



## Whistleblower Protection Scheme Frequently Asked Questions

### What is the Whistleblower Protection Scheme?

Commencing 1 July 2019, the Whistleblower Protection Scheme (**Scheme**) was introduced to provide greater protections for eligible whistleblowers who report concerns regarding potentially unethical, unlawful or improper practices or behaviours (where there are reasonable grounds to suspect such conduct has occurred), provided certain criteria are met. These criteria are further detailed in the Diocese of Sale Catholic Education Limited (**DOSCEL**) [Whistleblower Policy](#).

### Who can be a whistleblower within DOSCEL under the Scheme?

You can access the legal rights and protections for whistleblowers in the [Corporations Act 2001](#) (Cth) if you meet the definition of an 'eligible whistleblower'.

Within DOSCEL, an 'eligible whistleblower' is:

- any current or former officer (director or board member) of DOSCEL
- any current or former employee of DOSCEL
- any current or former contractor, or an employee of a contractor, who has supplied goods or services to DOSCEL or a DOSCEL School (this can be either paid or unpaid, and can include volunteers)
- an associate of DOSCEL (which includes a DOSCEL director or secretary of DOSCEL, or a director or secretary of a related corporation)
- a relative of an individual listed in (a) to (d) above (which means their spouse, parent, child, brother or sister)
- a dependent of a person listed in (a) to (d) above or a dependent of their spouse.

Parents of students (unless they are also a relative of an individual listed in (a) to (d) above) are not eligible whistleblowers under the [Whistleblower Policy](#). If you are a parent and wish to make a complaint or raise a concern, in the first instance, contact should be made with the school.

When a parent is not satisfied with the manner in which their complaint has been treated by the school, or their complaint is about the principal of the school, parents should refer to the DOSCEL [Complaints and Grievances Management Policy](#).

### Who can an eligible whistleblower make a disclosure to?

In response to the Scheme, DOSCEL has appointed Whistleblower Protection Officers who can determine whether an investigation will be conducted in accordance with the [Whistleblower Policy](#) and Scheme.

If you wish to make a disclosure, you are encouraged to contact a Whistleblower Protection Officer in the first instance. Contact information for Whistleblower Protection Officers can be found on the CEOSale website [www.ceosale.catholic.edu.au / Policies](http://www.ceosale.catholic.edu.au/Policies).

The Whistleblower Protection Officers can also receive disclosures outside of business hours via email to [whistleblower@ceosale.catholic.edu.au](mailto:whistleblower@ceosale.catholic.edu.au)

You can also make disclosures to the following eligible recipients, who will then refer the disclosure to a Whistleblower Protection Officer:

- the principal of the school about which your disclosure relates
- the Chief Executive Officer, Chief Operations Officer, Chief Financial Officer, Executive Manager: Industrial Relations / Human Resources of DOSCEL

- an auditor or actuary of DOSCEL.

You can also make a disclosure to:

- the Australian Securities and Investment Commission (ASIC) or the Australian Prudential Regulation Authority (APRA)
- your lawyer.

### **Does an eligible Whistleblower have to provide their identity when making a disclosure?**

DOSCEL encourages whistleblowers to disclose their identity if they feel comfortable to do so. This will assist DOSCEL to efficiently and effectively assess and, where required, investigate the subject matter of an eligible disclosure. However, anonymous disclosures can still be protected.

### **What types of disclosures can be made under the Scheme?**

You must have reasonable grounds to suspect that the information you are disclosing in respect of DOSCEL concerns:

- misconduct
- an improper state of affairs or circumstances (including in relation to the tax affairs of DOSCEL or one of its directors or secretaries or related corporations)
- breaches of the *Corporations Act 2001*
- breaches of other financial sector laws enforced by ASIC or APRA
- breaches an offence against any other law of the Commonwealth that is punishable by imprisonment for a period of 12 months
- represents a danger to the public or the financial system.

'Reasonable grounds' means that a reasonable person in your position would also suspect the information indicates misconduct or a breach of the law.

There are additional protections if your concerns relate to matters within the public interest or an emergency situation, as detailed in the [Whistleblower Policy](#).

### **What types of disclosures are not protected under the Whistleblower Scheme?**

The Whistleblower Scheme does not cover reports of misconduct which are solely about personal work-related grievances (unless the grievance relates to information which has significant implications for DOSCEL that do not relate to you).

Generally, a personal work-related grievance may include:

- an interpersonal conflict with another employee
- a decision about your employment, transfer, or promotion
- a decision about the terms and conditions of your employment
- a decision to suspend or terminate your employment or otherwise discipline you.

Where a current or former officer, employee, or contractor has a dispute in relation to their employment or engagement with DOSCEL, you are encouraged to raise your concerns using one of the following policies or dispute settling procedures:

- Clause 22 of the [Victorian Catholic Education-Multi Enterprise Agreement 2018 \(VCEMEA\)](#)
- Occupational Health and Safety Policy
- Anti-bullying Policy
- Workplace Equal Opportunity Policy

This does not preclude your right to seek advice from outside the workplace to resolve personal work-related grievances.

## How am I protected after making a disclosure as an eligible whistleblower?

The Corporations Act makes it illegal for someone to cause or threaten detriment to you because they believe or suspect that you have made, may have made, or could make a whistleblower disclosure.

This applies even if you have not made a whistleblower disclosure, but the person causes or threatens detriment to you because they believe or suspect you have or might make a disclosure.

A person may be causing you detriment if they:

- dismiss you from your employment;
- injure you in your employment;
- alter your position or duties to your disadvantage;
- discriminate between you and other employees;
- harass or intimidate you;
- harm or injure you, including causing you psychological harm;
- damage your property;
- damage your reputation;
- damage your business or financial position;
- cause you any other damage.

DOSCEL will take reasonably practicable steps to ensure that disclosers are protected from detriment by communicating the [Whistleblower Policy](#) to all staff, maintaining the confidentiality of the disclosure, and providing support services, such as counselling through an Employee Assistance Program and pastoral care, to disclosers.

Necessary steps will be taken to address any allegation of detrimental action, which may include an investigation and, where appropriate, disciplinary action against the person taking the detrimental action against you.

If you are concerned that you might have been subject to detrimental action as a result of making a disclosure, you are encouraged to seek independent legal advice. You can also contact ASIC if you consider you have suffered detrimental action.

## What happens after I make a disclosure?

Following a disclosure to an eligible recipient, the disclosure will be referred to a Whistleblower Protection Officer appointed by DOSCEL.

The Whistleblower Protection Officer will first assess whether the disclosure is protected under the Whistleblower Protection Scheme. Where it is determined that the disclosure is protected under the Scheme, the Whistleblower Protection Officer will conduct or coordinate an investigation in accordance with the [Whistleblower Policy](#), if appropriate.

Depending on the seriousness of any allegations made in the disclosure and on the person/s to whom they relate, it may sometimes be appropriate for investigations to be carried out by others within DOSCEL, or externally, on DOSCEL's behalf.

## Further Information

If at any time you have any questions regarding the [Whistleblower Policy](#), your obligations, protections or any other matters outlined above, we encourage you to contact your Principal or manager in the first instance. If you do not feel comfortable talking with your Principal or manager, please contact the DOSCEL Whistleblower Protection Officers on the details available on DOSCEL's website or via email at [whistleblower@ceosale.catholic.edu.au](mailto:whistleblower@ceosale.catholic.edu.au).