

WHISTLEBLOWER POLICY

POLICY STATEMENT

Brisbane School of Theology (BST or the College) is committed to complying diligently with all of its applicable legal and financial responsibilities. The College is keen to identify and rectify any compliance shortcomings so that it continues to operate transparently and accountability across the full spectrum of its compliance responsibilities, and this Whistleblower Policy is an important element of the College's procedures to support its compliance efforts.

Brisbane School of Theology already has normal complaint procedures in place for employees who wish to seek remedy for some personal or operational shortcoming within the College. This Whistleblower Policy deals with much weightier matters, where there is a desire to expose behaviour or practices that potentially contravene the law in some manner, and that have not been able to be resolved or corrected through normal channels. In legal terms, disclosable matters include information that concerns misconduct or an improper state of affairs or circumstances in relation to the College and which indicates that the College or an employee has engaged in conduct which constitutes an offence or contravention of a listed act.

Brisbane School of Theology is committed to providing all workers, students, volunteers, visitors, residents and contractors with a mechanism and process for reviewing whistleblower concerns and where whistleblowers are appropriately protected against identification and recrimination.

This policy is designed to comply with the College's responsibilities under the *Corporations Act*¹ (*the Act*) following the changes that came into law in January 1st, 2020. It is noted that penalties associated with a failure to correctly observe these responsibilities are sufficient to put the College's registration as a charity at risk.

PURPOSE

Brisbane School of Theology strives to develop and maintain a culture in which contributions toward maintaining and improving our performance and legal compliance is held in high importance. The notification of a concern in these areas is welcome from any person associated with the College, and all staff are required to direct such concerns to the appropriately responsible employee or the Principal.

All responsible persons of BST are expected to evaluate and respond appropriately to any concern raised with them, whether formally or informally, regarding illegal operation or inadequate compliance within the College. If an appropriate response would exceed their

¹ At present, available online at <https://www.legislation.gov.au/Series/C2004A00818>

own level of authority, a staff member should promptly escalate the matter to the appropriate level. This is the normal procedure for refining BST's compliance procedures and for identifying and rectifying any compliance oversight discovered in the College operations.

This process does depend on an evaluation process by individuals, so opinions may differ over the significance or details of some concern that is raised. Where internal procedures seem to lead to an inadequate organisational response, an individual may decide to operate as a whistleblower to try to ensure that the issue receives an appropriate level of attention and response within BST.

In the interests of fair treatment of everyone associated with BST and of BST itself, it is expected that all normal avenues of handling matter will be exhausted first before any whistleblowing action is undertaken. However when a whistleblower action is initiated, BST is committed to respond in ways that fully comply with its whistleblowing responsibilities and provide all required protections for the whistleblower. This is consistent with the recognition that the whistleblower may well be acting with the best interests of the College and/or members of the wider College community.

This policy identifies the arrangements put in place to support the whistleblowing process, to support whistleblowers and to address concerns raised through whistleblowing. For BST staff and responsible persons, this policy outlines required procedures and responsibilities to ensure compliance with BST's statutory requirements with respect to whistleblowing. For potential whistleblowers, this policy outlines the mechanisms provided by BST whereby whistleblower reports can be addressed while a whistleblower and, if appropriate, their anonymity can be appropriately and effectively protected.

SCOPE

This policy envisages that whistleblower notifications will most likely target concerns of required financial or legal compliance, but in compliance with *the Act*, it is not limited to such matters. Other matters of legal or criminal liability or fiduciary duty by the College or its representatives, as included in *the Act* from time to time, are also included in the provisions and protections of this policy.

This policy guarantees legal protections to all officers, faculty, staff, students, visitors, contractors and where required by *the Act*, family members acting as whistleblowers to BST. This policy also requires all staff and officers of BST to conform to the procedures and requirements of this policy.

POLICY ACCESS

Introduction to this policy will be included in staff induction processes and in the annual policy review with staff and faculty.

