



Whistleblower Protection Policy

Document Number	707375
Document Type	Policy
Approval Date	22 November 2024
Replaces Document & No.	Whistleblower Policy 493530 (010 of 2021) v3
Owner Service Area	Legal, Governance & Risk
Review Date	November 2027
Audience	Public

1. Introduction and Purpose

Catholic Schools Parramatta Diocese (**CSPD**) recognises the importance of speaking up about issues of misconduct. CSPD is committed to the protection of individuals who disclose information about illegal or improper conduct occurring within CSPD.

The purpose of this Policy (**Policy**) is to ensure that any individual who discloses misconduct as described in Section 5.1, or improper conduct in relation to CSPD can do so safely, securely and with confidence that they will be protected and supported. The Policy is important in helping CSPD identify wrongdoing that may not be uncovered unless there is a safe and secure means for disclosing wrongdoing. It supports the *Code of Conduct* and its values.

CSPD is bound by the whistleblower protections in Part 9.4AAA of the *Corporations Act 2001* (Cth) (**Corporations Act**) and this Policy implements those provisions.

Capitalised terms that are used in this Policy are defined in the Definitions.

2. Scope

Reports may be made under this Policy by anyone who is, or has been:

- A Director or officer of CSPD;
- An employee of CSPD;
- A contractor, supplier, consultant or business partner (including their employees) of CSPD;
- A volunteer who provides services to CSPD;
- An associate of CSPD (associates include parents and students); or
- A relative, spouse or dependant of any of the above.

A **Discloser** is any individual listed above who has made a report in accordance with this Policy. A Discloser will be eligible for the protections under this Policy when they make a disclosure about a **Disclosable Matter** (as described in [Section 5](#) below) using any of the reporting methods set out in this Policy.

Disclosers may also be able to access legal protections under the Corporations Act and the Taxation Administration Act. Further information about these legal protections

available to Disclosers under the Corporations Act and the Taxation Administration Act is set out in [Appendix 1](#).

3. Definitions

CSPD means the Catholic Schools Parramatta Diocese and includes CSPD Support Teams (office-based staff) and Schools.

Discloser is a person who reports a Disclosable Matter in accordance with this Policy.

Disclosable Matter is defined in clause 5.1 of this Policy.

Need to Know Basis means the disclosure of confidential information only to those within CSPD who need the information to discharge their duties.

Officer means Board of Directors, the Company Secretary of CSPD's Board and all members of the Executive Leadership Team based in the Support Teams office.

Staff members include permanent, temporary and casual employees, religious, volunteers, interns, secondees, contractors or subcontractors (including their Staff members), employee/s of a labour hire company who have been assigned to work with CSPD, students on work placements, apprentices and trainees.

Vexatious means instituted without sufficient grounds, especially so as to harass or cause annoyance.

Whistleblower Protection Officer (WPO) is a nominated person within CSPD who can receive a disclosure report and provide support to a whistleblower, potential whistleblower or persons associated with a whistleblower. Current WPOs are:

- Executive General Manager - People & Culture
 - Manager Audit & Assurance
-

4. Quick Guide to Making a Disclosure

To make a Disclosure quickly and confidentially you can use the dedicated independent whistleblowing service Stopline where disclosures can be made online, by phone or email. The contact details for Stopline are:

Website <https://cspd.stoplinereport.com/>

24/7 Phone Hotline 1300 30 45 50

Email cspd@stopline.com.au

If you have questions or need advice about making a Disclosure, you can contact a CSPD Whistleblower Protection Officer (**WPO**). The WPOs are:

- Executive General Manager - People & Culture (wpo@parra.catholic.edu.au)
- Manager Audit & Assurance (wpo@parra.catholic.edu.au)

5. What matters can be disclosed?

5.1 Disclosable Matters

A Disclosable Matter under this Policy is any information about CSPD (or an officer or employee of CSPD) that the Discloser has reasonable grounds to suspect indicates misconduct or an improper state of affairs or circumstances in relation to CSPD. This includes:

- dishonest, fraudulent or corrupt activity, including bribery, misappropriation of funds and misuse of a person's position for personal gain;
- unethical conduct (such as acting dishonestly, altering company records, making false entries in books and records, which potentially breaches the *Code of Conduct* or other policies);
- conduct that is seriously harmful or potentially seriously harmful to a Staff Member, such as deliberate unsafe work practices or willful disregard for the safety of others;
- a criminal offence (including theft, illicit drug sale/use, violence or threatened violence and criminal damage against property);
- a danger to the public or the financial system;

- misconduct, or an improper state of affairs or circumstances, in relation to the tax affairs of CSPD;
- an offence against or a contravention of the Corporations Act, or any other law applicable to CSPD;
- any conduct or circumstance that is potentially damaging to CSPD (e.g. gross mismanagement, serious or substantial waste of company resources or repeated breaches of administrative procedures);
- any other kind of serious impropriety, including retaliatory action against a Discloser for having disclosed a Disclosable Matter; or
- deliberate concealment of any of the above.

