by a reputable recognised provider to guide them in the whistleblower responsibilities. This includes training for new staff at FSAC Ltd Colleges.

2.3 Reporting

FSAC Ltd is committed to providing a safe, reliable and confidential way of reporting 'Disclosable Matters'.

A report under this procedure and associated policy can be made if individuals falling into the category of 'Eligible Whistleblower' have reasonable grounds to suspect 'Disclosable Matters' have taken place.

A report can be made to any of the following persons, noting it may depend on the matter and the person who is the subject of the matter:

- Executive Director of the Anglican Schools Commission
- Chair of the FSAC Ltd Board
- Company Secretary
- Chair of College Council
- Principal
- Business Manager
- Deputy Principal
- Head of Secondary
- Head of Primary

- Chaplain
- Whistleblower Investigations Officer
- External Provider

At any stage an individual may choose to report directly to the [Australian Securities & Investments Commission](#).

At any stage, a person in the list above can be skipped if that person is the subject of the report or if the Whistleblower has another reason to believe that the person is not likely to deal with the report properly. If the complaint concerns the Chair of the FSAC Ltd Board, the matter should be brought to the Executive Director of the Anglican Schools Commission.

While reports can be made anonymously if preferred, this may affect the ability to investigate the matter properly and to communicate with the Whistleblower about the report.

2.4 Investigation

Investigation processes will vary depending on the precise nature of the conduct being investigated. The purpose of the investigation is to determine whether or not concerns are substantiated, with a view to rectifying any wrongdoing uncovered to the extent that this is practicable in all the circumstances.

The investigation will be thorough, objective, fair and independent of the Whistleblower and anyone who is the subject of the 'Disclosable Matter'. The investigation will also have proper regard to the principles set out in the *Australian Standard AS 8004-2003 on Whistleblower Protection Program for Entities*.

The Whistleblower will receive feedback regarding the investigation arising from their report, subject to considerations of the privacy of anyone who is the subject of the 'Disclosable Matter' and standard confidentiality requirements.

2.5 Protections

The Australian Securities and Investment Commission (ASIC) provides general information about [protections available to Whistleblowers](#).

At the FSAC Ltd Colleges, a Whistleblower will not be disadvantaged by having made a report. This includes not being disadvantaged by way of dismissal, demotion, any form of harassment, discrimination or current or future bias (refer to definition of 'Detriment' in section 1 of this procedure). This protection extends to the Whistleblower's colleagues and relatives.

If reprisals are taken or are claimed to have been taken against a Whistleblower, the Whistleblower Protection Officer will investigate the matter and recommend appropriate action be taken. The Whistleblower has the right to make requests through the Whistleblower Protection Officer for positive actions of protection to be taken.

FSAC Ltd Colleges and/or their external Whistleblowing Service Provider will keep the reporting confidential and secure within the law. It will not disclose the identity of a Whistleblower, nor disclose information that is likely to lead to the identification of the Whistleblower, unless required under law.

2.6 Awareness

FSAC Ltd Colleges will ensure that all its officers and staff are aware of this procedure in the following ways:

- Induction procedures
- Continuous training procedures
- Access provided via the Staff Portal and College Website

3. PRIVACY

Personal information that may be collected is obtained, stored and released in accordance with the prevailing Act and Privacy Act 1988. For further information please refer to the Colleges' Privacy Procedures.

4. RELATED POLICIES, PROCEDURES AND OTHER DOCUMENTS

Policies

Compliance Management Policy
Facilities Management Policy
Financial Management Policy
International College Homestay Management Policy
Risk Management Policy
Student Management Policy
Staff Management Policy
Student Protection in Anglican Schools Policy
Volunteer Management Policy
Workplace Health and Safety Policy

Procedures

Anti-Discrimination Procedure
Audit and Management Procedure
Corporate Credit Card Procedure
Corruption and Fraud Control Procedure
Debt Recovery Procedure
Delegations of Authority Procedure
Drug and Alcohol Procedure
Grievance Management Procedure
Privacy Procedure
Purchasing and Procurement Procedure
Risk Management Procedure
Scholarship Procedure
Sponsorship Procedure
Staff Student Fee Reduction Procedure
Student Protection in Anglican Schools Procedure

Other Documents

Australian Privacy Principles
Code of Conduct (Our Commitment: Creating environments for children and young people to thrive CODE OF CONDUCT for Anglican Schools and Education & Care Services
College Vision, Mission and Values Statement
Contractors and Visitors Induction Handbook
Parent and Non Parent Volunteers Induction Handbook
Risk Management Plan

Risk Management Register
Safeguarding Our Students, Student Protection Policy and Procedures
Guide for Volunteers and Visitors to Anglican Schools
Staff Induction Handbook

5. **PROCEDURE
ADMINISTRATION**

In accordance with policy and procedure development and review protocol this procedure will be recorded as an authorised procedure approved by the Board on the date shown on the front of this procedure document.

The policy will be reviewed two years months from the date of the approval shown herein. Notwithstanding the scheduled review, should circumstance change significantly before this review period, the procedure will be immediately reviewed in order to maintain appropriate accuracy, relevance and authority.

6. **POLICY/PROCEDURE
BREACH**

All employees are expected to abide by FSAC Ltd policies and procedures, failure to do so may lead to disciplinary action ranging from counselling to dismissal.