This policy will be published and accessible both internally and to the public from the BST website. This will include the name of the Whistleblower Officer and the name of the Chair of the Board Governance Committee. Disclosures may be made to either of these officers of the College.

Since the College teaches courses in Mandarin as well as English, Mandarin translations of this policy will also be available on the BST website.

DISCLOSURE PROCESSING

Whistleblower protections only apply to a number of serious classes of failures under law, and not as a substitute for normal corporate complaints procedures. As a result, whistleblower disclosures can only be made to a number of eligible recipients including legal practitioners, regulatory bodies and other external parties, the police, journalists and members of federal, state and local parliaments as well as eligible recipients nominated by BST. The protections available under law to 'eligible disclosers' of 'eligible disclosures' to 'eligible recipients' do not discriminate according to the whistleblower's chosen eligible recipient. BST requires all employees and agents to respect these protections and the College undertakes to not act to the detriment of a whistleblower as a consequence of making an eligible disclosure.

Anyone who has serious concerns about the legality or compliance matters within BST is encouraged to use the College's internal whistleblower channels to inform the College of any perceived shortcomings. When whistleblowers report their concerns directly to BST, the College can best schedule detailed attention to clarifying any concerns relating to our legal performance and compliance, and if necessary, rectifying or refining our procedures appropriately.

This policy prescribes both the provisioning of a whistleblower management process and the resources for managing internal whistleblower disclosures to BST. Whistleblower reporting may be the result of regular improvement proposals being ignored or delayed, yet such disclosures may be invaluable for improving College operations and rectifying hitherto unrecognised compliance shortcomings. In the light of this potential benefit, all whistleblower submissions will be judged and reviewed on their own merits.

Disclosures under these whistleblower provisions will go initially to the BST Whistleblower Officer (WO) who will be appointed from BST staff and identified by name on the BST website. Where the WO may be considered to be tainted by events of concern to the whistleblower, disclosures may be made to the Chair of the Board Governance Committee (CBGC). In the light of the disclosure, the CBGC will then appoint an alternate WO, normally an employee of the College, to manage the disclosure.

The WO and CBGC will make every reasonable effort to see that the discloser protections required by statute are followed and implemented carefully. This policy establishes both guidance and resources to assist this high priority process.

The WO will evaluate the concerns expressed in the disclosure. Where submissions in Mandarin are received, they will be identified as whistleblower disclosures by the mode of their delivery. The WO will identify a suitably trusted minister capable in Mandarin who, after committing him/herself to appropriate levels of confidentiality, will be willing to perform an initial translation of the disclosure material.

Anonymous disclosures will be ignored unless they contain leaked documents. In such cases the WO will assess the importance and significance of such documents. Only matters that are judged to have compliance, legal or criminal components will be pursued. Such disclosures should be taken to the CBGC who will appoint a suitable IO for the matter.

Normally the whistleblower will identify him/herself to the Whistleblower Officer. In such cases the Whistleblower Officer will promptly communicate with the discloser and document all communications. This contact with the discloser will at minimum

- confirm that the disclosure has been received,
- confirm the protections being provided to the discloser while processing the elements of the disclosure,
- recite the procedures of this policy whereby the disclosure will be evaluated and processed,
- confirm whether the discloser seeks to maintain anonymity,
- identify whether the discloser fears any discrimination or reprisals should their identity become known,
- confirm any unclear details of the disclosure, particularly the nature of any perceived legal, financial, fiduciary or criminal element, and the timing and personnel involved or aware of the relevant facts or events,
- confirm the perceived consequences of the events behind the disclosure, and
- confirm that the discloser will be informed of outcome of the processing of their disclosure.

Where it appears that there is a relatively minor problem has been identified and that it can be rectified simply, the WO will confirm the accuracy of the disclosure, and approach the appropriate officers of the College with a view to effecting any appropriate changes.