5.2 Reasonable Grounds

A Discloser must have reasonable grounds for a report made under this Policy. A rumour or a mere allegation with no supporting information is unlikely to be considered as having “reasonable grounds”. However, a Discloser does not need to prove their allegations. A Discloser will still qualify for protection under this Policy even if their disclosure turns out to be incorrect.

5.3 False or Vexatious Disclosures

Making a Disclosure is a serious matter. A person who knowingly makes a false or vexatious Disclosure, or who otherwise fails to act honestly with reasonable belief in respect of the Disclosure will not be eligible for the protections under this Policy or the Corporations Act. If the person is a Staff Member or Officer, they may be subject to disciplinary action.

5.4 Things that are not Disclosable Matters

Personal work-related grievances of current or former employees of CSPD are not Disclosable Matters and are not covered under this Policy. More information about this is set out in Section 6 below.

Parent/Carer complaints in relation to a child’s schooling are not Disclosable Matters. If there is a concern or complaint relating to a child at a CSPD school, first raise this with your child’s school. If you are unsatisfied with the response you received from your child’s school, please contact parentscarerssupport@parra.catholic.edu.au.

6. Personal work-related grievances

6.1 Disclosures that relate solely to personal work-related grievances do not qualify for whistleblower protection. A personal work-related grievance is a grievance about any matter in relation to the Discloser's employment, or former employment, having (or tending to have) implications for the Discloser personally. This includes:

- an interpersonal conflict between the Discloser and another employee;
- a decision relating to the engagement, transfer or promotion of the Discloser;
- a decision relating to the terms and conditions of engagement of the Discloser; and
- a decision to suspend or terminate the engagement of the Discloser, or otherwise to discipline the Discloser.

6.2 Personal work-related grievances do not include:

- any conduct that would be considered victimisation of an individual because they have made, may have made, or propose to make a report under this Policy; or
- any matter that would have significant implications for CSPD.

6.3 Personal work-related grievances or complaints about discrimination, harassment or bullying will be handled in accordance with the *Managing Workplace Complaints Policy* and/or the *Preventing Discrimination, Harassment and Bullying Policy*. An employee may also have rights under the *Fair Work Act 2009 (Cth)* or other legislation in relation to these kinds of complaints.

7. Making a Disclosure

7.1 Disclosure Channels

Disclosures can be made through any of the following channels. If you wish to make an anonymous Disclosure, Stopleveline may be the easiest method to use.

7.1.1 Stopline - CSPD's whistleblowing hotline

Website	cspd.stoplinereport.com
24/7 Phone Hotline	1300 30 45 50
Email	cspd@stopline.com.au
Post	Attention: Catholic Schools Parramatta Diocese c/o Stopline PO Box 403 Diamond Creek, VIC 3089, Australia
QR Code	Scan this QR Code to make a Disclosure online 

7.1.2 A Whistleblower Protection Officer (WPO)

The current WPOs are:

- Executive General Manager - People & Culture (wpo@parra.catholic.edu.au)
- Manager Audit & Assurance (wpo@parra.catholic.edu.au)

7.1.3 An Eligible Recipient of CSPD

If a Discloser is unable to use any of the above channels, they can make their disclosure to any of CSPD's Eligible Recipients. These are:

- any member of the Board of Directors or the Company Secretary;
- any of CSPD's senior managers (which include the Executive Leadership Team and the Chief Executive Officer);
- CSPD's internal and external auditors; and
- (if your disclosure is about tax issues) any employee or officer who has functions or duties relating to the tax affairs of CSPD.

An Eligible Recipient may direct the Discloser to make the report to a WPO, if they consider it appropriate in the circumstances.

7.1.4 Report to an External Body

A Discloser may also make a report about a Disclosable Matter to an external party such as ASIC, APRA or the ATO, as set out in [Appendix 1](#).

In some limited circumstances, a Disclosure can be made to a journalist or parliamentarian. These are 'public interest disclosures' and 'emergency disclosures'. More information on how to make these kinds of disclosures is set out in [Appendix 1](#).

