

<b>Policy name:</b>	Whistleblower Policy and Procedure	<b>Version:</b>	2
<b>Policy owner:</b>	CEO		
<b>Approved by:</b>	The Board		
<b>Approved date:</b>	December 2020	<b>Review date:</b>	Nov 2023

## 1. INTRODUCTION

- 1.1** Through the Registered Training Organisations (RTOs), Selmar Institute of Education (121531), Practical Outcomes (21857), and Royal College of Healthcare (31994), Catalyst Education provides training in nationally accredited qualifications across the early childhood and school aged education, community services: ageing and disability industries, across Victoria, NSW and Queensland as well as delivering short courses and professional development to maximise the potential of the workforce within the industry.
- 1.2** In March 2019, the Australian Federal Government passed Whistleblower legislation called (Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019 to ensure that people have the ability to anonymously report unethical or illegal behaviour occurring in Australian businesses.
- 1.3** Whistleblowers play an important role in identifying and calling out misconduct and harm to consumers and the community. To encourage Whistleblowers to come forward with their concerns and protect them when they do.
- 1.4** The Corporations Act 2001 (Corporations Act) Sec 1317A1 (2) outlines the policy obligations of proprietary companies in Australia. Further information is available on the **Australian Securities and Investments Commission** (ASIC) website section - [Whistleblower rights and protections](#).
- 1.5** Companies who fail to follow the new federal Whistleblower laws could face penalties of up to \$10.5 million.
- 1.6** Where an individual wishes to report any matter they should follow the procedure contained in this policy. Note the list of matters that constitute Reportable Conduct is located in the Definitions section.
- 1.7** This policy complements other usual communication channels within Catalyst and between the organisation's employees.
- 1.8** All employees engaged in any part of the business are bound by this legislation.
- 1.9** All employees are required to complete training located in the training section.

## 2. PURPOSE

**2.1** The purpose of this Policy and Procedure is to:

- Facilitate reporting of actual, alleged or perceived misconduct or malpractice which could cause damage to Catalyst or result in injury to its learners, employees or contractors. There should be reasonable grounds supporting a report made under this policy and procedure, and any person reporting such conduct must be willing to explain those grounds.
- Provide information about how and to whom a report of Reportable Conduct can be made;

- Outline what Catalyst will do to investigate a report of Reportable Conduct;
- Outline what protections are available to a Whistleblower including how Catalyst will ensure these protections are adhered to;
- Outline how Catalyst will support a Whistleblower and protect them from detriment;
- Provide information on how Catalyst will ensure fair treatment of a Whistleblower;
- Provide information about how this policy will be made available to officers and employees of the company;
- Catalyst supports the reporting of Reportable Conduct and will take reasonable steps to protect a Whistleblower who make such disclosures from victimisation;

This policy and procedure doesn't replace the workplace grievance or formal complaints policy and procedure and is not to be used to report and resolve grievances or complaints.

A report that is found to be malicious, deliberately misleading, or frivolous may result in disciplinary action.

### 3. SCOPE

#### 3.1 This policy applies to:

Current and former Officers	Current and former FT/ PT Employees of any level of seniority	Learners	Agents/ Stakeholders /Suppliers/ Consultants (including employees of each)	Employees of the centres where Catalyst Education delivers training packages through one of its RTOs
✓	✓	✓	✓	

### 4. COMMENCEMENT OF POLICY

#### 4.1 This policy commenced 2/01/2020.

### 5. OBJECTIVES

- 5.1** Catalyst is committed to ensuring that its activities and operations are undertaken in an ethical, legally compliant, and culturally appropriate manner, and in accordance with Catalyst's objectives.
- 5.2** Catalyst recognises the importance of transparency and accountability in its activities and operations in the promotion of best practice in corporate governance.
- 5.3** Catalyst seeks to promote an environment where concerns, as appropriate, are addressed through usual communication channels (e.g., raised with the employee's supervisor or team leader). However, Catalyst recognises that there may be instances where a person does not feel comfortable using these channels. In such cases, Catalyst encourages disclosure in accordance with this policy.

## 6. DEFINITIONS

Reportable conduct	<p>conduct by a person or persons connected with Catalyst, which the Whistleblower has Reasonable Grounds to suspect is:</p> <ul style="list-style-type: none"> <li>i. dishonest;</li> <li>ii. fraudulent;</li> <li>iii. corrupt;</li> <li>iv. illegal;</li> <li>v. in breach of Commonwealth, State or Territory legislation, or local authority bylaws;</li> <li>vi. unethical;</li> <li>vii. other serious improper conduct;</li> <li>viii. an unsafe work-practice; or</li> <li>ix. any other conduct which may cause financial or non-financial loss to Catalyst or otherwise be detrimental to the interests of Catalyst, including gross mismanagement.</li> </ul>
Reasonable Grounds	means that a reasonable person in the position of the Whistleblower would also suspect the conduct is Reportable Conduct.
Victimisation	includes injury, damage or loss, intimidation or harassment, discrimination, damage to reputation, damage to financial position or business, disadvantage or adverse treatment in relation to a person's employment or threats of reprisal and includes such acts against a person related to or associated with the Whistleblower.
Whistleblower	means a person who, whether or not anonymously, makes, attempts to make or wishes to make a disclosure in respect of Reportable Conduct and seeks protection against Victimisation.