Where the WO suspects that an investigation may be required to discover whether a serious breach has occurred (or the previous step fails, escalating the problem), the WO will notify the CBGC of the nature of the disclosure, and together they will appoint an appropriate Investigating Officer (IO) for the disclosure. Care will be taken that the IO has (or will have access to) the skills required to investigate the disclosure and recommend appropriate remediation through the normal structures of the College administrative structure. The IO will keep the CGBC informed of the progress of the investigation.

When the disclosure has been made in Mandarin, a Mandarin capable IO may need to be appointed. The WO and CBGC will identify a suitable IO in the light of the content of the disclosure.

If the WO and IO agree that the evidence available and the matter concerned is sufficiently serious to warrant an investigation, the IO will open an internal investigation. The WO will immediately inform the whistleblower of this and inform the whistleblower who has been appointed as the IO for the matter. Note that by law, some disclosures must be reported duly appointed authorities immediately.

The IO will then make contact with the whistleblower

- to confirm details of the disclosure,
- for further information if necessary, and finally,
- to inform the whistleblower of the outcome of the investigation into their disclosure.

Once the content of the disclosure has been confirmed, and where remediation is deemed both necessary and possible, the IO will recommend the remediation of any problems that come to light to the appropriate officer of the College. A copy of this report will also be sent to the Principal and the Chair. The IO will respect the protections accorded to the whistleblower in this process.

Where there may be significant consequences for the College from information disclosed, the CGBC will promptly inform the Board Executive of the nature and possible consequences of the disclosure. This report will respect the protections accorded to the whistleblower.

When and where it is determined that there are legal and/or contractual requirements to report aspects of the disclosure to duly constituted authorities, this will be done promptly. The nature of such reporting will be promptly communicated to the Board. In satisfying the legal requirements of such reporting, the anonymity of the whistleblower may be compromised.

If an investigation is triggered in the form a complaint against an individual, natural justice demands that that individual must be informed of the accusation levelled against them. In such cases the individual in question will be directed to maintain the confidentiality of the accusation and accuser.

PROTECTIONS AND SUPPORT OPTIONS FOR WHISTLEBLOWERS

The *Corporations Act* identifies several categories of protection that must be ensured for whistleblowers:

- protection against disclosure of the identity of the whistleblower (unless the whistleblower is willing to waive that right),
- compensation and remedies for punitive treatment experienced by the whistleblower,
- protection from detrimental acts against the whistleblower (or the omission of beneficial acts), and
- civil, criminal and administrative liability protections

Such protections are the right of any eligible discloser to any eligible recipient in the case of any eligible disclosure.

Anonymity

Unless the anonymity provision is explicitly waived by the whistleblower, the WO, CBGC and IO will all operate carefully to minimise the chance that the identity of the whistleblower is exposed.

If the IO is of the opinion that the whistleblower is at risk of mistreatment or retaliation in any way in the workplace, he may recommend any of a number of protective support measures. These may include

- a period of time off,
- the opportunity to work at home, or
- some formal counselling.

Because these options will impact the performance of the College, such services will require the authorisation of the Principal. Unless the IO is the Principal, this will expose the identity of the whistleblower to the Principal, and the whistleblower must be allowed to choose whether to request such support (and be exposed to the Principal and perhaps the Finance Officer) or to remain anonymous. The key factor is that informed consent be given by the whistleblower for any such request. It should be noted that within a small College

workplace, circumstances may dictate that some of these requests may not be able to be honoured at short notice!

In a small organisation, some of the support options available for a whistleblower, such as the option of working from home, may compromise their anonymity as a whistleblower, especially once some kind of investigation begins to be undertaken. In the circumstances of such employment, little can be done about this, except to refuse to publicly acknowledge such suspicions.

As mentioned in the previous section, when and where it is determined that there are legal and/or contractual requirements to report aspects of the disclosure to duly constituted authorities, this will be done promptly. The nature of such reporting will be promptly communicated to the Board. In satisfying the legal requirements of such reporting, the anonymity of the whistleblower may be compromised.

