

# WHISTLEBLOWER POLICY AND PROCEDURE

## POLICY

### Purpose and Scope

The object of this policy is to encourage reporting of suspected wrongdoing on the part of a person or persons operative within the Sydney College of Divinity (SCD) by any person similarly operative within SCD, provided that the report is not of a trivial or vexatious nature. Persons concerned encompass all present and past SCD personnel, including managers, staff, contractors, consultants, volunteers, students, Council and committee members, and accepted visitors. 'Wrongdoing' refers to any activity that is of legitimate concern, as set out under 'Definitions' below.

The intention of the policy is to establish:

- a convenient and safe reporting mechanism;
- protection for people who make disclosures of perceived wrongdoing;
- assurance of fair treatment for those alleged to have committed wrongdoing; and
- the principle of consequences for unsubstantiated allegations that are found to have been made maliciously, or knowingly to be false, which may be subject to disciplinary action that could include dismissal, termination of service, or cessation of a service or client relationship.

### Policy Statement

SCD is committed to the highest standards of conduct and ethical behaviour and to promoting and supporting a culture of honest and ethical behaviour, legal compliance, and good corporate governance.

SCD encourages the reporting of any instances of suspected unethical, illegal, fraudulent or undesirable conduct involving SCD and provides protection and measures so that those persons who make a report may do so confidentially and without fear of intimidation, disadvantage or reprisal.

When a person makes a disclosure with an honest intention:

- The disclosure may be made anonymously if the person so wishes, or the person's identity may be indicated only to the person receiving the disclosure but be otherwise held in confidence unless the person agrees to being identified to another person or body.
- The person will be protected from reprisal, discrimination, harassment or victimisation for making the disclosure.
- An independent internal inquiry or investigation will be conducted.
- Issues identified from the inquiry/investigation will be resolved and/or rectified or referred to an external party for further investigation.
- The person will be informed of the outcome.
- Any retaliation for having made the disclosure will be treated as a serious wrongdoing under this policy, with consequences including effects on employment or access.

## Definitions

### Vexatious

Reporting on wrongdoing without sufficient grounds, purely to harm or annoy the alleged perpetrator or disturb the good functioning of SCD.

### Whistleblower

The person who reports wrongdoing in accordance with this policy.

### Whistleblowing

Disclosure by (or on behalf of) a witness of actual or suspected wrongdoing.

### Whistleblowing Manager

The person receiving the disclosure and conducting the investigation.

### Whistleblowing Protection Officer

The external person appointed by SCD to oversee the investigation and its integrity and provide support for the Whistleblower in the event of potential or actual retaliation. The person appointed for three years as the Whistleblowing Protection Officer for SCD 2020-2022 is Professor Michael Horsburgh AM.

### Wrongdoing

Conduct that includes but is not limited to activity that:

- breaches legislation, regulations or local government by-laws or is otherwise illegal (including whistleblower laws, corporations law, theft, drug sale/use, violence or threatened violence or criminal damage against property);
- is an offence against any other law of the Commonwealth that is punishable by imprisonment for a period of 12 months or more;
- is corrupt or is an abuse of public trust or position;
- is dishonest or fraudulent;
- perverts the course of justice;
- unreasonably endangers health and safety or the environment;
- is a serious breach of SCD policy;
- constitutes maladministration (for example, by being unjust, based on improper motives, unreasonable, oppressive or negligent);
- is serious or substantial waste (including public money or public property);
- constitutes gross mismanagement or involves repeated breaches of administrative procedures;
- has financial or non-financial loss detrimental to the interests of SCD;
- is an unethical breach of the Code of Conduct;
- is serious improper conduct.

## Responsibilities

### Whistleblower

The Whistleblower will make every effort to check the facts behind their suspicions and proceed only if they believe there are reasonable grounds for their suspicions.

In deciding to proceed, the Whistleblower will speak truthfully to the Whistleblowing Manager and any other person appointed to conduct the investigation, including with regard to the degree of certainty with which the allegation is made.

The Whistleblower will observe confidentiality about the allegation and the investigation at least until it reaches a satisfactory resolution, including confidential accessing of legal or other support if desired.

The Whistleblower should inform the Whistleblowing Protection Officer if, at any time, there appears to be potential or actual retaliation against them or inadequate handling of their complaint about retaliation by management.

### **Whistleblowing Manager**

The Whistleblowing Manager will receive the Whistleblower's communication in confidence.

The Whistleblowing Manager will ensure that, throughout the ensuing investigation, the identity of the Whistleblower remains undisclosed unless or until the Whistleblower agrees to disclose it or the law requires disclosure to appropriate persons or bodies.

