

# WHISTLEBLOWER PROTECTION POLICY

## 1. Introduction

### 1.1 Background

The EREA Board first approved the EREA Whistleblower Protection Policy and separate Guidelines for Employees and Service Providers, and Students and Parents in December 2019.

Edmund Rice Education Australia (EREA) is committed to a culture of respect and ethical conduct in the way we work and relate to each other. We recognise the value of keeping the laws and standards that apply to us in our work and encourage everyone to report wrongdoing.

We will not tolerate corrupt, illegal or other undesirable conduct nor condone detrimental acts against anyone who intends to disclose or has disclosed wrongdoing.

### 1.2 Purpose

EREA encourages whistleblower action consistent with this policy and the guidelines.

EREA is required to comply with the whistleblower protections under the Corporations Act (2011) and ASIC's Regulatory Guidance 270.

All in EREA are mindful of the messaging from the Royal Commission into Responses to Child Sexual Abuse and EREA is committed to providing anonymity and protection for those within EREA who wish to report known or reasonably suspected 'misconduct' or 'wrongdoing'.

EREA's Whistleblower Protection Policy and accompanying Guidelines have been established to:

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- Ensure organisational transparency and accountability
- Ensure a student-centred culture of openness and responsiveness
- Support the values of the EREA Charter and Touchstones;
- Embody the principles outlined in the EREA Code of Conduct;
- Comply with EREA’s legal and regulatory obligations; and
- Align with best practice governance principles and standards.

### 1.3 Principles

**EREA is committed to best practice governance and stewardship in accordance with legislative requirements for not-for-profit and charitable bodies.**

EREA operates within the context of The Charter for Catholic Schools in the Edmund Rice Tradition, which is underpinned by EREA core values.

A Whistleblower function is an important tool for assisting EREA to identify wrongdoing that may not be uncovered unless there is a safe and secure means for disclosure. Furthermore, it aims to:

- Encourage disclosures of wrongdoing;
- Help deter wrongdoing in accordance with EREA’s risk management and governance framework;
- Ensure individuals who disclose wrongdoing can do so safely, securely and with confidence that they will be protected and supported;
- Ensure disclosures are dealt with appropriately and on a timely basis;
- Provide transparency around EREA’s processes for receiving, handling and investigating disclosures;
- Support EREA’s Charter, Touchstones and Code of Conduct;
- and
- Meet with EREA’s legal and regulatory obligations.

The services of an external service provider are utilised to allay concerns regarding the perception that internal methods may be compromised. The core functions of the external provider are to:

- Objectively and independently receive and assess disclosures;
- Protect the person’s anonymity;
- Conduct investigations where required, either legislatively or at the request of EREA; and
- Appropriately escalate a qualifying disclosure to the designated delegation within EREA for further action or investigation.

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## 1.4 Scope

This policy applies to all EREA schools and entities and offices.

## 2. Roles and responsibilities

Role	Responsibilities
EREA Council	<ul style="list-style-type: none"><li>Receiving and managing disclosures made against the EREA Board Chair</li></ul>
EREA Board	<ul style="list-style-type: none"><li>Approving this policy</li><li>Ensuring appropriate guidelines are developed to assist all to comply with the Policy</li><li>Ensuring this policy is reviewed and updated as needed</li><li>Monitor the number and nature of WB matters</li></ul>
EREA Board Chair	<ul style="list-style-type: none"><li>Receiving and managing disclosures made against the EREA Executive Director and Board members</li></ul>
EREA Executive Director	<ul style="list-style-type: none"><li>Ensuring this policy is implemented</li><li>Developing and reviewing the accompanying guidelines supporting adherence with this policy</li><li>Appointing EREA Disclosure Officers</li><li>Receiving and managing disclosures made against EREA National Directors</li></ul>
Principals	<ul style="list-style-type: none"><li>Implementing this policy and accompanying guidelines</li></ul>
School Advisory Councils	<ul style="list-style-type: none"><li>Being familiar with the policy</li><li>Directing members of the school community to the Principal or external third party provider as needed</li></ul>

## 3. Whistleblower Protection Policy Guidelines

There are two Guidelines linked to the Whistleblower Protection Policy which are to be used depending on the person's relationship to the school. The two Guidelines provide guidance and outline our responsibilities under the law:

- a) The Employee Guideline is for employees, service providers and contractors, and
- b) The Parent & Student Guideline is for parents and students.

The Guidelines outline the process by which EREA manages the reporting of actual, planned or suspected 'wrongdoing' which cannot reasonably be managed through internal reporting procedures.

Although there are legislative differences in how the employees of organisations captured under the Corporations Act must be protected, and how students and parents must be treated under state and federal legislation when reporting a "wrongdoing", EREA treats all

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whistleblowers fairly and equitably and provides best practice whistleblower protection support.

#### **4. Policy compliance**

##### **4.1 Breach of this policy**

EREA takes infringements very seriously. Employees/officers who fail to abide by these principles may face disciplinary action, including dismissal.

Individuals that are aware of a suspected breach of this Policy should refer to EREA's procedure for reporting complaints and can make a report to EREA's Complaints Officer. All reports will be treated confidentially.

##### **4.2 Policy review**

A review of this policy shall be conducted every three years or earlier if required, such as due to changes in legislation.

The EREA Board is responsible for ensuring this policy is reviewed and updated as needed and endorsing this policy.

#### **5. Related policies, procedures and legislation**

##### **5.1 EREA policy linkage**

This policy should be read in conjunction with the following related documents:

- a) Guidelines – EREA Whistleblower Protection Policy for Employees & Service Providers
- b) Guidelines – EREA Whistleblower Protection Policy for Students & Parents
- c) EREA Whistleblower Program (PolicyPlus)
- d) The Charter for Catholic Schools in the Edmund Rice Tradition
- e) EREA Code of Conduct
- f) EREA Child Safeguarding Policies
- g) EREA Complaints Handling Policy
- h) EREA Internal Grievance Policy
- i) EREA Health & Safety Policy

##### **5.2 Related legislative instruments**

The following legislation, standards and regulations apply and this policy aligns with these mandated requirements:

- (a) Corporations Act (2011)
- (b) ASIC's Regulatory Guidance 270.

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