In the normal course of events, a whistleblower's identity could become known to three individuals - the CGBC, the WO and the IO. This is designed to strike a balance between the obligation to preserve the anonymity of the whistleblower if desired, and the obligation to seek natural justice for anyone accused by the disclosure. The principles of natural justice - unbiased investigation and fair use of evidence - depend enormously on the suitability of an appropriate IO, a choice that should not sit with just one individual.

If an investigation is triggered in the form a complaint against an individual, natural justice demands that that individual must be informed of the accusation levelled against them. In such cases the individual in question will be directed to maintain the confidentiality of the accusation and accuser.

In each of these circumstances, the confidentiality of the whistleblower is protected as far as possible, breaking anonymity only when required by law or as required to further the process of fair investigation and protection of the whistleblower's well-being.

Avoiding any detrimental treatment

One of the first steps for the WO is to obtain from the whistleblower any perceived form of detrimental action from the College that could flow from their disclosure. Note that this can only occur if the the identity of the whistleblower becomes known. Any such fears are automatically passed from WO to IO. Initially the WO, and then the IO, are responsible for observing whether any such detriment occurs. If found, they are to advocate to both the Principal and Board to ensure that this detriment is reversed or the whistleblower receives appropriate compensation.

Within the culture of the College, it is expected that any disclosure will only come after normal communication procedures have failed to resolve the situation, and such disclosures will be made from a sincere concern for the well-being of the College community members and BST itself. Such action will thus be respected as a sincere effort towards just outcomes and will be respected as such.

INVESTIGATION OF DISCLOSURES

Where there is sufficient evidence and gravity to a disclosure, an investigation may be triggered. Whether an investigation is triggered or not, the WO and IO will each document

the process carefully at every step. This is essential to protect the integrity of the individuals concerned and the College.

The WO (and IO if appointed) will each determine the details of the disclosure - the facts and timing of situations and events - and judge the significance of the disclosure, confirming that it is a legal, compliance, financial, fiduciary or criminal breach that warrants further investigation.

Identify whether any special protections are warranted for the whistleblower

Credible disclosures that suggest a failure in performance or reporting will normally result in a review of policies and procedures relating to the disclosure and any suggested governance shortcomings.

After a disclosure where there is an accusation against one or more individuals, any investigation will begin with an assumption of innocence, and require any failure to be demonstrated. Natural justice requires that any accused individual is briefed regarding any evidence against them. The nature of some accusations may require the disclosure of the identity of the whistleblower to the person accused. In such cases,

- the whistleblower will be informed in advance,
- the named individual(s) will be directed to preserve the confidentiality of the case until a finding has been made, and
- the named individual will be directed to avoid any action or situation that could be interpreted as harming or disadvantaging the whistleblower.

The IO will manage the investigation to confirm whether a breach of some kind has occurred. The IO may need access to external expert or independent advice to reach a conclusion.

If a breach of some kind is identified, the IO will then seek to identify the best remediation process to put in place. This nature of this remediation will of necessity vary greatly according to the nature of the disclosure.

If there are significant delays in investigation process or remediation procedures, the IO will keep the discloser and the Board Executive (through the CBGC) informed in a timely manner.

The IO must also determine whether any discovered breach must be reported to relevant authorities or affiliated entities. This determination should be done in consultation with the Board Executive to ensure that all such requirements are identified. The IO will record the details of each of these notifications.

At the conclusion of any investigation, the IO will collect and securely preserve all details of the case, including the disclosure, all records of related communication, all actions and any conclusions drawn from the disclosure and any following investigation. A summary report (suitably redacting names where anonymity must be preserved) will also be provided to the Board and the Principal. The IO will also provide to the discloser a report on the findings of the investigation and any action that was taken as a result of these findings.