The Whistleblowing Manager will investigate the matter following as closely as possible in the circumstances the procedure outlined below.

### **Whistleblowing Protection Officer**

The Whistleblowing Protection Officer ensures the integrity of the whole process, including the maintenance of the appropriate confidentiality, the provision of relevant information to the parties concerned, the cooperation of the parties concerned, the secure keeping of appropriate records, and referral to further external entities as appropriate.

If, at any time, the Whistleblower informs the Whistleblowing Protection Officer that there appears to be potential or actual retaliation against them or inadequate handling of their complaint about retaliation by management, the Whistleblowing Protection Officer acts to produce recommendations for management to resolve the situation or, if management fails to act appropriately and adequately, reports the situation directly to the President.

The Whistleblowing Protection Officer is alerted to the event of the disclosure by the Whistleblowing Manager and reports in due course to the SCD Council.

## **PROCEDURE**

1. The Whistleblower considers the grounds for suspicion of wrongdoing, decides to disclose it, and discloses it to the Whistleblowing Manager or the person acting as Whistleblowing Manager.

The Whistleblowing Manager is normally the SCD Dean and CEO. If the Whistleblower believes this person to be directly or indirectly involved in the alleged wrongdoing, the SCD President should be approached and will act as Whistleblowing Manager or, with the agreement of the Whistleblower, appoint another senior member of the SCD community to undertake this role.

If the Dean and CEO is not involved in the matter but is to be absent for more than one week at the time the Whistleblower wishes to act, the Chief Operating Officer fulfils the role of Whistleblowing Manager and notify the Dean and CEO of the event as soon as possible, without conveying the identity of the Whistleblower unless or until the Whistleblower agrees to disclose it or the law requires disclosure to appropriate persons or bodies. If the Chief Operating Officer is not available, or is involved in the alleged wrongdoing, the Whistleblower approaches the SCD President, who appoints a suitable person for this role as agreed with the Whistleblower.

The disclosure may be made verbally in the first instance, but a written account or a video or sound recording will be required as the basis for the investigation to proceed.

2. The Whistleblowing Manager alerts the Whistleblowing Protection Officer to the disclosure without revealing the identity of the Whistleblower unless the Whistleblower agrees to disclose it.

The person or persons alleged to have committed the wrongdoing are also notified that the allegation has been made and told that they will receive further information when enquiries have been made and the Council has received a first report from the Whistleblowing Manager.

The Whistleblowing Manager will initiate enquiries no more than one week after receiving the disclosure and will conduct the investigation as expeditiously as the circumstances permit, at all times keeping confidential the identity of the Whistleblower unless or until the Whistleblower agrees to disclose it or the law requires disclosure to appropriate persons or bodies.

The investigation includes obtaining relevant information, interviewing and consulting and relevant people, directing them not to discuss the matter with others, ongoing communication with the Whistleblower insofar as such communication may be expected to advance the investigation, and forming a view as to the evidence for wrongdoing.

Having ascertained the facts of the matter as fully and as accurately as possible, the Whistleblowing Manager produces a written report on the situation with reasons for reaching the conclusion expressed and provides the report to Council. The Whistleblowing Manager also informs the Whistleblower and the person or persons alleged to have committed the wrongdoing that the report has gone to the Council.

If it appears that illegal activity is involved, the Whistleblowing Manager will inform Council at the earliest opportunity and proceed to inform the police.

If, at any time, the Whistleblower believes that there appears to be potential or actual retaliation against them or inadequate handling of this by management, it would appear to be implied that their identity has been disclosed in some way. In that event, they should directly seek the assistance of the Whistleblowing Protection Officer, who then acts to produce recommendations for management to resolve the situation or, if management fails to act appropriately and adequately, reports the situation directly to the President.

3. Council considers the report and decides what action to take. This may include:

Notifying the Whistleblower and the person or persons alleged to have committed the wrongdoing that the allegation has been found not to have reasonable grounds for pursuing the matter.

Notifying the person or persons alleged to have committed the wrongdoing that the allegation has been found to have reasonable grounds for pursuing the matter and providing fuller information about details of the allegation and Council's intended course of action.

Initiating further proceedings to address the issue, including seeking legal advice.

Ensuring that the matter is pursued to a satisfactory resolution, which may involve a range of disciplinary or legal consequences for the person or persons alleged to have committed the wrongdoing, corrective measures to address any harm to SCD, taking all reasonable measures to ensure the ongoing protection of the Whistleblower, and ensuring the secure keeping of full records of the event.

<b>Author(s), Latest (Role) and Previous</b>	K. Haggar (COO), D. Speed (Dean)
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