

Whistleblowers Protection Policy

This database of policies and procedures contains the current, official version of policies and associated procedures. Printing a policy or procedure or transferring a policy or procedure into another electronic format will result in the document being an uncontrolled copy that might not be current.

Purpose

This policy and procedure establishes a system for the handling of disclosures of improper conduct or detrimental action by the Institute, its officers, employees and contractors as required by the Whistleblowers Protection Act 2001 (Vic). The Act provides protection to whistleblowers making disclosures in accordance with the Act, and establishes a system for the disclosed matters to be investigated and for rectifying action to be taken.

This policy and procedure is designed to complement normal communication channels between supervisors and employees. Employees are encouraged to continue to raise appropriate matters at any time with their supervisors. As an alternative, employees may make a disclosure of improper conduct or detrimental action under the Act in accordance with these procedures.

Scope

This policy and procedure provides for disclosures of improper conduct or detrimental action by officers, employees and contractors of the Institute, under the protection offered by the Whistleblowers Protection Act 2001.

This policy does not apply to allegations of improper conduct, workplace grievances or complaints which do not qualify for protection under the Act, and which are dealt with under other Institute policies and procedures, or by agencies external to the Institute.

Disclosures of fraudulent or corrupt conduct, that do not meet the definition of a protected disclosure under the Act, will be investigated in accordance with the Institute's Fraud and Corruption Management Policy and Plan.

The Whistleblowers Protection Policy has its own procedures and operates independently of the Institute's guidelines for the Resolution of complaints against employees.

Policy

The Institute is committed to the aims and objectives of the Whistleblowers Protection Act (2001), and recognises the benefit of transparent and confidential reporting mechanisms in maintaining an ethical culture within the Institute.

In accordance with this the Institute

- does not tolerate improper conduct by its employees, officers or contractors, nor the taking of reprisals against those who come forward to disclose such conduct.
- Recognises the value of transparency and accountability in its administrative and management practices

- Encourages and supports the making of disclosures that reveal improper conduct, corrupt conduct, conduct involving a substantial mismanagement of public resources or conduct involving a substantial risk to public health and safety or the environment.
- Will take all reasonable steps to protect people who make such disclosures from any detrimental action in reprisal for making the disclosures.
- Will afford natural justice to the person who is the subject of the disclosure.

Adequate resources will be provided to implement the Institute's whistleblower protection program including adequate training for all personnel involved.

Definitions

"Disclosure" means an allegation or a report of improper conduct made by the whistleblower. Disclosures may be made orally, in writing or anonymously.

"Corrupt Conduct" means

- Conduct of any person (whether or not a public official) that adversely affects the honest performance of a public officer's or body's functions,
- The performance of a public officer's functions dishonestly or with inappropriate partiality,
- Conduct of a public officer, former public officer or a public body that amounts to a breach of public trust,
- Conduct of a public officer, former public officer or a public body that amounts to the misuse of information or material acquired in the course of the performance of their official functions or
- A conspiracy or attempt to engage in the above conduct.

"Detrimental action" includes

- Action causing injury, loss or damage,
- Intimidation or harassment and
- Discrimination, disadvantage or adverse treatment in relation to a person's employment, career, profession, trade or business, including the taking of disciplinary action.

"Improper Conduct" means

- Corrupt conduct or
- Substantial mismanagement of Institute resources or
- Conduct involving substantial risk to public health or safety, or
- Conduct involving substantial risk to the environment that would, if proved, constitute a criminal offence or reasonable grounds for dismissing or dispensing

with, or otherwise terminating, the services of the public officer who was, or is, engaged in that conduct.

“Natural Person” means an individual person and not a corporation, body corporate or other artificial or legal entity.

“Protected Disclosure” – For a disclosure to be a protected disclosure in accordance with the Act it must meet **all** of the following criteria

- Must be made by a natural person
- Must relate to the conduct of a public body or public officer acting in their official capacity
- The alleged conduct must be either **improper conduct** or **detrimental action** taken against a person in reprisal for making the protected disclosure
- The person making the disclosure must have reasonable grounds for believing the alleged conduct has occurred.

“Public Body” includes a TAFE institute within the meaning of the Education and Training Reform Act 2006.

“Public Officer” includes a member, officer, employee or contractor of a public body.

“Whistleblower” means a person who makes a disclosure about improper conduct by a public body or member, officer, employee or contractor of a public body. Under the Act, a disclosure can only be made by a natural person and not by corporations or other artificial persons.

Code of Conduct

All staff and contractors are expected to conduct themselves in a manner consistent with the Code of Conduct for the Victorian Public Sector and in accordance with the Box Hill Institute Code of Conduct for Staff.

Responsibilities

The detailed roles and responsibilities of the **Protected Disclosure Coordinator**, **Protected Disclosure Officer**, **Investigator** and the **Welfare Manager** are documented in the Whistleblower Procedure under [Section 2: Roles and Responsibilities](#).

Chief Executive Officer

- Undertakes the role of Protected Disclosure Coordinator in cases where the disclosure relates to the Protected Disclosure Coordinator.
- Authorises the terms of reference for any investigation under these procedures.
- Approves any recommended action arising from an investigation under these procedures.
- Makes the final decision on the advice of the Protected Disclosure Coordinator as to whether disciplinary or other action is required under these procedures.

References

Whistleblowers Protection Act 2001 (Vic)

Whistleblowers Protection Act 2001 – Ombudsman’s Guidelines at www.ombudsman.vic.gov.au

Australian Standard AS 8004-2003 Whistleblower Protection Programs for Entities.

Code of Conduct for the Victorian Public Sector

Related Documents

[Whistleblowers Disclosure Register \(Institute\)](#)

[Fraud & Corruption Management Policy and Plan \(Institute\)](#)

[Code of Conduct for Staff \(Institute\)](#)

Review

This procedure must be reviewed no later than five (5) years from the date of endorsement. The policy will remain in force until such time as it has been reviewed and re- approved or rescinded. The procedure may be withdrawn or amended as part of continuous improvement prior to the scheduled review date.

DOCUMENT CONTROL

Policy ID:	POLLR12
Classification:	Governance
Approved by:	Board
Date Approved:	29 July 2010
Board Reference:	Board Meeting 29 July 2010
Committee Reference:	Union Consultative Committees
Prepared by:	Sue Kearney, Executive Manager Corporate Governance
Accountable Manager:	Chief Operating Officer / Deputy Chief Executive Officer