HOW TO MAKE A WHISTLEBLOWER DISCLOSURE TO BST

This assumes that you have already voiced a concern over this matter through normal operational channels at the College, or that you fear some kind of retaliation may accompany any further expressions of concern on this matter.

Clarify in your own mind the nature of your concern - in particular that you have identified a behaviour or procedure at the College that is illegal or that contravenes a regulatory requirement in some manner.

If possible collect a copy or copies of an example of such a breach relevant to your concern.

If you wish to help the College correct this shortcoming, submit a whistleblower disclosure outlining your concerns and relevant evidence in one of the following ways to the College Whistleblower Officer.

1. Drop your written concern into the College mailbox in a sealed envelope addressed to 'the Whistleblower Officer, BST'.
2. Send an e-mail to <whistleblower.bst@protonmail.com> with any documents included as attachments.
3. If you must submit an anonymous disclosure, you can create a fresh anonymous email account through which you can communicate with our Whistleblower Officer at <whistleblower.bst@protonmail.com>.

If you have identified yourself by name and contact address, the College Whistleblower Officer will contact you shortly to confirm receipt of your submission and to confirm some details about how your submission will be processed.

Thank you for your willingness to help us improve and protect the key operational procedures of BST.

PROVISIONS TO PROTECT WHISTLEBLOWERS

Any whistleblower disclosures may be e-mailed to a dedicated secure mailbox (<whistleblower.bst@protonmail.com>) that is only accessible to the College Whistleblower Officer. If a whistleblower desires to make an anonymous disclosure, they can create a dedicated anonymous email account from which disclosures and subsequent communication is sent and received.

All documents, evidence and reports related to a disclosure will be processed and stored on non-corporate storage or will use password protected documents or storage on corporate computers, so that the information is accessible only to WO, IO.) The WO and IO will be responsible for maintaining encrypted backups of such documents to protect against the risk of IT failure.

Communication between the whistleblower and the WO or IO regarding the disclosure or any subsequent investigation should be carried out over e-mail channels not controlled by the College. It is noted that this requires cooperation of the whistleblower to maintain this element of anonymity protection.

Paper reports and documents related to the disclosure and any investigation will be stored under lock-and-key. Access to these documents is limited to the WO or IO, depending on how far through the management process the disclosure has proceeded.

The whistleblower may request the option of working from home for all or part of the period of an investigation. This may not be possible, due to the small number of College faculty and staff, and will be at the discretion of the Principal.

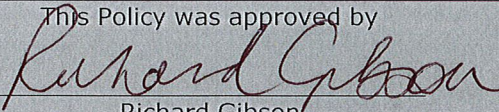
If the whistleblower suffers debilitating levels of stress associated with circumstances surrounding the disclosure or any resulting investigation, it may be appropriate to provide them some level of counselling support. Any recommendation for such support should come from the WO or IO, but is subject to the oversight of the Principal.

OVERALL APPROACH TO THE WHISTLEBLOWING PROCESS

The officers of BST sincerely hope that much of the complexity of these provisions will never need to be exercised. The leadership of BST has always sought to carefully fulfil all applicable governance and fiduciary responsibilities and to employ personnel of the highest ethical calibre. However the provisions of this policy are now enshrined in law as an important part of good governance, and the College desires to reap the benefits that can come from managing whistleblower situations well.

Within the College community, the presumption will be that any whistleblower action is a sincere attempt to assist the College in carrying out its legal responsibilities and protecting the College and all related personnel from dangers associated with breaches of trust or expected standards of behaviour.

As a result, all participants in any whistleblower situation, as outlined in this policy, will be held accountable for upholding the protections guaranteed under law surrounding any eligible disclosure, and eliminating any practices and behaviour, which may be prejudicial to any discloser entitled to these protections.

Policy Area: Risk Management	This Policy was approved by 	Approved: 19 November 2019
Version: 1.0	Richard Gibson Principal	Next Review: November 2020