7.2 Information to include in a Disclosure

A Disclosure should contain sufficient information to form a reasonable basis for investigation. For this reason, Disclosers should provide as much information as possible, in any form, about the Disclosable Matter. For example, this information could include (but must not necessarily include):

- the date, time and location of the events mentioned in a Disclosure;
- the name(s) of person(s) involved and possible witnesses to the events;
- evidence of the events (e.g. documents, emails etc); and
- steps the Discloser or another person may have already taken to report the matter or to resolve the concern.

7.3 Is there a time limit to make a Disclosure?

There is no time limit to make a Disclosure. However, the earlier that a Disclosure is made, the more likely it is that reliable evidence will be available and CSPD can address the matter appropriately.

8. Confidentiality

8.1 Discloser's Identity

Disclosers are encouraged (but not required) to disclose their identity when making a report. A Discloser can choose to make an anonymous disclosure and will still be protected under applicable law. However, providing a Discloser's identity will assist in:

- monitoring their wellness and protecting them from victimisation; and
- investigating their report and obtaining further information from them as is necessary to complete the investigation.

In circumstances where the Discloser has not consented to the disclosure of their identity, the matter may still be referred for investigation, but the investigator will be required to take all reasonable steps to reduce the risk that the Discloser will be identified as a result of the investigation.

8.2 Discloser's Right to Anonymity

Information about a Discloser's identity may only be disclosed in the following circumstances:

- Where the Discloser consents;
- Where the information is disclosed to ASIC, APRA, the Australian Federal Police, the ATO Commissioner (for tax-related disclosures) or to a person or body prescribed by regulations; or
- Where the information is disclosed to a legal practitioner for the purpose of obtaining legal advice or representation in relation to the operation of applicable whistleblowing protection laws.

8.3 Anonymity and Investigations

If it is reasonably necessary for investigating the issues raised in a Disclosure, information that may be likely to lead to the identification of the Discloser may be disclosed, but only if:

- the information does not include the Discloser's identity; and
- CSPD has taken all reasonable steps to reduce the risk that the Discloser will be identified from the information.

It is an offence for a person to identify a Discloser or disclose information that is likely to lead to the identification of a Discloser, apart from the exceptional circumstances described in 8.2 and 8.3 above.

9. Protections for Disclosers

9.1 Protection from victimisation

It is a breach of this Policy to subject a Discloser to any Detriment (as defined below) because they have made, or propose to make, a report under this Policy. It will also be a breach of this Policy to make a threat to cause Detriment to a Discloser (or another person) in relation to a report.

Any Staff member who is found to have victimised a Whistleblower will be liable to disciplinary action, up to and including termination of employment. Causing Detriment to a Discloser because they have made or propose to make a report about a Disclosable Matter may also be an offence under applicable laws. Further information on the protections and remedies available to Disclosers under applicable laws is set out in [Appendix 1](#).

Disclosers are encouraged to discuss any concerns about possible Detriment with a WPO, so that appropriate measures can be put in place to prevent any potential Detriment to a Discloser.

9.2 What is 'Detriment'?

'**Detriment**' includes any of the following actions:

- dismissal of a Staff member;
- disadvantaging someone in their employment (e.g. not giving someone legal entitlements such as pay or leave);
- changing someone's position description or title to their disadvantage;
- offering a potential Staff member different (and unfair) terms and conditions for the job, compared to other Staff members;
- injury of a Staff member in their employment;
- harm or injury to a person, including psychological harm;

- not promoting someone because they have been a Whistleblower;
- damage to a person's property, reputation, business or financial position;
- harassment, intimidation or bullying;
- discriminating between Staff members to the disadvantage of the Whistleblower;
- any other conduct that constitutes retaliation, or detrimental conduct; and
- any other damage to a person.

Detriment does not include administrative action that is reasonable to protect a Discloser from Detriment (for example, a temporary transfer or arrangements for the Discloser to work from home or another location), or reasonable management action in relation to managing an employee's work performance. If a Discloser believes they have suffered or may suffer Detriment because they have made a report under this Policy, or if any person has threatened to cause Detriment to them or another person in connection with a report, they should immediately report the matter to a WPO.

9.3 Civil, criminal and administrative liability protection

A Discloser will not be subject to civil, criminal or administrative liability for making a Disclosure under this Policy. However, this immunity does not extend to protect the Discloser for liability for any personal misconduct revealed by the Disclosure or the investigation of that Disclosure.

CSPD has the discretion to provide the Discloser (or anyone assisting with the investigation) with immunity from its disciplinary procedures. However, CSPD has no power to provide immunity from criminal prosecution.