## 7. REPORTING REPORTABLE CONDUCT

**7.1** Reports of Reportable Conduct can be made directly to the persons nominated by Catalyst to investigate, manage and resolve such issues (an **Authorised Disclosure Officer**), or to a member of management within Catalyst who will pass the report onto the Authorised Disclosure Officer. If an Authorised Disclosure Officer is the subject of Reportable Conduct, Catalyst will ensure that an alternative Authorised Disclosure Officer manages investigation of the matter or will appoint an external party to investigate.

**7.2 Authorised Disclosure Officers** are the Chief Executive Officer (CEO) and the CFO/ (General Manager Finance). Whistleblowers may also make reports to Catalyst's audit firm.

**7.3** Reports can be made anonymously; however, it is important to keep in mind if an anonymous complaint is made this may cause difficulties in further information being obtained or updates being provided to the Whistleblower.

**7.4** If reports of Reportable Conduct are not made anonymously, the identity of the Whistleblower and the report of Reportable Conduct will be kept confidential. The report will not be disclosed to anyone except those who are actively involved in investigating the matters raised in the report.

The identity of the Whistleblower may be disclosed in the following limited circumstances:

- (a) the Whistleblower consents to the disclosure;
- (b) the disclosure is required by law;
- (c) the disclosure is necessary to prevent or lessen a serious threat to a person's health or safety;
- (d) the disclosure is necessary to protect or enforce Catalyst's legal rights or interests; or
- (e) the disclosure is necessary to defend any actual or anticipated claims.

All reports of Reportable Conduct will be treated seriously and will be the subject of a thorough investigation by an internal or external investigator (**Investigator**), with the objective of locating evidence that either substantiates or refutes the claims or allegations made by the Whistleblower (**Investigation**).

## 8. INVESTIGATION PROCEDURE

**8.1** The following procedure will be followed for an Investigation:

- (a) the Investigator will:
  - (i) review the report;
  - (ii) determine the approach to be taken in the conduct of the Investigation; and
  - (iii) inform the Whistleblower and the Authorised Disclosure Officer of how the Investigation will proceed;
- (b) the Investigator will plan and conduct the Investigation, including with the assistance of other employees or external advisers if considered necessary;
- (c) the Investigator will consider process/control improvements (risk assessments, audits etc);
- (d) the Investigator will prepare an Investigation report and submit the Investigation report to the Authorised Disclosure Officer; and
- (e) the Authorised Disclosure Officer will advise and debrief the Whistleblower.

At the end of the Investigation, the CEO will determine the appropriate response and any other actions. This response will include addressing any unacceptable conduct and taking any remedial action required to prevent any future occurrences of the same Reportable Conduct.

If the CEO is the subject of Reportable Conduct, the Board will determine the response and any corrective measures.

All Investigations and Investigation outcomes must be promptly reported to the Catalyst Board.

## 9. WHISTLEBLOWER PROTECTION

- 9.1** A Whistleblower can begin accessing protection from the date they either make an internal report to Catalyst or make an external report to Catalyst’s auditor or external complaints service (if one has been arranged).
- 9.2** A Whistleblower reporting Reportable Conduct and who has not been involved in the Reportable Conduct will not be penalised or personally disadvantaged because he/ she/ they have made a report.
- 9.3** Catalyst will not tolerate any victimisation of a Whistleblower. It is illegal for someone to threaten a person because they suspect or believe a person has made or will make a report of Reportable Conduct, or to cause such a threat. A Whistleblower who believes that he or she, or a person related or associated with the Whistleblower, has been victimised because of his or her status as Whistleblower should immediately report this to an Authorised Disclosure Officer or if appropriate, to their manager.
- 9.4** A director, employee, officer or contractor of Catalyst who engages in Victimisation of a Whistleblower because of his or her status as Whistleblower may be subject to disciplinary measures or, if a contractor, termination of contract. There may also be civil and criminal penalties that may apply for victimising or causing detriment to a Whistleblower and for breaches of confidentiality.
- 9.5** Whistleblowers and Catalyst must keep confidential all reports associated with the Reportable Conduct and any associated investigation.

## 10. AVAILABILITY AND REVIEW OF POLICY

- 10.1** This policy will form part of the induction paperwork and training for all officers and employees of Catalyst.
- 10.2** A copy of this policy is available on the intranet for all officers and employees.

## 11. Related Documents

[Catalyst Education Intranet - Home \(sharepoint.com\)](#)

Name	Document Type
Privacy Policy	PDF
Code of Conduct	PDF
Governance Policy – Laws and Regulations	PDF

## 12. Policy Review and Version Control

- 12.1** This policy will be reviewed every two years or as identified as being necessary by the Catalyst CEO or Board, or any risk committee established by the Board. Any recommended changes to this policy must be approved by the Board.

Version #	Approval Date	Approved by	Details
1	December 2019	The Board	New Policy
2	December 2020	The CEO	Reviewed policy; Added in name of Whistleblower legislation and link; Added relevant section of the Corporations Act and link; Added corporate penalties; and Reformatted