



WENTWORTH INSTITUTE OF HIGHER EDUCATION

Document: Whistleblower Protection and Public Interest Disclosure Policy and Procedure		
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Introduction

This policy outlines Wentworth Institute of Higher Education's (WIN Higher Education) process in reporting cases of suspected misconduct, fraudulent activities, unlawful behaviour, unethical actions, and any related cases involving WIN Higher Education business operations and the conduct and practices of its officers and staff both past and current. It addresses the protection of the individual making the disclosure in good faith against any reprisal or retaliation.

Objectives

- To promote transparency in handling eligible whistleblower disclosure.
- To deter wrongdoing as there is an increase likelihood that illegal or unlawful act will be reported.
- To protect the individual against reprisal and support those who reports the illegal or unlawful act.
- To promote good governance and risk management.

Scope

This policy applies to Whistleblower within the context of the Corporations Act 2001 and the Public Interest Disclosure Act 2013 (Cth). This policy does not replace policies on complaints and grievances, harassment, and bullying. Issues that relate to these cases must be addressed in accordance with the policy on Student Sexual Assault and Sexual Harassment Policy, Academic Grievance Handling Policy and Procedure for Students, Non-academic Grievance Handling Policy and Procedure, and Governance Charter.

Eligible Whistleblower

Eligible Whistleblower as defined under the Corporations Act 2001 – Section 1317AAA is:

- an officer or an employee of WIN Higher Education;
- an individual who supplies services or goods to WIN Higher Education (whether paid or unpaid);
- an employee of a person that supplies services or goods to WIN Higher Education (whether paid or unpaid);
- an individual who is an associate of WIN Higher Education;
- a relative of an individual referred to above;
- a dependant of an individual referred to above, or an individual's spouse;
- an individual prescribed by the regulations under the Act.

Reportable Conduct

The following activities are considered reportable conduct and can be made by an individual if there is a reasonable ground to suspect that the conduct might have occurred or is occurring:

- Corruption, fraud, misconduct, bribery, fraud, theft, money laundering, misappropriation of funds, dishonesty, and other illegal activities such as misuse of WIN Higher Education's funds and properties.
- Illegal conduct that may cause financial gain or loss to WIN Higher Education including those that may affect its reputation.
- Unsafe work practices or activities posing serious health and safety risk including risk to environment and community.

- Breaches of conflicts of interest.
- Delaying or concealing the disclosure of the reportable conduct.
- Other conduct that may be deemed reportable under the Act.

These reportable conducts may be reported online, face to face or in written form as long as confidentiality is maintained.

Eligible recipients

Eligible recipients, as defined under the Corporations Act 2001 – Section 1317AAA, is a person whom reportable conduct is being disclosed and includes:

- an officer or senior manager at WIN Higher Education;
- an auditor, or a member of an audit team conducting an audit, at WIN Higher Education;
- a person authorised by WIN Higher Education to receive disclosures;

Regulations may prescribe persons or bodies that are eligible recipients in relation to all regulated entities, or in relation to a class or classes of regulated entities.

Confidentiality

In reporting wrongdoing, an eligible whistleblower can make a disclosure via email, mail, phone, or in person or other means that eligible whistleblower is comfortable with. The eligible whistleblower and eligible recipient should ensure that the disclosure is made confidentially and securely and free from retribution. This includes all information that may lead to the identification of the eligible whistleblower. Confidentiality is covered under Corporations Act 2001 Section 1317AAE Confidentiality of whistleblower's identity.

Investigating report

Eligible recipient should follow these steps when investigating reportable conduct. This may vary depending on what is being disclosed by the eligible whistleblower. Steps may include:

- Assess each disclosure and determine if it falls under reportable conduct and the individual qualifies for protection;
- Discuss with the eligible whistleblower the reportable conduct and determine if a formal investigation will be required. This step should determine if the reportable conduct fall under another policy and should be dealt with under a particular policy.
- The whistleblower should be provided with updates throughout the investigation.
- Based on the discussion with the eligible whistleblower, determine the scope of the investigation;
- If required, identify if another person should investigate in case of conflict of interest; otherwise, eligible recipient should lead the investigation;
- Gather evidence to support the case and this may include technical, financial, or legal advice and ensuring that procedural fairness, independence, and confidentiality are adhered to;
- Review and analyse the relevant information;
- Report findings to appropriate authority, within WIN Higher Education or an external entity.

Note that investigation timeframes may vary based on the seriousness of the reported conduct.

Protecting Eligible Whistleblowers

Eligible Whistleblower is protected under Corporations Act 2001 and the Public Interest Disclosure Act 2013 (Cth) and afforded the following protections:

- The Whistleblower's identity and information will be kept confidential unless the Whistleblower agreed or consented, in writing, that his/her identify be released or any exceptions as provided under the Corporations Act;
- Any person who makes a protected report of any wrongdoings will be protected against reprisals and detrimental actions or be subjects to any disciplinary, civil, or criminal liability if making eligible disclosure;
- The Whistleblower will be treated fairly at all times during the proceedings and will not be disadvantaged for having reported an eligible disclosure.

False, Vexatious or Misleading Disclosure

A person who acts dishonestly or knowingly makes a false, vexatious, or misleading disclosure will not be afforded any protection under this policy, Corporations Act 2001 and/or the Public Interest Disclosure Act 2013 (Cth). If the person is a staff member of WIN Higher Education, he/she be subject to disciplinary action in accordance with WIN Higher Education policy.

Related Documents

- Governance Charter
- Student Sexual Assault and Sexual Harassment Policy
- Academic Grievance Handling Policy and Procedure for Students
- Non-academic Grievance Handling Policy and Procedure
- Critical Incident Policy and Procedure
- Academic Integrity and Student Misconduct Policy and Procedure
- [Corporations Act 2001 Part 9.4AAA Protection for whistleblowers](#)
- [Public Interest Disclosure Act 2013](#)

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V1.0/ 09.2021	New policy	EMT