10. Support for Disclosers

10.1 To ensure that Disclosers are supported both during, and following making a disclosure report. For employees, CSPD encourages the use of its Employee Assistance Program Converge International. To access the service, call the 24/7 hotline on 1300 687 327 (1300 OUR EAP). Converge International offers a free personal counselling service that provides support for a variety of short-term, personal or work issues. This service provides access to qualified professionals for a range of matters that include, but are not limited to:

- strategies for handling conflict with colleagues or managers;
- handling stress and anxiety effectively;
- feeling depressed or down;
- feeling overwhelmed;
- assistance with financial and legal distress, and
- legal assistance.

10.2 Other support available to Disclosers includes:

- support from WPOs to answer questions and provide guidance about the disclosure and investigation process;
- appointing a support person to deal with any ongoing concerns of the Discloser;
- connecting the Discloser with third party support providers such as Lifeline (13 11 14) and Beyond Blue (1300 22 4636); and
- changes to an employee's working arrangements may be considered on a case-by-case basis.

Use of these support services by a Discloser may require the Discloser to consent to the disclosure of their identity or of information that is likely to lead to the discovery of their identity.

11. Handling Disclosures

11.1 Assessment of Disclosure

When a Disclosure is made under this Policy an initial assessment will be made to determine whether it concerns a Disclosable Matter, whether a formal, in-depth investigation is required, and whether the matter may be investigated or confirmed in other ways. An investigation may not be possible if the Discloser is unable to be contacted (for example, if a report is made anonymously and the information provided is not sufficient to enable an investigation).

11.2 Appointment of Investigator

If the result of the initial assessment is that the report concerns or potentially concerns a Disclosable Matter, the WPO will inform the Chief Executive Officer. The Chief Executive Officer will determine the most appropriate action in responding to the Disclosure, which may include:

- investigation of the disclosure by the WPO, or
- investigation by an independent third party.

11.3 Conduct of an Investigation

Where an investigation is deemed appropriate, the Disclosure will be investigated as soon as practicable after the matter has been reported. The investigator will use his or her best endeavours to conduct the investigation in a timely, thorough, confidential, objective and fair manner, as is reasonable and appropriate having regard to the nature of the Disclosable Matter and all of the circumstances.

- Where appropriate, the subject(s) of the report will be informed of the allegations and have an opportunity to respond.
- Where appropriate, the Discloser will be updated on the progress of the investigation. A Discloser must not disclose and must keep confidential any details of the investigation, its progress, or its outcome.
- Where appropriate, and where the identity of the Discloser is known, the Discloser will be advised that the matter has been addressed.

11.4 Investigation Outcomes

The outcome of the investigation that confirms a Disclosable Matter will be reported to the Chief Executive Officer and the Chair of CSPD's Audit and Risk Committee. A finding of misconduct may result in disciplinary action for Officers and employees up to and including termination of employment without notice. Serious criminal matters will be reported to the police or the appropriate regulatory authorities.

12. Fair Treatment of Persons Subject of Allegations

- 12.1 Each Disclosure will be assessed and may be the subject of an investigation, which will be carried out in a fair and impartial manner. No action will be taken against employees or Officers who are subject of allegations in a report under this Policy until an investigation has determined whether any allegations against them are substantiated in whole or in part.
- 12.2 An employee or officer who is subject of allegations may be temporarily suspended from duty on full pay while an investigation is in process or may be temporarily transferred to another workplace, if appropriate in the circumstances. Any such suspension from duty or temporary transfer may only continue for the duration of the investigation. If the investigation determines that the allegations are not substantiated, the employee or officer will be reinstated to full duties.
- 12.3 Any Disclosures that implicate an employee or officer must be kept confidential and should only be disclosed to those persons who have a need to know the information for the proper performance of their functions under this Policy, or for the proper investigation of the Disclosure.
- 12.4 Subject to the Discloser's right to anonymity, an employee or officer who is implicated in a Disclosure has a right to be informed of the allegations against them and must be given an opportunity to respond to those allegations and provide additional information, if relevant, in the course of an investigation into those allegations. An employee or officer who is implicated in a report will be informed of the outcome of any investigation.
- 12.5 Support available for persons implicated in a report under this Policy includes:
- connecting the person with access to the Employee Assistance Program;
 - appointing an independent support person to deal with any ongoing concerns they may have; and
 - connecting the person with third party support providers such as Lifeline (13 11 14) and Beyond Blue (1300 22 4636).
- 12.6 CSPD encourages the use of its Employee Assistance Program, , Converge International. To access the service, call the 24/7 hotline on 1300 687 327 (1300 OUR EAP). Converge International offers a free personal counselling service that provides support for a variety of short-term, personal or work issues. This service

provides access to qualified professionals for a range of matters that include, but are not limited to:

- strategies for handling conflict with colleagues or managers;
 - handling stress and anxiety effectively;
 - feeling depressed or down;
 - feeling overwhelmed;
 - assistance with financial and legal distress, and
 - legal assistance.
-

13. Review and Monitoring

- 13.1 The WPOs will report to the Board on an as-needed basis regarding the effectiveness of this Policy, and the whistleblowing process. If a report under this Policy relates to serious misconduct, as defined in the *Fair Work Act 2009* (Cth) or involves a serious risk to CSPD, the WPO may immediately notify the Board. All such reports shall be de-identified and shall ensure the confidentiality of Disclosers. If no Disclosures have been received under this Policy in the relevant period, no report to the Board will be required.
- 13.2 The Board shall review this Policy, and its whistleblowing process, on a periodic basis, or as deemed necessary by the Board, to ensure that it is operating effectively, to rectify any issues identified in the review, and to ensure that it reflects any legislative changes.
-

14. Accessibility, Education and Training

- 14.1 This Policy will be made available to officers and employees through the CSPD intranet and website. Copies may also be obtained by request to a WPO. Regular training will be conducted for Eligible Recipients and persons who may receive a report under this Policy.
- 14.2 Employees will be provided with information and training about this Policy through:
- Induction training
 - Staff briefing sessions

- Discussing the policy in staff meetings
-

15. Related documents

- Code of Conduct
 - Preventing Discrimination, Harassment and Bullying Policy
 - Guidelines for Parents and Carers in Raising Complaints
-

16. Further information

If you would like further information about this Policy, contact a CSPD WPO via email wpo@parra.catholic.edu.au

Appendix 1 – Legal Protections for Whistleblowers

A Discloser may qualify for protection as a whistleblower under the *Corporations Act 2011* (Cth) if they are an 'eligible whistleblower' in relation to CPSD, and:

- They have made a disclosure of information relating to a 'disclosable matter' directly to an 'eligible recipient', or to ASIC, the Australian Prudential Regulation Authority (APRA) or another Commonwealth body prescribed by regulation;
- They have made a disclosure to a legal practitioner for the purposes of obtaining legal advice or legal representation about the operation of the whistleblower provisions in the Corporations Act (Disclosures to a legal practitioner for the purposes of obtaining legal advice or legal representation in relation to the operation of the whistleblower protection provisions in the Corporations Act are protected, even if the disclosure does not relate to a "disclosable matter"); or
- They have made an 'emergency disclosure' or a 'public interest disclosure'.

A Discloser may qualify for protection as a whistleblower under the *Taxation Administration Act 1953* (Cth) if they are an 'eligible whistleblower' in relation to CPSD, and:

- They have made a disclosure of information relating to misconduct, or an improper state of affairs or circumstances, in relation to the tax affairs of CPSD directly to an 'eligible recipient' or to the Commissioner for Taxation; or
- They have made a disclosure to a legal practitioner for the purpose of obtaining legal advice or legal representation about the operation of the whistleblower protection provisions in the Taxation Administration Act.

Public Interest Disclosures and Emergency Disclosures

Disclosures can be made to a journalist or a parliamentarian under certain circumstances and qualify for protection under the Corporations Act. Such disclosures must first be made to ASIC, APRA or another Commonwealth body prescribed by regulation, and must meet other specific requirements. A Discloser should obtain independent legal advice to ensure that they understand the criteria for making an emergency disclosure or a public interest disclosure that qualifies for protection.

The following protections are available to whistleblowers who make a protected disclosure under the Corporations Act or the Taxation Administration Act (whether that disclosure is made internally to CPSD, or to an external body such as ASIC, APRA, a legal practitioner or is a public interest or an emergency disclosure):

- Protection of the Discloser's identity, if he or she wishes to remain anonymous;
- Protection from Detriment because of making a protected disclosure;
- The right to claim compensation for loss, damage or injury caused to the Discloser because of a protected disclosure; and

- Protection from civil, criminal and administrative liability because of making the protected disclosure.

Legal Remedies

A Discloser that suffers loss, damage or injury because of a protected disclosure, or because their identity has been disclosed without their consent, may seek compensation and other remedies through the courts. A Discloser should seek independent legal advice if they wish to obtain such a remedy.

A Discloser may also contact regulatory bodies such as ASIC, APRA or the ATO (in relation to tax related disclosures) if they believe that they have suffered Detriment due to making a report about a disclosable matter, or if there has been a breach of confidentiality such as a disclosure of their identity without their consent.